

2/22/96

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST AREA OFFICE  
725 FRONT STREET, STE. 300  
SANTA CRUZ, CA 95060  
(408) 427-4883

HEARING IMPAIRED: (415) 804-6200

Th 9a



February 23, 1996

**TO:** Commissioners and Interested Parties

**FROM:** Tami Grove, District Director  
Diane Landry, Acting Assistant District Director  
Steve Guiney, Coastal Program Analyst

**SUBJECT:** CITY OF PISMO BEACH: LOCAL COASTAL PROGRAM  
MINOR AMENDMENT NO. 1-96

The City of Pismo Beach is requesting that its certified Local Coastal Program be amended to add a section to the zoning ordinance to establish a process for issuing emergency coastal development permits consistent with Coastal Act section 30624. This amendment request was filed on February 2, 1996, pursuant to Section 30510(b) of the Coastal Act and Section 13553 of the Commission's Regulations.

The purpose of this notice is to advise interested parties of the determination by the Executive Director pursuant to Section 13555 of Commission Regulations that the filed amendment is "minor" as defined in Section 13554. Minor amendments include several types of changes which do not affect permitted land uses. These minor amendments are procedural in nature and are consistent with the corresponding Pismo Beach Land Use Plan Policies. The full text is attached to this notice.

Coastal Act section 30624(a) provides authority for the issuance of emergency coastal development permits by "... an appropriate local official designated by resolution of the local government without compliance with the procedures specified in this chapter in cases of emergency, other than an emergency provided for under Section 30611. . . ." The City's request is to provide for this process, which still requires a regular coastal development permit after the emergency work is done.

Coastal Act Section 30611 provides for the waiver of coastal development permits by the Executive Director of the Commission in emergency situations when the emergency work is a public service required to protect life and public property from imminent danger. Private emergency work, i.e., work not related to the protection of public property, must obtain an emergency coastal development permit; such private work is not eligible for the waiver under section 30611. This waiver provision is not available to local governments; the authority rests with the Executive Director and cannot be transferred to local governments.

**CITY OF PISMO BEACH: LOCAL COASTAL PROGRAM MINOR AMENDMENT NO. 1-96**

Pursuant to Section 13555, the Executive Director will report in writing this determination to the Coastal Commission at its March 14, 1996 meeting at the Radisson Hotel, 1111 E. Cabrillo Blvd., Santa Barbara. He will also report any objections to the determination received within 10 days of posting of this notice. This proposed minor amendment will be deemed approved unless one-third of the appointed members of the Commission request that it be processed as a major amendment (pursuant to Section 13555(b), and will then take immediate effect.

If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Steve Guiney or Diane Landry at the Central Coast District Office in Santa Cruz. If you wish to register an objection to the proposed "minor" amendment determination, please contact either of the above staff by March 12, 1996.

**ORDINANCE NO. 95-14**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH CALIFORNIA, AMENDING THE LOCAL COASTAL LAND USE PLAN, TITLE 17 OF THE PISMO BEACH MUNICIPAL CODE ENTITLED "ZONING CODE" BY ADDING SECTION 17.124.071 ENTITLED "EMERGENCY COASTAL PERMITS"**

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

**WHEREAS, the City Council thereby approved a negative declaration within Resolution 95-55, on November 7, 1995.**

**WHEREAS, the Council recognizes the need of a expedited process to serve property owners, business owners and the general public when an emergency is thereby confronted.**

**NOW, THEREFORE, the City Council of the City of Pismo Beach does ordain as follows:**

**Section 1:**

**Municipal Code Section 17.124.071, entitled "Emergency Permits" is hereby enacted to read as follows:**

**17.124.071 Emergency Permits.**

**A. Applications.**

1. Applications in case of emergency shall be made by letter to the Public Services Director (Director) or in person or by telephone, if time does not allow.
2. The following information should be included in the request:
  - a. Nature of the emergency;
  - b. Cause of the emergency, insofar as this can be established;
  - c. Location of the emergency;
  - d. The remedial, protective, or preventive work required to deal with the emergency; and
  - e. The circumstances during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.

**B. Verification of Emergency.** The Director shall verify the facts including the existence and the nature of the emergency, insofar as time allows. An emergency is defined as "an sudden unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services."

**C. Criteria for Granting Permit.**

1. The Director shall provide public notice of the emergency work, with the

- extent and type of notice determined on the basis of the nature of emergency.
2. The Director may grant an emergency permit. If granted, it shall include reasonable terms and any appropriate conditions, including an expiration date and the necessity for a regular permit application within 30 days. The following findings are required for granting an emergency permit:
    - a. An emergency exists that requires action more quickly than permitted by the procedures for administrative permits and the work can and will be completed within thirty days unless otherwise specified by the terms of the permit;
    - b. Public comment on the proposed emergency action has been reviewed, if time allows; and
    - c. The work proposed would be consistent with the requirements of the certified local coastal program.

**D. Report to City Council.**

1. The Director shall report, in writing to the City Council at its first scheduled meeting after the emergency permit has been issued, the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall be mailed to all persons who have requested such notification in writing.
2. The report of the Director shall be information only; the decision to issue an emergency permit is solely at the discretion of the Director, subject to the provisions of this chapter.

**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 21st day of November 1995, on motion of Council-member Halldin and seconded by Council-member Stahl, and on the following roll call vote, to wit:

AYES: Councilmembers Halldin, Stahl, Brown, Mellow, Bailey

NOES: none

ABSENT: none

ABSTAIN: none

Paul B. Bailey  
Mayor Paul Bailey

ATTEST:

Sharon Jones  
Sharon Jones, City Clerk

APPROVED AS TO FORM:

David Hunt  
David Hunt, City Attorney

PASSED AND ADOPTED at a Regular Meeting of the City Council held this 5th day of Dec., 1995, and on the following roll call votes, to wit:

AYES: Councilmembers Halldin, Brown, Mellow, and Mayor Bailey

NOES: None

ABSENT: Councilmember Stahl

ABSTAIN: None

Paul B. Bailey  
Mayor Paul Bailey

ATTEST:

Sharon Jones  
Sharon Jones, City Clerk

APPROVED AS TO FORM:

David Hunt  
David Hunt, City Attorney