

**STAFF REPORT**

**TO: HONORABLE MAYOR AND CITY COUNCIL**

**FROM: BRUCE BUCKINGHAM, COMMUNITY DEVELOPMENT DIRECTOR** *BBB*

**SUBJECT: SECOND READING AND ADOPTION OF ORDINANCE NO. 14-04  
AMENDING GROVER BEACH MUNICIPAL CODE ARTICLE IX  
DEVELOPMENT CODE ASSOCIATED WITH DEVELOPMENT  
APPLICATION 11-12 (APPLICANT: CITY OF GROVER BEACH)**

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**BACKGROUND**

At the July 7, 2014 Council meeting, the City Council conducted a public hearing, introduced and conducted a first reading, by title only, of an Ordinance which would amend Grover Beach Municipal Code Article IX Development Code. Staff is requesting that the Council conduct a second reading of the Ordinance, by title only, and adopt the Ordinance amending the Development Code.

**DISCUSSION**

Ordinance No. 14-04 has been prepared for second reading, by title only, and adoption (reference Attachment 1). The Development Code Amendment is an amendment to the City's Local Coastal Program (LCP). Accordingly, staff will submit the Amendment to the California Coastal Commission for its consideration upon final execution of the Ordinance.

**ALTERNATIVES**

The City Council has the following alternatives:

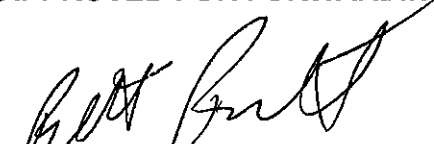
1. Conduct a second reading, by title only, and adopt Ordinance No. 14-04 amending Municipal Code Article IX Development Code; or
2. Provide other direction to staff.

**RECOMMENDED ACTION**

It is recommended that the City Council conduct a second reading, by title only, and adopt Ordinance No. 14-04 amending Municipal Code Article IX Development Code.

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**APPROVED FOR FORWARDING**

  
\_\_\_\_\_  
**ROBERT PERRAULT  
CITY MANAGER**

**Please Review for the Possibility of a  
Potential Conflict of Interest:**

- None Identified by Staff     Bright  
 Peterson     Marshall  
 Lee     Nicolls

**FISCAL IMPACT**

The proposed amendment would not have a fiscal impact on the City's General Fund.

**PUBLIC NOTIFICATION**

The agenda was posted in accordance with the Brown Act. A summary of the Ordinance was published in The Tribune on Wednesday, July 16, 2014.

**ATTACHMENTS**

1. Ordinance No. 14-04

## ORDINANCE NO. 14-04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH  
AMENDING GROVER BEACH MUNICIPAL CODE ARTICLE IX DEVELOPMENT CODE  
ASSOCIATED WITH DEVELOPMENT PERMIT 11-12**

**WHEREAS**, in February 2010, the City Council adopted a comprehensive update to the Land Use Element of the General Plan; and

**WHEREAS**, in August 2012, the City Council approved a Local Coastal Program (LCP) Amendment (Resolution No. 12-55) to bring it into conformance with the City's Land Use Element; and

**WHEREAS**, in October 2012, the City Council adopted the Development Code to replace the Zoning Code (Ordinance No. 12-06) to bring it into conformance with the City's Land Use Element; and

**WHEREAS**, approval by the California Coastal Commission is required for the Amendment to take effect for the revisions to the Local Coastal Program and the adoption of the Development Code, which is the implementation plan for the City's Local Coastal Program; and

**WHEREAS**, a LCP Amendment was submitted to the California Coastal Commission for their review and consideration; and

**WHEREAS**, Coastal Commission staff has provided the City with several suggested modifications to the LCP Amendment and City staff has decided that the suggested modifications should be reviewed by the City Council prior to the Coastal Commission consideration of the LCP Amendment; and

