

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863



Tu13b

RECORD PACKET COPY

July 24, 2001

TO: COMMISSIONERS AND INTERESTED PERSONS
FROM: TAMI GROVE, CENTRAL COAST DEPUTY DIRECTOR
CHARLES LESTER, DISTRICT MANAGER
SUSAN CRAIG, COASTAL PROGRAM ANALYST

SUBJECT: STAFF RECOMMENDATION ON CITY OF PISMO BEACH LCP AMENDMENT NO. 1-01 (For Public Hearing and Possible Commission Action at the Meeting of August 7, 2001)

SYNOPSIS

The City of Pismo Beach proposes to change the land use designation of parcel 005-072-010 at 367 Hollister from RS (Resident Serving) to MU (Mixed Use) (Land Use Plan Amendment). The property will remain zoned RR (Resort Residential). Staff has reviewed the proposed amendment to the Land Use Plan for conformance with the Coastal Act. As discussed in detail below, Staff recommends approval of the City of Pismo Beach Local Coastal Program proposed Land Use Plan Major Amendment No. 1-01, as submitted.

The Commission certified the City of Pismo Beach's Land Use Plan on October 14, 1982. The zoning portion was certified with suggested modifications on January 11, 1984. The City agreed to the modifications and assumed permit-issuing authority on April 13, 1984. The City has organized and submitted this LCP amendment request in accordance with the standards for amendments to certified LCPs (Coastal Act Section 30514, California Code of Regulations 13551 through 13553). The amendment was filed on June 1, 2001. The City Council held noticed public hearings. In addition, noticed public hearings at the Planning Commission level were held. Excerpts from the City's amendment submittal are attached as Exhibit 1.

Further information on the submittal may be obtained from Susan Craig at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.



California Coastal Commission
August 2001 Meeting in Redondo Beach

Staff: Susan Craig Approved by: *[Signature]*

STAFF RECOMMENDATION

Staff recommends adoption of the following resolutions:

Resolution I. (Resolution to approve City of Pismo Beach Land Use Plan Amendment No. 1-01 as submitted)

Staff recommends a **YES** vote on the motion below. Approval of this motion will result in the approval of the amendment as submitted and adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion. I move that the Commission certify Major Amendment #1-01 to the City of Pismo Beach Land Use Plan as submitted by the City of Pismo Beach.

Resolution to Approve. The Commission hereby **approves** certification of Major Amendment #1-01 to the City of Pismo Beach Land Use Plan of the Pismo Beach Local Coastal Program for the specific reasons discussed in the following findings on the grounds that, as submitted, these amendments and the LUP as thereby amended meet the requirements of Chapter 3 of the Coastal Act. This amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625 (c) and approval will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

Findings and Declarations

The Commission finds and declares as follows:

Amendment Description

The City of Pismo Beach (Exhibit 2) proposes an amendment to the Land Use Plan to re-designate parcel 005-072-010 at 367 Hollister from RS (Resident-Serving) to MU (Mixed Use) (see Exhibit 3). This 5,500 square foot parcel is located downtown and is less than two blocks from the ocean. Small hotels, residences, and apartments dominate the surrounding area. The parcel is located in a developed urban area that is not considered environmentally sensitive. No rare or endangered species have been identified in the vicinity. The parcel is immediately adjacent to an automobile service business located on Price Street. Development to the west consists of small residences, similar to the two existing residences on the parcel. A restaurant is located across the street on the corner of Price and Hollister. Although the parcel in question is near commercial uses, the surrounding area is predominantly residential in character.

The subject amendment has been submitted to allow a ground-level addition to an existing residence on the parcel. Although the present zoning of the property (RR – Resort Residential) allows residential uses as primary uses and thus would permit an addition, the Land Use Plan (RS – Resident-Serving) allows



residences only on upper levels, above ground-level commercial uses. Existing development on the parcel, however, consists of two ground-level single-story residences. Thus the existing development is not consistent with the RS (Resident-Serving) designation. When the Land Use Plan was adopted in 1992, it was expected that a consistent zoning code designation would be adopted shortly thereafter. The 1998 Zoning Code/Local Coastal Plan update included amendments to the Local Coastal Plan policies in the downtown to permit the type of use proposed. The Commission conditionally certified the 1998 LCP amendment, which contained the appropriate revisions to this downtown district. Because the City did not accept the Commission's required modifications to the LCP related to bluff-top setbacks and protection, the modified LCP policies related to the downtown did not go into effect. If the Commission approves the amendment as submitted, the ground-floor addition to one of the existing residences on the parcel would be allowed to proceed.

