

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
FAX: (831) 427-4877  
WEB: WWW.COASTAL.CA.GOV

F7a



Prepared November 23, 2010 (for December 17, 2010 Hearing)

[Click here to go the staff report addendum.](#)

**To:** Coastal Commissioners and Interested Persons

**From:** Dan Carl, District Manager  
Madeline Cavalieri, Coastal Planner

**Subject:** **Appeal A-3-PSB-10-032** (Appeal by Edward Pollard, Rinaldo and Nelly Caminada, and Janet George of City of Pismo Beach decision granting CDP with conditions to Jordan and Rachael Larson to construct a 1,220 square foot single family residence on lot 20 (APN 010-231-028) and to demolish an existing garage and construct a new garage on lot 9 (APN 010-231-027) at 202 Vista Del Mar, Pismo Beach, San Luis Obispo County. Filed: June 30, 2010. 49th Day: waived.

#### Recommendation

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which appeal A-3-PSB-10-032 was filed. Staff recommends a **YES** vote on the following motion and resolution:

**Motion and Resolution.** I move that the Commission determine and resolve that Appeal Number A-3-PSB-10-032 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Coastal Act Section 30603 regarding consistency with the certified Local Coastal Program and/or the public access policies of the Coastal Act.

Passage of this motion and resolution will result in a finding of no substantial issue and adoption of the following findings. By such action, the Coastal Commission declines to take jurisdiction over the coastal development permit (CDP) for this project, the City of Pismo Beach action becomes final and effective, and any terms and conditions of the City of Pismo Beach decision remain unchanged. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present

#### Findings

On June 1, 2010, the City of Pismo Beach approved a CDP to allow construction of a new 1,220 square foot house on lot 20, and demolition and reconstruction of a garage on lot 9 at 202 Vista del Mar in the City of Pismo Beach (see Exhibit 1). Pursuant to Coastal Act Section 30603, this approval is appealable to the Commission because it is located between the sea and the first public road paralleling the sea. The Appellants claim that the approval is inconsistent with the Pismo Beach Local Coastal Program (LCP) because it allows development of a single-family residence on a substandard lot that has no road frontage. The Appellants claim the lot was intended to be used for development that is secondary to the single-family residence of the adjacent lot (lot 9), and that the City should have prohibited the development of a single-family residence on lot 20 and required lots 9 and 20 to be merged. The Appellants also claim the approved development would be incompatible with the community character of the neighborhood and would cause adverse impacts to public views, traffic and parking. Finally, the



Appellants claim the garage and driveway access would be inconsistent with LCP requirements and would create a hazard. In addition to these main points, the Appellants make a wide variety of other contentions (see Exhibit 2), some of which do not appear to be based on alleged LCP inconsistencies so much as they appear to be provided as background context for considering the appeal.<sup>1</sup> The Commission will review only those contentions that raise concerns regarding the proposed project's consistency with the City's LCP.

Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue exists with respect to the grounds on which the appeal has been filed.<sup>2</sup> Commission staff has analyzed the County's Final Local Action Notice for the development (Exhibit 1), the Appellants' contentions (Exhibit 2), and the relevant requirements of the LCP (Exhibit 3). Although there are unanswered questions about whether or not lot 20 was subdivided in accordance with the Subdivision Map Act (SMA) when it was created in 1972, and although the replacement one-car garage requires a variance to be granted (and the City did not grant such a variance), the appeal raises local neighbor as opposed to statewide public issues, and raises no substantial issue because the development would not cause adverse impacts on coastal resources, including public access, community character and visual resources, and because the scope of the approved development is relatively minor within an existing developed residential neighborhood.

