

**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****W7b**

August 19, 2004

**TO:** Commissioners and Interested Parties

**FROM:** Diane Landry, District Manager  
Mike Watson, Coastal Planner

**SUBJECT:** **CITY OF PISMO BEACH LCP AMENDMENT NO. PSB-MAJ-1-04 PART 1 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 is legally adequate. For Commission review at the meeting of September 8, 2004 in Eureka.

**A. BACKGROUND**

The Commission acted on Part 1 of Pismo Beach LCP Amendment No. PSB-MAJ-1-04 on May 12, 2004. The amendment revised the LCP's Implementation Plan to implement AB 1866 changes to the process for reviewing second unit applications. Most significantly, AB 1866 requires that second unit applications in residentially designated areas received after July 1, 2003 be considered by local governments "ministerially without discretionary review or a hearing." The restriction on public hearings does not extend to the Coastal Commission.

The amendment establishes secondary dwelling units as a permitted use in all residential zone districts, defines development standards, amends public hearing requirements, and includes parameters for appealable versus non-appealable second units. The amendment also includes amending language to "grandfather" existing secondary dwelling units that meet Uniform Building Code standards. The Commission rejected the amendment as submitted, but certified the proposed amendment if modified to address public service capacities and ensure that development of second units takes place consistent with the City's certified Local Coastal Program.

**B. EFFECTIVE CERTIFICATION**

On June 14, 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



**California Coastal Commission**  
**September 8, 2004 Meeting in Eureka**

Staff: MW Approved by: *DAL*

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 1 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 1 is legally adequate, as noted in the attached letter (Exhibit B), to be sent after Commission concurrence.





City of Pismo Beach, Planning Division  
760 Mattie Road  
Pismo Beach, CA 93449-2056  
(805) 773-4658 | Fax: (805) 773-4684

**RECEIVED**

AUG 02 2004

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

30 July 2004

Mike Watson  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

**SUBJECT:** Local Coastal Program amendment PSB-MAJ-1-04 Part 1  
Pismo Beach file no. 02-0288  
Secondary Dwelling Units  
Acceptance of City action

*Mike,*  
Dear Mr. Watson,

The City Council has adopted a resolution accepting the Coastal Commission's modifications to the above amendment, and has adopted a revised ordinance that incorporates those modifications. Attached are copies of the signed resolution and ordinance.

Please forward these documents to the Executive Director and request that he find the City's actions legally adequate and then place the item on the Commission's agenda for concurrence.

If you need additional materials from us, please let me know. You may call or write to me at [jlautner@pismobeach.org](mailto:jlautner@pismobeach.org).

Sincerely,

Judith Lautner, Planning Specialist

Attached:

- City Council Resolution R-2004-038, accepting the Coastal Commission's certification and modifications
- City Council Ordinance 2004-02, adopting the Coastal Commission's modifications to the ordinance

cc: Randy Bloom, Community Development Director; Carolyn Johnson, Planning Manager

**CCC Exhibit** A  
(page 1 of 16 pages)  
PSB-MAJ-1-04

## RESOLUTION NO. R-2004-038

**A RESOLUTION BY THE COUNCIL OF THE CITY OF PISMO BEACH ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S CERTIFICATION AND MODIFICATIONS TO THE SECONDARY DWELLING UNIT REGULATIONS CITY FILE NO. 02-0288 COASTAL ZONE****SECTION ONE: RECITALS**

1. On February 11, April 8, and May 13, 2003, the Planning Commission held public hearings on a draft ordinance to allow secondary dwelling units. After reviewing staff reports and other written documents, and hearing public testimony, on May 13, 2003, the Planning Commission recommended that the City Council adopt the ordinance as revised by that commission.
2. On July 1, October 7, and October 21, 2003, the City Council held public hearings on the draft regulations. After reviewing staff reports and other written documents, and hearing public testimony, on October 21, 2003, the City Council adopted Ordinance no. 03-03, repealing Ordinance no. 334 and amending chapters 13, 15, and 17 of the Municipal Code to permit secondary dwelling units.
3. On May 12, 2004, the California Coastal Commission certified the amendments to the 1983 Zoning Code, with modifications. The City Council has received the modifications recommended by the Coastal Commission.
4. The City Council determines that the above recitals are true.

