

RESOLUTION NO. R-2004-052

A RESOLUTION BY THE COUNCIL OF THE CITY OF PISMO BEACH ACCEPTING THE CALIFORNIA COASTAL COMMISSION'S CERTIFICATION AND MODIFICATIONS TO THE GENERAL PLAN AND ZONING CODE (MINOR AMENDMENTS) AND AMENDING THE GENERAL PLAN ACCORDINGLY CITY FILE NO. 03-0117; AFFECTS ENTIRE CITY

WHEREAS, the Pismo Beach Planning Commission initiated amendments to the General Plan and Zoning code on May 27, 2003; and

WHEREAS, an environmental initial study and Negative Declaration were completed and circulated as required by the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission held a duly-noticed public hearing on the amendments and environmental documents on August 12, 2003, at which all interested persons were given the opportunity to be heard; and

WHEREAS, the Planning Commission recommended approval of the proposed amendments; and

WHEREAS, the City Council held a duly-noticed public hearing on the amendments on October 7, 2003, at which all interested persons were given the opportunity to be heard; and

WHEREAS, the City Council found that the environmental Initial Study is a complete and adequate informational document, consistent with the California Environmental Quality Act; and

WHEREAS, the City Council adopted Resolution 2003-072, adopting the Negative Declaration of environmental impact and the minor amendments to the general plan as submitted; and

WHEREAS, the City Council held a duly-noticed public hearing to amend its resolution of approval of the General Plan/Local Coastal Program amendments on January 6, 2004, at which all interested persons were given the opportunity to be heard; and

WHEREAS, the City Council adopted Resolution 2004-002, re-adopting the minor amendments to the general plan as submitted, with modifications to the resolution to satisfy Coastal Commission requirements; and

WHEREAS, on July 15, 2004, the California Coastal Commission certified the amendments to the General Plan/Local Coastal Program, with modifications. The City Council has received the modifications recommended by the Coastal Commission.

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

Section 1. Findings. The City Council makes the following findings:

1. The project consists of amendments to the General Plan and 1983 Zoning Code/Local Coastal Program to correct errors and inconsistencies, as modified by the Coastal Commission.
2. The amendments, as modified, will not create significant environmental impacts.
3. The modifications suggested by the Coastal Commission do not change the environmental status of the project or require additional environmental review.
4. The amendments, as modified by the Coastal Commission, are consistent with the Coastal Act.

Section 2. Action. The City Council does hereby

1. Determine that the Negative Declaration of Environmental Impact, attached as Exhibit A, is based on an adequate environmental study and adequately addresses the modifications recommended by the Coastal Commission;
2. Certify that the amendments to the General Plan and 1983 Zoning Code/Local Coastal Program are intended to be implemented in a manner fully in conformity with Division 20 of the Public Resources Code, otherwise known as the Coastal Act, and approve the ordinance amendments as modified by the Coastal Commission, attached as Exhibit B.
3. Accept the modifications recommended by the Coastal Commission to General Plan/Local Coastal Program amendments #03-0117, Minor Amendments, as shown on Exhibit B.
4. Adopt the amendments to the General Plan as recommended by the Coastal Commission.


UPON MOTION by Councilmember Rabenaldt, seconded by Councilmember Gonzales-Gee, the foregoing Resolution is hereby approved and adopted the 7th day of September 2004, by the following roll call vote, to wit:

AYES: Councilmembers Rabenaldt, Gonzales-Gee, Natoli, Reiss and Mayor Crescione
NOES: None
ABSENT: None
ABSTAIN: None



Mayor Benito J. Crescione

Attest:



Lori Grigsby, City Clerk

Attached:

Exhibit A: Negative Declaration

Exhibit B: General Plan and Zoning Code amendments as modified by the Coastal Commission

**EXHIBIT A
NEGATIVE DECLARATION**

PROJECT NUMBER: 03-0117
 APPLICANT: City Of Pismo Beach
 PROJECTION LOCATION: Citywide, Pismo Beach, CA 93449
 PROJECT DESCRIPTION: Amendments to the 1998 Zoning Code and to the General Plan, to correct errors, clarify provisions, make minor changes to several sections of the code and General Plan.

FINDING

The City of Pismo Beach has reviewed the above project in accordance with the City of Pismo Beach's rules and procedures for implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report (EIR) need not be prepared because:

- The proposed project will not have a significant effect on the environment.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures included in the environmental initial study and hereby made a part of this Negative Declaration have been added to this project.

The Initial Study that provides the basis for this determination is attached. A copy will be kept on file at the City of Pismo Beach, Community Development Department, (805) 773-4658.

DRAFT PREPARED BY:	DATE:	REVIEW PERIOD:	HEARING DATE:
Judith Lautner Associate Planner	June 6, 2003	30 days	tentative: August 12, 2003 Planning Commission

NOTICE

The public is invited to comment on the Draft Negative Declaration during the review period. The appropriateness of the Draft Negative Declaration will be reconsidered in light of the comments received.