**WHEREAS**, public notice has been given in the time and manner required by State law and City code; and

**WHEREAS**, the Planning Commission of the City of Grover Beach reviewed and considered the proposed Local Coastal Program Amendment associated with Development Permit 11-12 at Public Hearings on June 9 and June 24, 2014; and

**WHEREAS**, on June 24, 2014, the Planning Commission of the City of Grover Beach recommended the City Council adopt the proposed Local Coastal Program Amendment associated with Development Permit 11-12 and rescind City Council Resolution No. 12-55; and

**WHEREAS**, at its meeting of July 7, 2014, the City Council conducted a public hearing and duly considered all evidence, including public testimony from interested parties, and the recommendations by the Planning Commission for the proposed Local Coastal Program Amendment associated with Development Permit 11-12 and conducted a first reading, by title only, of Ordinance No. 14-04; and

**WHEREAS**, at its meeting of July 21, 2014, the City Council conducted a second reading, by title only, of Ordinance No. 14-04 and adopted it as presented; and

**WHEREAS**, the City Council makes the following findings:

1. The amendments to the Development Code are consistent with all other provisions of the General Plan and Local Coastal Program.
2. An addendum to the previous Initial Study and Negative Declaration has been prepared for Development Permit 11-12 in compliance with the California Environmental Quality Act and determined in their independent judgment that the Amendment would not increase the severity of the impacts previously identified; therefore, the Amendment would not have a significant impact on the environment.

**THE CITY COUNCIL OF THE CITY OF GROVER BEACH** does hereby ordain as follows:

**PART 1.** This Development Code Amendment is an amendment to the Local Coastal Program and the City Council directs staff to submit this Local Coastal Program Amendment to the California Coastal Commission for certification in conformance with California Code of Regulations, Title 14, Division 5.5.

**PART 2.** For the areas of the City that are not within the Coastal Zone, Article IX Development Code is hereby amended as referenced in Exhibit "A" and shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days after its adoption by the City Council, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

**PART 3.** For the areas of the City that are within the Coastal Zone, Article IX Development Code is hereby amended as referenced in Exhibit "A" and shall take effect upon final certification by the California Coastal Commission if no amendments are made to the City approved Local Coastal Program Amendment, unless Coastal Commission certification occurs less than 30 days after City adoption in which case the Ordinance shall take effect 30 days after Council adoption. If the Coastal Commission makes revisions to the City approved Local Coastal Program Amendment, then the Amendment shall be approved by the City Council and take effect immediately upon final certification by the California Coastal Commission. However, within fifteen (15) days after adoption by the City Council, the Ordinance shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

**PART 4.** This Local Coastal Program Amendment meets the requirements of and is in conformity with the policies of Chapter 3 of the Coastal Act.

**PART 5.** If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be in violation of the law, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared in violation of the law.

**INTRODUCED** at a regular meeting of the City Council held July 7, 2014, and **PASSED**, **APPROVED**, and **ADOPTED** by the City Council on July 21, 2014 on the following roll call vote, to wit:

AYES:	Council Members -
NOES:	Council Members -
ABSENT:	Council Members -
ABSTAIN:	Council Members -

**DRAFT**

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DEBBIE PETERSON, MAYOR

Attest:

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DONNA L. McMAHON, CITY CLERK

Approved as to Form:

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MARTIN D. KOCZANOWICZ, CITY ATTORNEY

## EXHIBIT A

### **Part 1. Municipal Code Article IX, Section 1.20.040.E.1 shall be amended as follows:**

1. Development Code requirements. If different requirements within this Development Code conflict, the provisions of...control over Chapters 2 and 3. Projects within the Coastal Zone shall comply with all standards in the Local Coastal Program.

### **Part 2. Municipal Code Article IX, Section 1.20.060.A shall be amended as follows:**

A. Consistency with General Plan and Local Coastal Program (LCP) ... The Grover Beach City Council intends that all provisions of this Development Code be consistent with the General Plan and Local Coastal Program. ~~and that a~~Any land use, subdivision, or development approved in compliance with these regulations ~~shall~~ will also be consistent with the General Plan and Local Coastal Program.