**SECTION 2. DECISION**

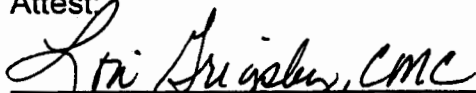
The City Council hereby accepts the modifications recommended by the Coastal Commission to zoning code amendments #02-0288, Secondary Dwelling Units, as shown on Exhibit A.

**UPON MOTION** by Councilmember Natoli, seconded by Councilmember Rabenaldt, the foregoing Resolution is hereby approved and adopted the 15<sup>th</sup> day of June 2004, by the following roll call vote, to wit:

AYES: Councilmembers Natoli, Rabenaldt, Gonzales-Gee, Reiss and Mayor Crescione  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
Mayor Benito J. Crescione

Attest:

  
Lori Grigsby, City Clerk

Attached: Exhibit A: Ordinance as modified by the Coastal Commission

**1983 Zoning Code Amendments  
Secondary Unit Ordinance  
As modified by the Coastal Commission**

**Changes are shown by:**

Deletions are shown by ~~stricken text~~.

Additions are shown by underlined italics.

**Section 17.006 Definitions**

**17.006.0847 Primary dwelling unit:** A single dwelling on a lot that contains no other dwellings, other than a secondary dwelling unit as defined in this section.

**17.006.0887 Secondary dwelling unit:** A subordinate dwelling unit added to, or created within, or detached from a single-family dwelling, but on the same parcel, that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation.

**17.006.0953 Transient lodging or rental:** any structure, or any portion of any structure, that is occupied or intended or designed for occupancy by persons for periods of fewer than 30 days or one month, whichever is shorter.

**Section 17.117 Secondary Dwelling Units**

**A. Intent and purpose.** These regulations are intended to:

1. Provide additional opportunities for developing housing that would otherwise not be possible under the current density standards;
2. Provide a means for purchasers of homes to assist in making payments on home loans;
3. Provide security for homeowners who fear criminal intrusion and personal accidents while living alone;
4. Provide separate but close living quarters for homeowners' relatives who are in need;
5. Provide for greater occupational, household type, and income-level diversity within neighborhoods;
6. Make more efficient use of existing infrastructure.
7. Provide an opportunity for property owners to create housing that is affordable to lower- and moderate-income renters.

**B. Consistency with adopted plans.** Secondary dwelling units developed in accordance with this section are a residential use that is consistent with the existing general plan and zoning designation for the lot.

**C. Findings.**

1. Secondary dwelling units designed in accordance with this section are consistent with the certified Local Coastal Program.
2. Secondary dwelling units designed in accordance with this section require no discretionary approval, unless as provided for herein.
3. Secondary dwelling units designed in accordance with this section will have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
4. Secondary dwelling units larger than 600 s.f. in area are likely to house more than one adult resident who owns a vehicle. Therefore, additional parking is needed for units that exceed 600 s.f. in area.

**D. Applicability.** Secondary dwelling units are permitted in R-1, R-2, R-3, R-R, P-R zones, on lots or parcels where there is only one existing or planned residence, and where the required number of parking spaces for the primary residence is provided. The requirements in this section apply to new secondary dwelling units and to additions to existing secondary dwelling units.

**E. Permit required.** Secondary dwelling units are permitted with approval of either a Zoning Clearance, consistent with Section 17.121.100, or a Coastal Development Permit, consistent with Section 17.124.030 and as otherwise provided in this section.

1. **Projects outside Coastal Zone.** A Zoning Clearance is required. Action on the permit is final.
2. **Projects in Coastal Appeal Zone.** A Coastal Development Permit is required. The public hearing is hereby waived, in accordance with Section 17.124.100, unless the second unit is a part of a larger project that requires a public hearing or if a variance is requested. Notice shall be provided in accordance with Section 17.125.090. Action on project is final, unless appealed to the Coastal Commission within ten days of the Commission's receipt of the Notice of Final Action.
3. **Projects in Coastal Zone, non-appealable.** A Coastal Development Permit (*Zoning Clearance*) is required. Notice is required, in accordance with Section 17.124.090 (17.58.040). Action on the Coastal Development Permit (*Zoning Clearance*) is final.

