

CALIFORNIA COASTAL COMMISSION

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Prepared January 24, 2014 for February 13, 2014 Hearing

To: Commissioners and Interested Persons

From: Madeline Cavalieri, District Manager
Aiden Campbell, Coastal Planner

Subject: **City of Pismo Beach LCP Amendment Number LCP 3-PSB-13-0225-2 (Update to Planning Areas A and B)**

SUMMARY OF STAFF RECOMMENDATION

The City of Pismo Beach proposes to amend its Local Coastal Program (LCP) to update Land Use Plan (LUP) policies affecting the Bluffs/Sunset Palisades and South Palisades Planning Areas (Planning Areas A and B, respectively) in the City of Pismo Beach. Specifically, the proposed amendment updates the background information for the two planning areas to reflect the development that has occurred since the LUP was certified in 1993, and makes minor modifications to requirements for shoreline access within the planning areas. The amendment also modifies requirements in the LCP's Implementation Plan (IP) related to Specific Plans in Planned Residential zones.

In general, the proposed modifications are minor in scope and simply update background information to better reflect existing conditions in Planning Areas A and B. However, proposed changes to requirements related to a future blufftop road in the South Palisades do not ensure that adequate public parking will be provided to access the planned blufftop recreational area. Therefore, staff is recommending **Suggested Modification 1**, which requires the future road to provide adequate public parking in order to access the blufftop recreational area, regardless of its configuration. In addition, the amendment allows for existing private staircases in the Bluffs/Sunset Palisades to be repaired if damage results in a hazardous condition. However, the proposed amendment language is somewhat unclear. Therefore, Commission staff worked with City staff to understand the intent behind the proposed language, and City staff provided the language in **Suggested Modification 2**, which clarifies the process the City will undertake to determine whether a hazardous condition exists.

As modified, the proposed amendment is consistent with and adequate to carry out the Coastal Act and LUP, and the City has indicated they are in agreement with the staff recommendation. Therefore, staff recommends that the Commission approve the amendment with suggested modifications. The required motions and resolutions are found on page 3 below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on January 10, 2014. The proposed amendment affects both the LCP's Land Use Plan (LUP) and Implementation Plan (IP), and the 90-day action deadline is April 10, 2014. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until April 14, 2014 to take a final action on this LCP amendment.

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EXHIBITS

Exhibit 1: Proposed LUP Amendment

Exhibit 2: Proposed IP Amendment

I. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the proposed LCP amendment with suggested modifications. The Commission needs to make two motions, one on the LUP amendment and a second on the IP amendment, in order to act on this recommendation.

LAND USE PLAN MOTIONS

Denial as Submitted

Motion:

I move that the Commission certify Land Use Plan Major Amendment Number LCP 3-PSB-13-0225-2 as submitted by the City of Pismo Beach.

Staff recommends a **NO** vote. Failure of this motion will result in denial of the land use plan as submitted and adoption of the following resolution. The motion to certify as submitted passes only upon an affirmative vote of a majority of the appointed Commissioners.

Resolution:

Resolution to Deny. The Commission hereby denies certification of Land Use Plan Major Amendment Number LCP 3-PSB-13-0225-2 as submitted by the City of Pismo Beach and adopts the findings set forth below on grounds that the land use plan amendment as submitted does not meet the requirements of and is not in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment would not meet the requirements of the California Environmental Quality Act, as there are feasible alternatives and mitigation measures that would substantially lessen the significant adverse impacts on the environment that will result from certification of the land use plan amendment as submitted.

Certify with Suggested Modifications

Motion:

I move that the Commission certify Land Use Plan Major Amendment Number LCP 3-PSB-13-0225-2 if it is modified as suggested in this staff report.

Staff recommends a **YES** vote on the motion above. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion to certify with suggested modifications passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution:

The Commission hereby certifies Land Use Plan Major Amendment Number LCP 3-PSB-13-0225-2 to the City of Pismo Beach Local Coastal Program if modified as suggested and adopts the findings set forth in this staff report on the grounds that the land use plan amendment with the suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the land use plan amendment if modified as suggested 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 and mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the land use plan amendment if modified.

IMPLEMENTATION PLAN MOTIONS

Motion:

I move that the Commission certify Implementation Plan Major Amendment Number LCP 3-PSB-13-0225-2 as submitted by the City of Pismo Beach.