### **Part 3. Municipal Code Article IX, Section 1.20.060.B.6 shall be amended as follows:**

6. Chapter 6 – Procedures. Section 6.10, 6.20.040, 6.20.050, 6.20.100, and 6.30.

### **Part 4. Municipal Code Article IX, Section 2.20.040 shall be amended to add End Note No. 4 to Table 2.3 as follows:**

4. All Development Standards are maximums/minimums and may be reduced/increased depending on the individual project specifications in order to comply with adopted policies in the General Plan, Local Coastal Program and all other City Council adopted policies.

### **Part 5. Municipal Code Article IX, Section 2.30.030 shall be amended to add End Note No. 6 to Table 2.4 and footnote the UP for “Telecommunication Facility” in the CVS zone as follows:**

6. Telecommunication facilities are prohibited west of Highway 1, unless they are not visible from public viewing areas, meet the standards of Section 4.40.030.A.1., or such a prohibition would result in a conflict with Federal Law.

### **Part 6. Municipal Code Article IX, Section 2.30.040 shall be amended to add End Note No. 3 to Table 2.5 as follows:**

3. All Development Standards are maximums/minimums and may be reduced/increased depending on the individual project specifications in order to comply with adopted policies in the General Plan, Local Coastal Program and all other City Council adopted policies.

### **Part 7. Municipal Code Article IX, Section 2.30.050.A shall be amended as follows:**

A. West Grand Avenue Master Plan. The City has adopted the West Grand Avenue Master Plan to serve as guidelines for site planning and architectural design. Applicants are highly encouraged to review the Master Plan and understand the City’s vision for the West Grand Avenue corridor. Development should be consistent with the Master Plan

guidelines, as long as they are consistent with the provisions of the Local Coastal Program.

**Part 8. Municipal Code Article IX, Section 2.30.050.D shall be amended as follows:**

D. Design standards for natural resources as amenities. New public or private developments adjacent to creeks, oak woodlands and wetlands must respect the natural environment and incorporate the natural features as project amenities, provided doing so does not diminish natural values. Developments along creeks should include public access across the development site to the creek and along the creek, provided that wildlife habitat, public safety, and reasonable privacy and security of the development can be maintained. Within the Coastal Zone, Environmentally Sensitive Habitat Areas (ESHA) shall be protected against any significant disruption of habitat values and only uses dependent on those resources shall be allowed within those areas. ESHA shall be buffered by a minimum 50 foot setback.

**Part 9. Municipal Code Article IX, Section 2.40.040 shall be amended to modify End Note No. 2 to Table 2.7 as follows:**

2. The Review Authority may increase the lot coverage to 100% and/or the FAR to 1.5 if a finding is made that the project will provide a substantial economic benefit to the City and coastal resources are protected consistent with the Local Coastal Program.

**Part 10. Municipal Code Article IX, Section 2.40.040 shall be amended to add End Note No. 3 to Table 2.7 as follows:**

3. All Development Standards are maximums/minimums and may be reduced/increased depending on the individual project specifications in order to comply with adopted policies in the General Plan, Local Coastal Program and all other City Council adopted policies.

**Part 11. Municipal Code Article IX, Section 2.70.030 shall be amended to add End Note No. 6 to Table 2.10 and footnote the UP for "Telecommunication Facility" in the COS and CGS zones as follows:**

6. Telecommunication facilities are prohibited west of Highway 1, unless they are not visible from public viewing areas, meet the standards of Section 4.40.030.A.1., or such a prohibition would result in a conflict with Federal Law.

**Part 12. Municipal Code Article IX, Section 2.90.020.G.1 shall be amended as follows:**

1. The project is consistent with the General Plan, Local Coastal Program (if applicable), and any applicable specific plan and the proposed land use is allowed within the applicable zone.

