

**CALIFORNIA COASTAL COMMISSION**

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# Th13c

**Prepared June 24, 2022 (for July 14, 2022, Hearing)**

**To:** Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Director  
Katie Butler, Coastal Planner

**Subject: City of Pismo Beach LCP Amendment Number LCP-3-PSB-22-0018-2 (St. Andrews Tract Setback Changes)**

## **Proposed Amendment**

The City of Pismo Beach (City) proposes to modify the Land Use Plan (LUP) component of its Local Coastal Program (LCP) to modify development standards related to residential front setbacks and second story setbacks in LCP Planning Area E (known as the St. Andrews Tract) in the Shell Beach portion of the City, upcoast of downtown. Specifically, the amendment proposes to remove St. Andrews tract-specific standards that require existing residences, upon redevelopment or additions: a) to maintain existing on-the-ground front yard setbacks, and b) to include a minimum 10-foot setback from the 1st to the 2nd floor along the front elevation. Once removed, that would mean that the St. Andrews Tract would be subject to the same residential front setback and second story setback LCP provisions as all other residential development in the City, including the requirement for a minimum 20-foot front setback and the requirement that second floors be limited to 80 percent of the first-floor area. See **Exhibit 1** for the proposed amendment text.

## **Minor LCP Amendment Determination**

Pursuant to Title 14 of California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor." 14 CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

**14 CCR Section 13554(d).** *For land use plans: (2) correction, reorganization, revisions, or deletion of certified language which when taken together does not change the kind, location, intensity or density of use or modify the resource protection measures for any area or property.*

If the Executive Director determines that an amendment is minor, that determination must be reported to the California Coastal Commission (Commission). If one-third or more (i.e., four or more) of the appointed members of the Commission request that it be

processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if less than one-third (or less than four) of the appointed members of the Commission object to the minor LCP amendment determination, then the amendment is deemed approved and it becomes a certified part of the LCP.

**The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.**

The St. Andrews Tract is a residential neighborhood that is essentially fully built out. It is located in the Shell Beach area of the City upcoast of downtown, and it includes some 112 existing residences (mostly single family with some multi-family). The City indicates that existing front setbacks in this area range from 8 to 51 feet, with an average of 20-25 feet, and that most homes are single story. Under the existing LCP provisions in question, when these residences are modified (through remodel, addition, redevelopment, or complete replacement), they must retain the existing front setback. And if the modifications include second story elements, the second story must be stepped back at least 10 feet from the first floor along the front elevation.<sup>1</sup> If these unique front yard standards were deleted, as proposed in this LCP amendment, the LCP would require at least a 20-foot front setback and would require that second floors be limited to 80 percent of the first-floor area.<sup>2</sup>

Staff have evaluated these standards and believe that the proposed change will not significantly change the degree of coastal resource protection in the St. Andrews Tract. Again, this is an essentially built-out neighborhood, and there is little to suggest the need for the additional specificity regarding residential front yards. In fact, staff believes that the LCP's standard front yard provisions (as well as other applicable LCP provisions) are adequate to address any coastal resource concerns that may be engendered by such residential development in this area, including with respect to public views, public access, and community character. In fact, as evidenced by the City's analysis, average existing setbacks essentially map to the LCP minimum 20-foot setback already, the 80% second floor area requirement by itself dictates second story setbacks, and the expected effect over time of the proposed changes would be negligible. As such, the proposed changes are minor and without significant coastal resource concern and can be found consistent with Coastal Act Chapter 3.<sup>3</sup>

**California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures

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<sup>1</sup> These front yard residential standards were added to the LCP as part of a larger LCP update in 2012. The City indicates that the precise genesis of such standards is unclear, including as they are unique only to the St. Andrews Tract and to nowhere else in the City, and City staff suggests that it may have been at the request of a St. Andrews Tract resident at the time. In any case, the 2012 LCP update included no specific analysis or discussion of these changes.

<sup>2</sup> In either case, all other applicable LCP provisions would also apply (including standards related to neighborhood compatibility; mass; articulation; lot coverage; exterior materials; and roof and window form and style).

<sup>3</sup> Including Pub. Resources Code Section 30250 that protects coastal resources generally when such development may be undertaken, and Pub. Resources Code Section 30251 that protects public views.

available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the City found that there is no substantial evidence, in light of the whole record, that the amendment may have a significant effect on the environment, and adopted a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CCR Section 15000 et seq.).

The Commission is not exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA. Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed amendment would necessitate. Thus, the proposed amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

### **Coastal Commission Concurrence**

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its hybrid meeting in Fort Bragg on July 14, 2022. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Katie Butler at the Coastal Commission's Central Coast District Office via email at [Katie.Butler@coastal.ca.gov](mailto:Katie.Butler@coastal.ca.gov). If you wish to comment on the proposed amendment and/or object to the proposed minor LCP amendment determination, please do so via regular mail (directed to the Central Coast District Office) or email (by emailing [centralcoast@coastal.ca.gov](mailto:centralcoast@coastal.ca.gov)) by 5:00 p.m. on July 8, 2022.

### **Procedural Note - LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on May 13, 2022. The proposed amendment affects the LCP's LUP only, and the 90-working-day deadline for the Commission to take action on it is September 21, 2022. Thus, unless the Commission extends the action deadline (it may be extended by up to one year by the Commission per Coastal Act section 30517), the Commission has until September 21, 2022, to take a final action on this LCP amendment.

Therefore, if four or more Commissioners object to the Executive Director's determination that this amendment is minor, then staff recommends that the Commission vote to 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 Pismo Beach Local Coastal Program Amendment Number LCP-3-PSB-22-0018-2 to September 21, 2023, and I recommend a yes vote.*

**Exhibit 1: City resolution and proposed amendment text**