

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
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TH96

October 18, 1996

TO: Commissioners and Interested Persons

FROM: Tami Grove, Deputy Director
Diane Landry, District Legal Counsel
Lee Otter, District Chief Planner
Steven Guiney, Coastal Planner

SUBJECT: CITY OF PISMO BEACH: LOCAL COASTAL PROGRAM
MAJOR AMENDMENT NO. 3-96. For public hearing and Commission action at its meeting of November 12 - 15, 1996, to be held at the Radisson Hotel/Mission Valley, 1433 Camino Del Rio South, San Diego, tel. (619) 260-0111.

DGL
10/23/96

SYNOPSIS

The City of Pismo Beach is proposing to amend its Implementation Plan (zoning ordinance) by revising the architectural review and permit processing sections. The City wishes to institute a streamlined permitting process, including the establishment of an administrative hearing procedure and the waiver of public hearing for certain "minor" projects pursuant to Coastal Act Section 30624.9. Of the 15 changes proposed by the City, seven of them have been determined to be minor amendments as defined in Commission regulations section 13554. Those minor amendments have been noticed separately from the remaining eight amendments discussed in this report.

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission approve the proposed changes, with suggested modifications, for the reasons given in this report.

Proposed Major Amendments

Amendment Component	Recommendation	Basis For Recommendation Of Modification Or Denial
1. Section 17.006.0365, definition of development: exempt decks from the definition of development.	Denial as submitted, Approval if modified.	Local government definition of development cannot supersede Coastal Act definition of development; delete deck exemption.
2. Proposed new section 17.033.015. "Permitted Uses Requiring a Development Permit or Coastal Development Permit" (in the Planned Residential (P-R) zone district).	Denial as submitted, Approval if modified	The language "or Coastal Development Permit" should be deleted since it is confusing and because chapter 17.124 already contains coastal development permit requirements.
3. Modify section 17.033.020, Uses Permitted Subject to a Conditional Use Permit (in the P-R zone district) to read "Uses Subject to a Conditional Use Permit," limit uses subject to a conditional use permit to dwelling units in attached structures and subdivisions, and delete reference to non-residential uses.	Approval as submitted	The changes will have no effect on coastal issues nor any requirement for a coastal development permit. They do however, change the kinds of uses and so are considered major amendments.
4. Section 17.069, Architectural review (AR) Overlay Zone, delete in its entirety.	Denial as submitted; Approval if modified.	One of the standards of this section implements a specific LUP policy and therefore the deletion would be inconsistent with the LUP if not modified.
5. Modify section 17.121.010, Development Permit Non-Coastal. Specify which permits Planning Commission hears and which are ministerial..	Denial as Submitted, Approval if modified	Add reference to section 17.124.085 to clarify what types of development are meant by "minor development."
6. Add section 17.121.215, Administrative Hearings. Adds procedure for administrative hearing officer to hear most appealable land use permits.	Denial as submitted, Approval if modified	Modify subsection 17.121.215(9), Appeals, by adding reference to coastal development permit appeal procedures.
7. & 8. Sections 17.124.150 and 180, Local Appeal Periods and Appeals to the Coastal Commission. States that at the time of City action on a coastal development permit, notice to be sent to Coastal Commission and that receipt of City notice by the Commission shall begin Commission appeal period.	Denial as submitted, Approval if modified	Only when all local appeals have been exhausted or local appeal periods have passed, is it appropriate to notify Commission staff of that fact and begin the Commission appeal period.

ANALYSIS CRITERIA

The relationship between the Coastal Act and a local government's Local Coastal Program (LCP) can be described as a three-tiered hierarchy with the Coastal Act setting generally broad statewide policies. The Land Use Plan (LUP) portion of and LCP incorporates and refines the Coastal Act policies for the local jurisdiction, giving local guidance as to the kinds, locations, and intensities of coastal development. The Implementation Plan (IP), or zoning, portion of an LCP typically sets out the various zone districts and site regulations which are the final refinement specifying how coastal development is to proceed on a particular parcel. The IP must be consistent with and adequate to carry out the policies of the LUP and the LUP must be consistent with the Coastal Act.

ADDITIONAL INFORMATION

For further information about this report or the amendment process, please contact Steven Guiney or Diane Landry, Coastal Commission, 725 Front Street, Suite 300, Santa Cruz, CA 95060; Tel. (408) 427-4863.

EXHIBITS

1. Ordinance No. 0-96-09, City of Pismo Beach
2. Draft Ordinance showing City-proposed changes
3. Zoning Ordinance section 17.033.020
4. Zoning Ordinance section 17.069
5. Coastal Act section 30624.9

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I. STAFF RECOMMENDATION

**A. IMPLEMENTATION PLAN (ZONING ORDINANCE)
MOTIONS AND RESOLUTIONS**

Staff recommends adoption of the following two Resolutions

1. DENIAL OF IMPLEMENTATION PLAN AMENDMENT NO. 3-96 AS SUBMITTED

MOTION 1:

I move that the Commission reject amendment #3-96 to the Implementation Plan of the City of Pismo Beach LCP as submitted by the City.

Staff recommends a **YES** vote which would deny the amendment as submitted. An affirmative vote by a majority of the Commissioners present is needed to uphold the motion according to the staff recommendation (otherwise the amendments are approved as submitted)

RESOLUTION 1:

The Commission hereby rejects amendment #3-96 to the Implementation Plan of the City of Pismo Beach LCP for the specific reasons discussed in the following findings on the grounds that it does not conform with and is inadequate to carry out the provisions of the certified Land Use Plan. There are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impacts which the approval of the amendment would have on the environment.

**2. APPROVAL OF IMPLEMENTATION PLAN AMENDMENT #3-96
IF MODIFIED AS SUGGESTED**

MOTION 2:

I move that the Commission certify amendment #3-96 to the Implementation Plan of the City of Pismo Beach LCP if it is modified as suggested.

Staff recommends a **YES** vote. An affirmative vote by a majority of the commissioners present is needed to pass the motion.

RESOLUTION 2.

The Commission hereby certifies amendment #3-96 to the Implementation Plan of the City of Pismo Beach LCP as modified, for the specific reasons discussed in the following findings, on the grounds that, as modified, the amendment conforms with and is adequate to carry out the certified Land use Plan; and approval of the amendment as modified will not cause significant adverse environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

B. SUGGESTED MODIFICATIONS

KEY FOR MODIFICATIONS TO CITY LANGUAGE:

Unaltered text represents City-proposed language. **Bold, underscored** is language suggested by Coastal Commission. *Struck-through* represents deletions suggested by Coastal Commission.