**Part 13. Municipal Code Article IX, Section 2.90.030.B shall be amended as follows:**

B. Permit requirements. Emergency shelters are permitted by right subject to the standards in this Section. In order to ensure compliance with the standards, an Administrative Development Permit shall be approved by the Director, and a Coastal Development Permit shall be required when located in the Coastal Zone.

**Part 14. Municipal Code Article IX, Section 3.10.10.B shall be amended as follows:**

B. Applicability. The requirements for this Chapter shall apply to all proposed development and new land uses, except as specified in Section 7.40 (Nonconforming Uses, Structures, and Lots), and shall be considered in combination with the standards for the applicable zone in Chapter 2 (Zones & Allowable Land Uses) and those in Chapter 4 (Standards for Specific Development and Land Uses). If there is a conflict between any standards, the provisions of Chapter 3 control over Chapter 2, and the provisions of Chapter 4 control over Chapters 2 and 3. Projects within the Coastal Zone shall comply with all standards in the Local Coastal Program.

**Part 15. Municipal Code Article IX, Section 3.10.040.B shall be amended to add Subsection No. 5 as follows:**

5. In the Coastal Zone, all lighting shall be designed to protect against impacts to coastal resources, including biological and visual resources, as required by the Local Coastal Program.

**Part 16. Municipal Code Article IX, Section 3.10.070 shall be amended to add Subsection F as follows:**

F. Setback Requirements for ESHA. All development adjacent to Environmentally Sensitive Habitat Areas (ESHA) shall have a minimum 50 foot setback.

**Part 17. Municipal Code Article IX, Section 3.20.030 shall be amended to add Subsection E as follows:**

E. Within the Coastal Zone, the Review Authority may approve a density bonus only after making all of the following findings:

(a) The proposed increased density is consistent with Coastal Act Section 30604(f); and

(b) the project is found to be in conformity with the Local Coastal Program (including but not limited to sensitive habitat, public viewshed, public services, public recreational access and open space protections), with the exception of the density standards.

**Part 18. Municipal Code Article IX, Section 3.50.020.C.3 shall be amended as follows:**

3. Coastal Visitor Serving and Central Business zones. No additional off-street parking shall be required for a change in use of an existing structure in the Coastal Visitor Serving and Central Business Zones, provided that for locations within the Coastal Zone, any adverse impacts to public access are appropriately mitigated.

**Part 19. Municipal Code Article IX, Section 3.50.020.C.4 shall be amended as follows:**

4. Coastal Commercial zone. In the Coastal Commercial zone, the Review Authority may reduce the parking requirements in this Section if a finding is made that the existing structure location and/or lot size render the requirement unreasonable or impractical (e.g., a portion of the building would need to be removed), and any adverse impacts to public access are mitigated.



**Part 20. Municipal Code Article IX, Section 3.50.050.A.1 shall be amended as follows:**

1. Surface. All off-street parking shall be improved to the requirements of the City's Standards and Specifications or as otherwise approved by the Review Authority to the extent consistent with the Local Coastal Program.

**Part 21. Municipal Code Article IX, Section 3.60.050 shall be amended as follows:**

No sign shall be constructed, maintained, displayed or altered within the City except pursuant to a sign permit obtained as provided in this Section, unless the sign is specifically exempted from permit requirements. Within the Coastal Zone new signs shall be of a size, location, and appearance so as not to detract from scenic areas or views from public roads and other public viewing points. A Coastal Development Permit is required for any sign that could impact public recreational access, including parking opportunities near beach access points or parklands, including any changes in parking timing and availability, and any signage indicating no public parking, no trespassing, and/or no public coastal access allowed. Coastal Development Permits for signs shall be consistent with all applicable Local Coastal Program standards.

**Part 22. Municipal Code Article IX, Section 3.60.060.A shall be amended as follows:**

A. The following shall be allowed without a sign permit and shall not be included in the determination of type, number or area of signs allowed in each zone (Under certain circumstances temporary signs and other exempt signs may require a building, plumbing, or electrical permit in compliance with Section 3.60.100.). However, any sign listed below that requires a Coastal Development Permit as provided in Section 3.60.050 shall not be exempt.