The City's amendment submittal will be processed according to CCR Section 13518(b)(1), which states:

A local government or governing authority may submit its proposed LCP or LRDP either:

(1) as a program that will take effect automatically upon coastal Commission approval pursuant to Public Resources Code Sections 30512, 30513, and 30519 for LCP's, or Public Resources Code Section 30605 form LRDPs or...

At this time the Commission is only approving the LCP amendment and not a coastal permit for the proposed addition, which is in the City's jurisdiction and which would not be appealable to the Commission. The City has not yet approved a permit for the proposed addition because the Land Use Plan is a component of the City's General Plan. Therefore, even though the Commission is aware that the City has submitted the proposed LCP amendment to allow for a ground-floor addition at this location, there is no guarantee that the specific development will actually be accomplished.

Analysis of Land Use Plan Re-Designation

Coastal Act Section 30250(a) states in full:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Other sections of the Act address the siting of priority visitor-serving, recreational, and coastal dependent uses.



As stated above, the parcel contains two existing single family residences. The current designation of RS (Resident-Serving), which allows for residential units above the first floor only, is inconsistent with the existing development on the parcel, which includes two ground-floor residences. The re-designation of the parcel from RS (Resident-Serving) to MU (Mixed Use) would mean that the land use designation would be consistent with the existing development on the parcel. Both land use designations allow for multiple uses, including residential and commercial uses (see Exhibit 4). Therefore, the re-designation of this parcel to MU (Mixed Use) will not preclude continued commercial use in the surrounding area. Also, changing the land use designation of this parcel would be in conformance with existing residential development in the immediate area.

The parcel is located in a developed urban area that is approximately two blocks from coastal waters. The re-designation of this 5,500 square foot parcel from RS (Resident-Serving) to MU (Mixed Use) would allow for residential use on the ground floor, which is the existing use. Therefore, the proposed re-designation will not have an adverse impact either individually or cumulatively on coastal resources. Finally, the site is not important for providing, nor would it preclude, priority uses in the City's coastal zone. Therefore, as submitted, the proposed LUP amendment will not impact coastal access or resources and is approved as being consistent with the policies of Chapter Three of the Coastal Act.

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's Local Coastal Program development and certification process has been designated by the Secretary of Resources as the functional equivalent of the California Environmental Quality Act (CEQA). No impacts are associated with the proposed land use plan and zoning changes. The City of Capitola adopted a Mitigated Negative Declaration for the reclassification and rezoning and in doing so found that, after mitigation, the project would not have significant adverse environmental impacts. As discussed above, the City's proposal is consistent with the Coastal Act and will not have any significant adverse environmental impacts. Therefore, the Commission finds that Amendment No. 1-01 is consistent with the provisions of the California Environmental Quality Act.



RESOLUTION NO. R-2000-86

**A Resolution of the Council of the City of Pismo Beach
Amending Resolution No. 2000-57,
Adopting the Negative Declaration and
Approving a General Plan Map Amendment for property
at 367 Hollister,
Changing the land use designation from Resident-Serving (RS) to Mixed-Use (MU)
Project No. 00-0073, APN: 005-072-010, and
Rescinding Resolution No. R-2000-57**

WHEREAS, Wayne Russell ("Applicant") submitted an application to the City of Pismo Beach for a General Plan Land Use Element Map Amendment for property at 367 Hollister; and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 11, 2000, at which all interested persons were given the opportunity to be heard; and

WHEREAS, the Planning Commission considered the draft Negative Declaration of Environmental Impact, in accordance with section 15074(a) of the Government Code (CEQA Guidelines), and recommended approval of the General Plan map amendment to the City Council; and

WHEREAS, the City Council intends to carry out the Local Coastal Plan in a manner fully consistent with the California Coastal Act; and

WHEREAS, the City Council held a duly-noticed public hearing on August 15, 2000, at which all interested persons were given the opportunity to be heard; and

WHEREAS, the City Council has reviewed the Initial Study of environmental impact and the proposed Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Pismo Beach, California as follows:

A. FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

1. The project consists of an amendment to the Land Use Element map, changing the land use designation of the site from Resident-Serving to Mixed Use.
2. There are no site constraints or other factors that would create the potential for significant environmental impacts as a result of the project.
3. The Initial Study is a complete and adequate informational document.