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the amendment with suggested modifications and the adoption of the following resolution and the findings in this staff report. The motion to certify with suggested modifications passes only by an affirmative vote of a majority of the appointed Commissioners.

Resolution:

The Commission hereby certifies the Implementation Plan Major Amendment Number LCP 3-PSB-13-0225-2 for The City of Pismo Beach and adopts the findings set forth below on grounds that the Implementation Plan conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan as amended. Certification of the Implementation Plan 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 Implementation Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.

II. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed LCP amendment, which are necessary to make the requisite Coastal Act consistency findings. If the City of Pismo Beach accepts each of the suggested modifications within six months of Commission action (i.e., by August 13, 2014), by formal resolution of the City Council, the modified amendment will become effective upon Commission concurrence with the Executive Director's finding that this acceptance has been properly accomplished. Where applicable, text in ~~cross-out~~ format and text

in underline format denotes proposed text to be added/deleted by the City. Text in ~~double cross-out~~ and double underline denotes text to be added/deleted by the Commission.

1. Modify Policy LU-A-11 as follows:

The coastal tidal and subtidal areas should be protected by limiting vertical access-ways to the rocky beach and inter-tidal areas. Lateral Beach access dedication shall be required as a condition of approval of discretionary permits on ocean front parcels pursuant to Policy PR-22. No new public or private beach stairways shall be allowed. however Damaged nonconforming existing stairways are utilized for ocean emergencies, animal rescue, fire fighting access and or public safety. If nonconforming existing stairways are damaged, or destroyed they shall not may be repaired or replaced if a hazardous condition results from the damage. Any damaged stairway will be assessed by a city inspector to determine the presence of a hazardous condition. All structures shall be set back a minimum of 25 feet from the top of the bluff in accordance with the requirements of Policy S-3. Appropriate erosion control measures shall be required for any project along the bluff-tops.

2. Modify Policy LU-B-4 as follows:

A loop road system as shown in the South Palisades Specific Plan ~~shall~~ is required and will provide allow for public access to the linear bluff-top park and visual access to the ocean. Where the loop road system is infeasible due to bluff retreat, a cul-de-sac may be constructed for remaining parcels that have not yet developed been subdivided. The loop road system or cul-de-sac will be funded by future development and will shall shall provide for public parking, as well as bicycle paths, which shall connect with the bluff top trail along the lateral blufftop conservation/open space and access dedication requirement noted in Policy LU-B-3. The number of public parking spaces available to serve the bluff-top park shall be maximized, and if a cul-de-sac system is planned, the number shall be no less than what would have been provided if a loop road configuration was constructed (including by providing public off-street parking, if necessary). Future development in this area shall be subject to the requirements of Design element ~~Figure D-4~~ Policy D-40. city utility easement. Development shall conform to the proposed loop road system, and will be required to construct the necessary road improvements as part of the development approval. (See Design Element D-42, Street Lay-outs.)

III. FINDINGS AND DECLARATIONS

A. DESCRIPTION OF PROPOSED LCP AMENDMENT

The proposed amendment would update Land Use Plan policies affecting The Bluffs/Sunset Palisades and South Palisades Planning Areas (Planning Areas A and B, respectively) in the City of Pismo Beach. Specifically, the proposed amendment updates the background information for the two planning areas to reflect the development that has occurred since the LUP was certified in 1993, and makes minor modifications to requirements for shoreline access within the planning areas. The amendment also modifies requirements related to Specific Plans in Planned Residential zones.

Please see Exhibit 1 for the proposed LUP amendment text and Exhibit 2 for the proposed IP amendment text.

B. CONSISTENCY ANALYSIS

Standard of Review

The proposed amendment affects both the LUP and IP components of the City of Pismo Beach LCP. The standard of review for LUP amendments is that they must be consistent with and adequate to carry out the Chapter 3 policies of the Coastal Act. The standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified LUP.

LUP Consistency Analysis

Applicable Coastal Act Policies

The proposed amendment affects public access in Planning Areas A and B of the City of Pismo Beach. Related Coastal Policies include:

Coastal Act Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resources areas from overuse.

Coastal Act Section 30211:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Coastal Act Section 30213:

Lower-cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided...

Coastal Act Section 30221:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Coastal Act Section 30240(b) also protects parks and recreation areas, such as the shoreline and blufftop recreational area envisioned for the South Palisades Planning Area. Section 30240(b) states:

Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Finally, Section 30252 specifically requires new development to maintain and enhance public access to the coast by providing adequate parking facilities (or public transit). Section 30252 states (in part):

The location and amount of new development should maintain and enhance public access to the coast...(4) providing adequate parking facilities or providing substitute means of serving the development with public transportation...