**Part 23. Municipal Code Article IX, Section 4.10.010.B.2 shall be amended as follows:**

2. Permit requirements. The uses that are subject to the standards in this Chapter are allowed only when authorized by the development permit required by Chapter 2 (Zones and Allowable Land Uses), except where a development permit requirement is established by this Chapter for a specific use. Within the Coastal Zone a Coastal Development Permit may also be required as provided in Section 6.20.040 (Coastal Development Permits).

**Part 24. Municipal Code Article IX, Section 4.10.010.B.3 shall be amended as follows:**

3. Development standards. The standards for specific uses in this Chapter supplement and are required in addition to those in Chapter 2 (Zones and Allowable Land Uses) and Chapter 3 (Standards for all Development and Land Uses). In the event of any conflict between the requirements of this Chapter and those of Chapters 2 or 3, the requirements of this Chapter shall control. Projects within the Coastal Zone shall comply with all standards in the Local Coastal Program.

**Part 25. Municipal Code Article IX, Section 4.10.170.F shall be amended as follows:**

F. Development Standards: A second residential dwelling shall comply with all development standards of the zone, where such standards are considered on a

cumulative basis with existing and proposed buildings, except for density and as provided in this Section.

**Part 26. Municipal Code Article IX, Section 4.40.030.C shall be amended as follows:**

C. Coastal Development Permit. Unless preempted by federal law, a Coastal Development Permit (CDP) is required for all communication facilities located in the Coastal Zone that constitute development as defined in Section 9.10 (definitions) and are not otherwise exempt from CDP requirements pursuant to Section 30610 of the Coastal Act and Section 6.20.040 (Coastal Development Permits). Projects within the Coastal Zone shall comply with all standards in the Local Coastal Program.

**Part 27. Municipal Code Article IX, Section 4.40.030.G shall be amended as follows:**

G. Required findings for Coastal Development Permit approval. The approval of a Coastal Development Permit for a communication facility shall require that the Review Authority find that the communication facility complies with Section 6.20.040 (Coastal Development Permit); that the communication facility is not located west of Highway 1, unless it is not visible from public viewing areas, meets the standards of Section 4.40.030.A.1., or such a prohibition would result in a conflict with Federal Law; and that the communication facility complies with all requirements of this Section applicable to coastal development permits.

**Part 28. Municipal Code Article IX, Section 5.10.030.B shall be amended as follows:**

B. Basics for establishing the areas of special flood hazards. ... This FIS and attendant mapping is the minimum area of applicability of this Section and may be supplemented by studies for other areas which allow implementation of this Section and which are recommended to the Council by the Floodplain Administrator. In addition, the area of special flood hazards shall be expanded to include areas that are expected to be inundated by continued and accelerated sea level rise over the expected life of the development. The area potentially subject to sea level rise shall be based upon up-to-date scientific papers and studies, agency guidance (such as the 2012 National Research Council report *Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future*) and reports by national and international groups such as the Intergovernmental Panel on Climate Change.

**Part 29. Municipal Code Article IX, Section 5.10.050.A shall be amended as follows:**

A. Standards of Construction. In all areas of special flood hazards the following standards are required. In the Coastal Zone, development shall be prohibited in areas of special flood hazards, including areas subject to future flooding due to sea level rise, to the maximum extent feasible. If development cannot be built outside such hazard areas, the following standards shall be applied:

**Part 30. Municipal Code Article IX, Section 5.10.050.C shall be amended to add Subsection 5 as follows:**

5. In the coastal zone, land divisions shall be prohibited if the resulting lots would provide for development within areas of special flood hazards, including areas subject to future flooding due to sea level rise.

**Part 31. Municipal Code Article IX, Section 6.20.040.J.2.b shall be amended as follows:**

b. No request for public hearing is received by the City within ~~40~~ 15 working days from the date of the City sending the notice required by paragraph (a).