EXHIBIT NO. 1
APPLICATION NO.
PSB-MAJ-1-01
PS 10/2 California Coastal Commission

B. FINDINGS FOR APPROVAL OF THE MAP AMENDMENT:

1. The proposed land use designation of Mixed Use is appropriate for the site and consistent with the goals and policies of the General Plan.

C. Resolution No. R-2000-57 is hereby rescinded.

The City Council hereby adopts the Negative Declaration, attached as Exhibit A, and Approves the General Plan Map Amendment shown on the attached Exhibit B. The map amendment will become effective on the day it is approved by the California Coastal Commission.

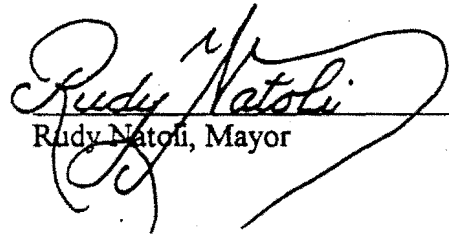
UPON MOTION of Councilmember Reiss, seconded by Councilmember Rabenaldt, the foregoing Resolution is hereby approved and adopted the 5th day of December 2000 by the following role call vote, to wit:

AYES: Councilmembers Reiss, Rabenaldt, Crescione, Henlin and Mayor Natoli

NOES: none

ABSTAIN: none

ABSENT: none

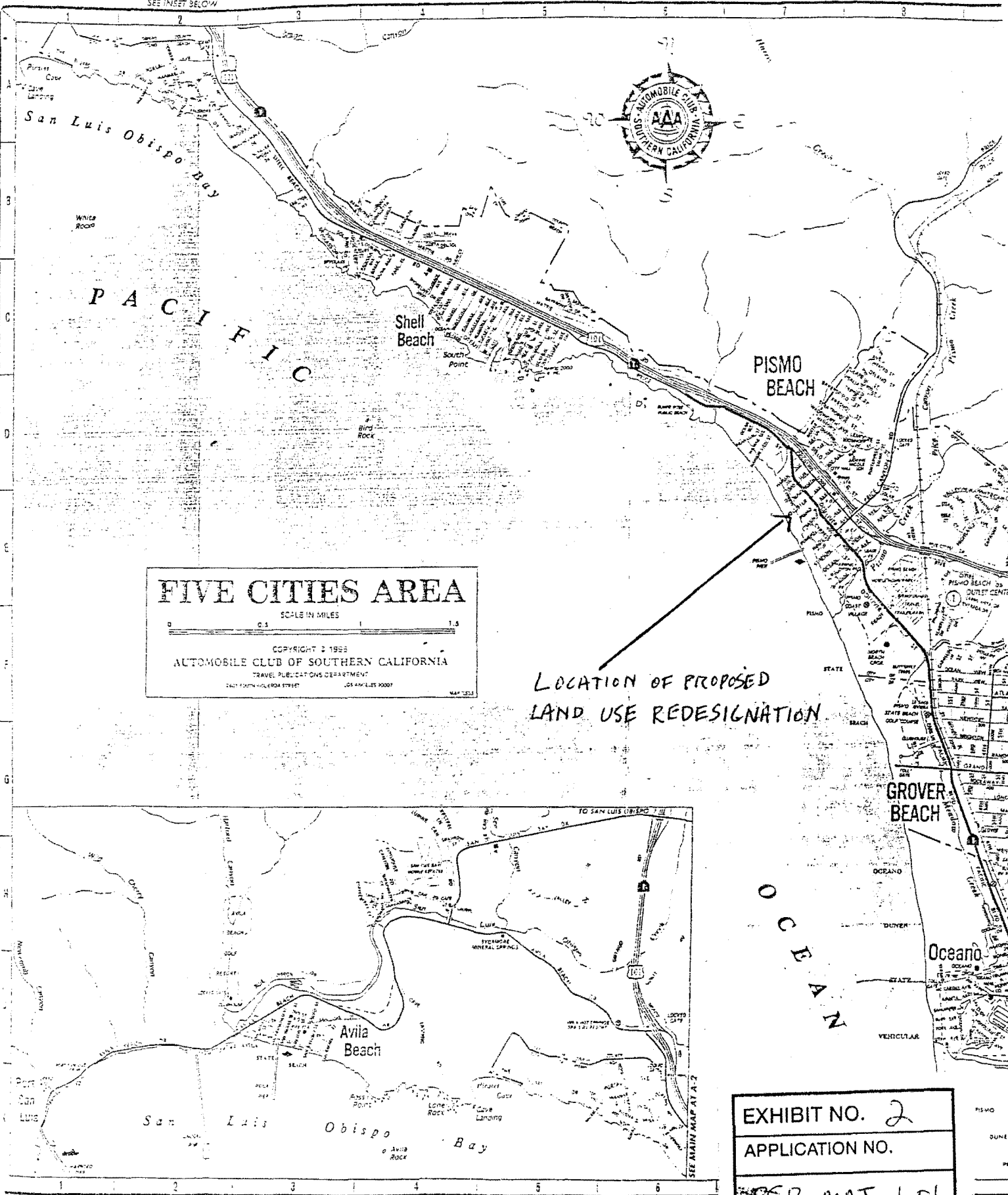

Rudy Natoli, Mayor

ATTEST:


Sharon Jones, City Clerk

EXHIBIT NO. 1
APPLICATION NO.
PSB-MAJ-1-01
PP 20/2 California Coastal Commission

SEE INSET BELOW



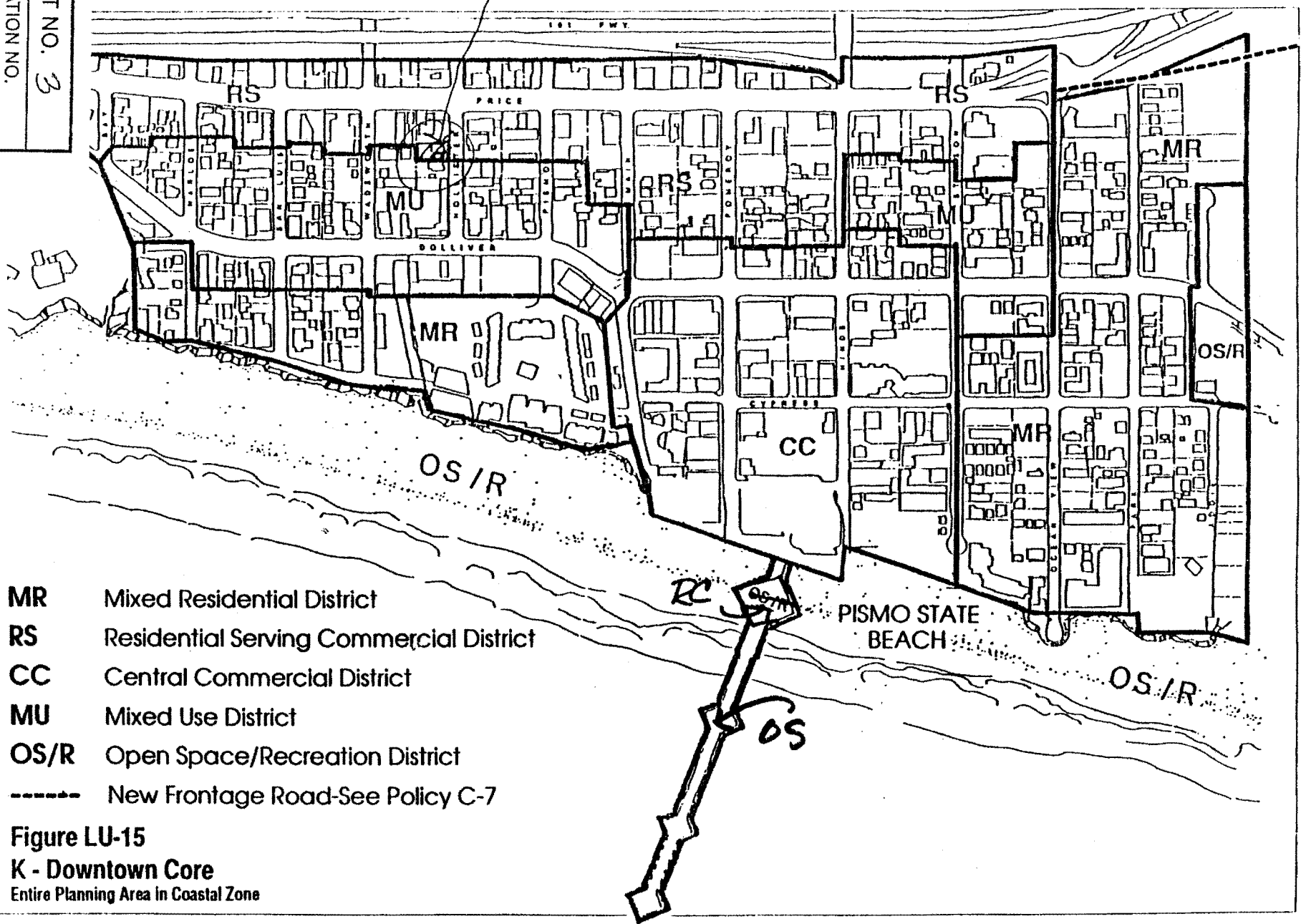
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LOCATION OF PROPOSED
 LAND USE REDESIGNATION

