

CALIFORNIA COASTAL COMMISSION

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W12a

Prepared December 18, 2015 (for January 13, 2016 Hearing)

To: Coastal Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager
Kevin Kahn, Central Coast District Supervisor

Subject: Certification Review for the City of Pismo Beach's Local Coastal Program Amendment Number LCP-3-PSB-14-0830-3 (Planned Development Permit and Affordable Housing)

On June 12, 2015 the Coastal Commission approved the City of Pismo Beach's Local Coastal Program (LCP) Major Amendment Number LCP-3-PSB-14-0830-3. The amendment established affordable housing as an allowable use in the Retail Commercial (C-1) zoning district, and also established a new Planned Development Permit process to allow greater flexibility in site planning and design than that afforded by strict application of conventional zoning regulations in order to facilitate affordable housing, more innovative and desirable projects, and the efficient use of land.

By action taken October 6, 2015, the City of Pismo Beach adopted the amending LCP text (see Exhibit 1). The Executive Director has determined that the action taken by the City is legally adequate and that the amended LCP should be certified. The Executive Director recommends that the Commission concur with this determination and that the LCP, as amended, be certified. If the Commission concurs, the amended LCP will be certified as of today's date (i.e., January 13, 2016), and notification of this certification and Commission concurrence will be forwarded to the City.

Motion. I move that the Commission concur with the Executive Director's determination that the action taken by the City of Pismo Beach to accept the Commission's approval of LCP Amendment Number LCP-3-PSB-14-0830-3 is legally adequate. I recommend a yes vote.

Executive Director's Recommendation. The Executive Director recommends a **YES** vote on the motion. Passage of this motion will result in certification of the City of Pismo Beach LCP consistent with the Commission's approval of LCP Amendment Number LCP-3-PSB-14-0830-3; the amended LCP will be certified as of today's date (i.e., January 13, 2016). The motion passes only by affirmative vote of a majority of the Commissioners present.

Exhibit

Exhibit 1: City's Acceptance of the Coastal Commission's Approval

ORDINANCE No. O-2015-006

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH
AMENDING PISMO BEACH MUNICIPAL CODE TITLE 17, 1983 COASTAL ZONING
CODE/LOCAL COASTAL PROGRAM, BY ADDING SECTION 17.006.0280
CREATING A COASTAL RESOURCES DEFINITION, AMENDING SECTION
17.042.020C TO ALLOW AFFORDABLE HOUSING ON THE UPPER FLOORS OF
BUILDINGS IN THE C-1 ZONE, AND ADDING SECTION 17.121.035 REGARDING
PLANNED DEVELOPMENT PERMITS**

WHEREAS, the City of Pismo Beach has initiated amendments to Municipal Code Title 17 1983 Coastal Zoning Code/Local Coastal Program for the items listed above; and

WHEREAS, a duly-noticed Planning Commission public hearing on the above modifications to Title 17, the 1983 Coastal Zoning Code/Local Coastal Program, was held on November 27, 2012; and

WHEREAS, duly-noticed public hearings by the City Council on these amendments were held on April 16, 2013, March 4, 2014, and introduced at a public hearing on April 15, 2014, and approved and adopted on May 6th, 2014; and

WHEREAS, the City Council approved a Negative Declaration for the Project with the adoption of Resolution No. R-2014-020; and

WHEREAS, these amendments were submitted to the California Coastal Commission and at a June 12, 2015 hearing, and the Coastal Commissioners adopted the proposed amendments with modifications and made the requisite finding of approval subject to the condition that the City Council accept each modification within six months of Coastal Commission action.

NOW, THEREFORE, the City Council of the City of Pismo Beach does ordain as follows:

SECTION 1. FINDINGS

The City Council makes the following findings:

1. The amendments (the Project) are consistent with the goals and policies of the General Plan/Local Coastal Program; specifically Housing Element Policies HE-13, 16, 17, 31 and 33.
2. The Project consists of amendments to the Pismo Beach Municipal Code Title 17 1983 Coastal Zoning Ordinance and Local Coastal Program.
3. The Project is consistent with the Coastal Act.