1. In order to ensure consistency between the zoning ordinance definition of development and the statutory definition of development, delete the exemption for decks, as follows:

Section 17.006.0365 Development: On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material. . . . ~~Decks are exempted from this definition.~~

2. In order to forestall potential confusion, delete the words "or Coastal Development permit" from the title of proposed section 17.033.015, Permitted Uses Requiring a Development Permit or a Coastal Development Permit. The proposed language makes it sound as though either a coastal development permit or a development permit, a type of City use permit, is necessary for development in the Planned Residential (P-R) zone district. In fact, a coastal development permit may be needed whether or not a development permit is needed. The City's existing zoning ordinance chapter 17.124 determines when a coastal development permit is required.

Section 17.033.015 Permitted Uses requiring a Development permit ~~or Coastal Development permit.~~

3. In order to maintain consistency with the Land Use Plan (LUP) policy LU-Q-3(e), do not delete section 17.069(6), but rather relocate it to proposed revised section 17.105.130 as required finding 5:

5. **If in the Freeway Foothills Planning Area, structures are proposed with substantial setbacks of upper floors to reduce the appearance of bulk.**

4. In order to forestall potential confusion, add the following to section 17.121.010(2)(c):

17.121.010, Development Permit Non-Coastal:

- 2) Ministerial Development Permits: Ministerial Development permits are required for new construction without a public hearing for the following types of development:
- c) any minor development in the Coastal Zone, **pursuant to section 17.124.085**, provided that no request for a public hearing has been received.

5. In order to clarify that appeals of administrative hearings, if involving coastal development permits, must follow the appeals as specified in chapter 17.124, add to section 17.121.215(9), the following:

17.121.215(9) Appeals: Action on applications heard before the Administrative Hearing Officer may be appealed to the Planning Commission as specified in Section 17.121.240 of the Zoning Code. except as provided in Chapter 17.124 for coastal development permits.

6. In order to ensure that the City does not send out more notices of action than necessary, to clarify "final action," and to clarify that City and Coastal Commission appeal periods are consecutive, modify sections 17.124.150 and 17.124.180 as follows:

Section 17.124.150, Local Appeal Periods on Coastal Development Permits: An action taken by the Planning Commission or the Administrative Hearing Officer through the Administrative process pursuant to Section 17.121.215 of the Zoning Code on a Coastal Development Permit shall become final after the tenth (10th) working day following said action, unless an appeal to the Planning Commission (for projects approved by the Administrative Hearing Officer) or to the City Council (for projects approved by the Planning Commission) is received at the Public Services Department or the City Clerks Department within that time. If no appeal is received within the ten working day appeal period or, in the case of permits that have been appealed, when the final City appellate body has acted, the City's action shall be considered final. At the time of final City action on a Coastal Development Permit, a "Notice of Final City action on a Coastal Development Permit" shall be transmitted to the appropriate Coastal Commission Area Office by registered mail. This notice shall contain the information specified and shall be sent to the individuals required as set forth in Section 17.124.210. If adequate this "Notice of Final City action on a Coastal Development Permit," when received by the Coastal Commission, shall initiate the Coastal Commission's ten working day appeal period for appealable developments. ~~In the event that no local appeal of the City's decision is made, the Coastal Commission's appeal period shall run until its expiration (10 working days commencing upon receipt of the City's "Notice of City action on a Coastal Development Permit.") In the event that an appeal of a Planning Commission decision is made to the City Council, pursuant to the procedures established in this ordinance, the Coastal Commission's appeal period on appealable developments shall not commence until the receipt of the City's "Notice of City action on a Coastal Development Permit," pursuant to the requirements of Section 17.124.210. (See Section 17.124.180 for Coastal Commission Appeals).~~

Section 17.124.180, Appeals to the Coastal Commission: The Coastal Commission's ten (10) working day appeal period shall begin upon the date of their receipt of the City's adequate "Notice of Final City action on a Coastal Development Permit" ~~unless an appeal to the City Council is made pursuant to this Ordinance. In the event that a local appeal of a Planning Commission action is made to the City Council, the Coastal Commission's appeal period for appealable developments shall not commence until their receipt of a "Notice of City action on a Coastal Development Permit" is received pursuant to Section 17.124.210.~~ The City's action shall be considered final when either no appeal has been received within ten working days of City action of the permit or when the final City appellate body has acted on an appeal of the permit.

II. FINDINGS

A. Amendment Description

The City of Pismo Beach desires to streamline its permit processing procedures, including implementing the waiver-of-hearing option allowed by Coastal Act section 30624.9 (see Exhibit 5 for text).

The City's proposed new Administrative Hearing process essentially removes the current requirement for Planning Commission review of most development proposals and requires instead a hearing before an Administrative Hearing Officer who would be a Planning Commissioner. The Administrative Hearing process would satisfy all notice, hearing, and appeal requirements of the Coastal Act. and would be the standard review procedure for all development in the coastal zone, excepting subdivisions, which would go directly to the Planning Commission.

The submittal contains several other proposed changes to the current permit processing procedure. Eight of the proposed 15 changes are discussed in this report. The other seven are considered minor pursuant to Commission regulations section 13554 and have been separated out as a single minor amendment.

B. Implementation Plan (Zoning) Proposed Changes and Findings of Consistency

- 1. Section 17.006.0365, Development:** This proposed change would exempt decks from the definition of development in an effort to allow decks to be built without going through any permit procedure. However, local governments' definition of development cannot supersede the statutory language of the definition of development found in the Coastal Act, which includes as development "the placement or erection of any solid material or structure." If the City wishes to be able to exempt decks from the permit process, then the appropriate method is to submit a request to the Commission for a categorical exclusion pursuant to Coastal Act section 30610(e) and Commission regulations section 13240 et seq. Therefore, the proposed change cannot be approved and suggested modification 1 is required.
- 2. Section 17.033.015, Permitted Uses Requiring a Development Permit or Coastal Development Permit:** This proposed new section would apply only to the Planned Residential (P-R) zone district and would provide that single family detached residential structures and accessory structures require a development permit and not a conditional use permit as currently required by section 17.033.020. However, the proposed change would have no effect on the need for a coastal development permit. Whether a proposed development requires a development permit or conditional use permit has no bearing on whether or not it needs a coastal development permit. Coastal development permit requirements are governed by chapter 17.124. A coastal development permit is required for development of single family detached residential structures and accessory structures (and any other structure) in the P-R zone district when the proposed development is located in the Coastal Commission appeal zone. The words "or Coastal Development Permit" should be stricken as shown in suggested modification 2 to prevent the injection of confusion into the issue of what type of permit is needed for development in the P-R zone district.