**F. Density.** For purposes of calculating the density on a lot, the primary and secondary dwelling units together shall be considered to be one density unit. Secondary dwelling units do not exceed the allowable density for the lot upon which the unit is located. Only one primary and one secondary unit are permitted per legal lot or parcel.

**G. State Law Applicability.** The provisions of this section shall be subordinate to and superceded by the controlling provisions of any applicable state law or laws.

**H. Development standards.** The following standards are intended to ensure that second dwelling units do not adversely affect either adjacent residential parcels or the surrounding neighborhood, and are developed in a manner that protects the integrity of the residential district while providing for needed housing opportunities.

1. **Occupancy.** Neither unit may be used as a transient rental (see definition, Section 17.006.0953 ).

A deed restriction shall be recorded against the title of the property that contains the second dwelling unit, prior to issuance of a building permit. Such deed restriction shall stipulate that the second dwelling unit cannot be sold separately or used as a transient rental as long as a transient rental is prohibited by code.

2. **Lot area.** The lot may be any size.
3. **Lot coverage, yards, height, maximum building area.** All new development, when combined with the existing development, must shall conform to the development standards of the underlying zone, ~~except where specifically modified herein.~~
4. **Parking.** One additional parking space is required for the secondary unit. Parking spaces may be covered or uncovered, must be paved, and must be at least 9' wide and 18' deep. Spaces may be located within a required setback (see Sections 17.102.020, 17.102.030, 17.102.040) but if located in the front yard additional paving shall be porous, permitting planting, or decorative. The space required for the secondary unit may be in tandem with any parking spaces required for the primary residence.
5. **Unit size.** The primary and secondary dwelling units together may not exceed the building area or lot coverage allowed for a single dwelling in the underlying zone. Within this maximum building envelope and building area, the maximum building area of a secondary dwelling unit, not including any garage, may not exceed 1200 square feet in area.
6. **Services.** The primary and secondary units may be served from the same gas, electricity, and water lines, at the discretion of the property owner. No development shall be approved that would exceed the capacity of the municipal utility systems. Specifically, all applications received for secondary dwelling units shall be accompanied with evidence provided by the municipal utility provider that there are adequate services/capacity to serve the proposed development.
7. **Water conservation.** All plumbing fixtures in both the primary and the secondary dwelling units must meet current Title 24 requirements for water conservation.
9. **Consistency with codes.** All ~~n~~New development ~~must shall~~ comply with all local, state, or federal regulations that apply to the property, including grading, tree protection, open space ordinances, the applicable requirements of the General Plan/Local Coastal Plan

and certified zoning ordinance, and the adopted Building Code, except where specifically modified herein.

**I. Acceptance of existing secondary dwelling units.**

1. **Exemption.** Existing secondary dwelling units that meet requirements of the Uniform Housing Code, as determined by the Building Official, on lots that include the required number of parking spaces for the primary dwelling unit, are exempt from the parking and unit size requirements of this section. All new development or modification of existing secondary units shall conform to the development standards of the underlying zone and all applicable requirements of the General Plan/Local Coastal Plan and certified zoning ordinance.
2. **Acceptance Certificate required.** To obtain an Acceptance Certificate, owners of units existing at the time of adoption of this ordinance must file an application with the Community Development Department for acceptance of the unit.
  - a. **Within one year of adoption.** An application for a certificate filed within one year of adoption of this ordinance (by DATE), must include a site and floor plan, documentation of ownership, and a fee as established by City Council resolution.
  - b. **After one year, but within two years of adoption.** An application for a certificate filed within two years of adoption of this ordinance (by DATE), but filed more than one year after adoption, must include a site and floor plan, documentation of ownership, additional materials as required to establish the approximate date the unit was built, and a fee as established by City Council resolution.

