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To: Commissioners and Interested Persons

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**Subject: City of Pismo Beach LCP Amendment Number LCP-3-PSB-26-0026-1
(City of Pismo Beach LUP Update)**

SUMMARY OF STAFF RECOMMENDATION

The City of Pismo Beach is proposing to comprehensively update several chapters of its Local Coastal Program (LCP) Land Use Plan (LUP), including those provisions governing land use, sensitive habitat protection, lower-cost accommodations, public views, and tribal/environmental justice.¹ This update was partially funded by a grant from the Coastal Commission's LCP Local Government Assistance Grant Program, and has been the subject of an extensive and inclusive community planning process, which commenced in 2017. Although the LCP has served the City well, like many of the first wave of LCPs that were certified over 30 years ago,² the current LCP is in need of updating to reflect more modern understandings associated with contemporary coastal land use planning issues. This is particularly important in terms of policies addressing climate change, affordable housing, visitor serving uses, and open space preservation.

The City of Pismo Beach and its approximately 8,000 residents are located within San Luis Obispo County between the City of Grover Beach to the south and the unincorporated community of Avila Beach to the north, and about halfway between San Francisco and Los Angeles on California's Central Coast. About two-thirds of the roughly 13 square mile City is located within the coastal zone. The City boasts a linear coastal orientation where approximately six miles of the City runs along the Pacific Ocean and is bisected by Highway 101 with a predominant northwest to southeast orientation. Most of the City is backdropped by steep undeveloped hillsides, providing a

¹ But not the LUP's Safety Element and Parks, Recreation, and Access Element, as those chapters govern coastal hazards issues and are being updated as part of a separate LUP amendment process. However, in the meantime, this LUP amendment does include some updates regarding sea level rise planning, including requirements to use the best available science in planning and permitting decisions, risk disclosures for development in potentially hazardous locations, and other best practices, including those recommended for inclusion in all LCPs by the Local Government Working Group.

² The City's LUP was originally approved by the Commission in 1983 and a comprehensive update was certified in 1993, with several amendments since then.

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rather stunning land use mosaic where urban development is nestled between open hills, coastal bluffs and sandy beaches. The City is a very popular visitor destination, not only because of wide sandy beach with typically gentle waves near a walkable downtown and the Pismo Pier, but also because the City's location overall is a relatively easy drive from inland locations in the Central Valley. In fact, Pismo Beach was recently named "America's Best Small Beach Town of 2026" by Travel + Leisure magazine and was named the "Best Small Coastal Town" in 2026 by USA Today for the third year in a row.

Although the City's proposed LUP update is a complete overhaul of several LUP chapters, it is probably best understood as refining the existing LUP to better protect coastal resources and to better reflect the City's vision for its community. Specifically, the proposed LUP features the following guiding principles: 1) preserve the historic ambiance of Pismo Beach; 2) support the visitor population while enhancing the quality of life for all residents; 3) manage growth effectively; and 4) preserve and protect natural resources. Thus, the proposed LUP seeks to maintain the City's vibrant small town beach character by ensuring the City continues to provide the necessary services for residents and its tourist-based economy, while also balancing growth and ensuring the continued protection of the City's invaluable natural resources. The LUP update guides the future development of the City by establishing the allowable distribution, location, and extent of development across the City for residential, commercial, open space, public and semi-public facilities while ensuring protection of the City's coastal resources.

As proposed, the LUP update would maintain the core policy content from the existing certified LUP (e.g., a focus on concentrating development within existing developed areas and protecting open space land uses, sensitive habitat areas, public access, and public views). At a broad level, the proposed LUP update is structured around creating a vibrant community through developing new or enhancing existing visitor-serving areas, including with new policies requiring lower-cost overnight accommodations, to elevate Pismo Beach as a visitor node and coastal destination. In addition, the proposed LUP update contains numerous updated and new policies to address a variety of coastal resource issues not explicitly covered in the current LUP, as well as to reflect new understandings and improved planning techniques regarding various coastal resource concerns (including related to ESHA identification and protection, wetland and riparian corridor protection, tribal/archeological protections, lower cost accommodations, and environmental justice). Additionally, the LUP seeks to emphasize multi-modal transportation options and implement new mixed-use policies to encourage residential development, particularly affordable housing, on upper stories. Furthermore, the LUP update would consolidate the existing eighteen neighborhood planning areas into ten.

While the updated LUP is an important and valuable refinement and update, staff does recommend five suggested modifications to ensure the proposed LUP is consistent with the Coastal Act. The first modification would affect the LUP's land use designation map by removing the Mixed-Use designation for two parcels located at the end of Addie Street because they are located within the Commission's retained CDP jurisdiction where the LCP is not the standard of review. These parcels are located on the beach directly adjacent to Pismo Creek and would raise permissibility problems with ESHA and their buffers, coastal hazards, public access and recreation, and public views,

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where any future development proposals would be reviewed against the Coastal Act, and it would be inappropriate to designate them for any sort of use that might conflict with that analysis. The second and third modifications would revise two proposed policies to ensure that any restriction on access along the shoreline for the purpose of preserving habitat is done in a manner that balances habitat protection with that access. The fourth modification would clarify that the construction of new public vertical coastal accessways shall evaluate sensitive shoreline habitat, site stability, and public safety concerns to ensure that new public accessways are being installed in places that will minimize adverse impacts on habitat and ensure the long-term structural stability of both the accessway and the shoreline. And the fifth modification would ensure that short-term rentals are provided in a manner that balances overnight visitor-serving accommodations with neighborhood character and affordable housing stock.

Throughout the local process, the City worked very closely with Commission staff on all aspects of the proposed LUP update. In fact, City and Commission staffs have worked collaboratively and iteratively on draft versions of the proposed LUP update and have consistently met and communicated prior to and throughout the City's public hearing process to understand issues, best practices, and needs, including in light of substantial and substantive public input. And that collaboration extends to the suggested modifications described above, where City staff are in agreement on them. The result of this robust and inclusive process, including as modified, is a thorough and comprehensive proposed LUP that should result in enhanced coastal resource protection, and should serve the City well for many years to come.

Staff thus recommends that the Commission find the LUP update, with the identified suggested modifications, consistent with and adequate to carry out the provisions of Chapter 3 of the Coastal Act, and that the Commission approve the amendment as modified. The motion and resolution are found on page 5 below.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on September 2, 2026. The proposed amendment affects the LCP's LUP, and the 90-working-day action deadline is January 14, 2027. Thus, unless the Commission extends the action deadline (it may be extended by up to one year), the Commission has until January 14, 2027 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.

Alternative Time Extension 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-26-0026-1 to January 14, 2028, and I recommend a yes vote.

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EXHIBITS

Exhibit 1: Pismo Beach Location Maps

Exhibit 2: Proposed LUP Amendment

1. MOTIONS AND RESOLUTIONS

Staff recommends that the Commission, after public hearing, approve the LUP amendment with suggested modifications. The Commission needs to make two motions on the LUP amendment to implement this recommendation.

A. Deny the LUP Amendment as Submitted

Staff recommends that the Commission, after public hearing, deny the LUP amendment as submitted. To do so, staff recommends a **NO** vote on the following motion. Failure of this motion will result in denial of the LUP amendment as submitted and adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

Motion to Deny: *I move that the Commission certify Land Use Plan Amendment LCP-3-PSB-26-0026-1 as submitted by the City of Pismo Beach, and I recommend a no vote.*

Resolution to Deny: *The Commission hereby denies certification of Land Use Plan Amendment LCP-3-PSB-26-0026-1 as submitted by the City of Pismo Beach and adopts the findings set forth below on the grounds that the Amendment as proposed does not conform with the policies of Chapter 3 of the Coastal Act. Certification of the Amendment would not comply with the California Environmental Quality Act because there are feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Amendment may have on the environment.*

B. Certify the LUP Amendment with Suggested Modifications

Staff recommends that the Commission, after public hearing, approve the LUP amendment if modified as suggested. To do so, staff recommends a **YES** vote on the following motion. Passage of the motion will result in certification of the LUP amendment with suggested modifications and adoption of the following resolution and findings. The motion to certify with suggested modifications passes only upon an affirmative vote of the majority of the appointed Commissioners present.

