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# F14a

**Prepared February 17, 2022 for March 11, 2022 Hearing**

**To:** Commissioners and Interested Persons

**From:** Kevin Kahn, Central Coast District Manager  
Katie Butler, Coastal Planner

**Subject: City of Grover Beach LCP Amendment Number LCP-3-GRB-21-0080-1  
(Mobile Vendors/Development Standards)**

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## SUMMARY OF STAFF RECOMMENDATION

The City of Grover Beach proposes a variety of amendments to its Development Code, which constitutes the City's certified Implementation Plan (IP) component of its Local Coastal Program (LCP). Specifically, the City proposes to: add regulations for mobile vendors; replace existing requirements for fencing, walls, and screening in all areas of City; revise the amount of paved area for parking in front and side yard setbacks and add new rules related to how cars can be parked in setbacks in residential zones; refine single-family and multi-family development definitions to better align with existing ADU regulations; and revise the corner sight triangle definition as it relates to structure heights at street corners.

The proposed amendments are all fairly minor in nature and do not raise any substantive coastal resource concerns, and in some cases will enhance the City's visitor-serving offerings and aesthetics. The proposed addition of mobile vendors (e.g., food trucks) as an allowed use on private property in the City's commercial and industrial zones conforms to the types of uses generally expected in such districts and that are envisioned by the LCP's Land Use Plan (LUP) for these particular areas of Grover Beach. Furthermore, the amendment's specified operational requirements (e.g., related to parking, hours, and noise, for example) will address any potential issues that may arise. The proposed addition of mobile vendors as an allowed use is therefore consistent with and adequate to carry out the LUP.

The proposed changes to certain site development standards, including with respect to fencing, screening, and parking are consistent with the various LUP policies related to visual character and protection of existing neighborhood design. The proposed amendment would not result in any significant changes to the public viewshed, and are intended to provide for improved aesthetics in existing developed areas of the City. Most of the developed area of the City is located east of Highway 1, where public views of the ocean, dunes, and shoreline are not readily available and the existing

development pattern and urban form is well established. The proposed changes are largely intended to provide for improved aesthetics and visual quality, and thus can be found consistent with and adequate to carry out the LUP. The other portions of the proposed amendment encompass minor procedural clean-up and clarifications to the IP, and too do not raise any coastal resource issues.

In sum, all of the proposed changes appropriately implement the LUP and would not result in coastal resource impacts and actually could result in increased public benefits with the allowance of visitor-serving mobile vendors in appropriate locations and improved visual quality from updated fencing, screening, and parking requirements. Staff thus recommends that the Commission find the proposed amendment consistent with and adequate to carry out the policies of the LUP, and that the Commission approve the amendment as submitted. The motion and resolution are found on page 4 below.

**Staff Note: LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on December 20, 2021. The proposed amendment affects the LCP's IP, and the 60-working-day action deadline is March 16, 2022. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until March 16, 2022 to take a final action on this LCP amendment.

Therefore, if the Commission fails to take a final action in this case (e.g., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for final Commission action on the proposed amendment by one year. To do so, staff recommends a YES vote on the motion below. Passage of the motion will result in a new deadline for final Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: I move that the Commission extend the time limit to act on City of Grover Beach Local Coastal Program Amendment Number LCP-3-GRB-21-0080-1 to March 16, 2023, and I recommend a yes vote.

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**EXHIBITS**

Exhibit 1: Proposed IP Amendment (shown in strikethrough and underline)

## 1. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **certify the proposed LCP amendment as submitted**. The Commission needs to make one motion in order to act on this recommendation, and staff recommends a **NO** vote on the motion below. Failure of this motion will result in certification of the Implementation Plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

***Motion to Certify:*** *I move that the Commission reject Implementation Plan amendment LCP-3-GRB-21-0080-1 as submitted by the City of Grover Beach, and I recommend a **no** vote.*

***Resolution to Certify:*** *The Commission hereby certifies Implementation Plan amendment LCP-3-GRB-21-0080-1 for the City of Grover Beach and adopts the findings set forth below on the grounds that the amended Implementation Plan conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan. Certification of the amended 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 amended 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.*

## 2. FINDINGS AND DECLARATIONS

### A. Proposed LCP Amendment Description

The City of Grover Beach proposes a variety of amendments to its Development Code, which constitutes the City's certified IP component of its certified LCP (see **Exhibit 1** for proposed LCP amendment text). The proposed changes include new regulations pertaining to mobile vendors, a replacement of the existing standards governing fencing and property screening, and various other clean-up and clarification-type changes to the IP. The proposed changes can be categorized into the following components.