Upon receipt of the application, the building inspector will schedule an inspection. If the unit meets basic health and safety standards as identified in the Uniform Housing Code, an Acceptance Certificate will be issued and the address of the unit will be entered into the City's database, indicating that the secondary unit is legal.

**J. Fire sprinkler requirements.** Primary and secondary dwelling units will not be required to include fire sprinklers except when the units are in a building that is over 4,000 s.f. in area, three stories tall, or over 35' in height.

**K. Exceptions.** Secondary Dwelling Units that do not meet all of the above standards may be allowed, subject to discretionary approval of a Development or Coastal Development Permit by the Planning Commission at a public hearing preceded by proper notification pursuant to section 17.124.90 and 17.124.100. To approve a secondary dwelling unit with exceptions, the Planning Commission must make all of the following findings:

1. The project meets the intent of State law and of the secondary dwelling unit regulations.
2. The exception is reasonably necessary for the development of a primary and secondary unit on the site.
3. The project will be compatible with the neighborhood.



L. **Illegal secondary dwelling units.** The establishment of a secondary dwelling unit without a Zoning Clearance, Coastal Development Permit, or Acceptance Certificate is declared to be unlawful and shall constitute a misdemeanor and a public nuisance.

**Changes to other sections:**

**17.121.200 Application for Permit** Applications for permits shall be made in writing by the owners of the property, lessee, purchaser in escrow, or optionee with the consent of the owners, on a form prescribed by the Planning Commission of the City of Pismo Beach. The application shall be accompanied by a fee, set by the City Council, and plans showing the details of the proposed use to be made of the land or building. Such plans may include:

Concurrent with the project application a written commitment from the water purveyor is required that verifies the capability of the system to serve the proposed development. Projects shall not be approved in areas that do not have a proven, adequate water supply. A written commitment is a letter from the purveyor guaranteeing that the required level of service for the project will be available prior to the issuance of building permit. The City decision making body shall not approve any development project unless it determines that such project has adequate water supply available.

Concurrent with project application, a written commitment from the wastewater service district is required. A written commitment is a letter, with appropriate conditions, from the wastewater service district guaranteeing that the required level of service for the project will be available prior to issuance of building permits. The City decision making body shall not approve any development project unless it determines that such project has adequate sewage treatment plant capacity.

**17.124.100 Public Hearing Procedures** At least one public hearing shall be held on each application for an appealable or non-appealable coastal development permit application for a project in the R-3, R-4, P-R, R-R, C-R, M-H, C-1, C-2, C-M, OS-1, OS-R or G zones, except that no hearing is required for the development of a secondary dwelling unit consistent with Section 17.117 of this Code, unless the secondary unit is part of a larger project that requires a public hearing or if a variance is required. At least one public hearing shall be held on each application for an appealable coastal development permit application for a project in the R-1 and R-2 zones, except that no hearing is required for the development of a secondary dwelling unit consistent with Section 17.117 of this Code, unless the secondary unit is part of a larger project that requires a public hearing or if a variance is required. Non-appealable coastal developments in the R-1 and R-2 zones may be processed as administrative permits at a staff level pursuant to the noticing standards of this ordinance for non-appealable developments. Such hearings shall occur no earlier than ten (10) calendar days following the mailing of the notices required by this chapter. The public hearing shall be conducted in accordance with existing City procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing.

**ORDINANCE NO. O-04-02**  
**AN ORDINANCE OF THE CITY OF PISMO BEACH AMENDING ORDINANCE 03-03,**  
**AMENDING CHAPTER 17 OF THE MUNICIPAL CODE (1983 ZONING CODE)**

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**WHEREAS**, the City of Pismo Beach initiated amendments to the Municipal Code to allow secondary dwelling units ministerially, in accordance with State law; and

**WHEREAS**, the Planning Commission held duly-noticed public hearings on February 11, April 8, and May 13, 2003, at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, the Planning Commission reviewed the environmental initial study, in accordance with the provisions of the California Environmental Quality Act (CEQA) and found that it is a complete informational environmental document; and