COMMENTS RECEIVED ON DRAFT: YES X NO INITIAL STUDY REVISED YES X NO

Date adopted: January 6, 2004 By: City Council
 Date certified, with modifications, by Coastal Commission: July 15, 2004
 Date certification and modifications accepted by City Council: _____

Exhibit B
Amendments as modified by Coastal Commission

<i><u>Light italic, underlined</u></i>	KEY: Additions adopted by the City Council
Strikeouts	Deletions adopted by the City Council
Bold	Additions made by Coastal Commission
Double-strikeout	Deletions made by Coastal Commission

General Plan:**CO-10 Slopes Over 30% - Permanent Open Space**

No buildings or grading shall be permitted on existing natural slopes over 30%, ~~except in the Pismo Heights Planning Area.~~ The areas over 30% shall be retained as permanent public or private open space. **Building and grading on existing legal lots of record in the Pismo Heights Planning Area that exceed the 30% slope limitation may be approved provided that requests for development are accompanied by engineered plans ensuring structural stability over the life of the residence and the development can be accommodated in accordance with the resource and hazard protection standards of the certified LCP (including but not limited to the Safety (S-10 – S-15), Conservation (CO-11 – CO-14, CO-31), and Land Use (LU-P-1 – LU-P-10) elements/policies of the General Plan/Local Coastal Plan and the Hazard Protection and View Consideration Overlay Standards of the Zoning Ordinance (Sections 17.078 and 17.096)).** Grading shall be limited to the minimum amount necessary to construct the least environmentally damaging alternative for building sites with a slope in excess of 30%. Development shall be directed to the least-steep portions of the site, taking into account other resource constraints.

Best Management Practices (BMPs) shall be incorporated into the project design in the following progression:

- **Site Design BMPs (any project design feature that reduces the generation of pollutants or reduces the alteration of the natural drainage features, such as minimizing impervious surfaces or minimizing grading);**
- **Source Control BMPs (practices that prevent release of pollutants into areas where they may be carried by runoff, such as covering work areas and trash receptacles, practicing good housekeeping, and minimizing use of irrigation and garden chemicals);**
- **Treatment Control BMPs (a system designed to remove pollutants from runoff including the use of gravity settling, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process).**

Site design and source control BMPs shall be included in all new developments. Where the development poses a threat to water quality due to its size, type of land use or

proximity to coastal waters (or proximity to a creek, channel or storm drain system that leads to coastal waters) and the combination of site design and source control BMPs is not sufficient to protect water quality, treatment control BMPs shall be implemented.

Where post-construction treatment controls are required, the BMPs (or suites of BMPs) shall be designed to infiltrate and/or treat the amount of storm-water runoff produced by all storms up to and including the 85th percentile, 24-hour storm event for volume-based BMPs, and/or the 85th percentile, 1-hour storm event, with an appropriate safety factor (i.e., 2 or greater), for flow-based BMPs. The term treatment includes physical, biological and chemical processes such as filtration, the use of bio-swales, detention and retention ponds and adsorption media. The actual type of treatment should be suited to the pollutants generated by the development.

This provision shall not be construed as a guaranteed right to development of the entire lot but rather the minimum necessary to provide a reasonable economic use of the site and to avoid a taking of property. No future subdivisions that result in additional lots whose only building sites would be on a greater than 30% in slope or within environmentally sensitive habitat, ESHA buffer, riparian areas, finger canyons, or native chaparral vegetation shall be permitted.

D-2 Building and Site Design Criteria

f. Driveway Widths

Driveway widths shall be kept narrow in order to retain a pedestrian street scale. Minimum and maximum driveway widths shall be as set forth in ~~Table D-1~~ *the Zoning Ordinance*.

~~When redevelopment or rehabilitation occurs, existing driveways shall be modified or eliminated to conform to these standards. See also:~~

Circulation Element C-14 Parking

~~Table D-1
Minimum & Maximum Two-Way Traffic Driveway Width~~

Number of Parking Spaces Accessed by Driveway	Minimum Width	Maximum Width
2-8	12'-0"	16'-0"
9-14	16'-0"	18'-0"
15+	18'-0"	24'-0"*

~~*May be increased to 30' for large commercial shopping complexes.~~

D-6 Hillside Development

Development on the hillsides should be visually subordinated to the hills. Colors used on buildings and structures shall be dark natural colors with a light reflective value of less than 40%, except where lighter colors are determined to be appropriate by the review authority. Light colors such as white, cream and light blue shall not normally be allowed nor shall the lighter or more brilliant colors of red fired clay tile, brightly colored glazed tile or reflective metal be used for roofs. Development shall also be screened to the extent possible from freeway views through the use of trees and landscaping.

LU-2 Residential Uses

d. Densities

Permissible housing densities are established within three broad categories shown on Table LU-3.

**Table LU-3
Housing Categories and Density**

Category	Density
Low Density	1 to 48 units per ac.
Medium Density	59 to 1015 units per ac.
High Density	116 to 30 units per ac.

These densities ~~represent are~~ the maximums ~~allowed~~ provided that **1) the applicant obtains a written commitment from the water purveyor and wastewater service provider guaranteeing that there are adequate public services to serve the development and 2) the development can be accommodated in accordance with the growth management, facility services, and resource protection standards of the certified LCP**. It may not be desirable or appropriate to meet these densities in any specific situation. The maximum number of dwelling units shall be determined for individual parcels as follows:

- Gross parcel area is computed in square feet or acres.
- The amount of parcel area that is unbuildable is calculated, including but not limited to acres with slopes greater than 30%, existing roadways, waterways.
- Net buildable parcel area is calculated as a-b.
- The maximum number of units or lots is the product of the density factor and the net buildable area.

Population density is estimated as follows:

- √ 2.05 persons/unit within the 1981 city limits
- √ 2.5 persons/unit in sphere of influence

See also Conservation/Open Space Element CO-1, Siting of Multi-Family Projects