#### **Mobile Vendors**

The proposed new regulations for mobile vendors (e.g., food trucks) include adding them as an allowed use on private property in the Coastal Visitor Serving (CVS), Coastal Commercial (CC), Coastal Industrial (CI), and Coastal Industrial Commercial (CIC) zoning districts; adding a definition<sup>1</sup>; and adding permitting and operational provisions related to issues such as parking, access, restrooms, seating areas, hours, trash, noise, and signage (see proposed IP Section 4.10.115). The new regulations propose to differentiate between regular mobile vendors (i.e., mobile vendors operational for 10 days or more per month) and temporary and special event mobile vendors (less than 10 days per month) for permitting and certain operational purposes.

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<sup>1</sup> Defined as "an entity that sells goods or food services from a stand that is intended to be temporary, or is capable of being moved to various locations."

### **Fences, Walls, and Screening**

The proposed amendment includes replacing the existing fence, wall, and screening regulations for private property in all zoning districts (IP Section 3.10.020) with updated standards. The proposed changes allow small increases in height, require a 3-foot separation between a retaining wall and fence, and add new allowances for freestanding arbors, trellises, and other ornamental elements as entryways. More specifically, the proposed changes would allow for an increase in height from 3 feet to 3.5 feet for fences and walls within the front setback, as well as an increase in height from 6 to 7 feet for rear and interior side setbacks. These height increases are intended to provide for additional privacy and greater design flexibility (e.g., to allow for trellises and lattice details). The proposed changes also require a separation between a retaining wall and fence to create a visual buffer and break up the mass of a fence atop a retaining wall. According to the City, these proposed changes are meant to better reflect existing conditions in residential and commercial neighborhoods and foster more aesthetically pleasing designs.

### **Paving in Setback Areas and Onsite Parking**

The amendment also includes a change to the allowed amount of paving in front and side setback areas in residential zones (IP Section 3.30.40) to limit the amount of hardscape on these portions of a site. The IP currently allows for a maximum of 50 percent of the front setback area to be paved and the proposed language would change this to be 50 percent or 27 feet in width, whichever is less. In addition, the amendment would add a new section to the IP (Section 3.50.110) that would dictate how vehicles are to be parked onsite in residential zones. Specifically, the changes would require vehicles to be parked completely within designated parking areas and specifically disallow cars to be parked diagonally, on lawns and other non-hardscape areas or to in any way encroach into sidewalks.

### **Residential Development Definitions**

The amendment proposes to refine existing single-family and multi-family development definitions in IP Section 9.10.020 to more clearly define a single-family residence from a multi-family development as it relates to accessory dwelling units (ADUs). Specifically, the City's existing ADU regulations (certified by the Commission in September 2020) allow a single-family residence to convert a garage to an ADU and allows multi-family development to convert up to 25% of all garages/carports to ADUs. The revision would clarify that a residential project with attached units (regardless of whether or not they are on individual lots) is a multi-family development, not individual single-family residences, consistent with the City's existing ADU regulations.

### **Corner Sight Triangle**

Finally, the amendment includes a minor change to the definition of "corner sight triangle" for measuring traffic safety visibility dimensions at intersections (in all zoning districts) in IP Section 3.10.030. This would be a technical change in how the City assesses the traffic visibility of development at street corners.

## **B. Proposed LCP Amendment Consistency Evaluation**

### ***Standard of Review***

The proposed amendment affects the IP component of the City of Grover Beach LCP. The standard of review for IP amendments is that they must conform with and be adequate to carry out the policies of the certified LUP.

### ***Mobile Vendors***

The proposed changes related to mobile vendors would apply to the commercial and industrial-zoned areas of the City's coastal zone (Coastal Visitor Serving (CVS), Coastal Commercial (CC), Coastal Industrial (CI), and Coastal Industrial Commercial (CIC)) and primarily affect what are allowed uses in those areas. Applicable LUP provisions related to these areas include:

#### ***LUP Section 7.1 Land use designations***

*Visitor Serving – Mixed Use: This designation accommodates a complementary range of hotels and motels, bed and breakfast accommodations, convention facilities, restaurants, recreational uses and retail sales primarily for the convenience of visitors. This category is intended to foster the establishment of a pedestrian-oriented area near the beachfront, the train station, and the entrance to the Oceano Dunes State Vehicular Recreation Area, and Pismo State Beach that provides convenience goods and services for visitors to Grover Beach and the surrounding neighborhood areas. Opportunities to provide family oriented businesses within this area should be explored. The Visitor Serving- Mixed Use category allows for both vertical (different uses stacked above one another) and horizontal (different ground level uses on a single parcel) mixed use opportunities. ...*