#### Lot Legality

Regarding the subdivision that created the subject lots, the Appellants contend that: (1) the subdivision was intended to create lots that would be added to existing, adjacent lots, and that the lots were never intended to be developed with individual, single-family residences; (2) the City should have required lots 9 (the street fronting lot) and 20 (the lot located behind lot 9) to be merged; and (3) the lots were not subdivided in accordance with the local zoning and subdivision regulations that were in effect at the time of approval of the map.<sup>3</sup> Items (1) and (2) do not raise valid issues: Regarding item (1), there are no restrictions recorded against the property or attached to the approval of the subdivision that limit the use of the property or prohibit development of separate, single-family homes on the lots. Regarding item (2), the LCP does not require lots 9 and 20 to be merged, and further, the City's ability to require lots to be merged is limited through the SMA, and the City has not determined whether these lots could be required to be merged under the SMA. This is not, however, an issue of LCP compliance. Item (3), however, does raise a valid concern because it is unclear at this time whether the original subdivision in

---

<sup>1</sup> These contentions include discussions of the history and intent of the subdivision, the subdivision and development of neighboring properties, various City zoning ordinances and resolutions that do not apply to the subject project approval, the property value and future development potential of lot 9, and other related topics.

<sup>2</sup> The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance.

<sup>3</sup> It is noted that the original subdividor, Edward Pollard, is one of the Appellants in this matter.



1972 was created in accordance with the local laws that were in effect at the time. This issue is important because if the subdivision did not conform to the local laws that were in effect at the time, it may not have legally created individual lots, and therefore, the development potential of lot 20 may be in question.

Typically, the issue of lot legality would raise a substantial issue of conformance with the LCP because development potential is so closely linked to coastal resource impacts and conformance with LCP policies. However, because of the unique circumstances presented in this case, including the small scale of the development and the location of the in-fill parcel in an existing developed residential subdivision that allows for second dwelling units of a similar size and scale as the approved single-family residence, the lot legality question is not critical for the Commission in this case. This particular project would not cause any adverse impacts on coastal resources, and therefore, this appeal contention does not raise a substantial issue of conformance with the LCP.

In short, there are a series of uncertainties that prevent the Commission from conclusively determining lot legality at this time. However, because the approved development would not cause significant adverse coastal resource impacts, there is no need for the Commission to make a determination on this question in order to conclude on the appeal merits. Rather, whether the lot is legal or not, the proposed development associated with the City-approved project represents infill residential development within a developed residential neighborhood where such development will not significantly impact or affect coastal resources. Although it is possible that some neighbors may object to more dense development in this location, as is certainly exemplified by the appeal itself, these neighborhood concerns do not rise to the level of substantial LCP issues. And while the Commission would typically resolve the lot legality question for this type of appeal, it is not required here, given the specific facts of this case.

For reference, the lot for which legality is in question is lot 20 of parcel map 71-269, which was recorded on February 29, 1972 (see Exhibit 4).<sup>4</sup> The parcel map shows a series of 20 lots that are located behind the lots that have road frontage on Vista del Mar Avenue and Terrace Avenue. In 2009, the City performed an analysis of the legality and development potential of these lots from the 1972 subdivision (see Exhibit 5). In its analysis, the City concluded that the parcels were legally subdivided, in part because they are shown on a recorded parcel map that was signed by the City Engineer at that time. The City also determined that there are no restrictions on the parcels that would prohibit the development of single-family residences.

However, and this is where the uncertainty is based, there are several undetermined facts on which the City's determination that the lots were legally subdivided rests. First, a recorded parcel map only establishes lot legality if it meets the definition of a parcel map under the SMA, which among other things requires approval of the map by the local authority under the provisions of the SMA or local ordinances adopted pursuant to the SMA. In this case there is a recorded parcel map, but there are questions as to whether the subdivision was approved in conformance with the local subdivision

---

<sup>4</sup> In addition to lot 20, the Applicants own the adjacent lot, lot 9, which has street frontage on Vista del Mar Avenue.



ordinances that were in effect at the time.

