

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Th10c



Prepared January 25, 2007 (for February 15, 2007 hearing)

To: Commissioners and Interested Persons

From: Charles Lester, District Director
Steve Monowitz, District Manager
Rick Hyman, District Chief Planner
Mike Watson, Coastal Planner

Subject: City of Pismo Beach LCP Major Amendment Number 3-06 (Non-conforming Residential expansions). Proposed major amendment to the City of Pismo Beach certified Local Coastal Program to be presented for public hearing and Commission action at the California Coastal Commission's February 15, 2007 meeting to take place at the Catamaran Resort Hotel, 3999 Mission Boulevard, San Diego, CA 92109.

Summary

The City of Pismo Beach is requesting that its certified General Plan / Local Coastal Plan (Land Use Plan) be amended to allow minor expansions to single family homes in the City's Central Commercial district. The amendment is intended to apply only to existing, standalone single family dwellings used solely as a permanent residence. The proposed amending language provides that existing, standalone single family residences may be expanded up to 50% of the total building area existing as of the date of certification of the Land Use Plan. Currently, only residential development that is part of a mixed use project may be permitted.

The City's Central Commercial district is generally bounded by Main Street to the north, Dolliver Street to the east, Stimson Avenue to the south, and the Pacific Ocean to the west (please see Exhibit A). 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 LCP proposed Land Use Plan major amendment No. 3-06 as submitted.

The City's Land Use Plan was originally certified by the Commission on October 14, 1982. The zoning portion (Implementation Plan) was submitted in October 1983 and certified with suggested modifications on January 11, 1984. The City agreed to the modifications and assumed permit-issuing authority on April 13, 1984. A major update to the City of Pismo Beach's LCP (Land Use Plan) was certified on November 24, 1993. The City has organized and submitted this LCP amendment request in accordance with the standards for amendments to certified LCP's (Coastal Act Section 30514 and California Code of Regulations (CCR) Sections 13551 through 13553). The amendment was filed on November 21, 2006. Properly noticed public hearings were held at the Planning Commission and City Council.



California Coastal Commission
February 15, 2007 Meeting in San Diego

Staff: M. Watson Approved by:

Further information on the submittal may be obtained from Mike Watson at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4898.

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I. Staff Recommendation – Motions and Resolutions

Staff recommends that the Commission, after public hearing, approve the proposed amendment as submitted.

1. Approval of Land Use Plan Major Amendment Number 3-06 as Submitted

Staff recommends a **YES** vote. Passage of the motion will result in certification of the land use plan as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion. I move that the Commission certify Land Use Plan Amendment PSB-MAJ-3-06 as submitted by the City of Pismo Beach.

Resolution to Approve. The Commission hereby certifies the Land Use Plan Amendment PSB-MAJ-3-06 as submitted by the City of Pismo Beach and adopts the findings set forth below on the grounds that the amendment conforms with the policies of Chapter 3 of the Coastal Act. Certification of the Land Use Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Land Use Plan Amendment may have on the environment..

II. Findings and Declarations

The Commission finds and declares the following for the proposed City of Pismo Beach Major



Amendment No. 3-06 regarding the change in the development standards for existing standalone residential dwellings located in the downtown Central Commercial district:

A. Proposed Land Use Plan Amendment

Visitor-Serving Land Uses

The City of Pismo Beach proposes to amend its Local Coastal Program Land Use Plan (LUP) to allow greater development opportunities for owners of single family dwellings located within the downtown Central Commercial (CC) district. The proposed amendment (PSB-MAJ-3-06) to the LUP would allow up to a 50% expansion above existing floor area dimensions for standalone residences. The existing LUP policies generally promote commercial visitor-serving and recreational uses, and preclude any residential expansion that is not part of a mixed use development. The City declares that the LUP amendment is needed to address concerns raised by homeowners that claim the existing policy is inequitable and does not allow them to make full use of their property.

Standard of Review

The standard of review for Land Use Plan amendments is that they must be consistent with the policies of the Coastal Act. Under the Act, Land Use Plans are to indicate the kinds, locations, and intensities of uses that are allowable in various locations (PRC 30108.5). The substantive policies of Chapter 3 are the primary basis for making these determinations. In this case, the most relevant governing section of the Coastal Act is:

***Section 30222.** The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Analysis and Conclusion

The downtown CC district is a desirable visitor-serving area with an already established bevy of shops, hotels, motels, restaurants, and other attractions (e.g., Pismo Beach and Pier). The attractiveness of the area to visitors is evident by the more than 1.5 million visitors who make the coastal town their vacation destination. Land Use Plan provisions support expansion of visitor-serving opportunities. As noted above, the Coastal Act places a higher priority on visitor-serving facilities over other competing types of uses such as residential, general commercial, and industrial.