*Industrial: The Industrial designation allows for planned industrial parks, warehouses, retail uses when accessory to a warehouse or industrial use, light manufacturing and assembly, and similar and compatible uses. In addition, the Industrial designation accommodates smaller service businesses such as contractor's yards and car storage. This designation also allows for automobile service and repair shops, wholesalers and commercial uses related to building and mechanical material sales and supply. ...*

### ***Site Development Standards***

The proposed updates to certain site development standards (e.g., fencing, screening, and parking) all affect community design, aesthetics, and overall community functionality. The LUP divides the portions of the City in the coastal zone into visual resource areas with distinct concerns and criteria related to visual resources. The proposed fencing regulations and sight triangle measurements apply to the entire coastal zone, and the other proposed changes apply to the residential zones only. Applicable policies related to community design and protection of visual resources include:

**LUP Policy 2.2.4.A.1 (Area 1):** *Dunes, beach and shoreline shall continue to dominate the area visually. All structures shall be subordinate or complimentary to these natural features and to existing structures.*

**LUP Policy 2.2.4.B.2 (Area 2):** *As this visual area encompasses lands zoned Coastal Single Family Residential (C-R-1), Coastal Multiple Residential (C-R-3), and Coastal Planned Single Family Residential (C-P-R-1) there will be differing height, bulk and coverage requirements. These specific limitations shall be addressed in respective zoning component sections. However, in each case, the scenic and visual qualities shall be considered and protected; development in any of these zoned districts shall be sited and designed to protect views and the general visual quality.*

**LUP Policy 2.2.4.C.1 (Area 3):** *As the Coastal Visitor Serving area west of Highway 1 redevelops into consistent visitor serving uses, the allowed development shall be sited and designed to protect the existing view corridors perpendicular to Highway 1, along Grand Avenue and LeSage Drive, and create one to three additional view corridors perpendicular to Highway 1 north of LeSage Drive. The development in this area shall be complimentary and subordinate to the character of the shoreline and dune setting to the fullest extent feasible.*

**LUP Policy 2.2.4.C.3 (Area 3):** *As the areas east of Highway 1 in this area develop or redevelop, the area shall be screened from the Highway 1 viewshed by shrubs and low growing trees (8' to 12' mature height).*

**LUP Policy 2.2.4.C.4 (Area 3):** *As the areas east of Highway 1 in this area develop or redevelop, the scenic and visual qualities of the dunes, shoreline and ocean shall be addressed in the siting and designing of the projects. The viewshed over this area and to the shoreline environs are of major importance. Where feasible visually degraded areas shall be enhanced.*

**LUP Policy 2.2.4.D.2 (Area 4):** *All new structures in this area shall utilize designs and materials which are compatible with the character of existing single-family homes.*

**LUP Policy 2.2.4.E.1 (Area 5):** *Future developments along this commercial strip shall be limited to structures which are visually appealing to beach visitors and tourists. Design, material and landscaping requirements shall promote imaginative development compatible with the adopted City architectural guidelines.*

**LUP Policy 2.2.4.E.2 (Area 5):** *The existing slot view on Grand Avenue toward the dunes and shoreline shall be protected and enhanced where feasible.*

***LUP Policy 2.2.4.G.1 (Area 7):*** *Future industrial developments here shall be required to meet precise landscaping and design requirements.*

***LUP Policy 2.2.4.G.2 (Area 7):*** *Future developments shall not be permitted to further obstruct views of the dunes from adjacent inland areas.*

***LUP Policy 2.2.4.H.1 (Area 8):*** *Future developments shall conform in design, height, and bulk to the light industrial character of existing development.*

***LUP Policy 2.2.4.I.1 (Area 9):*** *Future developments in this area shall be residential uses which are visually compatible with adjacent residential uses.*

### **Consistency Analysis**

The City's coastal zone is unique in that it is essentially comprised of two distinct areas: the area west of Highway 1 includes the mostly undeveloped shoreline of beaches and dunes of Pismo State Beach, and the eastern side of the highway is the City's developed core centered along West Grand Avenue. This eastern, inland area is where the vast majority of the City's commercial, residential, and industrial development is located. All types of typical commercial and visitor-serving uses, such as restaurants, retail, and various other services, are allowed in the commercial zones, and likewise the industrial zones allow a variety of similar commercial-type uses (in addition to heavy and light industrial ones). The proposed addition of mobile vendors, such as food trucks, on private property in these districts is consistent with and conforms to other established allowed and existing uses in these areas. This type of use conforms to the types of uses generally expected in such districts, and that are envisioned by the LUP for these particular areas of Grover Beach. Specifically, mobile vendors are consistent with the LUP's expectation that the commercial areas should provide convenience goods and services for visitors to Grover Beach and the surrounding neighborhood areas. Furthermore, mobile vendors are temporary in nature, and the proposed operational requirements (related to parking, hours, and noise, for example) will ensure that they meet the same standards as those applied to permanent uses in these districts. The proposed addition of mobile vendors is therefore consistent with and adequate to carry out the relevant portions of the LUP.