3. Section 17.033.020, Uses Subject to a Conditional Use Permit: The proposed changes to this section consist of the removal of single family detached residential structures and accessory structures from this section and the requirement for a conditional use permit as discussed in 2 above and the deletion of non-residential uses as conditionally permitted uses in the P-R zone district. Those non-residential uses are those

"...of a religious, cultural, recreational and commercial nature to the extent they are designed and intended to serve primarily the residents of the planned unit development. No commercial use, nor any building devoted primarily to a commercial use shall be built or established prior to the occupancy of seventy-five (75) percent of the residential buildings for which it is designed to serve."

Although this would change the kind of development that could occur in the P-R zone district, it does not conflict with any Land Use Plan (LUP) policy and there would be no effect on coastal resources. Therefore, the proposed amendment is consistent with the LUP.

4. Section 17.069, Architectural Review (AR) Overlay Zone: The City proposes to delete this section and overlay zone. There are eight criteria and standards listed in this section (Please see Exhibit 4 for complete text). One of the standards implements a specific LUP policy; the others either state what reviewing body shall conduct the review or state when review is needed.

"6) In the Freeway Foothills Planning Area, structures shall be constructed with substantial setbacks of upper floors to reduce the appearance of bulk." This standard would not be reestablished elsewhere in the zoning ordinance. Land Use Plan (LUP) policy LU-Q-3(e) states *"Heights of all structures shall be limited to three (3) levels and not exceed 25 feet in height above existing natural grade, with substantial setback of floors to reduce the appearance of bulk."* This is the only one of the eight standards that implements a specific LUP policy. As such it is not consistent with the LUP to delete this portion of the zoning ordinance. Because of this, suggested modification 3 is necessary to retain the standard for consistency with the LUP.

The deletion of chapter 17.069, if modified as suggested, is consistent with the Land Use Plan.

5. Section 17.121.010, Development Permit Non-Coastal: Here the City is adding language to distinguish between Development Permits requiring public hearing by the Planning Commission and those that are "Ministerial Development Permits" which do not require a public hearing. One of the "ministerial" permits is "Any minor development in the Coastal Zone provided that no request for a public hearing has been received." In order to clarify what kind of development is meant by "minor development," reference to section 17.124.085 needs to be inserted.

6. Section 17.121.215, Administrative Hearings: This is a new section intended to reduce the number of applications that must be heard by the Planning Commission. The proposed section provides for notice and appealability of the Administrative Hearing Officer's decision to the Planning Commission. The Administrative Hearing Officer is to be a Planning Commissioner. Permit applications may also be referred to the Planning Commission by the Administrative Hearing Officer or staff and an applicant may choose to be heard by the Planning Commission. With the addition of a reference to the appeal procedures for coastal development permits in chapter 17.124, the proposed

new section meets notice and appeal opportunity requirements. Therefore, as modified, the proposed addition is consistent with noticing and appealability requirements.

7. Sections 17.124.150 and .180, Local Appeal Periods and Appeals to the Coastal

Commission: The City-proposed revisions to these sections are largely to acknowledge the administrative hearing procedure and describe the appeal periods and when notices of City action on a permit application are to be sent to the Coastal Commission. Coastal Act section 30603(c), regarding appeals and notices of local government action on coastal development permit applications states "...from the date of receipt by the commission of the notice of the local government's final action." (emphasis added) Commission regulations section 13110 is titled "Commission Procedure upon Receipt of Notice of Final Local Action" and it and the sections following it use the words "final local action." (emphasis added) The City's action isn't final until either a) all appeals have been exhausted or b) the City's 10 working-day appeal period has run and there have been no appeals. Also, the final local action notices have to be adequate to start the Commission appeal period. An adequate notice of final local action contains a description of the project; findings made by the local government supporting the action; conditions of approval, if any; and notice of appealability and procedures for appealing the action to the Coastal Commission. For these reasons, suggested modification 6 is necessary to ensure that the City's appeal and notice of final action procedures are consistent with the Coastal Act.

C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis on LCP amendments, although the Commission can and does utilize any environmental information the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake. The City of Pismo Beach certified a negative declaration for this amendment submittal on May 7, 1996, finding that the changes would not result in harm to the environment. The findings in this report are consistent with the City's environmental analysis. However, it is necessary to modify the City's proposal to ensure that it is consistent with the Land Use Plan, the Coastal Act, and CEQA. The Commission suggested modifications and findings in this staff report will ensure that the proposal will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

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ORDINANCE NO. 0-96-09

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH, CALIFORNIA
AMENDING SECTIONS 17.006.0365, 17.033.020, 17.069, 102, 105, 118, 121, AND 124 OF THE
P.B.M.C. CHAPTER 17 RELATED TO ARCHITECTURAL REVIEW REQUIREMENTS AND
PERMIT PROCESSING PROCEDURES

WHEREAS, the City of Pismo Beach is charged with development application processing in the City of Pismo Beach; and

WHEREAS, this process can be expedited with revisions to the P.B.M.C, Chapter 17. These revisions will provide for a more concise review process.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PISMO BEACH DOES ORDAIN AS FOLLOWS:

Section 1. Sections 17.006.0365, 17.069, 102, 105, 118, 121, and 124 and Section 17.033.020 of the P.B.M.C. are amended as to read as follows:

* Section 17.006.0365 - Development - On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material . . . Decks are exempted from this definition."

* Section 17.033.015 - Permitted Uses requiring a Development permit or Coastal Development permit
1. Single family detached residential structures
2. Accessory structures

* Section 17.033.020 Uses Subject to a Conditional Use Permit -
1. Dwelling units in attached structures
2. Subdivisions

* Section 17.069 Architectural Review (AR) Overlay Zone - Delete in its entirety

Section 17.102.060(9) Minimum Lot Size and/or Area Requirements for New Lots - Revise as follows:

- 9. Development on Nonconforming Parcels Development may be permitted on non-conforming parcels subject to the Architectural Review Procedure of Chapter 17.105.120

Section 17.105.120 Applications Subject to Architectural Review and requiring an Architectural Review Permit: The following development applications are subject to Architectural Review by the Planning Commission and require an Architectural Review Permit:

- 1. Conditional Use Permits and Development Permits, except wherein no structures, landscaping, parking and fences are proposed or where no such improvements may be required.