The City has provided the Commission with two relevant local laws that may have been in effect at the time the map was created in 1972, but it has not been shown with certainty what, exactly, was in effect at that time. The first is the City's subdivision regulations that were established in 1959 and the second is the City's zoning ordinance of 1963. Unfortunately, the City has not been able to locate a complete copy of the 1963 zoning ordinance. The City's position is that the 1963 zoning ordinance superseded the 1959 subdivision regulations, and that it applied at the time of the 1972 subdivision. However, the portion of the 1963 zoning ordinance that is available does not include subdivision regulations, so it is not clear how it could have replaced the 1959 subdivision regulations. In addition, nothing in the portion of the 1963 zoning ordinance the City provided discusses superseding the 1959 subdivision regulations. Thus, based on the information that has been provided, it appears that the 1959 subdivision regulations were most likely the local subdivision ordinances that were in effect at the time of the 1972 subdivision, but this has not been conclusively determined.

In addition to the uncertainty as to what regulations were in place at the time, there are also questions about whether the subdivision was properly processed in any case. For example, the 1959 subdivision regulations, which may or may not have been in effect at the time, required approval of the map by both the Planning Commission and the City Council, and certification of these approvals was required to be included on the face of the map itself. The City has provided copies of minutes from the Planning Commission meeting of December 9, 1970, which indicate that the Planning Commission approved the subdivision stipulating a pedestrian easement, and referred further consideration of the easement to the City Council. It is unclear from the minutes whether or not the Planning Commission's approval of the subdivision was intended to be final, or if it was intended to be referred to the City Council. In either case, approval by both bodies was required per the 1959 regulations, and the City has not been able to locate the relevant City Council minutes or resolutions to verify any City Council actions on the map. It was more than a year after the Planning Commission approval that the map was recorded and signed by the City Engineer. The map did not include the required Planning Commission and City Council certification on its face.

In short, it is not clear that the map was consistent with the regulations in place at the time, including because it has not been established what regulations were in place at the time. If the 1959 ordinances were in effect, and if it were otherwise consistent with these requirements, it is not clear that the map was approved by the City Council as required by these ordinances, and in any case, the map did not include the required Planning Commission and City Council certifications. If the 1963 ordinances were in effect, the subdivision portion of these ordinances has not been discovered, and conformance with these 1963 ordinances, to the extent they were in effect, cannot be measured. For these reasons, the Commission cannot conclude on the lot legality question. Irrespective of these facts, on October 20, 2010, the City issued an unconditional certificate of compliance (COC) for lot 20. The Commission does not believe that the COC conclusively establishes lot legality because it was based on the same fact set described above and issued without the City first verifying that the parcel was subdivided in accordance with the laws and regulations that were in place at the time the subdivision map was approved, as



required by the SMA. And if the City had instead issued a conditional certificate of compliance, which would appear to be more appropriate given the uncertainties described above, such conditional certificate of compliance would also have required approval of a CDP, which did not happen in this case. Although the lack of demonstrable lot legality (and the City's unconditional COC more generally) raise concerns, because the City-approved project itself would not cause significant adverse impacts to coastal resources, the City's approval of it does not raise a substantial issue of conformance with the LCP, even considering the uncertainties over the legality of the parcel.

In summary, there are numerous uncertainties regarding the determination over the legality of the subdivision. However, there are, in fact, no restrictions recorded against the subject property limiting its use. And the City-approved development, while it raises valid concerns with respect to lot legality, is not itself problematic under the LCP. Therefore, the Commission finds that although lot legality often raises important issues regarding coastal resource impacts, due to the small scale of the City-approved development, its location in an existing developed residential area, and the lack of significant coastal resource impacts associated with it, the appeal does not raise a substantial issue of conformance with the LCP.

Further, although the Appellants contend that the City's approval would set a precedent for future development of the remaining substandard lots that have not already been built upon, the Commission's determination in this case does not preclude it from determining that some future approval raises a substantial issue of conformance with the LCP. Rather, the facts of this case dictate that there is no substantial issue. The facts of another case, including the degree to which such case might raise issues relatively more significant than this one, would be considered on its own merits. In addition, it is unclear how many of these lots could be developed with a single-family residence in accordance with the zoning regulations, given the extremely limited depth of the lots. The City has adopted a resolution encouraging property owners to merge the street-fronting lots with the adjacent lots that have no street frontage, and to date, one of the parcels has been officially merged. One of the Appellants, Edward Pollard, the original 1972 subdividor, states that there are seven additional lots that could be developed with single-family residences, but it is not clear how this figure was determined. Again, the Commission's determination of no significant issue in this case does not predetermine future Commission actions.