Next, the proposed updated fencing, walls, and screening requirements are consistent with the various LUP policies related to visual character and protection of existing neighborhood design. The proposed changes would not result in any significant changes to the public viewshed, and are intended to provide for improved aesthetics in existing developed areas of the City. As noted, the vast majority of development in the City is located east of Highway 1, where public views of the ocean, dunes, and shoreline are not readily available and the existing development pattern and urban form is well established. As such, the proposed changes to fence and wall height in the existing developed area of the City are not expected to raise issues related to coastal views. On the limited private properties west of Highway 1 within the city limits (for example, the Le Sage Riviera Mobile Home Park), no coastal or shoreline views



currently exist from Highway 1, and a slight increase in allowable fence or wall height would not adversely impact coastal views given the distance and intervening development. The proposed changes are largely intended to provide for improved aesthetics and visual quality, and thus can be found consistent with and adequate to carry out the visual resource policies of the LUP.

The other portions of the proposed amendment encompass minor procedural clean-up and clarifications to the IP. First, the change to the allowable amount of paving for parking in the front yard setbacks in residential zones would reduce the amount of pavement driveway area in front yards (as well as side yards for corner lots). Such a change is intended to facilitate improved front yard appearance and overall improved neighborhood aesthetics, and could also facilitate more on-street public parking space through reduction in driveway curb cuts. Similarly, the proposed companion change to specify how vehicles are allowed to be parked on private property in residential zones (i.e., within pavement or other designated parking surfaces and not encroaching into the sidewalk) would also encourage improved residential property appearance and neighborhood aesthetics. Such changes are consistent with LUP provisions that seek generally to protect the character and visual continuity of residential neighborhoods and that promote visual compatibility with surrounding residential uses. This change is consistent with and adequate to carry out the LUP.

Next, the proposed changes to the definitions of single and multi-family residential development to be consistent with the City's adopted ADU regulations simply clarify that individual units in a multi-family residential development cannot have their own ADUs, which is already the case under both the State and City's ADU laws. This change corrects an inadvertent omission in the definitions and provides clarity to the existing ADU regulations, and is consistent with and adequate to carry out the LUP.

Finally, the minor change to the definition of "corner sight triangle" for measuring traffic safety visibility dimensions at intersections (in all zoning districts) would be a technical change in how the City assesses the traffic visibility of development at street corners. It would not change the existing requirements for height limits or visibility at street corners or when such an assessment is needed but would simply change how that assessment is to be completed by City staff. As such, this change is consistent with and adequate to carry out the LUP.

In sum, all of the proposed changes appropriately implement the LUP and would not result in coastal resource impacts and actually could result in increased public benefits with the allowance of visitor-serving mobile vendors in appropriate locations and improved visual quality from updated fencing, screening, and parking requirements. The Commission thus finds the proposed amendment consistent with and adequate to carry out the policies of the LUP.

### **C. California Environmental Quality Act (CEQA)**

Section 21080.9 of the California Public Resources Code—within the California Environmental Quality Act (CEQA)—exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its activities and

approvals necessary for the preparation and adoption of LCPs and LCP amendments. Instead, the CEQA responsibilities are assigned to the Coastal Commission; however, the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP or LCP amendment action.

Nevertheless, the Commission is required, in approving an LCP or LCP amendment submittal, to find that the approval of the proposed LCP, as amended, does conform with CEQA provisions, including the requirement in CEQA Section 21080.5(d)(2)(A) that the amended LCP will not be approved or adopted as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment (see California Code of Regulations Title 14 Sections 13540(f) and 13555(b)).

The City of Grover Beach's LCP amendment consists of an IP amendment. The City of Grover Beach found that, under CEQA Guideline Section 15378, the proposed LCP amendments are not a project within the meaning of CEQA because they will not result in a direct or indirect physical change in the environment and do not involve an irrevocable commitment of resources by the City. The City also found, under CEQA Guideline Section 15378, the proposed amendments to be exempt from CEQA based on the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The City determined that no possibility exists that the amendment may have a significant effect on the environment. This report has discussed the relevant coastal resource issues with the proposal and has addressed all comments received. All above findings are incorporated herein in their entirety by reference.

Therefore, the Commission finds that there are no other feasible alternatives or mitigation measures under the meaning of CEQA which would further reduce the potential for significant adverse environmental impacts, and the proposed IP amendment conforms with CEQA.