Motion to Approve with Suggested Modifications: *I move that the Commission certify Land Use Plan Amendment LCP-3-PSB-26-0026-1 for the City of Pismo Beach if it is modified as suggested by the staff recommendation, and I recommend a yes vote.*

Resolution to Approve with Suggested Modifications: *The Commission hereby certifies Land Use Plan Amendment LCP-3-PSB-26-0026-1 for the City of Pismo Beach if modified as suggested and adopts the findings set forth below on the grounds that the Amendment with suggested modifications will meet the requirements of and be in conformity with the policies of Chapter 3 of the Coastal Act. Certification of the 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*

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alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Amendment.

2. SUGGESTED MODIFICATIONS

The Commission hereby suggests the following modifications to the proposed Land Use Plan amendment, which are necessary to make the requisite Coastal Act consistency findings. If the City of Pismo Beach accepts the suggested modifications within six months of Commission action (i.e., by April 9, 2027), by formal resolution of the City Council, the modified amendment will become effective upon being reported to the Commission by the Executive Director. Where applicable, text in underline format denotes proposed text to be added by the Commission and text in strikethrough denotes text to be deleted by the Commission.

- 1. LUP Map Changes.** Modify the proposed LUP Land Use Designation Map for the two vacant parcels at the end of Addie Street (APNs 005-163-030 and 005-163-031) to remove the Mixed-Use land use designation (the parcels will not have a LUP land use designation for purposes of the Coastal Act/LCP as they are located within the Commission's retained CDP jurisdiction).
- 2. Modify Policy COS-4.1 (Conserve Marine Resources) to balance public access and recreation with marine resources as follows:**

Policy COS-4.1: Conserve Marine Resources. *Policy COS-4.1: Conserve Marine Resources. The Pacific Ocean and shoreline provide a plethora of valuable habitat and resources for marine mammals, fish, plant life, and other wildlife. Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will (1) sustain the biological productivity of coastal waters, (2) help ensure the continuation of a healthy, self-renewing marine ecosystem, and (3) help ensure the long-term survival of healthy populations of marine plants and animals. To ensure conservation of these resources, the City may shall restrict the allowed activities within or in proximity to the Pacific Ocean, while also balancing the need to maximize public coastal access and recreation.*

- 3. Modify Action COS-4.1c (Intertidal Zone) to balance public access in intertidal habitats as follows:**

Action COS-4.1c: Intertidal Zone. *The intertidal zone is a valuable recreational resource area for beach-going, fishing, bird watching and jogging. The City shall seek balance between the recreational uses of the intertidal zone and the preservation of the natural resources in the intertidal zone. In order to preserve and enhance intertidal habitat, the City shall: 1. Maintain and enhance areas of rocky intertidal habitat that provide multiple ecological benefits while also reducing wave energy and erosion at the bluff toe, which are threatened by habitat loss due to sea level rise and coastal squeeze. These areas may shall have restricted public access to preserve habitat value. ...*

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- 4. Modify Action COS-4.1i (Beach Access) to ensure new public vertical accessways are installed in locations that won't lead to adverse impacts as follows:**

***Action COS-4.1i: Beach Access.** ~~Due to public safety and habitat protection considerations, the eConstruction of new public vertical coastal access ways shall evaluate sensitive shoreline habitat, site stability, and public safety concerns. to the ocean along the rocky coast area shall be limited to those areas with sandy beaches. Prior to any approval for new access to the shoreline, the request shall first be evaluated in terms of protection of sensitive shoreline resources and safety.~~*

- 5. Modify Action LU-4.2I (Regulation of Short-Term Rentals) to ensure short-term rentals are provided in a manner that balances visitor serving accommodations, neighborhood character, and affordable housing stock as follows:**

***Action LU-4.2I: Regulation of Short-Term Rentals.** ~~Continue to allow existing permitted short-term rentals and homestays, defined as the renting (for 29 days or less) of dwelling units, in a manner that does not adversely affect coastal resources, is consistent with neighborhood character, and preserves long-term affordable housing stock, while offering accommodations to visitors and without discretionary review in Single-Family Residential zoning districts.~~*

3. FINDINGS AND DECLARATIONS

A. Background

The City of Pismo Beach is an incorporated city of just over 8,000 residents that is located within the shoreline area of San Luis Obispo County between the City of Grover Beach to the south and the unincorporated community of Avila Beach to the north, and about halfway between San Francisco and Los Angeles on California's Central Coast. About two-thirds of the roughly 13 square mile City is located within the coastal zone. The City stretches along the coast with a predominant northwest to southeast orientation with approximately six miles of shoreline varying in width from less than one-quarter mile near the middle to more than a mile at its southern end. The City is a popular vacation destination offering wide sandy beaches, impressive cliffs, a public pier, numerous hotels and motels, a State Park Campground and a visitor-friendly downtown. The downtown core is the City's primary tourist destination and provides the northern/upcoast entry into, and perhaps most heavily utilized portion of, the 17 miles of coastline of Pismo State Beach (which extends into downcoast Grover Beach and unincorporated San Luis Obispo County). The beach fronting the downtown core is wide and sandy with what are typically fairly gentle and family-friendly waves. These attributes, its adjacency to the Pismo Pier and walkable visitor-serving downtown, and the City's location overall as a relatively easy drive from inland locations in the Central Valley, all make the City's downtown beach one of the most popular recreational beaches in all of the Central Coast. In fact, Pismo Beach was recently named "America's Best Small Beach Town of 2026" by Travel + Leisure magazine and was named the "Best Small Coastal Town" in 2026 by USA Today for the third year in a row.

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Residential uses are dominant in the northern part of the City along Shell Beach Road, including the Palisades and Shell Beach neighborhoods, as well as in the southern and eastern foothills. Just upcoast of downtown and centered along Price Street is the Motel District comprised of primarily visitor-serving overnight accommodations. The Pismo Creek/Pismo Marsh area is located at the southern end of the City and is home to commercial, industrial, and open space uses including State Parks' Monarch Butterfly Grove and North Beach Campground. Most of the City is backdropped by steep undeveloped hillsides, including the 880-acre Pismo Preserve open space area, providing a rather stunning land use mosaic where urban development is nestled between open hills, coastal bluffs, and sandy beaches. See **Exhibit 1** for location maps of the Pismo Beach area.

The City's Local Coastal Program (LCP) Land Use Plan (LUP) was originally certified by the Commission in 1983 and the LCP's Implementation Plan (IP) was subsequently certified in 1984, and thus the City assumed most CDP-issuing authority that year. About a decade later, the City pursued a comprehensive update to the LUP, which was certified by the Commission in 1993,³ and various amendments to the 1993 LUP have been made since. Although the LCP has served the City well, like many of the first wave of LCPs that were initially certified over 40 years ago, the current LCP is in need of updating to reflect more modern understandings associated with contemporary coastal land use planning issues. This is particularly important in terms of policies addressing climate change, affordable housing, lower cost visitor-serving uses, and open space preservation.

The current LCP update effort started in 2017, and in 2023 the City's Planning Commission held public hearings to review and consider recommending adoption of the updated LUP to the City Council. However, the City received comments from the public and stakeholders regarding concerns over policy language in the draft Safety Element. Those comments, paired with City staffing changes, led to a pause in the local adoption process. Thus, due to the complexities surrounding the topics and associated policies in the Safety Element, including coastal hazards and sea level rise, the City Council directed City staff, and supported by Commission staff, to extract the Safety and the Parks and Recreation Elements from the rest of the LUP update to allow for additional time and coordination on policy development for those chapters. The local hearing process for the proposed LUP update, excluding the two aforementioned chapters, was restarted in 2025, with City Council adoption occurring in May of 2026. Thus, and as described in more detail below, this portion of the LUP update addresses various land use, sensitive habitat, housing, transportation, and visual resource provisions, but only addresses limited coastal hazards provisions,⁴ as those issues will predominantly be

³ The City also pursued a comprehensive update to their IP in 1998, which was approved by the Commission with suggested modifications in 1999; however, the suggested modifications were rejected by the City, and so the IP from 1984 remains in effect today, although amendments to it have been certified over the years.

⁴ The amendment does include some updates regarding sea level rise planning, including requirements to use the best available science in planning and permitting decisions, risk disclosures for development in potentially hazardous locations, and other best practices, including those recommended for inclusion in all LCPs by the Local Government Working Group as part of what have been called "Phase 1" hazards updates.