SECTION 2. AMENDMENTS

The following provisions of Title 17 of the Pismo Beach Municipal Code, the 1983 Coastal Zoning Code/Local Coastal Program, are hereby amended to read as follows:

17.006 Definitions

17.006.0280 Coastal Resources. Include but are not limited to public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.), and their related corridors, water bodies, (e.g., wetlands, estuaries, lakes, etc.) and their related uplands, ground water resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological or paleontological resources.

17.042.020 Permitted Uses

C. Affordable housing as a secondary use (i.e., upper floors of C-1 buildings).

17.121.035 Planned Development Permit

A. The Planned Development Permit is intended to provide a process for allowing greater flexibility in site planning and design than afforded by the general development standards of this Zoning Code, to encourage more innovative and desirable projects, workforce, affordable and senior housing, and efficient use of land than may be possible through strict application of conventional zoning regulations. The Planned Development Permit shall not be considered for flexibility of standards and/or requirements specified in Sections 17.066 (Coastal Access Overlay Zone), 17.075 (Floodplain Overlay Zone), 17.078 (Hazards and Protection Overlay Zone), 17.081 (Height Limitations Overlay Zone), 17.096 (View Consideration Overlay Zone), or any development standards specified in the General Plan/Local Coastal Plan.

B. Applicability. Planned Development Permits may be authorized for any outstanding development project in any zoning district. While subject to the City's health and safety standards specified in the International Building Code, flexibility of the application of the following Zoning Code development standards may be considered up to the limits identified in this Section:

1. Structure location and setbacks, yard areas, and open spaces in the R-1, R-2, R-3, R-4, and R-R zoning districts subject to the indicated limits:
 - a. Front setback may be reduced to 10% of the lot depth but no less than 5'.
 - b. Side setback may be reduced to 7% of the lot width but no less than 3'.

- c. Street side setback shall be a minimum of 7'.
 - d. Rear setback may be reduced to 7% of the lot depth.
2. Building height may exceed 20% of the maximum specified in General Plan Policy D-2a for 50% of the building footprint. This exception, inclusive of exceptions to building heights specified in Section 17.102.010, can only be considered for development in the Downtown Commercial Core Planning area and General Plan/Local Coastal Plan areas designated for Commercial, Resort Commercial, Public/Semi Public and Industrial land uses.
 3. Parking and loading requirements, ingress and egress location. Parking requirements may be reduced up to 50% from those specified in Section 17.108.020 so long as there is no reduction in parking available for public coastal access. Loading requirements, ingress, and egress may be determined by the Planning Commission.
 4. Fences, walls and screening noted in Section 17.102.120 (1 and 2) may be exceeded by up to 50%.
 5. Landscaping requirements may be no less than 15% of a total lot area in residential zones and 7% of a lot area in commercial or other zoning districts.
 6. Lot coverage not to exceed:
 - a. R-1, R-2, R-3, R-4, and R-R zoning districts – 75%.
 - b. C-1, C-2 and G zoning districts – 90%.
 - c. C-M zoning district – 50%.
 7. Total building area/floor area ratio as follows:
 - a. R-1 zoning district - 86% of the first 2,700 square feet of lot area plus 70% percent of any lot area in excess of 2,700 square feet.
 - b. R-2 zoning district - 90% for multi-family housing, single-family houses shall be the same as the R-1 zoning district.
 - c. R-3, R-4 and R-R zoning districts - 135% except that single family houses shall be the same as the R-1 zoning district.
 - d. C-1, C-2 and G zoning districts - 220%.
 - e. C-M zoning district - 70%.
 8. Lot width:
 - a. R-1, R-2, R-3 and R-R zoning districts – No less than 40'.
 - b. C-M zoning district – No less than 50'.