EXHIBIT NO. 2
APPLICATION NO.
PSB-MAJ-1-01
PP 1 of 1 California Coastal Commission

EXHIBIT NO. 3
 APPLICATION NO.
 PSB-MA5-1-01
 PC 1 2/1
 California Coastal Commission

change from RS to MU




- MR Mixed Residential District
- RS Residential Serving Commercial District
- CC Central Commercial District
- MU Mixed Use District
- OS/R Open Space/Recreation District
- New Frontage Road-See Policy C-7

Figure LU-15
 K - Downtown Core
 Entire Planning Area in Coastal Zone

Attachment to Resolution 7A-25

**Exhibit 1.
General Plan/Local Coastal Plan Policy Comparison Chart**

Policy no.	Policy	Issue
LU-K-3.2	<p><i>The Resident-Serving or RS Commercial District represents opportunities to segregate local traffic from the more tourist-serving areas of the downtown. This district shall permit retail, personal and business services, and professional office uses. Residential units may be allowed above the first floor. The focus of this district is provision of services for local residents, such as offices (i.e. insurance, medical, financial), retail uses (i.e. furniture, appliance, and hardware stores), food markets, and other goods and services needed by the residents of Pismo Beach and the South County area. Mixed use projects with residential uses above the first floor will be encouraged. Residential uses oriented toward seniors are permitted, especially on floors above ground-level commercial uses. Visitor-serving retail uses such as gift and souvenir shops will not be encouraged as these are more appropriately located in the Central Commercial District.</i></p>	<p>This is the present designation for the property. It would allow commercial uses that serve the neighborhood and surrounding communities, with residences above.</p> <p>The designation is appropriate for the site, given its location near Price Street. However, the present property owner has just completed making improvements to his residences and is not interested in developing a commercial project at the site.</p>
LU-K-3.4	<p><i>The Mixed Use or MU District will provide for a wide variety of land uses including commercial, office, and residential uses (including hotels and motels). The more intensive commercial uses and visitor-serving uses shall be encouraged to locate along the major thoroughfares. Office, resident-serving retail, and residential uses are more appropriate at interior locations. Mixed use projects are encouraged throughout the district.</i></p>	<p>The MU District takes in the property to the rear of this site as well as next door. Extending the boundary of that district to include this property appears reasonable and consistent with the intent of the district.</p>

EXHIBIT NO. 4
APPLICATION NO.
PSB-MAJ-1-c1
 PS 1 of 1 California Coastal Commission