**WHEREAS**, the City Council held duly-noticed public hearings on July 1, October 7, and October 21, 2003, and held a joint public workshop with the Planning commission on August 26, 2003, at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, the City Council reviewed the environmental initial study, in accordance with the provisions of CEQA, and found that it is a complete informational environmental document; and

**WHEREAS**, the City Council adopted Ordinance 03-03, amending chapters 13, 15, and 17 of the Municipal Code; and

**WHEREAS**, the California Coastal Commission (CCC) certified the amendments to chapter 17 of the Municipal Code that apply within the Coastal Zone (1983 code)/Local Coastal Program, with modifications, on May 12, 2004.

**NOW, THEREFORE, THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:**

**Section 1. Findings.** The City Council makes the following findings:


1. The project consists of amendments to the 1983 Zoning Code/Local Coastal Program to allow secondary dwelling units in residential zones within the Coastal Zone, when certain conditions are met, as modified by the Coastal Commission.
2. The amendments will not create significant environmental impacts.
3. The modifications suggested by the Coastal Commission do not change the environmental status of the project or require additional environmental review.
4. The amendments, as modified by the Coastal Commission, are consistent with the Coastal Act.

**Section 2. Action.** The City Council does hereby re-adopt the Negative Declaration of Environmental Impact, attached as Exhibit A, certify that the amendments to the 1983

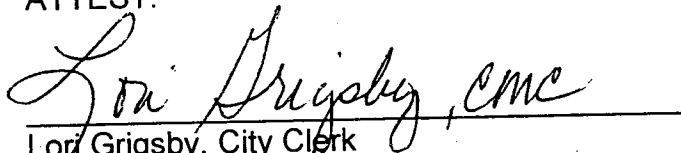
Zoning Code/Local Coastal Program are intended to be implemented in a manner fully in conformity with Division 20 of the Public Resources Code, otherwise known as the Coastal Act, and approve the ordinance amendments as modified by the Coastal Commission, attached as Exhibit B.

**ON MOTION** of Councilmember Natoli, seconded by Councilmember Rabenaldt this ordinance is hereby introduced at a Regular Meeting of the City Council held this 15<sup>th</sup> day of June 2004, with the following roll call vote, to wit:

**AYES:** Councilmembers Natoli, Rabenaldt, Gonzales-Gee, Reiss and Mayor Crescione  
**NOES:** None.  
**ABSENT:** None.  
**ABSTAIN:** None.

  
Mayor Benito J. Crescione

ATTEST:

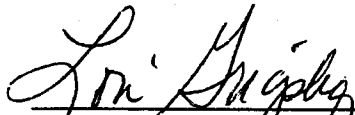
  
Lori Grigsby, City Clerk

PASSED AND ADOPTED at a regular meeting of the City Council held this 20<sup>th</sup> day of July, 2004, on motion of Mayor Pro Tem Reiss, seconded by Councilmember Natoli, on the following vote, to wit:

AYES: Councilmembers Reiss, Natoli, Gonzales-Gee, Rabenaldt and Mayor Crescione  
NOES: None  
ABSENT: None  
ABSTAIN: None

  
Mayor Benito J. Crescione

ATTEST:

  
Lori Grigsby, City Clerk

  
David Fleishman, City Attorney

Exhibit A: Negative Declaration  
Exhibit B: Ordinance amendments

**NEGATIVE DECLARATION**

PROJECT NUMBER: 02-0288

APPLICANT: City of Pismo Beach

PROJECTION LOCATION: Citywide, Pismo Beach, CA 93449

PROJECT DESCRIPTION: Amendment of 1983 and 1998 zoning codes to allow ministerial approval of secondary dwelling units in residential zones, consistent with state law.

**FINDING**

The City of Pismo Beach has reviewed the above project in accordance with the City of Pismo Beach's rules and procedures for implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report (EIR) need not be prepared because:

- ☒ [X] The proposed project will not have a significant effect on the environment.
- ☐ [ ] Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures included in the environmental initial study and hereby made a part of this Negative Declaration have been added to this project.