These overlapping policies protect the shoreline for public access and recreation purposes, and require adequate parking to be provided.

Consistency Analysis

The proposed amendment is largely consistent with Coastal Act policies, including policies that require public access to be protected and maximized. For example, the amendment maintains requirements for specific lateral accessways, public viewpoints, and staircases.

However, the proposed amendment does not adequately protect public parking in the proposed changes to Policy LU-B-4. Specifically, the amendment seeks to allow an altered layout of the future bluff-top road system in the South Palisades neighborhood (Planning Area B). The South Palisades Planning Area is comprised of multi-family and single-family residential homes set atop a coastal bluff that is subject to potential erosion and bluff retreat. The current policy (LU-B-4) requires that a loop road system be constructed to serve the undeveloped parcels, provide public access to the coastline and form part of the public lateral access along the bluff-top. Further, LU-B-3 requires a bluff-top open space and access dedication, consisting of the setback area, which is set at 100 years of bluff retreat plus an additional 100 feet.

The City has indicated that bluff retreat may present an obstacle to the construction of a loop road system due to the setback requirements of the LCP. To address this potential problem, the proposed amendment would allow for either the construction of a cul-de-sac road system or a loop road system. The cul-de-sac system would be required to provide lateral access along the bluff-top for pedestrians and bicyclists, and no changes to the required blufftop open space/access dedication are proposed. However, the alteration of the road configuration has the potential to reduce public parking space in the area, because a loop road would provide more area for public on-street parking than a cul-de-sac would. Parking is a key component of the ability of the public to access the coastline, especially in the South Palisades Planning Area, which is not well-served by public transit services. Thus, if parking was reduced, the ability of the public to access this section of coastline would also be reduced. Therefore, as proposed, the amendment does not protect and maximize public access and does not ensure new development will provide adequate parking facilities as required by the Coastal Act, and must be denied as submitted.

Fortunately, consistency with the Coastal Act can be achieved with a modification that ensures that either road system is required to provide adequate public parking to meet demand, either through public on-street parking, or public off-street parking. **Suggested Modification 1** ensures that such public parking will be provided, and ensures that the same amount of public parking is required for either road configuration. With the provision of public parking (and lateral bicycle

trails as mentioned earlier) the proposed amendment ensures that planned development in the coastal zone maintains the public access requirement of the Coastal Act.

In addition, there are currently 22 private coastal access stairways located in The Bluffs/Sunset Palisades Planning Area, which the City indicates were constructed prior to the adoption of the LCP and are thus deemed nonconforming structures. Policy LU-A-11 currently prevents the replacement or repair of these existing stairways that are destroyed or damaged. However, the staircases are used from time to time by emergency responders, and therefore, the proposed amendment would allow for them to be repaired if a hazardous condition resulted from the damage.

Unfortunately, the language of the proposed amendment is somewhat vague and does not identify how the hazardous condition will be determined. Following correspondence from Commission staff, the City of Pismo Beach proposed additional language to clarify the intent of the policy, which is to allow only stairways that are used for emergency management to be repaired when in a hazardous condition. The proposed language of the amendment leaves ambiguity in this intent and it may be construed that any structure in a hazardous condition may be repaired. Therefore, **Suggested Modification 2** adds language suggested by the City of Pismo Beach to clarify the intent of the policy, including to require an inspection from the City to determine whether the damaged staircase results in a hazardous condition for public safety. As modified, the LUP Amendment can be found consistent with the Chapter 3 policies of the Coastal Act.

IP Amendment Consistency Analysis

The proposed amendment seeks to alter Section 17.033.040 of the Implementation Plan. Specifically, the proposed amendment would remove the requirement for a specific plan to be developed for Planned-Residential Planning Areas, instead requiring new development to comply with remaining LCP standards, as well as any existing, approved Specific Plans. All of the areas that are zoned P-R already have approved Specific Plans, except for two ocean front lots in the Spindrift Planning Area (Planning Area F), which are a total of 4.03 acres. Therefore, except for these Planning Area F lots, the proposed amendment does not result in any change to development standards in the P-R zone, because there are existing Specific Plans that must be adhered to.