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handled by a separate LUP amendment effort to be undertaken next. Following at least the initial LUP update, the City also intends to pursue a subsequent update to the IP.

Ultimately, since the start of the LCP update in 2017, the City has undertaken an extensive public outreach and community engagement process. According to the City, the process included formation of a LCP Advisory Committee, multiple community outreach events, public workshops, stakeholder and neighborhood outreach, and over twenty General Plan/LCP public meetings on the project, in addition to multiple joint workshops with the Planning Commission and City Council. Outreach activities included a community information booth at Dinosaur Caves Park, a King Tides and sea level rise workshop, outreach to the Shell Beach Improvement Group, a key stakeholder, along with other opportunities for community input. Between 2021 and 2023, the City held ten joint City Council and Planning Commission public study sessions to review the draft LUP Update, discuss individual elements and key policy issues, and receive public input. The Planning Commission conducted two public hearings on the initial adoption draft LUP Update in 2023.

Public participation continued as the LUP Update was refined between 2023 and 2026. To ensure all public comments received were duly considered by the Planning Commission and City Council, the City prepared a summary matrix of all comments received from residents, property owners, nonprofit organizations, public agencies, stakeholders, and decision-makers with corresponding responses made available as attachments to staff reports and on the City's LCP website. City staff continued to incorporate input from the public, stakeholders, Coastal Commission staff, other public agencies, and the Planning Commission into subsequent revisions of the document. The Planning Commission held four public hearings on the revised LUP Update in late 2025 and early 2026 before forwarding its recommendation to the City Council. The process culminated in a public hearing before the City Council on May 19, 2026, at which the Council considered public testimony and adopted the LUP Update.

It is clear that the City has put forth considerable effort over the past nine years to solicit public input and prepare and submit the proposed LUP update, including with substantial grant funding from the Commission through the LCP Local Assistance Grant Program.⁵ Commission and City staff worked extensively on the proposed update as it

⁵ The Commission awarded the City four grants totaling \$1.655 million, three of which are complete and have resulted in work supporting the proposed LCP amendment. Specifically, the City was initially awarded \$85,000 in 2018 (for a Short-Term Rental Ordinance, Draft Low-Cost Visitor Serving Accommodation Study, and Sea Level Rise Vulnerability Assessment); \$170,000 in 2020 (for a Sea Level Rise Adaptation Plan and the initial stages of work on an LCP amendment;) and \$500,000 in 2023 (for continued work on the overall LCP update). In addition to many other topics, including some baseline policies on sea level rise, the proposed LCP amendment includes strategies to increase housing supply to comply with the Regional Housing Needs Allocation, primarily through mixed use zoning and intensification in the core downtown, as well as a multi-modal plan to reduce traffic and congestion through pedestrian and bicycle improvements. A fourth grant for \$900,000 was awarded in 2025 and is funding ongoing work to update to the City's sea level rise vulnerability assessment and adaptation plan, as well as an economic analysis of adaptation strategies. This last grant will also fund a future LCP amendment, wherein the City is expected to update the primary coastal hazard portions of the LCP's LUP (i.e., the Safety and the Parks, Recreation, and Access Elements) as well as its Implementation Plan to address sea level rise.

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was being developed, and as it went through the City's local review processes. Specifically, Commission staff provided written feedback on each draft element of the update, including suggested in-line edits, and met with City staff numerous times prior to submittal to discuss remaining issues, including coordination on policies to exclude from the LUP for certain issues that do not affect coastal resource protection.⁶ The Commission commends the City and City staff for their commitment to that process. While this coordination resulted in a robust document that establishes a high standard of coastal resource protection, including in some cases greater protections than those afforded by the Coastal Act, there are a handful of policies warranting some fine-tuning via suggested modifications, discussed in more detail below. The result of this robust and inclusive process is a thorough and comprehensive proposed LUP intended to provide and result in coastal resource protection for many years to come.

B. Proposed LCP Amendment Description

Although the City's proposed LUP update would comprehensively update several LUP chapters, it is probably best understood as refining the existing LUP to better protect coastal resources and to better reflect the City's vision for its community as a visitor destination. Specifically, the proposed LUP features the following guiding principles: 1) preserve the historic ambiance of Pismo Beach; 2) support the visitor population while enhancing the quality of life for all residents; 3) manage growth effectively; and 4) preserve and protect natural resources. Thus, the proposed LUP seeks to maintain the City's vibrant small town beach character by ensuring the City continues to provide the necessary services for residents and its tourist-based economy, while also balancing growth with the continued protection of the City's valuable natural resources. The LUP Update guides the future development of the City by establishing the allowable distribution, location, and extent of development across the City for residential, commercial, open space, public and semi-public facilities while ensuring protection of the City's coastal resources.

The proposed LUP update includes five elements/chapters, each of which covers a different coastal resource issue area (with some inherent overlap, and with some issues areas overlapping more than others), as follows: 1) Introduction; 2) Land Use Element; 3) Conservation and Open Space Element; 4) Circulation Element; and 5) a Glossary.⁷ Each chapter includes extensive background information to help guide and interpret issues, as well as updated maps and figures. The proposed LUP also explicitly states that the policy most protective of coastal resources applies and its provisions must be interpreted consistent with the Coastal Act.⁸ Furthermore, the policies of the updated

⁶ Since two-thirds of the City is within the coastal zone, the City's current General Plan is combined with the LUP. However, as part of this LCP update process, the City has excluded the Noise Element from the LUP and has identified select policies within the other chapters that won't be part of the certified LUP but will instead serve as General Plan policies only.

⁷ The document also includes chapters on Noise and Housing; however, these chapters are part of the General Plan and are not part of the LUP. The chapters are supplemented by two appendices: a) Facilities Memo; b) Low-Cost Visitor Serving Accommodations Memo; and c) Circulation Element Appendices: Public Meeting Summary, Peak Hour Turn Movement Volumes, and Pismo Creek Crossing Alternatives.

⁸ See Introduction Chapter on page I-4.

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LUP, if certified by the Commission, would provide the primary standard of review for any proposed new development, and if there were to be any conflicts between the updated LUP and the IP (which can be expected to occur until the IP is also updated), the updated LUP would prevail. See **Exhibit 2** for the proposed LUP text, maps, and figures.

As proposed, the LUP update would maintain the core policy content from the existing certified LUP (e.g., a focus on concentrating development within existing developed areas and protecting open space land uses, sensitive habitat areas, public access, and visual resources). At a broad level, the proposed LUP update is structured around creating a vibrant community, including through developing new or enhancing existing visitor-serving areas, including with new policies requiring lower cost overnight accommodations, all intended to elevate Pismo Beach as a visitor node and coastal destination. In addition, the proposed LUP update contains numerous updated and new policies to address a variety of coastal resource issues not explicitly covered in the current LUP, as well as to reflect new understanding and improved planning techniques regarding various coastal resource concerns (including related to ESHA identification and protection, wetland and riparian corridor protection, tribal/archeological protections, lower-cost accommodations, and environmental justice). More specifically, and discussed in even greater detail in the subsequent analysis of this report, the LUP seeks to emphasize multi-modal transportation options and implement new mixed-use policies to encourage residential development, particularly affordable housing, on upper stories. Furthermore, the LUP update would consolidate the existing eighteen neighborhood planning areas into ten.

Finally, as previously mentioned, the proposed LUP update excludes an update to the LUP's Safety Element; thus, the existing policies within the Safety Element will remain in effect while the City pursues subsequent updates to that section. However, in order to bridge the gap while that process is underway, the proposed LUP contains policies regarding the use of best available science in regard to sea level rise projections, requires development along the shoreline to assume risks related to coastal hazards, requires new development to be sited and designed to avoid coastal hazards, including sea level rise, and directs the City to coordinate with the Commission to develop a sea level rise adaptation plan. This work partially meets the requirements of Senate Bill (SB) 272 (Laird, 2023), which requires local governments to develop a sea level rise plan⁹ as part of a certified LCP.¹⁰ While the forthcoming update to the Safety Element is intended

⁹ Per SB 272, the sea level rise plan shall include, at a minimum, the following components: 1) use of best available science, 2) a vulnerability assessment that includes efforts to ensure equity for at-risk communities, 3) SLR adaptation strategies and recommended projects, 4) identification of lead planning and implementation agencies, 5) an economic analysis of, at a minimum, costs to critical public infrastructure, and 6) a timeline for updates, as needed, based on SLR projections, local conditions, identified adaptation strategies/projects, and other locally relevant factors. Policies within the proposed LCPA call for use of best available science, consistent with SB 272. The proposed LCPA is also supported by an initial vulnerability assessment that is being updated as part of the ongoing grant work. This and additional adaptation planning work, which is anticipated to be completed in 2027, is scoped to fulfill the other requirements of SB 272.