The City proposes amendments to its Land Use Plan which would minimally increase the intensity of use, encourage the expansion, and extend the life of existing non-conforming residential dwellings within an area primarily designated and zoned for commercial visitor-serving uses. The proposed amendment would only apply to eight (8) existing single family residences located in the northeast corner of the zone district. These parcels are located on the inland side of Dolliver Street, more than two



city blocks from the beach and recreation area, as shown by Exhibit A. Together these properties amount to roughly 7 – 8 % of the total downtown area zoned for visitor-serving uses and were residentially developed prior to the certification of the LCP. The existing dwellings are small and the text of the amendment limits expansion of these structures to 50% of the existing floor area. The combined total expansion potential for all 8 residential properties is roughly 850 – 1,000 square feet. The language of the amendment is clear to ensure that it applies only to existing, standalone single family residences. Secondary dwelling units, vacation rentals, or other such residential uses are not eligible for expansion under these provisions. Accordingly, the amendment should not have a negative impact on the provision of visitor serving amenities within the district, as it applies only to existing single family homes concentrated in one portion of the district and only allows limited expansion (to a percentage of existing floor area rather than lot size, as is done elsewhere in the City).

Accordingly, the proposed amendment is consistent with Section 30222 of the Coastal Act and should be approved as submitted. See exhibit B for the City Council resolution and proposed amending language.

The Commission notes that with approval of this land use plan amendment, its implementation would be achieved through the City’s existing non-conforming zoning ordinance. Therefore, no companion Implementation Plan amendment has been proposed and none is required.

B. California Environmental Quality Act (CEQA)

The Coastal Commission’s review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The amendment involves a request to change the certified land use plan to allow minor expansions to single family homes in the City’s Central Commercial district. As proposed the change will allow existing standalone single family residences to be expanded up to 50% of the total building area existing as of the date of certification of the Land Use Plan.

The Commission finds that approval of the Land Use Plan amendment will not result in significant adverse environmental impacts under the meaning of the California Environmental Quality Act.



