

CALIFORNIA COASTAL COMMISSION

COAST DISTRICT OFFICE
CENT STREET, SUITE 300
PISMO BEACH, CA 95060

(408) 427-4863

HEARING IMPAIRED: (415) 904-5200

**W12b**January 13, 1999 **RECORD PACKET COPY**

TO: Commissioners and Interested Persons

FROM: Peter Douglas, Executive Director
Tami Grove, Central Coast Deputy Director
Charles Lester, District Manager
Steve Guiney, Coastal Program Analyst

SUBJECT: City of Pismo Beach Local Coastal Program Amendment #1-98.
Concurrence with the Executive Director's determination that the action by the City of Pismo Beach accepting certification of Amendment #1-98, with modifications, to the City's Local Coastal Program is legally adequate.

EXECUTIVE DIRECTOR'S DETERMINATION AND REPORT FOR COMMISSION REVIEW AT
THE MEETING OF FEBRUARY 3, 1999

Background

The City of Pismo Beach has amended its Land Use Plan (LUP) and Implementation Plan (IP) concerning the land use designation and zoning of the Dinosaur Caves property. This property is located midway along the City's coastline at its narrowest point and lies between the Highway 101 - Shell Beach Road corridor and the ocean. The property was designated Resort Commercial and Open Space. The site was zoned Hotel/Motel (R-4). The City's submittal proposed to 1) amend the Land Use and Park and Recreation sections of the LUP to redesignate the Resort Commercial area to Open Space; and, 2) amend the zoning map to rezone the site from Hotel - Motel (R-4) to Open Space - Recreational Use (OS-R). The result is that the entire property, about 15 acres, is now designated and zoned for open space and recreational use. On November 17, 1998, within the six month time limit for acting on and responding to the Commission's certification of an LCP amendment, the City Council considered the Commission's action, acknowledged receipt of the resolution of certification, and accepted the Commission's suggested modifications.

Recommendation

Pursuant to Section 13544 of the California Code of Regulations, the Executive Director must determine that the action of the City of Pismo Beach is legally adequate and report that determination to the Commission. It is recommended that the Commission concur with the determination of the Executive Director that the action of the City Council of the City of Pismo Beach accepting the certification of LCP Amendment #1-98 is legally adequate.

Attachments: Draft letter to Mayor Brown,
Copy of Resolution No. 98-71

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CALIFORNIA COASTAL COMMISSION

LOCAL COAST DISTRICT OFFICE
FRONT STREET, SUITE 300
PISMO BEACH, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200



February 3, 1999

John Brown, Mayor
City of Pismo Beach
760 Mattie Road
Pismo Beach CA 93449

Re: City of Pismo Beach Local Coastal Program Amendment #1-98

Dear Mayor Brown:

This office has reviewed the City of Pismo Beach's Resolution No. 98-71 adopted by the Council on November 17, 1998. By that action the City acknowledged the receipt of the Commission's certification and has incorporated the certified amendment into the City's Local Coastal Program. I have determined, and the Commission has concurred, that the City's action with respect to Local Coastal Program Amendment #1-98 is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Commission at the February 3, 1999 meeting in Coronado.

Very truly yours,

PETER M. DOUGLAS
Executive Director

CHARLES LESTER
District Manager

cc: Carolyn Johnson, Pismo Beach City Planner

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Elsa : Coastal Comm.

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mailed 11/23/98
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CALIFORNIA
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Attachment 1

RESOLUTION NO. 98- 71

Stating the findings and decision of the City Council of the City of Pismo Beach to accept the California Coastal Commission's certification and suggested modifications to LCP amendment application 98-1 regarding the Dinosaur Caves property

SECTION 1: RECITALS

- A. On October 17, 1997, the City Council adopted Resolution 97-65 a "Notice of Intention to dedicate Dinosaur Caves property as a park and to pursue Planning and Development of the property for park and educational purposes."
- B. On February 17, 1998, the City Council approved a work program to amend maps, charts and tables in both the GP/LCP Land Use and Parks and Recreation element (Policies LU-I-1, LU-I-2, PR-16) and amendment to the City Zoning Code to change the zoning of the property from Hotel-Motel (R-4) to Open Space Recreational (OS-R).
- C. On April 14, 1998, the Planning Commission reviewed the proposed amendments.
- D. On April 21, 1998, the City Council approved the aforementioned amendments after conducting a public hearing. The Council considered the written material included in its April 21, 1998 agenda packet; and considered testimony from City Staff, the Applicant, and members of the public.
- E. On July 9, 1998, the Coastal Commission approved the LCP amendments with suggested modifications. Pursuant to Coastal Commission regulations Section 13544, the City Council must acknowledge receipt of the modifications, and accept and agree to modifications.
- F. The City Council of the City of Pismo Beach determines the facts in the recitals are true.

SECTION 2: DECISION

The City Council of the City of Pismo Beach hereby accepts the Coastal Commission suggested modifications to LCP amendment 1-98, Dinosaur Caves as attached in Exhibit 1.