¹⁰ It should be noted that SB 272 is not the standard of review for certifying the LCP amendment, and the Commission is not required to make SB 272 consistency findings. However, describing consistency with

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to fulfill all the remaining requirements of SB 272, the policies related to sea level rise included in the proposed LUP update can be understood as laying the foundation for the City's future work related to sea level rise and coastal hazards.

C. Proposed LCP Amendment Consistency Evaluation

Standard of Review

The standard of review for the LUP amendments is that they must be consistent with the requirements of Chapter 3 of the Coastal Act.

D. Land Use and Development

Applicable Coastal Act Provisions

The following sections of the Coastal Act guide the appropriate kinds, locations, and intensities of development and use, as well as necessary coastal resource protection standards. As a general rule, the Coastal Act seeks to promote infill development within existing developed communities with adequate public services and where such development will not cause adverse impacts to coastal resources. Applicable provisions include:

30250. *(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels. (b) Where feasible, new hazardous industrial development shall be located away from existing developed areas. (c) Visitor-serving facilities that cannot feasibly be located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.*

30254. *New or expanded public works facilities shall be designed and limited to accommodate needs generated by development or uses permitted consistent with the provisions of this division; provided, however, that it is the intent of the Legislature that State Highway Route 1 in rural areas of the coastal zone remain a scenic two-lane road. Special districts shall not be formed or expanded except where assessment for, and provision of, the service would not induce new development inconsistent with this division. Where existing or planned public works facilities can accommodate only a limited amount of new development, services to coastal dependent land use, essential public services and basic industries vital to the economic health of the region, state, or nation, public*

SB 272 requirements is helpful for ensuring good sea level rise planning and for the City to demonstrate the progress being made towards complying with that law.

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recreation, commercial recreation, and visitor-serving land uses shall not be precluded by other development.

Within these existing developed communities able to accommodate new development, the Coastal Act promotes certain developments over others, including public recreational access uses/facilities, visitor-serving uses (including lower cost uses and accommodations), and coastal-dependent uses. Applicable provisions include:

30213. *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. ...*

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.*

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

30255. *Coastal-dependent developments shall have priority over other developments on or near the shoreline. Except as provided elsewhere in this division, coastal-dependent developments shall not be sited in a wetland. When appropriate, coastal-related developments should be accommodated within reasonable proximity to the coastal-dependent uses they support.*

Further strengthening the Coastal Act's infill development goals, the Act includes strong policies protecting rural scenic lands, including in terms of limiting conversion of prime and nonprime agricultural land,¹¹ requiring stable urban/rural boundaries, and protecting scenic views and minimizing alteration of natural landforms. Applicable provisions include:

30241. *The maximum amount of prime agricultural land shall be maintained in agricultural production to assure the protection of the areas' agricultural economy, and conflicts shall be minimized between agricultural and urban land uses through all of the following: (a) By establishing stable boundaries separating urban and rural areas, including, where necessary, clearly defined buffer areas to minimize conflicts between agricultural and urban land uses. (b) By limiting conversions of agricultural lands around the periphery of urban areas to the lands where the viability of existing agricultural use is already severely limited by conflicts with urban uses or where the conversion of the lands would complete a*

¹¹ Although there is no agricultural land in the City's coastal zone, the Coastal Act's agricultural protection policies are listed here since they provide an important backdrop for understanding the importance of establishing stable urban/rural boundaries and of developing in infill areas while protecting/conserving rural and working lands.

logical and viable neighborhood and contribute to the establishment of a stable limit to urban development. (c) By permitting the conversion of agricultural land surrounded by urban uses where the conversion of the land would be consistent with Section 30250. (d) By developing available lands not suited for agriculture prior to the conversion of agricultural lands. (e) By assuring that public service and facility expansions and nonagricultural development do not impair agricultural viability, either through increased assessment costs or degraded air and water quality. (f) By assuring that all divisions of prime agricultural lands, except those conversions approved pursuant to subdivision (b), and all development adjacent to prime agricultural lands shall not diminish the productivity of prime agricultural lands.

30242. *All other lands suitable for agricultural use shall not be converted to nonagricultural uses unless (1) continued or renewed agricultural use is not feasible, or (2) such conversion would preserve prime agricultural land or concentrate development consistent with Section 30250. Any such permitted conversion shall be compatible with continued agricultural use on surrounding lands.*

30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

Additionally, and in all cases, urban and rural, the Coastal Act protects natural resources and sensitive habitats. The following sections of the Coastal Act pertain to preservation and enhancement of marine resources, coastal waters, wetlands, and environmentally sensitive habitat areas (ESHAs):

30107.5. *"Environmentally sensitive area" means any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

30230. *Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

30231. *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of*

marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of wastewater discharges and entrainment, controlling runoff, preventing depletion of groundwater supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

30233. *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following: (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities. (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps. (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities. (4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines. (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas. (6) Restoration purposes. (7) Nature study, aquaculture, or similar resource-dependent activities.*

(b) Dredging and spoils disposal shall be planned and carried out to avoid significant disruption to marine and wildlife habitats and water circulation. Dredge spoils suitable for beach replenishment should be transported for these purposes to appropriate beaches or into suitable longshore current systems.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. ...

(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.

30236. *Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to*

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(1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development or (3) developments where the primary function is the improvement of fish and wildlife habitat.

30240. *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas. (b) 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.*

And finally, development on the coast of California inherently brings risk when considering factors such as coastal erosion, flood hazards, and wave run up where such risks are increasing in intensity and frequency due to the impacts of climate change, and specifically those impacts related to sea level rise. Section 30270 discusses sea level rise in relation to coastal development:

Section 30270. *The Commission shall take into account the effects of sea level rise in coastal resource planning and management policies and activities in order to identify, assess, and, to the extent feasible, avoid and mitigate the adverse effects of sea level rise.*

Consistency Analysis

Infill Development and Priority Land Uses

The Coastal Act establishes clear parameters and priorities for the location, intensity, type, and design of new development in the coastal zone as a means of protecting coastal zone resources and enhancing them where feasible. These parameters and priorities emanate from both specific Coastal Act policies and requirements, as well as the overlap and interplay between them. Fundamentally, Section 30250(a) requires that most new development be concentrated in and around existing developed areas with adequate public services and infrastructure to accommodate it. Within that broader framework, the Coastal Act also provides particular development prescriptions for specific resource types. For example, the Coastal Act provides that new development should be sited where it will not have an adverse impact on coastal resources, and where it will protect visual and scenic corridors, maintain public access to the coast, and minimize risks to life and property while ensuring structural integrity. In addition, the Coastal Act includes policies that require oceanfront and private land, as applicable, be protected for visitor-serving commercial uses and public recreation; that coastal-dependent development have priority over other types of development in areas along or near the shoreline; and requires development in the vicinity of sensitive habitats, such as wetlands and streams and other ESHA, to be sited appropriately to avoid impacts to such habitats.

The proposed LUP update does just this. It identifies land use constraints and opportunities throughout the City, designates appropriate locations and densities of new

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development, and provides ways to assure that development will not have significant adverse effects, either individually or cumulatively, on coastal resources, consistent with the above-stated Coastal Act requirements. At a broad level, the proposed LUP's overall tenet is to prioritize infill development within the existing urban fabric of the City, protect the surrounding hillsides that frame the City's inland edge, and to protect open spaces and park lands. Specifically, the LUP includes extensive discussion about the intent of the LUP, which is to reflect existing development patterns in the City, maintain its small beach-town character, and promote economic, environmental, and social resiliency in the face of climate change. The LUP identifies goals for how the City's environment will look in 2040, policies that measure progress toward the goal, and actions that identify tools the City can use to meet those goals, all of which are framed around the previously mentioned guiding principles.