#### Community Character and Visual Resources

The Appellants contend that the approved development would be inconsistent with LCP policies requiring development to be compatible with the existing neighborhood, because it would be a three-story residence on a very small, substandard parcel. The Appellants also contend that the approved project would have adverse impacts on visual resources.

The project is located in the Shell Beach neighborhood of the City, which is characterized by relatively dense residential development on small parcels. The Land Use element of the LCP cautions that there is a trend in Shell Beach to expand or replace small beach cottages on small lots with large houses that may be incompatible with the community character, and LCP Policy H-4 states: "New development



should be designed to reflect the small scale image of Shell Beach rather than large monolithic buildings. Buildings should be designed with vertical, horizontal and roof articulation of building faces. Where two-story buildings are proposed, the second story should normally be stepped back...” The LCP does not prohibit third stories at this location. Although the zoning regulations require newly created parcels to be more than 5,000 square feet, many of the existing parcels in the neighborhood are less than that, and generally approximately 4,750 square feet. The portion of the neighborhood that the project is located in is zoned R-1 and allows one primary single-family residence per lot. Beginning approximately three lots inland from the project site, within the same block, there is R-2 and R-3 zoning; R-2 zoning allows for two primary units per lot, and R-3 allows for up to four primary units per lot (see LCP zoning map in Exhibit 6).

It is important to note that in 2008, the City applied for an LCP amendment to accommodate secondary dwelling units in the zoning regulations. In this amendment, the City proposed to allow second dwelling units only on parcels of 5,000 or more square feet. However, the Commission approved the LCP amendment only with suggested modifications to eliminate this restriction, specifically stating that such a restriction would result in prohibiting second dwelling units in much of the Shell Beach neighborhood, since many of the existing parcels are less than 5,000 square feet. Ultimately, the City accepted the Commission’s modifications and second dwelling units are now allowed on all residential parcels within Shell Beach, including the subject property. Such units, when combined with the primary dwelling units, must not exceed the development standards of the underlying zoning district, including restrictions on lot coverage, height, and maximum building area.

The City-approved development is a small, 1,220 square foot home in a neighborhood that is entirely developed with single-family residences (see Exhibit 7). The approved residence would not exceed the 25’ height limit and would be located near other buildings of similar height. The approved development has no potential to obstruct public views of the shoreline. In addition, the project went through the City’s design review process, and would have simple vertical and horizontal lines, detailed architectural articulation and stepped back upper floors, consistent with the land use policy H-4, stated above (see artist’s rendering in Exhibit 8).

Therefore, the approved development has been designed to be compatible with the community character and visual resources of the area. The new single-family residence would meet all of the requirements of the zoning ordinance, including requirements for maximum lot coverage and building area, setbacks and height limits. In fact, the new single-family residence, when viewed in conjunction with the residence on lot 9 fronting Vista del Mar, would meet all of the restrictions for a second dwelling unit, except that the residence is 20 square feet larger than the 1,200 square foot maximum floor area, so the development would appear very similar to a second dwelling unit. Therefore, for the reasons stated above, the Commission finds that the approved development does not raise a substantial issue of conformity with the LCP with regard to community character or visual resources.

Public Access



Appellants contend that the approved development, together with other potential development of questionable lots created through the 1972 subdivision, would cause adverse impacts to public access by generating new traffic trips and by reducing the availability of parking.