The Initial Study that provides the basis for this determination is attached. A copy will be kept on file at the City of Pismo Beach, Community Development Department, (805) 773-4658.

DRAFT PREPARED BY:	DATE:	REVIEW PERIOD:	HEARING DATES:
Judith Lautner	01/02/03	30 days	Planning Commission:
Associate Planner			02/11/03, 04/08/03,
			05/13/03
			City Council: 07/01/03,
			10/07/03, 10/21/03

**NOTICE**

The public is invited to comment on the Draft Negative Declaration during the review period. The appropriateness of the Draft Negative Declaration will be reconsidered in light of the comments received.

COMMENTS RECEIVED ON DRAFT: X YES    NO INITIAL STUDY REVISED X YES    NO

Date adopted: October 21, 2003 By: Pismo Beach City Council

CCC Exhibit 4  
(page 11 of 16 pages)  
PSB-MAJ-1-04

**1983 Zoning Code Amendments  
Secondary Unit Ordinance  
As modified by the Coastal Commission**

**Changes are shown by:**

Deletions are shown by ~~stricken text~~.

Additions are shown by underlined italics.

**Section 17.006 Definitions**

**17.006.0847 Primary dwelling unit:** A single dwelling on a lot that contains no other dwellings, other than a secondary dwelling unit as defined in this section.

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**17.006.0953 Transient lodging or rental:** any structure, or any portion of any structure, that is occupied or intended or designed for occupancy by persons for periods of fewer than 30 days or one month, whichever is shorter.

**Section 17.117 Secondary Dwelling Units**

**A. Intent and purpose.** These regulations are intended to:

1. Provide additional opportunities for developing housing that would otherwise not be possible under the current density standards;
2. Provide a means for purchasers of homes to assist in making payments on home loans;
3. Provide security for homeowners who fear criminal intrusion and personal accidents while living alone;
4. Provide separate but close living quarters for homeowners' relatives who are in need;
5. Provide for greater occupational, household type, and income-level diversity within neighborhoods;
6. Make more efficient use of existing infrastructure.
7. Provide an opportunity for property owners to create housing that is affordable to lower- and moderate-income renters.

**B. Consistency with adopted plans.** Secondary dwelling units developed in accordance with this section are a residential use that is consistent with the existing general plan and zoning designation for the lot.

**C. Findings.**

1. Secondary dwelling units designed in accordance with this section are consistent with the certified Local Coastal Program.
2. Secondary dwelling units designed in accordance with this section require no discretionary approval, unless as provided for herein.
3. Secondary dwelling units designed in accordance with this section will have no adverse effect either individually or cumulatively on coastal resources or public access to the shoreline or along the coast.
4. Secondary dwelling units larger than 600 s.f. in area are likely to house more than one adult resident who owns a vehicle. Therefore, additional parking is needed for units that exceed 600 s.f. in area.

**D. Applicability.** Secondary dwelling units are permitted in R-1, R-2, R-3, R-R, P-R zones, on lots or parcels where there is only one existing or planned residence, and where the required number of parking spaces for the primary residence is provided. The requirements in this section apply to new secondary dwelling units and to additions to existing secondary dwelling units.

**E. Permit required.** Secondary dwelling units are permitted with approval of either a Zoning Clearance, consistent with Section 17.121.100, or a Coastal Development Permit, consistent with Section 17.124.030 and as otherwise provided in this section.

1. **Projects outside Coastal Zone.** A Zoning Clearance is required. Action on the permit is final.
2. **Projects in Coastal Appeal Zone.** A Coastal Development Permit is required. The public hearing is hereby waived, in accordance with Section 17.124.100, unless the second unit is a part of a larger project that requires a public hearing or if a variance is requested. Notice shall be provided in accordance with Section 17.125.090. Action on project is final, unless appealed to the Coastal Commission within ten days of the Commission's receipt of the Notice of Final Action.
3. **Projects in Coastal Zone, non-appealable.** A Coastal Development Permit (*Zoning Clearance*) is required. Notice is required, in accordance with Section 17.124.090 (17.58.040). Action on the Coastal Development Permit (*Zoning Clearance*) is final.