To effectuate the proposed LUP's goals and visions, the LUP includes a series of general policies that apply throughout the coastal zone, as well as more specific policies that apply to individual neighborhoods. On the former, in terms of overall policy direction, the City is primarily built out and undeveloped land is fairly limited within the City limits (generally just the undeveloped hillsides on the City's periphery, including along Ontario Ridge to the north and the Pismo foothills on the eastern side). The LUP includes a series of policies aimed at prioritizing open space preservation of these undeveloped areas on the City's periphery (e.g., proposed LUP Action LU-1.6a states that ridgelines and prominent hillsides should be retained as open space through clustering of development and/or transfer of density), including prohibiting development on steep slopes or on other locations with environmental constraints (e.g., proposed LUP Action COS-3.1f prohibits structural development on hillsides in excess of 30% slope that are within the viewshed from Highway 101, and proposed LUP Action COS-4.11b states that all land above the 200-foot contour line shall be designated as permanent open space; see also additional discussion of the LUP's policies protecting natural resources in the Natural Resources and Open Space section of this report). Thus, the LUP intent is to keep these peripheral lands undeveloped and to retain these hillsides in open space to serve as the scenic backdrop framing the City, and to then channel development into already developed spaces within downtown and along arterial streets. To manage this growth effectively, the LUP includes policies that promote and prioritize infill development rather than outward sprawl; for example via proposed LUP Policies LU-1.3 (which provides for a wide variety of land uses through the mixed-use land use designation), LU-1.1 (which encourages a range of residential land use designations to allow for a variety of housing types and densities), LU-8.1d (which restricts open space from being developed intensively and prohibiting land divisions in ESHA), and LU-7.1a (which mirrors Coastal Act Section 30250 requiring new development to be concentrated in areas able to serve it without significant coastal resource concerns).

Furthermore, to ensure infill development and intensification of use is accommodated throughout the City without resulting in adverse impacts to coastal resources, the proposed updated LUP includes policies addressing public works and services to ensure that adequate water and wastewater services are provided in conjunction with the anticipated growth, including through expanding the City's recycled water program, and continuing to monitor and prevent sea water intrusion in the City's aquifers (see, for

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example, proposed LUP Actions LU-6.2b, COS-2.4b and COS-2.4c). The proposed LUP also seeks to site multi-family residential and mixed-use projects (particularly affordable housing; see proposed LUP Policy LU-1.3b) around the City's transit stops to limit impacts related to parking and traffic, and speaks to expanding the City's bikeway system to connect residential, commercial, workplace and recreation nodes to minimize vehicle miles traveled and promote walking and biking (see, for example, proposed LUP Actions LU-5.3b and LU-5.3c). Overall, the proposed LUP encourages land use decisions that are designed to reduce energy and water consumption, waste and noise generation, and air quality impacts, all of which ensure that infill development is done in a sustainable manner (see, for example, proposed LUP Policy LU-5.3) that does not result in any significant adverse coastal resource impact. The proposed LUP includes policies to ensure all development (infill or not) does not result in adverse coastal resource impacts, including by requiring all land use proposals to protect views and enhance natural landforms, sensitive habitats and scenic resources, using zoning and open space to maximize view corridors of both the ocean and coastal foothills, protecting oceanfront land for recreational uses, and ensuring that residential development (inclusive of potential density bonuses and other allowances for increased density, such as for accessory dwelling units and SB 9 development) is carried out in a manner that does not result in any significant adverse coastal resource impacts (see, for example, proposed Policies LU-8.1, LU-4.3, and LU-1.6, and proposed Actions LU-1.1c and Action LU-1.6d).

As such, the LUP includes a robust and directive set of policies to protect the rural periphery and to provide for well-planned infill development in a manner protective of coastal resources, all in conformance with the Coastal Act, including Sections 30250, 30251, and 30270.

With respect to public views, there are a variety of public viewpoints along the City's shoreline, with a series of particularly expansive views that mostly track the California Coastal Trail (and connecting public streets, parks, and other areas) as it extends mostly along coastal bluffs through the City. The updated LUP continues to include strong protections for these views (see, for example, proposed Policy COS-3.1 and proposed Actions COS-3.1a, and COS-3.1b). In addition, many travelers experience Pismo Beach views from Highway 101 as it snakes through town, including blue water ocean views (given the higher elevation relative to development seaward of the highway) and views of the eastern foothills. The updated LUP also continues protection for these views (see, for example, proposed Actions LU-2.1c, COS-3.1c, and COS-3.1e), where such protections are particularly important because this area provides the first ocean view for southbound motorists from Highway 101 since the Golden Gate Bridge, a distance of some 250 miles. The proposed amendment ensures that these important views are protected.

Additionally, while a more comprehensive coastal hazards update is forthcoming, the proposed LUP does include some new policies to increase the City's resilience to sea level rise by monitoring, managing, and protecting the City's shoreline from potential

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impacts caused by sea level rise (see proposed Policy LU-8.3).¹² Specifically, these policies require the use of the best available science related to sea level rise projections in the preparation of geotechnical and other engineering studies for proposed development, and require development to be sited and designed to avoid impacts from all coastal hazards, including in relation to sea level rise (see proposed Actions LU-8.3a and LU-8.3c). Furthermore, an applicant pursuing a CDP for development in a location where impacts from coastal hazards are expected to occur¹³ is required to record a deed restriction to acknowledge that the site may be subject to hazards, to assume all risks related to coastal hazards, and waive any claim of damage or liability against the permitting agency (see proposed Action LU-8.3b). And finally, proposed Action 8.3e requires the City, in coordination with the Coastal Commission, to develop a comprehensive sea level rise adaptation plan including a vulnerability assessment, economic impact analysis, and a timeline for a phased implementation plan with appropriate action triggers. Thus, these policies can be understood as laying the foundation for future sea level rise related assessments by incorporating the use of best available science and assumption of risk into development approvals, while outlining the future work that the City will undertake in relation to vulnerability and adaptation, including to meet the requirements of SB 272.

And to be clear, the existing Safety Element provisions would continue to apply in the interim, where those provisions are quite strong. In sum, the City's LCP mirrors Coastal Act policies for new blufftop development that require minimization of risks to life and property and assurance of stability and structural integrity without any reliance on shoreline armoring that would substantially alter natural landforms along bluffs and cliffs. The LCP includes a 100-year setback requirement for blufftop development that acts to implement these policy directives. The LCP also mirrors Coastal Act policies related to shoreline armoring, and in some ways is slightly stronger in that respect as the LCP limits allowable armoring to existing "principal" structures and not just existing structures, and it states that such armoring shall "only" be permitted where it is to protect such structures in danger from erosion. In other words, absent that situation, an armoring project cannot be approved consistent with the LCP. The LCP also further limits armoring by stating that it can only be approved if it meets certain criteria, including that it is required to be the least environmentally damaging feasible alternative for protecting qualifying structures, and it is also required to "1. Eliminate or mitigate impacts on local shoreline sand supply; 2. Provide lateral beach access; 3. Avoid significant rocky points and intertidal or subtidal areas; and 4. Enhance public recreational opportunities." In other words, the LCP provides additional and explicit criteria that must be met to approve such armoring. If the criteria are not met, then the LCP explicitly states that the armoring 'shall not be approved.' All of these provisions

¹² Policies regarding a local jurisdiction's management and response to the impacts of sea level rise are typically housed within the LUP's chapter related to coastal hazards, which in the City's case is within the Safety Element. However, since the City is not updating the Safety Element at this time, the City is proposing policies related to sea level rise as part of the Land Use Element to bridge the gap in the interim while a comprehensive update to the Safety Element is pursued.

¹³ In the context of this policy, these areas are defined as development between the sea and the first public road paralleling the sea, within 300 feet of the top of the seaward face of a coastal bluff, within 300 feet of the inland extend of any beach or the mean high tide line of the sea where there is no beach, or within 100 feet of any stream.

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would continue to apply in the interim period as the City pursues updates to the Safety Element, which should ensure appropriate coastal resource protection as it relates to coastal hazards and armoring.

All of these proposed policies are further augmented by the proposed LUP's more specific prescriptions for individual areas/neighborhoods. Specifically, the LUP's Land Use chapter divides the City into ten planning areas: the predominantly residential neighborhoods of the Sunset Palisades/The Bluffs/South Palisades, Freeway Foothills/Mattie Road, North Spyglass/Spyglass, St. Andrews/Spindrift, Shell Beach/Dinosaur Caves, Pismo Heights, and Oak Park Heights;¹⁴ the visitor serving neighborhoods of the Motel District and the Downtown Core; and the mostly commercial/industrial neighborhood of Pismo Creek/Pismo Marsh.