Further, in January 2013, the Commission approved an amendment to the LUP that eliminated the requirement for a Specific Plan in Planning Area F, but maintained the LCP's existing standards for the development of this area. Therefore, the currently proposed change to eliminate the requirement to prepare a Specific Plan ensures consistency with this previous LUP amendment and does not substantively change the requirements of the existing certified LCP. Thus, the proposed amendment to the IP is consistent with the certified LUP.

C. 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. 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 City of Pismo Beach adopted a Negative Declaration for the proposed LCP amendment and in doing so found that the amendment would not have significant adverse environmental impacts. This report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

NOV 18 2013

RESOLUTION R-2013-031

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH
AMENDING 1993 GENERAL PLAN/LOCAL COASTAL PLAN LAND USE ELEMENT
BACKGROUND FOR PLANNING AREA A, THE BLUFFS/SUNSET PALISADES AND
POLICIES LU-A-1, LU-A-2, LU-A-3, LU-A-6, LU-A-12 AND BACKGROUND FOR
PLANNING AREA B, SOUTH PALISADES AND POLICIES LU-B-1, LU-B-3, LU-B-4,
LU-B-6, AND LU-B-8.**

WHEREAS, the City Council held a duly noticed public hearing on May 21, 2013 at which all interested persons were given the opportunity to be heard on the following amendments to the 1993 General Plan/Local Coastal Plan Land Use element, specifically Background for Planning Area A, The Bluffs/Sunset Palisades and Policies LU-A-1, LU-A2, LU-A3, LU-A6, LU-A11, LU-A12; Background for Planning Area B, South Palisades and Policies LU-B-1, LU-B2, LU-B3, LU-B4, LU-B6, and LU-B8 (the project).

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

SECTION 1. FINDINGS

- 1) An environmental initial study was completed for the Project and a Negative Declaration was adopted in Resolution No. R-2013-030 for the project on May 21, 2013.
- 2) No factors will create potential for significant environmental impacts because of the project.
- 3) The project is consistent with the goals and policies of the General Plan/Local Coastal Program.
- 4) The project 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) Approve amendments to General Plan/Local Coastal Plan Background for Planning Area A, The Bluffs/Sunset Palisades and Policies LU-A-1, LU-A2, LU-A3, LU-A6, LU-A11, LU-A12; Background for Planning Area B, South Palisades and Policies LU-B-1, LU-B2, LU-B3, LU-B4, LU-B6, and LU-B8.
- 2) Certify the project is 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.

3) Approves the project as noted in Exhibit A.

4) Directs staff to forward the project to the California Coastal Commission for certification. The amendments shall take effect immediately upon Coastal Commission certification, consistent with Public Resources Code Sections 30512, 30513 and 30519.


UPON MOTION OF Council Member Vardas seconded by Mayor Pro Tem Waage the foregoing resolution was adopted by the City Council of the City of Pismo Beach this 21st day of May 2013, by the following vote:

AYES:	4	Council Members: Vardas, Waage, Howell, Higginbotham
NOES:	0	
ABSENT:	0	
RECUSE:	1	Council Member Reiss

Approved:

Attest:


Shelly Higginbotham
Mayor


Elaina Cano, CMC
City Clerk

ATTACHMENT 3 EXHIBIT A

The Bluffs/Sunset Palisades Sunset Palisades/Ontario Ridge Planning Areas – A-1 & A-2

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Background The Sunset Palisades area is an ocean oriented, low profile residential neighborhood with a backdrop of the coastal foothills. The planning area is almost totally developed in low density residential use with only a few scattered vacant residential lots. It includes the Ontario Ridge area, which was annexed to the City in 1990 and was being developed as of 1992.

The bluff tops along the Sunset Palisades stretch of coast are primarily under private ownership.

The bluff tops in Ontario Ridge consist of a 9-acre open space/recreational parcel under ownership of the homeowners association but with public access rights.

The base of the bluffs is an intertidal habitat, natural resource area, which should be protected. Public access to this sensitive area should be limited. Damage by wave conditions is possible and bluff erosion is an ongoing process. Some residences along the bluffs have provided their own stairways to small beaches. Some of these have been damaged in past storms. Seawalls to protect an existing structure are permitted only if there is no other less environmentally damaging alternative.

The Sunset Palisades area contains 6 acres of private open space in a gated community as well as the 5.7 acre Palisades public park. Fifty-three acres of land on the upper slopes of Ontario Ridge are in permanent open space. The property between Shell Beach Road/Palisades Drive and U.S. Highway 101 is subjected to high noise levels from both U.S. Highway 101 and Shell Beach Road/Palisades Drive. Archaeological resources are evident in the area.