As described above, the approved development is in a densely developed residential portion of the Shell Beach neighborhood. There are generally limited public access and visitor-serving amenities in this area. There is a linear park with two beach access points along the shore at the upcoast end of the neighborhood, and there is public, on-street parking available on Vista del Mar Avenue, as well as the surrounding blocks to accommodate this park and shoreline access. According to the LCP, Vista del Mar Avenue is a local street, and the intersection of Shell Beach Road and Vista del Mar was at level of service (LOS) A in 1990, and the projected LOS is B for 2010. Principle 1 of the Circulation Element calls for local streets to operate at LOS C or better.

As required by the LCP, the approved development includes two on-site parking spots for the residence on lot 20 and two on-site parking spots for the residence on lot 9. Therefore, the approved project would not cause adverse impacts to the availability of public parking. In addition, because the existing and projected LOS at the nearby intersection is well within the acceptable LOS for the City, the approved development would not independently, or cumulatively, cause adverse impacts to traffic.

In addition, recent Commission actions confirm that modest increases in density, such as that approved here, can generally be accommodated by the existing roads and parking infrastructure capacity. For example, in City of Pismo Beach LCP amendment 1-08, the Commission found that increased densities in the Pismo Heights neighborhood would not cause adverse impacts to coastal resources. And, in its approval of the City's second dwelling unit ordinance discussed above, the Commission's suggested modifications eliminated the City's proposed restrictions on second dwelling units on lots of less than 5,000 square feet, specifically to ensure such units are allowed in the Shell Beach neighborhood, in which the approved project is located. In support of this action, the Commission found that given the LCP's requirements for off-street parking, the parking demand from the increased density caused by second dwelling units would not compete with the parking requirements of beach visitors. The Commission did not raise any issues or make findings regarding traffic, or the possibility of traffic congestion causing adverse impacts to public access to the coast in Shell Beach or within the City. Therefore, the Commission finds that the proposed project does not raise a substantial issue with regard to public access.

#### On-Site Parking

The Appellants contend that the approved project would replace an existing one-car garage on lot 9, with a new one-car garage, but that the LCP requires a two-car garage on lot 9. Although the LCP does require two covered parking spaces on lot 9, the design of parking spaces, in this case, does not create a coastal resource impact. The approved project would provide the number of parking spaces required under the LCP, and therefore, as described above, there would not be adverse impacts on public parking in the area. With regard to replacing the one-car garage on lot 9, the City found that: "The existing



parking accommodations on lot 9 fronting Vista Del Mar will not be made non-conforming to accommodate access to lot 20; the project is conditioned for the existing 9' x 16' nonconforming garage on lot 9 to be demolished and replaced with a more conforming 10' x' 20' garage." The City appeared to be indicating that because the new garage was closer to conforming to the regulations than the existing garage, it could be considered LCP consistent as it reduced the degree of non-conformity. The Commission does not agree with the notion that new development can be considered LCP-consistent by virtue of it replacing development that was more non-conforming. Rather, such new development either conforms with LCP requirements or it does not. In this case, in order to approve a one-car garage, the LCP requires the City to grant a variance, and the City did not grant such variance. However, again, in this case, because there are no adverse impacts to coastal resources caused by providing an uncovered parking space, as opposed to a covered parking space, the approved project does not raise a substantial issue of conformance with the LCP.

#### No Substantial Issue Conclusion

As summarized above, the extent and scope of the approved development is fairly limited. There are no significant coastal resources affected by the decision, and no adverse precedent will be set for future interpretations of the LCP. If additional single-family residential development is approved on any of the remaining lots of this subdivision, such development could be appealed to the Commission, and the Commission would be able to determine whether any appeals of such approvals raise a substantial issue of conformity with the LCP based on the facts and circumstances applicable there. In this particular case, the appeal does not raise issues of regional or statewide significance, and the approved development would not cause any adverse impacts to coastal resources.

For the reasons stated above, the Commission finds that Appeal Number A-3-SCO-10-032 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the certified LCP and/or the public access policies of the Coastal Act.