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2. Variance Permits
3. Signs requiring Planning Commission approval
4. Other items required by ordinance or General Plan/Local Coastal Program Land Use Plan.
5. Applications for development within the viewshed of Highway 101 and Price Canyon Road.
6. Applications for all development adjacent to Boosinger Park shall be reviewed for Architectural Review by the Planning Commission to ensure that they enhance visual quality while minimizing alterations to the rock outcrops.
7. Subdivisions in the Coastal Zone.
8. Modification to the architectural facade to existing development on parcels zoned other than R-1, R-2, OS-1 and OS-2 which is greater than 50% of the exterior perimeter linear footage.
9. Additions in excess of 200 s.f. for non-conforming structures.

Section 17.105.130 Required findings for an Architectural Review Permit - Delete text in its entirety and replace with the following:

Architectural Review Permits shall include the following findings:

1. The architectural and general appearance of the development is in keeping with the character of the neighborhood.
2. The project is not detrimental to the orderly and harmonious development of the City.
3. The project does not impair the desirability of the investment or occupation in the neighborhood.
4. The project is consistent with the General Plan/Local Coastal Plan.

Section 17.118.050 Existing Nonconforming Structures - Structural Alterations

Structural alterations including enlargement and extensions of any building or structure existing at the date of the adoption of this Ordinance, if nonconforming in either design or arrangement, may be permitted only if such alteration is in compliance with the regulations set forth in this Ordinance for the District where the building or structure is located. Any alteration which exceeds 200 square feet in floor area shall require architectural review by the Planning Commission.

* 17.121.010 Development Permit Non-Coastal:

- 1) Planning Commission Development Permits: Planning Commission Development Permits are required for any new construction of a permitted use (as established by Chapter 17.09 herein) in all zones except the R-1 and R-2 zone. In addition, Development Permits are also required for any new permitted uses in a zone whereby the establishment of the new use would result in an intensification of use over the previous land use activity on the site. Development Permits provide for Planning Commission review of Architectural design, pursuant to Chapter 17.105 herein, landscaping and off-street parking and loading requirements. All developments shall be encouraged to be designed and developed as a cohesive unit by taking advantage of modern site planning techniques. Development Permits may be conditioned by the Planning Commission to ensure compatibility of development with City goals and policies. Discretionary Development Permits are subject to the Public Hearing and

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Notice Procedures established by Chapter 17.121 herein.

- 2) Ministerial Development Permits: Ministerial Development permits are required for new construction without a public hearing for the following types of development:
 - a) Any new construction of a permitted use or addition to existing development in the R-1 and R-2 zones on lots of 5000 s.f. or greater.
 - b) Additions to existing development on parcels zoned other than R-1 and R-2, OS-1 and OS-R which equal less than 25% of the floor area of existing development or 1,000 s.f., whichever is less, provided no new parking is required or variances are requested. If new parking would be required or a variance is requested a public hearing before the Planning Commission shall be required.
 - c) Any minor development in the Coastal Zone provided that no request for a public hearing has been recieved.

Section 17.121.070 Architectural Review Permits - Delete in its entirety

Section 17.121.160 Expiration of Permits - amendment of item 2.

2. Upon application filed prior to the expiration date of the approved permit, the time at which the permit expires may be extended by the hearing body that approved the permit of a period or periods of time not exceeding an additional twenty-four (24) months.

* Section 17.121.215 Administrative Hearings - The purpose of an Administrative hearing is to satisfy the public hearing and notice requirements for appealable land use permits; enable public review of significant land use proposals which are not of sufficient magnitude to warrant Planning Commission review. This approval process is subject to the following requirements and criteria:

- 1) Application content: Applications shall include a standard City application form and conform with the application checklist provided by the Public Services Department/Planning Division including appropriate fees as established by City.
- 2) Applications: Planning permit applications, including Coastal Permit applications as identified in Section 17.124.070, but subject to the definition of minor development as defined in section 17.124.085, shall be reviewed through the Administrative Hearing process:
 - a. Additions to existing development on parcels zoned other than R-1 and R-2, OS-1 and OS-R greater than 25% of the existing floor area provided no new parking is required or variances are requested. If new parking would be required or a variance is requested a public hearing before the Planning Commission shall be required. Additions to existing development in the R-1 and R-2 zones shall be reviewed by the Public Services Department. Additions to existing development in the OS-1 and OS-R zone shall be reviewed by the Planning Commission.
 - c. Development of single family residential units or additions thereto in the PR zone utilizing the standards of development specified in the applicable approved specific plan for the area in which the development is proposed.

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- d. Development in the Coastal Appeal Zone, with the exception of subdivisions pursuant to Section 16.26 of the P.B.M.C.
- 3) Environmental review and determination: No action shall be taken to approve or conditionally approve an application through the Administrative Hearing process unless the project is categorically exempt from CEQA or a Negative Declaration can be approved.
- 4) Public hearing procedure: The Administrative hearing process includes a public hearing before an Administrative Hearing Officer (a Planning Commissioner) and one staff person. The Administrative hearing officer role shall be rotated on a monthly basis; any disagreement between staff and the administrative hearing officer will require an application to be heard at a public hearing before the Planning Commission pursuant to Sections 17.121.210 and 17.124.100 of the Zoning Code.
- 5) Referral to the Planning Commission:
 - a) At the discretion of the Administrative Hearing officer or Staff person in attendance at the hearing, permit applications may be referred to the Planning Commission pursuant to the requirements for a Planning Commission hearing as specified in the Zoning Code if he/she determined the application involves a major policy issue or public controversy that would be resolved more suitably by the Commission. This referral can be made without the applicant being charged an additional application fee; however, a charge for noticing and publication would be required of the applicant.
 - b) An applicant may also choose that his/her application be subject to Planning Commission review and decision, provided that an additional fee in an amount equivalent to the difference between the fees required for an administrative hearing are provided. Such request by the applicant must be provided to the Administrative Hearing Officer in writing prior to the administrative hearing.
- 6) Action on the application: Immediately after the conclusion of the public testimony at the administrative hearing, the Administrative Hearing Officer shall:
 - a) Announce the decision on the project
 - b) If additional information is required or clarification of an issue is needed, the Administrative Hearing Officer may continue the hearing to a date certain.
 - c) In the event final action is taken at the hearing, inform those present of the procedures by which the decision of the Administrative Hearing Officer may be appealed.
- 7) Criteria for approval:
 - a) Permits for projects reviewed at the Administrative Hearing shall be approved only where the proposed project satisfies all provisions of the Zoning Code.
 - b) Variances applications shall not be reviewed by the Administrative

Hearing Officer.