Background

The Bluffs/Sunset Palisades area is an ocean oriented, low profile residential neighborhood with a backdrop of the coastal foothills. The planning area is almost totally developed in low density residential use with only a few scattered vacant residential lots. It includes the Ontario Ridge area, now known as The Bluffs, which was annexed to the City in 1990 and has been developed since 1992.

The Bluffs

The bluff top area along the ocean fronting Bluffs subdivision consist of a 9-acre open space/recreational parcel under ownership of The Bluffs homeowners association but with public access rights. The base of this bluff area includes an intertidal habitat and natural resource area, which should be protected. There is no public access to this sensitive area. Damage by wave conditions is possible and bluff erosion is an ongoing process. Fifty-three acres of land on the upper slopes of The Bluffs are in permanent open space.

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Sunset Palisades

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The Sunset Palisades neighborhood extends from Highway 101 to the ocean and is comprised of land on both sides of Shell Beach Road, 6 acres of private open space in a gated community as well as the 5.7 acre Palisades public park. Archaeological resources are evident in the area.

The property between Shell Beach Road and U.S. Highway 101 has historically been utilized as open space with limited residential development. This area is subjected to high noise levels from both U.S. Highway 101 and Shell Beach Road.

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The bluff tops along the Sunset Palisades stretch of coast are primarily under private ownership.

Homes along these ocean fronting bluffs have provided their own stairways to small beaches. Some of these have been damaged in past storms. Seawalls to protect an existing structure are permitted only if there is no other less environmentally damaging alternative.

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The Bluffs Policies Ontario Ridge Policies

LU- Concept

- A-1 The ~~Bluffs is Ontario Ridge area should be~~ designated ~~for~~ Low Density residential Development and Open Space with an emphasis on preservation of the ~~Ontario Ridge in its~~ natural setting and with public access and recreation along the ocean bluffs.

LU- Upper Slopes and Hillsides

- A-2 The upper slopes and hillsides of The Bluffs Ontario Ridge are subject to an open space easement and ~~shall be~~ restricted to agricultural open space for limited cattle grazing. No structures ~~are shall be~~ permitted in this area. See Conservation/Open Space, Coastal Foothills.

LU- Blufftop Park

- A-3 The bluff top park, owned by The Bluffs the homeowners association ~~shall~~ includes public walking and bicycle trails and public parking spaces ~~to in order to~~ assure the public ~~right of~~ access to the bluff top and lateral access across the entire Bluffs Ontario Ridge area. ~~The lateral bluff top access route along The Bluffs Drive in the Ontario Ridge area shall remain be~~ clearly and conspicuously posted for public access and use. The management of lateral bluff-top access within the City should be coordinated with the County of San Luis Obispo to assure continuity of access to the Cave Landing Road area. Extremely steep, unstable bluffs preclude vertical access to the beach from within the City.

Sunset Palisades Policies

LU- Concept A-6

Sunset Palisades, an area of existing homes with scattered vacant lots, ~~is shall~~ ~~be~~ designated for Low Density Residential ~~development~~. The emphasis is on maintaining coastal views, open space and protecting the coastal bluffs and intertidal habitat area. Infill development shall be compatible with the existing community.

LU- Beach Access and Bluff Protection A-11

The coastal tidal and subtidal areas should be protected by limiting vertical access-ways to the rocky beach and inter-tidal areas. Lateral Beach access dedication shall be required as a condition of approval of discretionary permits on ocean front parcels pursuant to Policy PR-22. No new public or private beach stairways shall be allowed; ~~however existing stairways are utilized for ocean emergencies, animal rescue, fire fighting access and public safety.~~ If ~~nonconforming~~ existing stairways are damaged, ~~or destroyed~~ they ~~shall not may~~ be repaired ~~or replaced if a hazardous condition results from the damage.~~ All structures shall be set back a minimum of 25 feet from the top of the bluff in accordance with the requirements of Policy S-3. Appropriate erosion control measures shall be required for any project along the bluff-tops.