**Part 32. Municipal Code Article IX, Section 6.20.050.G.1.a shall be amended as follows:**

a. An emergency exists that requires action more quickly than allowed by City procedures customarily require for the processing of appropriate development permits and the development shall be completed within 30 days, unless otherwise specified in the terms of the permit;

**Part 33. Municipal Code Article IX, Section 6.20.100.B shall be amended as follows:**

B. Applicability. A variance may be granted to waive or modify any requirement of this Development Code except: allowed land uses, residential density, specific prohibitions (for example, prohibited signs), the application of hazard or ESHA setback requirements, or procedural requirements.

**Part 34. Municipal Code Article IX, Section 6.30.020.C shall be amended as follows:**

C. Permits appealable to the Coastal Commission. The approval of a development permit that is appealable to the Coastal Commission shall become effective upon the expiration of the Coastal Commission's 10 working day appeal period which begins the day after the receipt by the California Coastal Commission of notice of the City's final action, and where no appeal of the Review Authority's action has been filed by two Coastal Commissioners, the applicant, or any aggrieved person in compliance with the Coastal Act, but not if the notice of final local action does not meet the requirements of California Code of Regulations 13571.

**Part 35. Municipal Code Article IX, Section 6.30.070.C.3 shall be amended as follows:**

3. Do not involve any expansion of the use of more than 10 percent, if located east of Highway 1, and do not involve expansion of the use by any amount, if located west of Highway 1.

**Part 36. Municipal Code Article IX, Section 7.20.040.C shall be amended to add Subsection No. 3 as follows:**

3. Where an appellant is charged a fee by the City for the processing or filing of an appeal.

**Part 37. Municipal Code Article IX, Section 7.40.020.C.2 shall be amended as follows:**

2. A nonconforming use may be expanded one time by up to 25 percent (measured in gross square footage occupied) through approval of a Use Permit (Section 6.20.090) provided the nonconforming use is not located west of Highway 1, that all off-site improvements, as identified by the City, are constructed by the applicant, in compliance with all City standards and the expansion is otherwise consistent with the Local Coastal Program. A nonconforming use shall not otherwise be expanded or enlarged unless required by law or by ordinance.

**Part 38. Municipal Code Article IX, Section 7.40.030.B.2.b shall be amended as follows:**

b. An addition that encroaches into a required setback no further than an existing nonconforming portion of the structure may be allowed with a Use Permit (Section 6.20.090); provided that the addition is less than 25 percent of the total floor area of the existing structure, the property is not located west of Highway 1 and the Commission makes the following findings:

**Part 39. Municipal Code Article IX, Section 8.10.030 shall be amended to add Subsection D added as follows:**

D. Notwithstanding anything to the contrary included in this chapter, all land divisions, lot line adjustments and mergers within the Coastal Zone shall require a Coastal Development Permit. For the purposes of this section, land divisions include: subdivisions through a parcel map, tract map, grant deed, or any other method; lot splits; redivisions of land; and issuance of a certificate of compliance, unless the certificate of compliance is issued for a land division that occurred prior to the effective date of the Coastal Act and complied with all State laws and local ordinances in effect at the time.

**Part 40. Municipal Code Article IX, Section 8.20.040 shall be amended as follows:**

The adjustment of a boundary line between ~~two or more~~ four or fewer existing adjacent parcels, which does not result in a greater number of buildable parcels than originally existed, does not require a tract or parcel map. However, the Public Works Director must approve the lot line adjustment as provided in Section 8.60.

**Part 41. Municipal Code Article IX, Section 8.60.020.A shall be amended as follows:**

- B. 1. Adjustment must be made between four or fewer ~~two or more~~ existing adjacent parcels
- ~~C. 2.~~ The land taken...
- ~~D. 3.~~
- ~~E. 4.~~

**Part 42. Municipal Code Article IX, Section 9.10.030 shall be amended as follows:**

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

Environmentally Sensitive Habitat Area (ESHA). 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.