UPON MOTION of the Council member RabenaIdt, seconded by Council member Mellow, the foregoing Resolution is hereby approved and adopted the 17th day of November, 1998 by the following roll call vote to wit:

AYES: Councilmember RabenaIdt, Mellow, Halldin, Reiss and Mayor Brown

NOES: None

ABSTAIN: None

ABSENT: None

Sharon Jones
Attest: Sharon Jones, City Clerk

John C. Brown
Mayor John C. Brown

Coastal
Commission
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II. SUGGESTED MODIFICATIONS

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

Land Use Plan

1. Change the subtotal and total number of hotel and motel rooms in Table LU-2, Build Out Land Use Projection (Additions to Existing Development), as follows:

SUBTOTAL 1991 City Limits	1,208 959	...
TOTALS (City & Sphere)	1,208 959	...

2. Amend the Background section of Dinosaur Caves, Planning Area I, page LU-31, to read as follows:

The Dinosaur Caves area contains the Shelter Cover Hotel, and a large vacant parcel. The area has historically been recommended for public acquisition but funds have not been available for this purpose **until recently. The Dinosaur caves property was purchased and is owned by the Pismo Beach Public financing Authority. The City of Pismo Beach has a long-term lease on the property.** The vacant site, ~~which is proposed for hotel use,~~ currently is utilized by travelers, residents and recreational vehicles for day use.

3. Delete reference in Policy LU-I-2 to subsection "d" of Policy LU-4, so that Policy LU-I-2 reads as follows:

This property shall be designated for public park and open space uses which are visitor serving in nature. Non-visitor serving uses shall be prohibited ~~and subsection "d" of Policy LU-4 shall not be applicable to this property.~~ Any future developments shall be consistent with the following requirements:

4. Amend proposed subsection LU-I-2a (currently LU-I-2b), Bluff Top Conservation and Open Space Area Required, to read as follows:

All development, except for public access facilities, shall be set back from the top of the bluff as shown schematically in LU-13. The extent of the bluff top . . . plus an additionally 50 feet. The extent of the 100-year bluff retreat shall be established through a site-specific study conducted by a qualified registered geologists. . . . Any facilities shall be a safe distance from the edge of the bluff, as determined by the ~~G~~-geological study.

5. Modify Policy LU-I-2 by adding a new subsection "b" and reletter subsequent sections accordingly.

b. Landscaping

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Pismo Beach LCP Amendment 1-98, Dinosaur Caves

No landscaping shall, when mature, exceed the height of approved structures on the site nor cause additional view obstruction. All landscaping shall consist of drought tolerant, and to the greatest extent feasible, native species. Extensive lawns or other large areas of grass exceeding two acres in size shall be prohibited. Total lawn or grass area shall not exceed 3 acres. Lawns and other grass areas should be located on the parts of the site nearest Shell Beach Road and Cliff Drive. No lawns or other areas of grass requiring irrigation shall be allowed closer than 150 feet from the bluff edge and the hole leading to the sea cave. Any landscaping within 150 feet of the bluff edge and the hole leading to the sea cave shall be drought tolerant.

6. Add a new Policy LU-I-2 subsection "c" and reletter subsequent subsections in alphabetical order.

c. Public Access Facilities and Bluff Top Erosion

Public access facilities shall be designed and constructed to be easily moved to a more landward location if they become endangered by bluff erosion. For the purposes of this policy, public access facilities means public paths, walkways, bicycle racks, observation decks or platforms, benches, and picnic tables.

7. Add language to proposed Policy LU-I-2d, so that it reads as follows:

d. Protection of Scenic Highway Corridor

The height, bulk and scale of any development on the Dinosaur Caves property shall not detract from the ocean view from U.S. Highway 101. Heights of all structures shall be below the elevation of the nearest freeway travel lane. All structures and landscaping shall be designed to avoid any significant impairment of seaward views from Highway 101. See also: Parks and Recreation PR-16 Dinosaur Caves.

8. Amend Policy PR-16, Dinosaur Caves, as follows:

~~The City shall recommend to the state Department of Parks and Recreation, the Coastal Conservancy, or other applicable agencies acquisition of the property for a public park and open space. This 15 acre site~~ The large vacant parcel, leased by the City of Pismo Beach from the Pismo Beach Public Financing Authority is the most significant open space remaining along the ocean within Pismo Beach and is dedicated for use as a public park and open space area. (See related Land Use Element Planning Area I.)

Implementation Plan

1. Modify zoning Ordinance section 17.096.020(5)b as follows:

- b. For new development on the property leased by the City in the Dinosaur Caves Planning Area, all projects shall minimally provide either of the following standards: no structure or landscaping shall be allowed which would significantly impair views from Highway 101.

~~1. Forty percent (40%) of the property frontage width in open scenic view~~

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Pismo Beach LCP Amendment 1-98, Dinosaur Caves

- ~~corridors (of 30 feet or more in width); or~~
- ~~ii. Fifty percent (50%) scenic overviews to be measured as described in subsection "c" below; or~~
 - ~~iii. A combination of open scenic view corridors and overviews totaling fifty percent (50%) of the vertical view plane established in subsection "c" below.~~

6H-5