- c) In order to grant permit approval, findings for the project must be made that the proposed use will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity. A proposal may be denied or attached with conditions as deemed necessary to secure the purposes of these regulations. Actions on permits shall be justified in written findings, based on substantial evidence in view of the whole record. For projects approved between the sea and the first public road, a finding must be made that the public access and recreation requirements of Chapter 3 of the Coastal Act are met.
- 8) Permit(s): No permit approved at an Administrative Hearing shall be issued until ten (10) business days have elapsed since the Administrative Hearing at which the project was approved.
- 9) Appeals: Action on applications heard before the Administrative Hearing Officer may be appealed to the Planning Commission as specified in Section 17.121.240 of the Zoning Code.

17.124.085 Waiver of public hearing for Minor development -Minor development means a development which:

- a) Is consistent with the LCP
- b) Requires no discretionary approval other than a coastal development permit
- c) Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast. Minor development shall include single family homes and additions thereto as well as other development which meets this criteria.

A public hearing for minor development may be waived if both of the following occur:

- 1) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons know to be interested in receiving notice.
- 2) No request for public hearing is received by the City within 15 working days from the date of sending the notice. The notice shall provide a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on a coastal development permit application.

* 17.124.150 Local Appeal Periods on Coastal Development Permits - Revise as follows:

An action taken by the Planning Commission or the Administrative Hearing Officer through the Administrative Hearing process pursuant to Section 17.121.215 of the Zoning Code on a Coastal Development Permit shall become final after the tenth, (10th) working day following said action, unless an appeal to the Planning Commission (for projects approved by the Administrative Hearing Officer) or the City Council (for projects approved by the Planning Commission) is received at the Public Services Department or the City Clerks Department within that time. At the time of City action on a Coastal Development Permit, a "Notice of City action on a Coastal Development Permit" shall be transmitted to the Coastal Commission Area Office by registered mail. This notice shall contain the information specified and shall be sent to the individuals required as set forth in Section 17.124.210. This "Notice of City

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action on a Coastal Development Permit", when received by the Coastal Commission, shall initiate the Coastal Commission's appeal period for appealable developments. In the event that no local appeal of the City's decision is made, the Coastal Commission's appeal period shall run until its expiration (10 working days commencing upon receipt of the City's "Notice of City action on a Coastal Development Permit"). In the event that an appeal of a Planning Commission decision is made to the City Council, pursuant to the procedures established in this ordinance, the Coastal Commission's appeal period on appealable developments shall not commence until receipt of the City's "Notice of City action on a Coastal Development Permit", pursuant to the requirements of Section 17.124.210. (See Section 17.124.180 for Coastal Commission Appeals.)

* 17.124.180 Appeals to the Coastal Commission - amendment to last paragraph

The Coastal Commission's ten (10) working day appeal period shall begin upon the date of their receipt of the City's "Notice of City action on a Coastal Development Permit" unless an appeal to the City Council is made pursuant to this Ordinance. In the event that a local appeal of a Planning Commission action is made to the City Council, the Coastal Commission's appeal period for appealable developments shall not commence until their receipt of a "Notice of City action on a Coastal Development Permit" is received pursuant to Section 17.124.210.

Section 2. Effective Date upon Coastal Commission approval.

Planning Division staff is hereby authorized to submit an application to the California Coastal Commission for certification of this amendment to the Pismo Beach Local Coastal Program Implementation Measures (Zoning Code). The amendment will be carried out in accordance with the California Coastal Act and shall take effect immediately upon Coastal Commission approval.

Section 3. Posting.

Before the expiration of fifteen (15) days after the passage of this ordinance, it shall be posted with the names of members voting for or against the same in three public places within the City of Pismo Beach, to wit;

1. City Hall - 760 Mattie Road, Pismo Beach
2. U.S. Post Office - Substation, 711 Dolliver (Fissori)
3. U.S. Post Office - Crest Drive, Pismo Beach

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RE-INTRODUCED at a regular meeting of the City Council held this 21st day of May, 1996 on motion of Councilmember Halldin, seconded by Councilmember Stahl, and on the following roll call vote, to wit:

AYES: Councilmembers Halldin, Stahl and Mayor Bailey
NOES: Councilmembers Mellow and Brown
ABSENT: none
ABSTAIN: none

Paul B. Bailey
Mayor Paul B. Bailey

APPROVED AS TO FORM:

David R. Hunt
City Attorney
David R. Hunt

ATTEST:

Sharon Jones
City Clerk
Sharon Jones

PASSED AND ADOPTED at a regular meeting of the City Council held this 6th day of June, 1996 on motion of Councilmember Halldin, seconded by Councilmember Stahl, and on the following roll call vote, to wit:

AYES: Councilmembers Halldin, Stahl and Mayor Bailey
NOES: Councilmembers Brown and Mellow
ABSENT: none
ABSTAIN: none

Paul B. Bailey
Mayor Paul B. Bailey

ATTEST:

Sharon Jones
City Clerk Sharon Jones

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EXHIBIT C

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH, CALIFORNIA, AMENDING SECTIONS 17.006.0365, 17.033.020, 17.069, 102, 105, 118, 121, AND 124 OF THE P.B.M.C. CHAPTER 17 RELATED TO ARCHITECTURAL REVIEW REQUIREMENTS AND PERMIT PROCESSING PROCEDURES

WHEREAS, the City of Pismo Beach is charged with development application processing in the City of Pismo Beach; and

WHEREAS, this process can be expedited with revisions to the P.B.M.C, Chapter 17. These revisions will provide for a more concise review process.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PISMO BEACH DOES ORDAIN AS FOLLOWS:

Section 1. Sections 17.006.0365, 17.069, 102, 105, 118, 121, and 124 and Section 17.033.020 of the P.B.M.C. are amended as to read as follows:

Bold - additions

Deletions shown in ~~Strikeouts~~

Modified language per recent Coastal Commission streamlining determination - *italics*

Redlined - language added by PC streamlining committee

* Section 17.006.0365 - Development - On land, in or under water, the placement or erection of any solid material or structure; discharge or disposal of any dredged material . . . Decks are exempted from this definition."