The planning area-specific policies provide additional and more refined prescriptions to encourage development that is tailored to the existing development patterns, uses, and natural resources for each planning area, while also helping to manage growth more effectively. This includes policies requiring a lateral blufftop conservation/open space and access dedication to provide lateral coastal access for development located on blufftop parcels,¹⁵ along with requirements to ensure blufftop development is adequately setback to be safe from hazards,¹⁶ and to ensure blufftop development provides lateral access along the shoreline (see, for example, proposed Action LU-9.3c for the South Palisades neighborhood, Action LU-10.1a for the North Spyglass neighborhood, Action LU-11.1a for the Spindrift neighborhood, and Policy LU-13.1 for the Motel District). The planning area-specific policies also highlight opportunities for additional public access trails and connections, such as Policy LU-9.4 which seeks to establish the Ontario Ridge Trail as part of the California Coastal Trail, Action LU-12.1b which encourages opportunities for lateral connections between Ocean Boulevard and Shoreline Drive, and Action LU-14.1b which requires the development of a creekside trail system along Pismo Creek. Furthermore, these planning area-specific policies provide an even more focused scope by visioning uses even on specific parcels that are ripe for development/redevelopment in certain cases, such as Action LU-15.2c which encourages the development of low- and moderate-income housing on a vacant parcel on Fourth Street, and Action LU-15.2e which speaks to the redevelopment of the Pismo Coast Shopping Center with retail, mixed use, and housing opportunities.

The proposed amendment mostly retains the existing Land Use Map and its corresponding land use designations for coastal zone properties. However, it does propose one change that raises some concerns. Specifically, there are two undeveloped properties located at the end of Addie Street on the beach and adjacent to the mouth of Pismo Creek where it meets the ocean (APNs 005-163-030 and 005-163-

¹⁴ The majority of the Oak Park Heights neighborhood is located outside of the coastal zone.

¹⁵ These provisions mimic existing LUP provisions, where such provisions have helped the City to be successful over the years creating a lateral blufftop public access trail along much of the blufftop areas north of downtown.

¹⁶ Blufftop setbacks are based on the results of a site-specific hazards and geotechnical analysis which requires new structures to be set back a sufficient distance from the bluff edge to be safe from the threat of bluff erosion for a minimum of 100 years without a reliance on armoring (IP Section 17.078.050).

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031). The City proposes to apply a Mixed-Use land use designation to these properties. However, these properties are actually located entirely within the Commission's retained CDP jurisdiction; thus, any future proposal for development here would require submission of a CDP application to the Coastal Commission where the Coastal Act would serve as the standard of review, not the LCP.¹⁷ **Suggested Modification 1** would therefore remove the Mixed-Use land use designation for these two properties. The proposed LUP map change is necessary to clarify that any future proposal on these sites is reviewed under the policies of the Coastal Act,¹⁸ as it would be inappropriate to designate them for any sort of use that might conflict with that analysis.

In conclusion, with the suggested modification, the infill development and priority land uses portion of the proposed LUP update is consistent with Chapter 3 of the Coastal Act, as is required for its approval. The LUP's overarching vision of fostering walkable, mixed-use infill development within the existing urban fabric (and prioritizing visitor-serving, public recreational access, and coastal-dependent uses) while protecting surrounding open space lands and natural resources more broadly is consistent with the Coastal Act's policies that similarly require same.

Natural Resources and Open Space

The Coastal Act provides protection for natural resources, including on and offshore marine resources, wetlands, ESHAs, coastal waters, streams, estuaries, and lakes. Coastal Act provisions emphasize the importance of protecting, maintaining, enhancing, and restoring coastal waters, wetlands, and ESHA and stress that development within or adjacent to such areas is only allowed for a very limited number of uses and under exacting criteria, as specified in each applicable provision, to protect these resources from degradation.

While Pismo Beach is largely built out, there are numerous conservation areas within the community that contain areas of diverse plant and animal species and habitats. These areas include the ocean and shoreline habitats such as the dunes at Pismo State Beach, riparian and wetlands habitats such as those found at Pismo Creek, Meadow Creek, and Pismo Lake, and the open space peripheral foothills such as at Pismo Preserve. Thus, the proposed LUP includes a series of policies aimed at protecting these rich natural resources, including policies mirroring Coastal Act requirements to protect ESHA and coastal waters and wetlands, as well as open space and natural resources more broadly. With respect to ESHA, LUP Action COS-4.3a defines ESHA consistent with Coastal Act Section 30107.5 (i.e., areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem, and which could be easily disturbed or degraded by human activities and developments). Further, like the Coastal Act, LUP Policy COS-4.3 only

¹⁷ Although the LCP does provide non-binding guidance. And it should be noted that these sites raise a series of coastal resource concerns and LCP inconsistencies, including being located on the backbeach dune area directly adjacent to Pismo Creek, and as such would raise permissibility problems with ESHA and their buffers, coastal hazards, public access and recreation, and public views, all of which were raised in past proposed projects in the area (e.g., see CDP appeal A-3-PSB-22-0005).

¹⁸ To be clear, the suggested modification affects the land use designation for purposes of the Coastal Act, but not for other purposes (e.g., the City's General Plan).

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allows resource-dependent uses in ESHA (such as habitat restoration and research activities, minor/low-intensity public access improvements such as trails, etc.) and requires development adjacent to ESHA to be sited and designed to prevent significant impacts to such habitats. Thus, Policy COS-4.3 mirrors the two-pronged test for development in ESHA pursuant to Coastal Act Section 30240. To further implement these policies, Action COS-4.3b requires the preparation of a habitat assessment to confirm the extent of ESHA on a site, and Action COS-4.3d establishes a minimum 50-foot buffer¹⁹ for development adjacent to ESHA. And for allowable resource-dependent development that cannot avoid ESHA through siting and design alternatives, the proposed LUP sets mitigation ratios for such impacts, with the priority for mitigation to be provided for on-site (Actions COS-4.3h and COS-4.3i).

Additionally, given the prominence and importance of the coastal zone's coastal waters, including Pismo Creek, Pismo Lake, and the Pacific Ocean, the LUP includes policies to protect the City's wetlands and coastal waters, including Policy COS-4.6 which mirrors Coastal Act Section 30233. When development is proposed on a site that has the potential for wetlands to be present, the LUP requires a formal wetland delineation, consistent with the Coastal Act's one parameter definition of wetlands,²⁰ and requires a minimum 100-foot buffer from all wetlands²¹ (Actions COS-4.6c and COS-4.6d). Furthermore, for all other habitats that don't receive the same protection as ESHA or wetlands, the LUP acknowledges their importance and seeks to protect them as well, including through policies that protect wildlife connectivity to support habitat resilience, species movement, and biodiversity (Policy COS-4.2). The City has also committed to completing an inventory of existing parks, beaches, and recreational open spaces for accessibility and ecological value, including investing in nature-based measures to increase the resiliency of these spaces (Actions COS-1.1a and COS-1.1b).

In addition, a series of policies are included in the proposed LUP to protect water quality and marine resources both during and after construction, including related to grading and other such disturbances. Policy COS-2.6 mirrors Coastal Act Section 30231 in regard to protecting the biological productivity of coastal waters, where those protections are implemented through requirements such as minimizing impervious surfaces and preserving and enhancing non-invasive vegetation onsite to facilitate absorption of rainfall and pollutant uptake (Actions COS-2.6f and COS-2.6g). Further, Policies COS-2.7 and COS-2.8 require implementation of other measures to minimize water quality impacts such as construction BMPs and preparation of stormwater runoff plans to reduce potential adverse impacts to coastal waters. However, some additional fine-

¹⁹ Buffer reductions to no less than 25 feet may be allowed subject to biologically-based criteria and findings.

²⁰ That is, if a wetland delineation study finds evidence of hydric soils, or hydrophytic vegetation, or hydrology in the form of areas lacking hydric soils and hydrophytic vegetation as a result of frequent and drastic fluctuation of surface water levels, wave action, water flow, turbidity or high concentrations of salts or other substances in the substrate, then the area meets the definition of a wetland under the Coastal Act and the LCP.