Exhibit A: Location Map

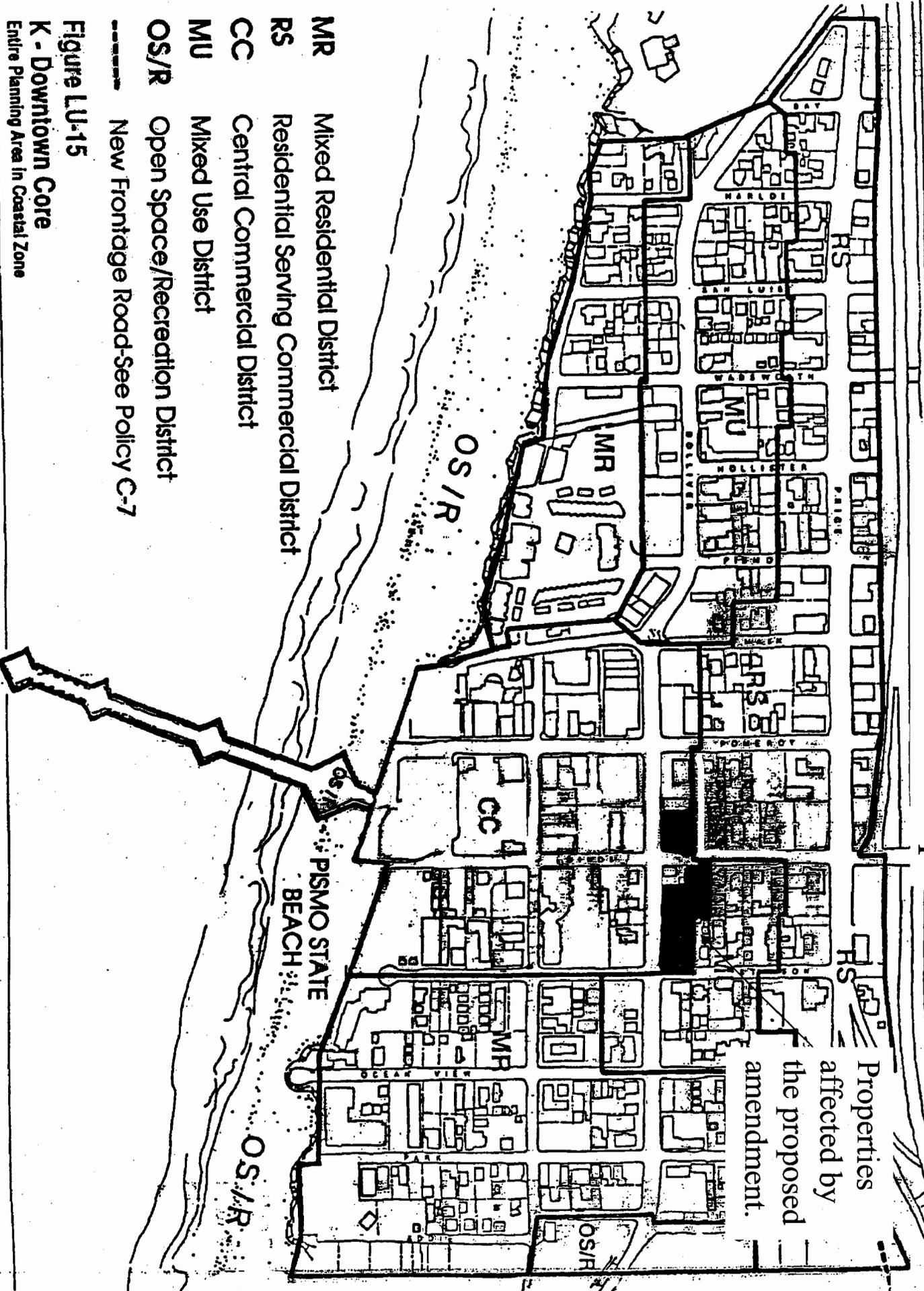


Figure LU-15

K - Downtown Core

Entire Planning Area in Coastal Zone

Exhibit B: City Resolution and LCP Amendment Text

RESOLUTION R-2006-045

A RESOLUTION OF THE CITY OF PISMO BEACH CITY COUNCIL AMENDING GENERAL PLAN/LOCAL COASTAL PLAN POLICY LU-K-3.2 TO PERMIT EXPANSION OF NON-CONFORMING SINGLE FAMILY HOMES UP TO 50% OF EXISTING FLOOR AREA

WHEREAS, the Pismo Beach Planning Commission initiated amendments to the General Plan/Local Coastal Plan on February 28, 2006; and

WHEREAS, an environmental initial study and Negative Declaration were completed and circulated as required by the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission held a duly noticed public hearing on the amendments and environmental documents on June 13, 2006, at which all interested persons were given the opportunity to be heard.

WHEREAS, the City Council held a duly noticed public hearing on the amendments and environmental documents on August 1, 2006, at which all interested persons were given the opportunity to be heard.

NOW, THEREFORE BE IT RESOLVED by the City Council as follows:

Section 1 - FINDINGS

- 1) The proposed change consists of an amendment to General Plan/Local Coastal Plan text to allow minor expansions of existing single family homes in the Mixed Use district.
- 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) An environmental initial study was completed for the project and is a full and complete informational document.
- 4) The text amendment is consistent with the goals and policies of the General Plan/Local Coastal Program.
- 5) The amendment complies with the public access and public recreation policies of Chapter 3 (commencing with section 30220) of the California Coastal Act of 1976.

Section 2 - ACTIONS

The City Council does hereby:

- 1) Certify that the amendments to the Local Coastal Program are intended to be carried out in a manner fully in compliance with Division 20 of the Public Resources Code, otherwise known as the Coastal Act.
- 2) Adopt the amendment to General Plan/Local Coastal Plan policy LU-K-3.2 as follows in *italics*:

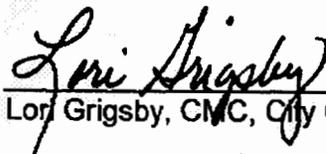
"The primary land use focus for the Central Commercial District is commercial, recreational and cultural. Commercial uses shall be oriented towards visitors (i.e. gift shops, clothing stores, restaurants). Residential uses may be considered as part of mixed-use project applications. Notwithstanding the Zoning Code requirements precluding expansions of existing nonconforming structures and land uses, a legal nonconforming residence in the Central Core Commercial district used solely as a permanent residence may itself be expanded up to 50% of the total building area existing as of May 18, 1993." This 50% expansion limitation shall be limited to single family residences permitted as such, not to hotels that might have converted to residences over time. A pedestrian orientation will be promoted for all development in this district. The pier and boardwalk provide the focus for pedestrian activities in this very "walk able" downtown commercial area."

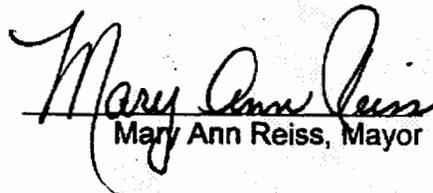
- 3) Approve the Mitigated Negative Declaration for the project attached hereto as exhibit 1.
- 4) Direct staff to forward the amendment to the LCP to the California Coastal Commission for certification. The LCP amendment shall take effect immediately upon Coastal Commission certification, consistent with Public Resources Code Sections 30512, 30513 and 30519.

UPON MOTION of Councilmember Higginbotham, **seconded** by Councilmember Natoli the foregoing Resolution is hereby approved and adopted the 1st day of August, 2006 by the following roll call vote, to wit:

AYES: 4 Councilmembers: Higginbotham, Natoli, Rabanaldt, Reiss
NOES: 1 Councilmember: Gonzales-Gee
ABSTAIN: 0
ABSENT: 0

ATTEST:


Lori Grigsby, CMC, City Clerk


Mary Ann Reiss, Mayor