* Section 17.033.015 - Permitted Uses requiring a Development permit or Coastal Development permit -

1. Single family detached residential structures
2. Accessory structures

* Section 17.033.020 Uses Permitted Subject to a Conditional Use Permit - ~~Uses permitted in the Planned Residential Zone may include and shall be limited to:~~

1. Dwelling units in detached, attached or multi-storied structures or any combination thereof.
2. Subdivisions

* Section 17.069 Architectural Review (AR) Overlay Zone - Delete in its entirety

Section 17.102.060(9) Minimum Lot Size and/or Area Requirements for New Lots - Revise as follows:

EXHIBIT 2
PSB LCFA 3-96

9. Development on Nonconforming Parcels Development may be permitted on non-conforming parcels subject to the Architectural Review Procedure of Chapter 17.105.120

Section 17.105.120 Applications Subject to Architectural Review and requiring an Architectural Review Permit: The following development applications are subject to Architectural Review by the Planning Commission and require an Architectural Review Permit:

1. Conditional Use Permits and Development Permits, except wherein no structures, landscaping, parking and fences are proposed or where no such improvements may be required.
2. Variance Permits
- ~~3. Architectural Review Permits~~
- ~~43. Signs requiring Planning Commission approval~~
- ~~54. Other items required by ordinance or General Plan/Local Coastal Program Land Use Plan.~~
5. Applications for development ~~on all developments on properties in excess of a 15% slope located within the viewshed of Highway 101 and Price Canyon Road. and all other developments on properties with slopes in excess of 20% shall be reviewed by the Planning Commission.~~
6. Applications for all development adjacent to Boosinger Park shall be reviewed for Architectural Review by the Planning Commission to ensure that they enhance visual quality while minimizing alterations to the rock outcrops.
7. ~~Subdivisions in the Coastal Zone.~~
8. ~~Modification to the architectural facade to existing development on parcels zoned other than R-1, R-2, OS-1 and OS-2 which is greater than 50% of the exterior perimeter linear footage.~~

Section 17.105.130 Required findings for an Architectural Review Permit - Delete text in its entirety and replace with the following:

Architectural Review Permits shall include the following findings:

1. The architectural and general appearance of the development is in keeping with the character of the neighborhood.
2. The project is not detrimental to the orderly and harmonious development of the City.
3. The project does not impair the desirability of the investment or occupation in the neighborhood.
4. The project is consistent with the General Plan/Local Coastal Plan.

Section 17.118.050 Existing Nonconforming Structures - Structural Alterations

Structural alterations including enlargement and extensions of any building or structure existing at the date of the adoption of this Ordinance, if nonconforming in either

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design or arrangement, may be permitted only if such alteration is in compliance with the regulations set forth in this Ordinance for the District where the building or structure is located. Any alteration which exceeds 200 square feet in floor area shall require Architectural Review by the Planning Commission.

*17.121.010 Development Permit Non-Coastal:

- 1) Planning Commission Development Permits: Planning Commission Development Permits are required for any new construction of a permitted use (as established by Chapter 17.09 herein) in all zones except the R-1 and R-2 zone. In addition, Development Permits are also required for any new permitted uses in a zone whereby the establishment of the new use would result in an intensification of use over the previous land use activity on the site. Development Permits provide for Planning Commission review of Architectural design, pursuant to Chapter 17.105 herein, landscaping and off-street parking and loading requirements. All developments shall be encouraged to be designed and developed as a cohesive unit by taking advantage of modern site planning techniques. Development Permits may be conditioned by the Planning Commission to ensure compatibility of development with City goals and policies. Discretionary Development Permits are subject to the Public Hearing and Notice Procedures established by Chapter 17.121 herein.
- 2) Ministerial Development Permits: Ministerial Development permits are required for new construction without a public hearing for the following types of development:
 - a) Any new construction of a permitted use or addition to existing development in the R-1 and R-2 zones on lots of 5000 s.f. or greater.
 - b) Additions to existing development on parcels zoned other than R-1 and R-2, OS-1 and OS-R which equal less than 25% of the floor area of existing development or 1,000 s.f., whichever is less, provided no new parking is required or variances are requested. If new parking would be required or a variance is requested a public hearing before the Planning Commission shall be required.
 - c) *Any minor development in the Coastal Zone provided that no request for a public hearing has been recieved.*

Section 17.121.070 Architectural Review Permits - Delete in its entirety

Section 17.121.160 Expiration of Permits - amendment of item 2.

2. Upon application filed prior to the expiration date of the approved permit, the time at which the permit expires may be extended by the ~~Planning Commission~~ hearing body that approved the permit of a period or periods of time not exceeding an additional twenty-four (24) months.

*Section 17.121.215 Administrative Hearings - The purpose of an Administrative hearing is to satisfy the public hearing and notice requirements for appealable land use permits; enable public review of significant land use proposals which are not of sufficient

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magnitude to warrant Planning Commission review. This approval process is subject to the following requirements and criteria:

- 1) **Application content:** Applications shall include a standard City application form and conform with the application checklist provided by the Public Services Department/Planning Division including appropriate fees as established by City.
- 2) **Applications:** Planning permit applications, including Coastal Permit applications as identified in Section 17.124.070; but subject to the definition of minor development as defined in section 17.124.085, for development under the following circumstances shall be reviewed through the Administrative Hearing process:
 - a. ~~Development on lots of less than 5000 sq. ft. Development on lots greater than 5,000 sq. ft. in size does not require an administrative hearing and may be approved by the Public Services Department per Section 17.121.010.~~
 - b. Additions to existing development on parcels zoned other than R-1 and R-2, OS-1 and OS-R which equal more than 50% of existing development greater than 25% of the existing floor area provided no new parking is required or variances are requested. If new parking would be required or a variance is requested a public hearing before the Planning Commission shall be required. Additions to existing development in the R-1 and R-2 zones shall be reviewed by the Public Services Department. Additions to existing development in the OS-1 and OS-R zone shall be reviewed by the Planning Commission.
 - c. Development of single family residential units or additions thereto in the PR zone utilizing the standards of development specified in any the applicable approved specific plan for the area in which the development is proposed.
 - d. Development in the Coastal Appeal Zone, with the exception of subdivisions pursuant to Section 16.26 of the P.B.M.C.
- 3) **Environmental review and determination:** No action shall be taken to approve or conditionally approve an application through the Administrative Hearing process unless the project is categorically exempt from CEQA or a Negative Declaration can be approved.
- 4) **Public hearing procedure:** The Administrative hearing process includes a public hearing before an Administrative Hearing Officer (a Planning Commissioner) and one staff person. The Administrative hearing officer role shall be rotated on a monthly basis; any disagreement between staff and the administrative hearing officer will require an application to be heard at a public

hearing before the Planning Commission pursuant to Sections 17.121.210 and 17.124.100 of the Zoning Code.