**F. Density.** For purposes of calculating the density on a lot, the primary and secondary dwelling units together shall be considered to be one density unit. Secondary dwelling units do not exceed the allowable density for the lot upon which the unit is located. Only one primary and one secondary unit are permitted per legal lot or parcel.

**G. State Law Applicability.** The provisions of this section shall be subordinate to and superceded by the controlling provisions of any applicable state law or laws.

**H. Development standards.** The following standards are intended to ensure that second dwelling units do not adversely affect either adjacent residential parcels or the surrounding neighborhood, and are developed in a manner that protects the integrity of the residential district while providing for needed housing opportunities.

1. **Occupancy.** Neither unit may be used as a transient rental (see definition, Section 17.006.0953 ).

A deed restriction shall be recorded against the title of the property that contains the second dwelling unit, prior to issuance of a building permit. Such deed restriction shall stipulate that the second dwelling unit cannot be sold separately or used as a transient rental as long as a transient rental is prohibited by code.

2. **Lot area.** The lot may be any size.
3. **Lot coverage, yards, height, maximum building area.** All new development, when combined with the existing development, must shall conform to the development standards of the underlying zone, ~~except where specifically modified herein.~~
4. **Parking.** One additional parking space is required for the secondary unit. Parking spaces may be covered or uncovered, must be paved, and must be at least 9' wide and 18' deep. Spaces may be located within a required setback (see Sections 17.102.020, 17.102.030, 17.102.040) but if located in the front yard additional paving shall be porous, permitting planting, or decorative. The space required for the secondary unit may be in tandem with any parking spaces required for the primary residence.
5. **Unit size.** The primary and secondary dwelling units together may not exceed the building area or lot coverage allowed for a single dwelling in the underlying zone. Within this maximum building envelope and building area, the maximum building area of a secondary dwelling unit, not including any garage, may not exceed 1200 square feet in area.
6. **Services.** The primary and secondary units may be served from the same gas, electricity, and water lines, at the discretion of the property owner. No development shall be approved that would exceed the capacity of the municipal utility systems. Specifically, all applications received for secondary dwelling units shall be accompanied with evidence provided by the municipal utility provider that there are adequate services/capacity to serve the proposed development.
7. **Water conservation.** All plumbing fixtures in both the primary and the secondary dwelling units must meet current Title 24 requirements for water conservation.
9. **Consistency with codes.** All ~~n~~New development ~~must~~ shall comply with all local, state, or federal regulations that apply to the property, including grading, tree protection, open



~~space ordinances, the applicable requirements of the General Plan/Local Coastal Plan and certified zoning ordinance, and the adopted Building Code, except where specifically modified herein.~~

**I. Acceptance of existing secondary dwelling units.**

1. **Exemption.** Existing secondary dwelling units that meet requirements of the Uniform Housing Code, as determined by the Building Official, on lots that include the required number of parking spaces for the primary dwelling unit, are exempt from the parking and unit size requirements of this section. All new development or modification of existing secondary units shall conform to the development standards of the underlying zone and all applicable requirements of the General Plan/Local Coastal Plan and certified zoning ordinance.
2. **Acceptance Certificate required.** To obtain an Acceptance Certificate, owners of units existing at the time of adoption of this ordinance must file an application with the Community Development Department for acceptance of the unit.
  - a. **Within one year of adoption.** An application for a certificate filed within one year of adoption of this ordinance (by DATE), must include a site and floor plan, documentation of ownership, and a fee as established by City Council resolution.
  - b. **After one year, but within two years of adoption.** An application for a certificate filed within two years of adoption of this ordinance (by DATE), but filed more than one year after adoption, must include a site and floor plan, documentation of ownership, additional materials as required to establish the approximate date the unit was built, and a fee as established by City Council resolution.

Upon receipt of the application, the building inspector will schedule an inspection. If the unit meets basic health and safety standards as identified in the Uniform Housing Code, an Acceptance Certificate will be issued and the address of the unit will be entered into the City's database, indicating that the secondary unit is legal.