#### Exhibits:

- Exhibit 1: City of Pismo Beach CDP decision
- Exhibit 2: Appeals of City of Pismo Beach CDP decision
- Exhibit 3: Applicable LCP policies
- Exhibit 4: PM PB 71-269
- Exhibit 5: City Resolution 2009-068
- Exhibit 6: Zoning Map
- Exhibit 7: Location Maps and Photos
- Exhibit 8: Artist's Rendering of City-Approved Project







**FINAL LOCAL ACTION NOTICE**

REFERENCE # 3-PSB-10-115  
6/16 - 6/30/2010  
APPEAL PERIOD

760

Mattie Road, Pismo Beach, California 93449  
(805) 773-4658 / Fax (805) 773-4684

**CITY OF PISMO BEACH**

Community Development Department

June 9, 2010

6/16 - 6/30/2010

**CERTIFIED MAIL # 70072560000158091816**

California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060

ATTN: Mike Watson

**Notice of Final Action  
by the City of Pismo Beach City Council  
on a Project located within the Pismo Beach Coastal Zone**

**Applicant Info:**

Name: Jordan & Rachael Larson  
Address: 202 Vista Del Mar  
Telephone: 805-878-9868  
Project No: 10-0006  
Site Address: 202 Vista Del Mar  
APN # 010-231-027 (lot 9) & 010-231-028 (lot 20)

**RECEIVED**

JUN 15 2010

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Project Summary: Demolition of an existing garage and construction of a new garage on lot 9 and construction of a 1,220 s.f. single family home on lot 20

Date of Action: June 1, 2010

Action: Approved

Attachments: City Council Staff Report dated 5/25/10  
City Council Resolution R-2010-029  
Plans

Appeal Status: Appealable

NOTE: Appealable to the California Coastal Commission pursuant to Coastal Act Section 30503. An aggrieved person may appeal this decision to the Coastal Commission within ten working days following Coastal Commission receipt of this notice. Any appeal of this action must be filed in writing to the Coastal Commission using forms obtainable from the Santa Cruz district office at the address identified above.

**RESOLUTION NO. R-2010-029**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH UPHOLDING THE APRIL 13, 2010 PLANNING COMMISSION APPROVAL OF A COASTAL DEVELOPMENT PERMIT FOR THE DEMOLITION OF AN EXISTING GARAGE AND CONSTRUCTION OF A NEW GARAGE ON LOT 9 AND CONSTRUCTION OF A 1,220 S.F. SINGLE FAMILY HOME ON LOT 20 AT VISTA DEL MAR AVENUE (PROJECT NO. 10-0006: APNS 010-231-027 LOT 9 AND 010-231-028 LOT 20).**

---

**WHEREAS**, On April 13, 2010, the Pismo Beach Planning Commission held a public hearing and approved Coastal Development Permit 10-0006 for the demolition of an existing garage and construction of a new garage on lot 9 and construction of a 1,220 square foot single family residence on lot 20 at 202 Vista Del Mar Avenue (APNs 010-231-027 Lot 9 and 010-231-028 Lot 20); and

**WHEREAS**, between April 22, 2010 and April 26, 2010, Rinaldo & Nelly Caminada, Grant Elwood, Edward Felix, Janet George, George & Dianne Glaser, Maria Hutkin, and Edward Pollard (appellants) appealed the Planning Commission approval of project 10-0006, and

**WHEREAS**, on June 1, 2010, the City Council held a public hearing to hear the seven April 2010 appeals.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Pismo Beach hereby upholds the April 13, 2010 Planning Commission approval of Coastal Development Permit 10-0006 with the following findings:

- 1) The Coastal Development Permit for project 10-0006 was considered on its own merits without precedence determined by any previous approval of any other lot created with PM 71-269.
- 2) Access to lot 20 will be achieved with a common access easement over lot 9 from the Vista Del Mar frontage.
- 3) The existing parking accommodations on lot 9 fronting Vista Del Mar will not be made non-conforming to accommodate access to lot 20; the project is conditioned for the existing 9' x 16' nonconforming garage on lot 9 to be demolished and replaced with a more conforming 10' x 20' garage.
- 4) The design of the lot 20 development is compatible with the adjacent lot 9 dwelling at 202 Vista Del Mar.
- 5) The 25' building height of the lot 20 development is compatible with the surrounding Vista Del Mar and Terrace avenue homes with building heights of 22' to 25', including the 127, 143, 151, 203, 211, 219, 227, 251, 259, 303, 311,

**RECEIVED**

315, 132, 134, 140, 150, 226, 234, 262, 301 Vista Del Mar and 205, 225, 235, 305, 315 and 325 Terrace Avenue.