- 5) Referral to the Planning Commission:
 - a) At the discretion of the Administrative Hearing officer or ~~Staff person in attendance at the hearing~~, permit applications may be referred to the Planning Commission pursuant to the requirements for a Planning Commission hearing as specified in the Zoning Code if he/she determined the application involves a major policy issue or public controversy that would be resolved more suitably by the Commission. This referral can be made without the applicant being charged an additional application fee; however, a charge for noticing and publication would be required of the applicant.
 - b) An applicant may also choose that his/her application be subject to Planning Commission review and decision, provided that an additional fee in an amount equivalent to the difference between the fees required for an administrative hearing are provided. Such request by the applicant must be provided to the Administrative Hearing Officer in writing prior to the administrative hearing.

- 6) Action on the application: Immediately after the conclusion of the public testimony at the administrative hearing, the Administrative Hearing Officer shall:
 - a) Announce the decision on the project
 - b) If additional information is required or clarification of an issue is needed, the Administrative Hearing Officer may continue the hearing to a date certain.
 - c) In the event final action is taken at the hearing, inform those present of the procedures by which the decision of the Administrative Hearing Officer may be appealed.

- 7) Criteria for approval:
 - a) Permits for projects reviewed at the Administrative Hearing shall be approved only where the proposed project satisfies all provisions of the Zoning Code.
 - b) Variances applications shall not be reviewed by the Administrative Hearing Officer.
 - c) In order to grant permit approval, findings for the project must be made that the proposed use will not be detrimental to the health, safety or welfare of persons working or living at the site or within the vicinity. A proposal may be denied or attached with conditions as deemed necessary to secure the purposes of these regulations. Actions on permits shall be justified in written findings, based on substantial evidence in view of the whole record. For projects approved between

~~the sea and the first public road, a finding must be made that the public access and recreation requirements of Chapter 3 of the Coastal Act are met~~

- 8) ~~Permit(s): Within 10 business days of the Administrative Hearing, the project permit will be provided to the applicant if the application has been approved. No permit approved at an Administrative Hearing shall be issued until ten (10) business days have elapsed since the Administrative Hearing at which the project was approved.~~
- 9) Appeals: Action on applications heard before the Administrative Hearing Officer may be appealed to the Planning Commission as specified in Section 17.121.240 of the Zoning Code.

17.124.085 Waiver of public hearing for Minor development -Minor development means a development which:

- a) Is consistent with the LCP
- b) Requires no discretionary approval other than a coastal development permit
- c) Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast. Minor development shall include single family homes and additions thereto as well as other development which meets this criteria.

A public hearing for minor development may be waived if both of the following occur:

- 1) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons know to be interested in receiving notice.
- 2) No request for public hearing is received by the City within 15 working days from the date of sending the notice. The notice shall provide a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the Coastal Commission any action taken by the City on a coastal development permit application.

* 17.124.150 Local Appeal Periods on Coastal Development Permits - Revise as follows:

An action taken by the Planning Commission or the Administrative Hearing Officer through the Administrative Hearing process pursuant to Section 17.121.215 of the Zoning Code on a Coastal Development Permit shall become final after the tenth, (10th) working day following said action, unless an appeal to the Planning Commission (for projects approved by the Administrative Hearing Officer) or the City Council (for projects approved by the Planning Commission) is received at the Public Services Department or the City Clerks Department within that time. At the time of the ~~Planning Commission~~ City action on a Coastal Development Permit, a "Notice of City ~~Planning Commission~~ action on a Coastal Development Permit" shall be transmitted to the Coastal Commission Area Office by registered mail. This notice

DRAFT

shall contain the information specified and shall be sent to the individuals required as set forth in Section 17.124.210. This "Notice of City ~~Planning Commission~~ action on a Coastal Development Permit", when received by the Coastal Commission, shall initiate the Coastal Commission's appeal period for appealable developments. In the event that no local appeal of the City's ~~Planning Commission~~ decision is made, the Coastal Commission's appeal period shall run until its expiration (10 working days commencing upon receipt of the City's "Notice of City ~~Planning Commission~~ action on a Coastal Development Permit"). In the event that an appeal of a Planning Commission decision is made to the City Council, pursuant to the procedures established in this ordinance, the Coastal Commission's appeal period on appealable developments shall not commence until receipt of the City's "Notice of City ~~Planning Commission~~ action on a Coastal Development Permit", pursuant to the requirements of Section 17.124.210. (See Section 17.124.180 for Coastal Commission Appeals.)

*17.124.180 Appeals to the Coastal Commission - amendment to last paragraph

The Coastal Commission's ten (10) working day appeal period shall begin upon the date of their receipt of the City's "Notice of City ~~Planning Commission~~ action on a Coastal Development Permit" unless an appeal to the City Council is made pursuant to this Ordinance. In the event that a local appeal of a Planning Commission action is made to the City Council, the Coastal Commission's appeal period for appealable developments shall not commence until their receipt of a "Notice of City ~~Planning Commission~~ action on a Coastal Development Permit" is received pursuant to Section 17.124.210.

Section 2. Effective Date upon Coastal Commission approval.

Planning Division staff is hereby authorized to submit an application to the California Coastal Commission for certification of this amendment to the Pismo Beach Local Coastal Program Implementation Measures (Zoning Code). The amendment will be carried out in accordance with the California Coastal Act and shall take effect immediately upon Coastal Commission approval.

Section 3. Posting.