²¹ A wetland buffer may only be reduced when it's demonstrated that the required buffer width is not possible due to site-specific constraints, the proposed narrower buffer would be sufficiently protective of the biological integrity of the wetland, and the development could not be feasibly constructed without a reduced buffer. Additionally, CDFW must agree that a reduced buffer is appropriate.

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tuning is needed to ensure that the protection of marine and intertidal resources is balanced against the Coastal Act mandate to maximize public access to the coast. Thus, **Suggested Modifications 2 and 3** would ensure that any restriction of access along the shoreline for the purpose of preserving habitat is done in manner that balances habitat protection with public coastal access.

In sum, the proposed LUP states the following as a primary goal for the City's natural resources:

Together, the Pacific Ocean, beaches, hills, climate, and related ecosystems create the foundation of Pismo Beach. These natural resources have steered the development of Pismo Beach into the quaint beach town it is today.... Natural resources enhance the quality of life of residents and visitors and should not be wasted, destroyed, or neglected. In particular, clean air and water are essential to the health of the community and therefore the City will strive to protect and responsibly manage these invaluable resources. Pismo Beach is an integral part of the larger California coastal community, linked by shared resources that are prized by the state, national, and even international community.

And the proposed LUP seeks to accomplish this goal with updated requirements to maintain and incorporate further protections for wetlands, streams and riparian corridors, and other sensitive habitat areas within the City, including with updated policies and maps establishing and defining habitat types, laying out policies protecting each habitat type, enumerating the limited permitted uses in these habitat areas and their buffers, and setting standards for siting and design for development permitted within and adjacent to them. In addition, the updated policies set required mitigation expectations for any LCP-allowed impacts and require monitoring and reporting for any required habitat mitigations. The proposed LUP update also lays out policies that set siting and design requirements to assure the water quality and biological productivity of coastal waters is protected, sets required water quality best management practices, and protects natural resource areas and open spaces (whether defined as ESHA or not) overall. As such, the protections, requirements, and performance standards laid out in the proposed policies, with the incorporation of the suggested modifications, mirror the Coastal Act requirements for protection of natural resources, including coastal waters, wetlands, and environmentally sensitive habitat areas and are thus consistent with the applicable Coastal Act policies.

E. Other Coastal Resource Issues

Applicable Coastal Act Provisions

The Coastal Act also requires the protection of other coastal resources, including public access and recreation, cultural resources, and public views, and it also addresses environmental justice considerations. The following sections of the Coastal Act require preservation and enhancement of public access and recreational facilities and opportunities as follows:

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*

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public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

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.*

30212. *(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.*

30212.5. *Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.*

30213. *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred. The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.*

30214. *(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following: (1) Topographic and geologic site characteristics. (2) The capacity of the site to sustain use and at what level of intensity. (3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses. (4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

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(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

30220. *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

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.*

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

30223. *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

30224. *Increased recreational boating use of coastal waters shall be encouraged, in accordance with this division, by developing dry storage areas, increasing public launching facilities, providing additional berthing space in existing harbors, limiting non-water-dependent land uses that congest access corridors and preclude boating support facilities, providing harbors of refuge, and by providing for new boating facilities in natural harbors, new protected water areas, and in areas dredged from dry land.*

30252. *The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

30253(e). *Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.*

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In terms of cultural resources, Section 30244 provides a means for ensuring mitigations are applied to protect such resources, stating:

30244. *Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.*

And Section 30251 makes clear that coastal views are a critical resource, and requires that they be maintained and even enhanced, including via minimizing natural landform alteration and ensuring compatibility of new development with its surroundings. Section 30251 states:

30251. *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The Coastal Act also speaks to the need for appropriately considering and addressing environmental justice issues as follows:

30013. *The Legislature further finds and declares that in order to advance the principles of environmental justice and equality, subdivision (a) of Section 11135 of the Government Code and subdivision (e) of Section 65040.12 of the Government Code apply to the commission and all public agencies implementing the provisions of this division. As required by Section 11135 of the Government Code, no person in the State of California, on the basis of race, national origin, ethnic group identification, religion, age, sex, sexual orientation, color, genetic information, or disability, shall be unlawfully denied full and equal access to the benefits of, or be unlawfully subjected to discrimination, under any program or activity that is conducted, operated, or administered pursuant to this division, is funded directly by the state for purposes of this division, or receives any financial assistance from the state pursuant to this division.*

30107.3. (a) *“Environmental justice” means the fair treatment and meaningful involvement of people of all races, cultures, incomes, and national origins, with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.* (b) *“Environmental justice” includes, but is not limited to, all of the following: (1) The availability of a healthy environment for all people. (2) The deterrence, reduction, and elimination of pollution burdens for populations and communities experiencing the adverse effects of that pollution, so that the effects of the pollution are not disproportionately borne by those populations and communities. (3) Governmental entities engaging and providing technical assistance to populations and communities most impacted by pollution to promote their*

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meaningful participation in all phases of the environmental and land use decision making process. (4) At a minimum, the meaningful consideration of recommendations from populations and communities most impacted by pollution into environmental and land use decisions.

30604(h). *When acting on a coastal development permit, the issuing agency, or the commission on appeal, may consider environmental justice, or the equitable distribution of environmental benefits throughout the state.*

The Coastal Act requires that public access and public recreational opportunities to and along the coast must be maximized, that development enhance and/or protect public access and recreation opportunities, and that access and recreational opportunities be provided where appropriate. Further, the Coastal Act states that public parking and other facilities should be distributed along the coast, and lower cost visitor-serving facilities are to be protected, encouraged, and provided. The Coastal Act further provides that development shall provide appropriate mitigation if it may adversely impact archeological resources, and that the scenic and visual qualities of coastal areas are resources of public importance that must be protected and enhanced. Importantly, Coastal Act Section 30210's direction to maximize access and recreational opportunities represents a different threshold than to simply provide or protect such access, and is fundamentally different from other like provisions in this respect: it is not enough to simply *provide* access to and along the coast, and not enough to simply *protect* access; rather such access must also be *maximized*. This terminology distinguishes the Coastal Act in certain respects and provides fundamental direction with respect to LCP public recreational access planning. And the Coastal Act's environmental justice provisions only amplify the importance of ensuring the coast's resources are available to and accessible by everyone, regardless of socioeconomic status or place of residence.

Consistency Analysis

Public Access and Recreation

As previously mentioned, the Parks, Recreation and Access chapter is not being updated as part of the proposed LUP update at this time, and thus the existing policies within the currently certified chapter will continue to apply. While that chapter includes important policies governing public coastal access, that chapter isn't the exclusive home of such policies, and given the prominence and importance of recreation and public access in the City, policies regarding public access and recreation are woven within the chapters that are proposed to be updated at this time. Broadly, the proposed policies regarding public access and recreation can be understood as requirements and guidance for development proposals to enhance the existing public coastal access that shape the City's beaches, parks, and open spaces into a prime visitor destination on the State's coastline.

Specifically, the proposed LUP includes policies that ensure public accessways and public recreation areas are maintained (Policy LU-8.2), including by requiring public access from the nearest public roadway to the shoreline for new development projects (Action LU-8.2a), and through implementation of the Coastal Access Overlay Zone which protects existing access and ensures new development provides access via

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public easements, deed restrictions, and dedications (Action LU-8.2b). Furthermore, the proposed LUP includes language to protect coastal areas suited for water-oriented recreational activities (Policy LU-4.3), and to prioritize private land suitable for visitor-serving commercial recreational facilities over residential, industrial, or commercial development, but not over agriculture or coastal-dependent industry (Action LU-4.3c). Additionally, the proposed LUP contains policies that further facilitate public access to the coast and along the shoreline by ensuring development does not reduce or limit public parking opportunities, including by requiring adequate wayfinding signage to identify parking and accessways (Action LU-8.2c), by encouraging the expansion of bike trails connecting residential, commercial, and recreation nodes (Action LU-5.3b), and by promoting the construction of public trails, including benches and signage, along Pismo Creek (Action COS-4.8f and COS-4.8h). Additionally, the LUP ensures equitable access to the coast via a range of overnight accommodation types by requiring new high-cost overnight accommodations to provide 25% of units at a lower cost rate²² (Action LU-4.2e) and by protecting existing lower cost accommodations (including replacing any lost units as required mitigation for any development proposal), and by maintaining and improving campground and RV parks (Action LU-4.2k).²³

Suggested Modification 4 clarifies that the construction of new public vertical coastal accessways would evaluate sensitive shoreline habitat, site stability, and public safety concerns to ensure that new public accessways are being installed in places that will minimize adverse impacts on habitat and ensure the long-term structural stability of both the accessway and the shoreline. **Suggested Modification 5** additionally ensures that short-term rentals are provided in a manner that balances overnight visitor-serving accommodations with neighborhood character and affordable housing stock.²⁴ Thus, both modifications ensure that public access, whether in the form of physical accessways or through the provision of overnight accommodations, are provided in a manner that will not result in adverse impacts on habitat, safety, or housing stock.