**J. Fire sprinkler requirements.** Primary and secondary dwelling units will not be required to include fire sprinklers except when the units are in a building that is over 4,000 s.f. in area, three stories tall, or over 35' in height.

**K. Exceptions.** Secondary Dwelling Units that do not meet all of the above standards may be allowed, subject to discretionary approval of a Development or Coastal Development Permit by the Planning Commission at a public hearing preceded by proper notification pursuant to section 17.124.90 and 17.124.100. To approve a secondary dwelling unit with exceptions, the Planning Commission must make all of the following findings:

1. The project meets the intent of State law and of the secondary dwelling unit regulations.
2. The exception is reasonably necessary for the development of a primary and secondary unit on the site.

3. The project will be compatible with the neighborhood.

**L. Illegal secondary dwelling units.** The establishment of a secondary dwelling unit without a Zoning Clearance, Coastal Development Permit, or Acceptance Certificate is declared to be unlawful and shall constitute a misdemeanor and a public nuisance.

**Changes to other sections:**

**17.121.200 Application for Permit** Applications for permits shall be made in writing by the owners of the property, lessee, purchaser in escrow, or optionee with the consent of the owners, on a form prescribed by the Planning Commission of the City of Pismo Beach. The application shall be accompanied by a fee, set by the City Council, and plans showing the details of the proposed use to be made of the land or building. Such plans may include:

Concurrent with the project application a written commitment from the water purveyor is required that verifies the capability of the system to serve the proposed development. Projects shall not be approved in areas that do not have a proven, adequate water supply. A written commitment is a letter from the purveyor guaranteeing that the required level of service for the project will be available prior to the issuance of building permit. The City decision making body shall not approve any development project unless it determines that such project has adequate water supply available.

Concurrent with project application, a written commitment from the wastewater service district is required. A written commitment is a letter, with appropriate conditions, from the wastewater service district guaranteeing that the required level of service for the project will be available prior to issuance of building permits. The City decision making body shall not approve any development project unless it determines that such project has adequate sewage treatment plant capacity.

**17.124.100 Public Hearing Procedures** At least one public hearing shall be held on each application for an appealable or non-appealable coastal development permit application for a project in the R-3, R-4, P-R, R-R, C-R, M-H, C-1, C-2, C-M, OS-1, OS-R or G zones, except that no hearing is required for the development of a secondary dwelling unit consistent with Section 17.117 of this Code, unless the secondary unit is part of a larger project that requires a public hearing or if a variance is required. At least one public hearing shall be held on each application for an appealable coastal development permit application for a project in the R-1 and R-2 zones, except that no hearing is required for the development of a secondary dwelling unit consistent with Section 17.117 of this Code, unless the secondary unit is part of a larger project that requires a public hearing or if a variance is required. Non-appealable coastal developments in the R-1 and R-2 zones may be processed as administrative permits at a staff level pursuant to the noticing standards of this ordinance for non-appealable developments. Such hearings shall occur no earlier than ten (10) calendar days following the mailing of the notices required by this chapter. The public hearing shall be conducted in accordance with existing City procedures or in any other manner reasonably calculated to give interested persons an opportunity to appear and present their viewpoints, either orally or in writing.

CALIFORNIA COASTAL COMMISSION

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



DRAFT

September 9, 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 1 (Secondary Units)**

Dear Mayor Crescione:

We have received City Council Resolution R-2004-038 and Ordinance No. O-04-02 adopted by the Board of Supervisors on June 15, 2004. By those actions, the City acknowledge receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Major Amendment 1-04, Part 1, 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 1 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 September 8, 2004 meeting in Eureka. As a result, the City's LCP, as amended by Part 1 of LCP Major Amendment 1-04, was certified as of September 8, 2004 and is now in effect.

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

Sincerely,

Peter M. Douglas  
Executive Director  
California Coastal Commission

Diane Landry  
District Manager  
Central Coast District Office

cc: Judith Lautner, City of Pismo Beach Planning Division

CCC Exhibit B  
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