Before the expiration of fifteen (15) days after the passage of this ordinance, it shall be posted with the names of members voting for or against the same in three public places within the City of Pismo Beach, to wit:

1. City Hall - 760 Mattie Road, Pismo Beach
2. U.S. Post Office - Shell Beach Road, Pismo Beach
3. U.S. Post Office - Crest Drive, Pismo Beach

INTRODUCED at a regular meeting of the City Council held this ___ day of ____, 1996 on motion of Councilmember _____, seconded by Councilmember _____, and on the following role call vote, to wit:

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APR 1

A YES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

Mayor Paul B. Bailey

ATTEST:

APPROVED AS TO FORM:

City Clerk
Sharon Jones

City Attorney
David R. Hunt

PASSED AND ADOPTED at a regular meeting of the City Council held this ____ day of _____, 1996 on motion of Councilmember _____, seconded by Councilmember _____, and on the following roll call vote, to wit:

A YES: _____
NOES: _____
ABSENT: _____
ABSTAIN: _____

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CURRENT CITY ZONING ORDINANCE

Chapter 17.033 Planned Residential (P-R) Zone

17.033.010 Purpose of Zone The Planned Residential or P-R Zone is designed to facilitate greater flexibility in the development of any area by providing a means for varying designs and structures best suited to environmentally sensitive locations, including geologically hazardous or visually sensitive areas, as delineated in the General Plan/ Local Coastal Program Land Use Plan. Land in the Planned Residential Zone shall be subject to the provisions set forth herein.

* 17.033.020 Uses Permitted Subject to a Conditional Use Permit Uses permitted in the Planned Residential Zone may include and shall be limited to:

1. Dwelling units in detached, attached or multi-storied structures or any combination thereof;
2. Non-residential uses of a religious, cultural, recreational and commercial nature to the extent they are designed and intended to serve primarily the residents of the planned unit development. No commercial use, nor any building devoted primarily to a commercial use shall be built or established prior to the occupancy of seventy-five (75) percent of the residential buildings for which it is designed to serve.

17.033.030 Application for Tentative Approval of a Planned Residential Development

1. In order to fulfill the purposes of this chapter, the Planning Commission may make such written rules including general procedure and form of applications as it may determine, provided said rules are not inconsistent herewith.
2. The application for a Conditional Use Permit shall be executed by or on behalf of the landowner and filed with the Public Services Department.
3. The application for a Conditional Use Permit shall include the following items:
 - a. The location and size of the area involved and the nature of the landowner's interest in the land proposed to be developed;
 - b. The density of land use to be allocated to parts of the area to be developed, existing and proposed;
 - c. The location, function, ownership and manner of maintenance of common open space;
 - d. The use, height, bulk and location of buildings and other structures and architectural elevations, existing and proposed;
 - e. The coverage of buildings and building areas, existing and proposed;
 - f. The feasibility of proposals for the disposition of sanitary waste and storm water, existing and proposed;
 - g. The substance of codes, covenants, restrictions, grants or easements or other restrictions to be imposed upon the use of the land, buildings and structures including proposed easements for public utilities, existing and proposed;
 - h. The provisions for parking of vehicles and the location and width of proposed streets and public ways and the relationship of proposed streets and other public facilities to similar public facilities in

CURRENT CITY ZONING ORDINANCE

Chapter 17.069 Architectural Review (AR) Overlay Zone

17.069.010 Purpose of Zone The Architectural Review (AR) Overlay Zone is intended to maintain and enhance the character, integrity and visual quality of designated planning areas, as well as the protection of significant public views and vistas from major public view corridors on City-designated scenic highways, public lands and water to and along the coast within the City's Coastal jurisdiction, as applicable, and as otherwise designated in the City's General Plan/ Local Coastal Program Land Use Plan. Due to the generality of this Overlay Zone, no map is provided.

17.069.020 Criteria and Standards

1. All developments on lots of a size less than 5000 sq. ft. in area or on lots abutting coastal bluffs shall be subject to Architectural Review.
2. All developments that exceed recommended total building area guidelines as identified in Section 17.102.090 shall require Architectural Review for compatibility with the site and adjacent area.
3. The Public Services Department and Planning Commission shall review these developments to ensure the construction of appropriate size structures which are compatible with the adjacent structures and immediate neighborhood and visual quality of the Planning Area.
4. All developments on building sites on slopes in excess of 20 percent shall be subject to Public Services Department and Planning Commission review.
5. The Public Services Department and the Planning Commission shall review all proposed homes adjacent to the rock outcrop at Boosinger Park to ensure that they enhance visual quality while minimizing alterations to the rock outcrops.
6. In the Freeway Foothills Planning Area, structures shall be constructed with substantial setbacks of upper floors to reduce the appearance of bulk.
7. All developments on parcels zoned other than R-1 or R-2 shall require Architectural Review as a part of their local permit processing.
8. All actions taken under this overlay zone shall be consistent with the relevant goals, policies and programs of the General Plan/ Local Coastal Program Land Use Plan.

EXHIBIT 4

PSB LCPA 3-96

COASTAL ACT

A waiver shall not take effect until it has been reported to the commission at the regularly scheduled meeting following its issuance by the executive director. If one-third of the appointed membership of the commission so request, at this meeting, such issuance shall not be effective and, instead, an application for a coastal development permit shall be required and processed in accordance with the provisions of this chapter.

(Added by Ch. 43, Stats. 1982.)

* Section 30624.9.

(a) For purposes of this section, "minor development" means a development which a local government determines satisfies all of the following requirements:

- (1) Is consistent with the certified local coastal program, as defined in Section 30108.6.
- (2) Requires no discretionary approvals other than a coastal development permit.
- (3) Has no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.

(b) After certification of its local coastal program, a local government may waive the requirement for a public hearing on a coastal development permit application for a minor development only if both of the following occur:

- (1) Notice that a public hearing shall be held upon request by any person is provided to all persons who would otherwise be required to be notified of a public hearing as well as any other persons known to be interested in receiving notice.
- (2) No request for public hearing is received by the local government within 15 working days from the date of sending the notice pursuant to paragraph (1).

(c) The notice provided pursuant to subdivision (b) shall include a statement that failure by a person to request a public hearing may result in the loss of that person's ability to appeal to the commission any action taken by a local government on a coastal development permit application.

(Added by Ch. 669, Stats. 1995.)

Section 30625.

(a) Except as otherwise specifically provided in subdivision (a) of Section 30602, any appealable action on a coastal development permit or claim of exemption for any development by a local government or port governing body may be appealed to the commission by an applicant, any aggrieved person, or any two members of the commission. The commission may approve, modify,

EXHIBIT 5

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