LU- Topaz Street, ~~Florin~~ and Encanto Street A-12

The Topaz Street, ~~Florin Street~~ and Encanto Street undeveloped accesses shall be developed as coastal viewpoints rather than as stairways. (See Park & Recreation Element, Figure PR-43, No. 2 & 3. See also Design Element D-13, Freeway Landscaping.) Low-lying drought tolerant prickly vegetation, which will deter undesignated access paths, should be planted at the top of the bluff. Park benches are recommended to encourage use of these areas as viewpoints. Attractive railings should be used to protect the bluffs rather than chain link fencing. The Topaz cul-de-sac may be eliminated in favor of a pocket park or expanded viewpoint. The access points should be maintained so that the landscaping of abutting properties does not intrude on them.

South Palisades Planning Area B

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Background

The South Palisades Planning Area ~~is developing by the guidelines of a Specific Plan adopted in 1986. includes~~ The focus in this area is on clustered multi-family and single family residential development. ~~Each parcel in this area includes, with~~ 60 percent of ~~each parcel in~~ open space, preservation of views from U.S. Freeway 101 to the ocean, and a 100 ft wide lateral access dedication to the City for public parks and open space along the entire cliff. ~~Dedication of the bluff-top area may be in fee or by easement at the discretion of the city.~~

The ocean bluffs range in height from 40-50 feet at the north end to 80 feet at the south end of the planning area. San Luis Obispo County has an easement from the toe of the bluff to the mean high tide line. A sandy beach extends for most of the length of the oceanfront in this area. One public stairway to the beach below exists and ~~one two~~ more public stairways ~~is~~are planned.

LU- Concept B-1

The South Palisades area is designated for Medium Density Residential ~~development, to be developed under the standards of the South Palisades Specific Plan.~~ The entire area ~~is shall be considered as~~ one neighborhood with an emphasis on open space and scenic corridors. A 100 ft wide lateral bluff-top open space area/access-way ~~is shall be~~ the focus for the area.

LU- Lateral Bluff-top Open Space and Access B-3

The width of the lateral bluff-top conservation/open space and access dedication requirement set forth in Policy PR-23 shall be increased to a distance equal to the 100-year bluff retreat line plus 100 ft. for all development on the shoreline in this planning area. Future park improvements and trail/bicycle path amenities shall be funded by new development in this area.

LU- Road System B-4

A loop road system ~~as shown in the South Palisades Specific Plan shall is required and will provide allow for~~ public access to the linear bluff-top park and visual access to the ocean. ~~Where the loop road system is infeasible due to bluff retreat, a cul-de-sac may be constructed for remaining parcels that have not yet developed.~~ The loop system ~~or cul-de-sac will funded by future development and will shall~~ provide for bicycle paths, which shall connect with the bluff top trail along the lateral blufftop conservation/open space and access dedication requirement noted in Policy LU-B-3. Future development in this area shall be subject to the requirements of Design element Figure D-4. city-utility easement. Development shall conform to the proposed loop road system, and will be required to construct the necessary road improvements as part of the development approval. (See Design Element D-42, Street Lay-outs.)

LU- Stairway Access to the Beach

B-6

~~Three~~ One new stairway access~~es~~ to the beach shall be provided. (See Parks, Recreation & Access Element, Table PR-4 and Figure PR-3.) All developments within the South Palisades Planning Area shall contribute fees for construction of the stairways. The city may require, as a condition of approval of development projects, the installation of beach stairways, with reimbursement as fees are collected.

As part of the public access at the drainage swale, parking spaces should be provided in several small lots. (See Parks, Recreation & Access Element, Figure PR-3, Access #6 and Policy PR-26, Specific Access Points.)

LU- Public Parking

B-8

~~All existing public on-street and off-street parking spaces, including the 255 spaces identified in this area in a 2008 field survey, shall be maintained. As a condition of development, a minimum of 65 public parking spaces shall be developed within the buildable portions of the South Palisades and North Spyglass Planning Areas. The parking spaces shall be equitably distributed over the subject parcels of the two planning areas, and may be located adjacent to either side of Shell Beach Road. Such public parking shall be required in addition to the parking requirements for private uses contained in the city's certified Local Coastal Plan. A portion of this parking may be located on public streets and shall have signage identifying the parking spaces for beach access.~~ Additionally, adequate signing notifying the public of the public parking opportunities and identifying the location of the access-way shall be provided.

ORDINANCE NO. O-2013-004

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH AMENDING THE 1983 ZONING ORDINANCE/LOCAL COASTAL LAND USE PROGRAM SECTION 17.033.040 TEXT CHANGE FOR SPECIFIC PLAN REQUIREMENTS IN THE PLANNED RESIDENTIAL (PR) ZONING DISTRICT.

