

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(408) 427-4863
HEARING IMPAIRED: (415) 904-5200



RECORD PACKET COPY

Th5c

October 28, 2004

TO: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director
Mike Watson, Coastal PlannerSUBJECT: **CITY OF PISMO BEACH LCP AMENDMENT NO. PSB-MAJ-1-04 PART II CERTIFICATION REVIEW:** Concurrence with the Executive Director's determination that the action of Pismo Beach accepting the Commission's certification of LCP Amendment No. PSB-MAJ-1-04 Part II is legally adequate. For Commission review at the meeting of November 18, 2004 in San Pedro.**A. BACKGROUND**

The Commission acted on Part II of Pismo Beach LCP Amendment No. PSB-MAJ-1-04 on July 15, 2004. The amendment revised the LCP's Land Use Plan to eliminate conflicting policies and standards. The certified LUP contains policies that are either too specific and/or often inconsistent with the older implementing ordinances. The proposed amendment eliminates the prohibition of development on slopes greater than 30% in the Pismo Heights Planning area and increases the density range in the City's residential zones to match corresponding code provisions for development on steep slopes, minimum lot size, and minimum lot area per family unit. The requested amendment also eliminates specific building design criteria for driveway widths and makes an allowance for a wider palette of colors to be used on hillside buildings and structures.

The Commission rejected the amendment as submitted, but certified the proposed amendment if modified to 1) require engineered plans and conformance with the resource protection and hazard standards of the LCP to address structural stability, landform alteration, erosion and polluted runoff prior to approval of development on slopes greater than 30% in the Pismo Heights planning area, 2) require evidence of adequate public services, and 3) delete the Hillside Development Criteria and Standards exception for single family residences in the Pismo Heights planning area.

**California Coastal Commission****November 18, 2004 Meeting in San Pedro**Staff: MW Approved by: *C. J. Z. 10/28/04*

B. EFFECTIVE CERTIFICATION

On July 15, 2004, the City of Pismo Beach acknowledged receipt of the Commission's resolution of certification and accepted and agreed to the Coastal Commission's modifications (see Exhibit A). As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the City's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of Pismo Beach LCP Amendment No. PSB-MAJ-1-04 Part II shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

C. STAFF RECOMMENDATION

Staff recommends that the Commission concur with the determination of the Executive Director that the action of Pismo Beach accepting the Commission's certification of Pismo Beach LCP Amendment No. PSB-MAJ-1-04 Part II is legally adequate, as noted in the attached letter (Exhibit B), to be sent after Commission concurrence.



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DRAFT

November 18, 2004

Mayor Benito J. Crescione
City of Pismo Beach
760 Mattie Road
Pismo Beach, CA 95060

Subject: Pismo Beach Local Coastal Program (LCP) Major Amendment No. 1-04, Part II (Density, Slopes, Design)

Dear Mayor Crescione:

We have received City Council Resolution R-2004-052 and Ordinance No. O-04-04 adopted by the Board of Supervisors on September 7, 2004. By those actions, the City acknowledged receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Major Amendment 1-04, Part II, and incorporated the Commission's suggested modifications into the City's LCP.

I have determined, and the Commission has concurred, that the City's action with respect to Part II of LCP Major Amendment 1-04, is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Coastal Commission at the Commission's November 18, 2004 meeting in San Pedro. As a result, the City's LCP, as amended by Part II of LCP Major Amendment 1-04, was certified as of November 18, 2004 and is now in effect.

If you have any questions, please contact Mike Watson of my staff at (831) 427-4863.

Sincerely,

Peter M. Douglas
Executive Director
California Coastal Commission

Charles Lester
Deputy Director
Central Coast District Office

cc: Judith Lautner, City of Pismo Beach Planning Division

CCC Exhibit A
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