C. Outstanding Development Qualifications. The qualifications for outstanding development will include one of the following for each request for flexibility of any single development standard:

1. For non-residential development:

- a. Additional and improvement of open space exceeding 15% of the required Zoning Code minimum.
- b. A public recreational amenity exceeding the requirements of the City's General Plan/Local Coastal Plan and Zoning Code, including but not limited to a public plaza area, beach access facility (examples: stairway, bluff top trail, or accessible lift), bicycle service and storage area, or other public recreational amenity of similar scope and public value determined by the Planning Commission to enhance public recreational opportunities.
- c. An enhanced pedestrian, bicycle, and/or vehicle connectivity element exceeding the minimum established by the Municipal Code.
- d. On-site public art subject to City approval as a part of the Planned Development Permitting process.
- e. Solar panel installation.
- f. Building construction that meets or exceeds provisions outlined in Title 24: Energy Efficiency Standards for Residential and Nonresidential Buildings.
- g. Workforce, affordable and senior housing residential dwelling units as a part of a mixed use project.
- h. Other community benefits including but not limited to public restrooms, sand showers, public full body showers with private enclosures, private dressing areas for public use, affordable overnight accommodations assured by deed restrictions, or other amenities determined by the Planning Commission to provide a community benefit not addressed in C.1. a.—g.

2. For residential development:

- a. Addition of a secondary dwelling unit.
- b. Solar panel installation.
- c. Green build project components exceeding those required by Title 24; Energy Efficiency Standards for Residential and Nonresidential Buildings.
- d. Construction of workforce, affordable or senior housing.

D. Project Review. Each Planned Development Permit application shall be analyzed by the Director to determine the implications of the proposed changes of site design standard, and to ensure that the application will result in an exemplary project characterized by more efficient and environmentally sensitive use and development of land than would otherwise be achieved utilizing standard

development requirements. The application shall also be reviewed to verify that the project is otherwise consistent with all other applicable provisions of this Zoning Code. The Director shall prepare a report and recommendation on the proposal to the Planning Commission.

- E. Notice and hearings. The Planning Commission shall hold a public hearing in compliance with Section 17.121.210 and 17.124. The Planning Commission may approve or disapprove the Planned Development Permit in conjunction with and as part of the required coastal development permit.
- F. Findings, decision, conditions. The Planning Commission shall identify findings upon which the decision to approve or deny the Planned Unit Development Permit. The Planning Commission may approve a Planned Development Permit application with or without conditions, if all of the following findings are made:
 - 1. The proposed use is a permitted or conditional use within the applicable zoning district and complies with all applicable provisions of this Zoning Code that are not the subject of the Planned Development Permit application;
 - 2. The proposed use is consistent with the General Plan/Local Coastal Plan;
 - 3. The approval of the Planned Development Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA);
 - 4. The location and operating characteristics of the proposed use are compatible with the existing and anticipated future land uses in the vicinity;
 - 5. The project's design and configuration do not negatively impact coastal resources;
 - 6. The Planning Commission identifies a nexus and proportionality between the outstanding development quality and the requirement for the flexibility being sought;
 - 7. The development standards as specified for the project have been varied to the minimum extent necessary in order to facilitate the outstanding quality of the development project;
 - 8. The Planned Development Permit offers a greater public benefit than would be otherwise required by the underlying zoning requirements;
 - 9. The development meets all applicable General Plan/Local Coastal Plan policies and overlay zone requirements.
- G. Expiration. A Planned Development Permit shall be exercised within two years from the date of approval or the permit shall become void, unless an extension is approved consistent with 17.121.160.