THE CITY COUNCIL OF THE CITY OF PISMO BEACH ORDAINS AS FOLLOWS:

SECTION 1. AMENDMENT

Local Coastal Land Use Program and Municipal Code Title 17, Section 17.033.040 regarding the Planned Residential Zoning district is amended as follows:

17.033.040 Specific Plan Compliance

Development in a P-R zoning district shall comply with standards and criteria in the General Plan/Local Coastal Plan and any applicable specific plan for the area in which the development is located.

SECTION 2. FINDINGS

1. **Resolution R-2013-030** has been adopted approving a Negative Declaration for the subject amendment.
2. The project consists of Zoning Ordinance/Local Coastal Land Use Program changes amending Zoning Code section 17.033.040 regarding the Planned Development Zoning district.
3. The Amendment is consistent with the California Coastal Act.

THE CITY COUNCIL DOES HEREBY:

1. Certify that the amendments to the Local Coastal Land Use 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. Directs staff to forward the amendment to the Local Coastal Land Use Program (LCP) to the California Coastal Commission for certification following approval of the second reading. The LCP amendment shall take effect immediately upon Coastal Commission certification, consistent with Public Resources Code Sections 30512, 30513, and 30519.

INTRODUCED at a regular meeting of the City Council held this 21st day of May 2013, on motion of Council Member Vardas, seconded by Mayor Pro Tem Waage, and on the following roll call vote, to wit:

AYES: 5 Council Members: Vardas, Waage, Howell, Reiss, Higginbotham
NOES: 0
ABSENT: 0
ABSTAIN: 0

Approved:


Shelly Higginbotham
Mayor

Attest:


Elaina Cano, CMC
City Clerk

SECOND READING at a regular meeting of the City Council held this 4th day of June, 2013, on motion of Council Member Vardas, seconded by Mayor Pro Tem Waage, and on the following roll call vote, to wit:

AYES: 4 Council Members: Vardas, Waage, Howell, Higginbotham
NOES: 0
ABSENT: 1 Council Member Reiss
ABSTAIN: 0

Approved:


Shelly Higginbotham
Mayor

Attest:


Elaina Cano, CMC
City Clerk

APPROVED AS TO FORM:


David M. Fleishman, City Attorney

ATTACHMENT 4
ORDINANCE 2013-____
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH
AMENDING 1983 ZONING CODE/LOCAL COASTAL LAND USE PROGRAM
SECTION 17.033.040 TEXT REGARDING
THE PLANNED DEVELOPMENT ZONING DISTRICT.

THE CITY COUNCIL OF THE CITY OF PISMO BEACH ORDAINS AS FOLLOWS:

SECTION 1. AMENDMENT

Local Coastal Land Use Program and Municipal Code Title 17, Section 17.033.040 regarding the Planned Development Zoning district is amended as follows:

17.033.040 ~~Plans required~~ Specific Plan compliance

~~A master plan and specific plan as defined in California Government Code Section 65450 et seq. and as set forth in the General Plan/Local Coastal Land use Plan shall be required of the developer and approved as required herein before any development shall take place in any area designated as "P-R" zone.~~

Development in a P-R zoning district shall comply with standards and criteria in the General Plan/Local Coastal Plan and any applicable specific plan for the area in which the development is located.

SECTION 2. FINDINGS

1. Resolution _____ has been adopted approving a Negative Declaration for the subject amendment.
2. The project consists of Zoning Ordinance/Local Coastal Land Use Program changes amending Zoning Code section 17.033.040 regarding the Planned Development Zoning district.
3. The Amendment is consistent with the California Coastal Act.

THE CITY COUNCIL DOES HEREBY:

1. Certify that the amendments to the Local Coastal Land Use 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. Directs staff to forward the amendment to the Local Coastal Land Use Program (LCP) to the California Coastal Commission for certification following approval of the second reading. The LCP amendment shall take effect immediately upon Coastal Commission certification, consistent with Public Resources Code Sections 30512, 30513, and 30519.

INTRODUCED at a regular meeting of the City Council held this 21st day of May, 2013,
on motion of Councilmember , seconded by Councilmember , and on the
following roll call vote, to wit:

AYES:	Councilmembers:
NOES:	Councilmembers:
ABSENT:	Councilmembers:
ABSTAIN:	Councilmembers:

Approved:

Attest:

Shelly Higginbotnam
Mayor

Elaina Cano, MMC
City Clerk