Thus, as proposed and suggested to be modified, the LUP's coastal public access and recreation policies are consistent with the Coastal Act, including Sections 30210, 30211, 30212, and 30252. They provide that maximum access and recreational opportunities

²² The order of priority for providing such units would be onsite, offsite, and lastly via in-lieu fees.

²³ The City of Pismo Beach Low-Cost Visitor Accommodation Technical Memorandum determined that there are 515 campgrounds and RV parks and 1,980 hotel and motel rooms in the City. The report also highlighted the need for more effective management of lower cost accommodations in the City, which is reflected in the proposed policies that seek to protect existing and provide for new such accommodations units. This is a notable improvement over the existing LUP, and is particularly important from an environmental justice lens given the City's popularity with residents from the Central Valley that often need affordable overnight accommodations to access and recreate here.

²⁴ The LCP currently sets up a structure where short-term rentals are allowed in single-family residences, and vacation rentals are allowed in residences in commercial areas, including in downtown. They are largely the same thing, but with different nomenclature given their different zoning districts in which they operate. The proposed policy would limit short-term rentals to those that are existing, which may impose an arbitrary cap without an analysis of coastal resource considerations such as on maximizing public coastal access, addressing issues of overuse in residential neighborhoods, and on affordable housing. The suggested modification fixes this issue by ensuring that short-term rentals are regulated under these coastal resource parameters, thereby providing an appropriate framework for evaluation when the City updates the IP next.

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will be provided, and that development will provide and enhance public access to the shoreline and along the coast, rather than interfere with it. The proposed LUP's policies are also consistent with Coastal Act Sections 30212.5 and 30213, which provide for the provision, distribution, and protection of public facilities including parking and lower cost visitor and recreational facilities.

Cultural Resources and Environmental Justice

The proposed LUP update also includes policies intended to ensure the protection of tribal, archaeological, and cultural resources in Pismo Beach. Specifically, the proposed LUP requires consultation with federally-recognized and non-federally recognized California tribes, and allows representatives from tribal groups to provide monitoring during grading and excavation or other construction activities that have the potential to adversely impact any on-site significant cultural resources (Action COS-5.2a).²⁵ The proposed LUP also requires the City to implement and designate new areas within the Archaeology – Historic Sites Overlay Zones²⁶ (Action COS-5.2e), and requires suspension of construction activities should archaeological or paleontological resources be discovered (Action COS-5.2f). The proposed LUP also requires the protection and preservation of historical resources, including by ensuring access to such sites, where feasible (Policy COS-5.1). Thus, the tribal, archaeological, and cultural resources policies of the proposed LUP update would be consistent with Coastal Act Section 30244, which requires identification of archaeological, paleontological, and historical resources and reasonable mitigation to protect such resources and address potential impacts.

Finally, although not a Chapter 3 policy, the Coastal Act also requires that environmental justice be considered in terms of all coastal resource areas, requires that coastal development does not unduly burden any particular segment of the population with adverse coastal resource impacts, especially those communities that historically have been overburdened by such impacts, and reflects a focus on explicitly requiring fair treatment to all people in the application of the Coastal Act and LCP. The proposed LUP includes Policy LU-5.4 which commits the City to proactively and meaningfully engaging with affected communities through transparent participation processes, and Action LU-5.4c mirrors the language of Coastal Act Section 30604(h) which allows the City to consider environmental justice, and the equitable distribution of environmental benefits, when acting on a coastal development permit. As previously mentioned, it's important to acknowledge how various topics are intertwined amongst the policies of the proposed LUP, and thus additional policies such as those related to public access, affordable housing, and lower cost visitor serving accommodations inherently seek to remove barriers to ensure equitable access to the coast. Thus, the proposed LUP update's incorporation of environmental justice considerations is consistent with Coastal Act Sections 30013, 30107.3, and 30604(h).

²⁵ The potential for development to adversely impact such resources would be based on the result of a Phase 1 cultural assessment.

²⁶ The overlay zone is intended to preserve, protect, and maintain land and water areas, structures, and other sites which have significant historical, archaeological, or cultural importance and provide for the designation of areas which may be of unique value for scientific or educational purposes.

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Public Views

Finally, the proposed LUP update identifies scenic and visual resource areas including scenic corridors, natural resources, and the built environment, and includes requirements to protect such areas and public views more generally through review of new development proposals. In addition to the previously described protections, Policy COS-3.1 and Action LU-2.1c broadly protect the City's scenic and visual qualities by requiring development to be sited and designed to minimize significant impacts on public views, including blue water views and views of the undeveloped foothills, by requiring development to be visually compatible with the character of the surrounding area, and clarifies that development standards shall be interpreted as maximums (or minimums) that shall be reduced (or increased) to maximize the protection of resources. While those policies require broader protections of the City's valuable public views, the proposed LUP also includes more specific standards such as requirements for development to minimize visual impacts by establishing continuity among open space and limiting disruption of views with fences or other structures (Action LU-1.6d), via enforcement of height limits in the View Consideration Overlay Zone²⁷ (Action COS-3.1a and Action COS-3.1b), requiring new development to underground utilities where feasible (Action COS-3.1i), and ensuring any structures visible from Highway 101 protect blue water views (Action COS-3.1e).²⁸ Thus, the proposed scenic and visual resource policies are consistent with Coastal Act Sections 30251 and 30253(e), which protect scenic and visual qualities of coastal areas including views to and along the ocean, the unique characteristics of popular visitor destination points and scenic coastal areas, compatibility with the character and natural landforms of the surrounding area, and public views of and in the coastal zone more broadly.

Conclusion

In conclusion, the proposed and as modified LUP update requires that public access to the coast is maintained, enhanced, and sustainable; ensures protection of cultural resources; enhances the protection of scenic and visual resources, and public views more broadly; and considers environmental justice implications of new development, and as such can be found consistent with the Coastal Act.

C. 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 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

²⁷ The height limits established in the View Consideration Overlay Zone are part of the IP.

²⁸ Specifically, the policy requires that "New commercial signs, sound walls and other new development shall be modified in height, size, location or design so that existing "blue water" ocean views from U.S. Highway 101 will not be blocked, reduced or degraded," with very limited exceptions when no other use of the property is feasible and impacts appropriately mitigated. Protecting blue water ocean views for Highway 101 motorists has been an important LCP provision and coastal resource protection endeavor for the Commission over the years in numerous LCP and CDP actions, including because this stretch of highway through Pismo Beach is the only opportunity for ocean views from Highway 101 for some 300 miles between Gaviota in Santa Barbara County to the Golden Gate Bridge in San Francisco.

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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 prepared an EIR (State Clearinghouse #2021010158), which was adopted by the City Council on May 19, 2026, and which determined that no further review is necessary pursuant to CEQA State Guidelines Section 15162.

The Coastal 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 the proposed LCP amendment is expected to result in significant environmental effects, including as those terms are understood in CEQA, if it is not modified to address the coastal resource issues identified herein.

Accordingly, it is necessary for the Commission to suggest modifications to the proposed LCP amendment to ensure that it does not result in significant adverse environmental effects. Thus, the proposed LCP amendment as modified 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).

4. APPENDICES

A. Substantive File Documents

- Certified LCP
- City Planning Commission and City Council Resolutions
- City Planning Commission and City Council Hearing Staff Reports and Associated Documents
- City Planning Commission and City Council Minutes
- City Planning Commission and City Council Notices
- LCP Amendment Submittal LCP-3-PSB-26-0026-1

B. Staff Contact with Agencies and Groups

- City of Pismo Beach