SECTION 3. ACTION

The City Council does hereby:

1. Certify that these 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. Accept the modifications to the amendments to the 1983 Coastal Zoning Code/Local Coastal Program submitted by the City and adopted by the California Coastal Commission at its hearing on June 12, 2015.
3. Direct staff to forward a copy of the ordinance accepting and making the modifications to the amendments to the Local Coastal Program (LCP) to the California Coastal Commission for certification following approval of the second reading. The LCP amendments shall take effect immediately upon Coastal Commission certification, consistent with Public Resources Code Sections 30512, 30513, and 30519.

SECTION 4.

Under the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15061 (b) (3), the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, such as the adoption and acceptance of these modifications to the ordinance made by the California Coastal Commission, the activity is not subject to CEQA.

SECTION 5.

This ordinance shall not be interpreted in any manner to conflict with controlling provisions of state or federal law, including, without limitation, the Constitution of the State of California or of the United States of America. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. If this ordinance, or any section, subsection or clause of this ordinance shall be deemed unconstitutional or invalid, the validity of the remainder of this ordinance and its sections, subsections and clauses shall not be affected.

SECTION 6.

This ordinance shall become effective on the thirtieth day following passage and adoption hereof.

SECTION 7.

The City Clerk shall certify to the passage and adoption of this Ordinance, shall enter the same in the book of original ordinances of the City and shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and

adopted. Before the expiration of 15 days after the passage of this Ordinance, the City Clerk shall cause the same to be posted in three public places within the City of Pismo Beach, to wit: 1) City Hall, 760 Mattie Road, Pismo Beach, 2) U.S. Post Office, Shell Beach Road, Pismo Beach, 3) U.S. Post Office, Crest Drive, Pismo Beach.

INTRODUCED at a regular meeting of the City Council held this 15th day of September 2015, on motion of Mayor Pro Tem Waage, seconded by Council Member Blake, and on the following roll call vote, to wit:

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

Approved:

Attest:



Shelly Higginbotham
Mayor



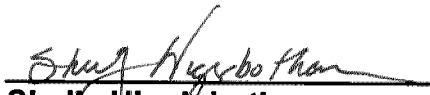
Erica Inderlied
City Clerk

SECOND READING AND ADOPTION at a regular meeting of the City Council held this 6th day of October, 2015, on motion of Mayor Pro Tem Waage, seconded by Councilmember Reiss, and on the following vote:

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

Approved:

Attest:



Shelly Higginbotham
Mayor



Erica Inderlied
City Clerk

APPROVED AS TO FORM:



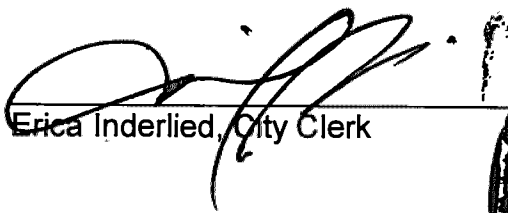
David M. Fleishman, City Attorney

CERTIFICATION OF ORDINANCE POSTING
Government Code §40806

STATE OF CALIFORNIA }
 }
COUNTY OF SAN LUIS OBISPO }

I, Erica Inderlied, the City Clerk of the City of Pismo Beach, California, hereby certify in accordance with California Government Code Section 40806 that the foregoing document is a true and correct copy of **Ordinance No. O-2015-006**, titled **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH AMENDING PISMO BEACH MUNICIPAL CODE TITLE 17, 1983 COASTAL ZONING CODE/LOCAL COASTAL PROGRAM, BY ADDING SECTION 17.006.0280 CREATING A COASTAL RESOURCES DEFINITION, AMENDING SECTION 17.042.020C TO ALLOW AFFORDABLE HOUSING ON THE UPPER FLOORS OF BUILDINGS IN THE C-1 ZONE, AND ADDING SECTION 17.121.035 REGARDING PLANNED DEVELOPMENT PERMITS**, and that I caused the same to be duly posted in three public places within the City within fifteen (15) days of adoption thereof, pursuant to the requirements of California Government Code Section 36933.

Dated this 13th day of October, 2015. Witness my hand and official seal.


Erica Inderlied, City Clerk