- 6) The 1983 Zoning Code regulating development at 202 Vista Del Mar does not prohibit 3 story development.
- 7) The existing setbacks, lot coverage and building floor area of lot 9, the Vista Del Mar fronting lot, will not be made nonconforming nor increase existing nonconformities to accommodate access to lot 20...
- 8) The current use of the site on lot 9 is a single-family residence, consistent with both the General Plan Land use designation of Low Density Residential and the 1983 zoning designation of Single-Family Residential. The private driveway easement across lots 9 does not change the proposed use of the property on Lot 9. A driveway is an incidental and accessory use associated with a residential development, and not a separate use such as a public parking lot or a public road. The private easement can be used by property owners on lot 9 and lot 20, and not as an exclusive use or type of lot split in favor of lot 20. The easement may be used for future development on lot 9.
- 9) The proposed residence on Lot 20 is approximately 122' from the Vista Del Mar right of way, and with a fire hydrant within 100' of the Lot 9 property, CalFire considers the site accessible for the purposes of fire access.
- 10)The 202 Vista Del Mar proposal project is not subject to the merger requirements set forth in PBMC section 17.102.060(J) and (K) as no portion of the structure crosses the common property line between Lot 9 and Lot 20.
- 11)The public hearing notice for the Planning Commission and City Council public hearings on the project were noticed consistent with Government Code section 65091A4.

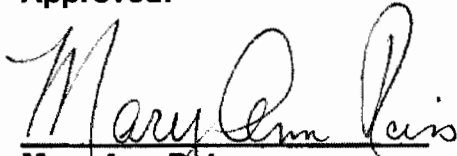
**BE IT FURTHER RESOLVED** that the City Council of the City of Pismo Beach hereby upholds the April 13, 2010 Planning Commission approval of Coastal Development Permit 10-0006 with the conditions imposed by the Commission and the following conditions:

- A deed restriction be added to the lot 9 property specifying a requirement for **two parking spaces within a 20' x 20' garage or garages** as a condition of any permit for additional square footage to be added to the residence. ***(Amended by the City Council on June 1, 2010)***
- **The project shall be brought back before the City Council for review and approval of the architectural design of the building on Lot 20. *(Added by the City Council on June 1, 2010)***

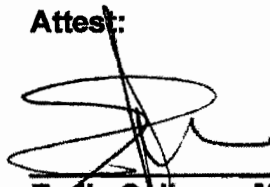
**UPON MOTION OF** Councilmember Vardas seconded by Councilmember Ehring the foregoing resolution was passed, approved and adopted by the City Council of the City of Pismo Beach this 1<sup>st</sup> day of June 2010, by the following roll call vote:

**AYES: 3 Councilmembers: Vardas, Ehring, Higginbotham**  
**NOES: 2 Councilmembers: Waage, Reiss**  
**ABSENT: 0**  
**ABSTAIN: 0**

**Approved:**

  
\_\_\_\_\_  
**Mary Ann Reiss**  
**Mayor**

**Attest:**

  
\_\_\_\_\_  
**Emily Colborn, MMC**  
**City Clerk**



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

**Please Review Attached Appeal Information Sheet Prior To Completing This Form.**

**SECTION I. Appellant(s)**

Name: Edward R. Pollard

Mailing Address: 235 Terrace Avenue

City: Pismo Beach, CA 93449

Zip Code:

Phone: 805-773-1907

**SECTION II. Decision Being Appealed**

1. Name of local/port government: City of Pismo Beach

2. Brief description of development being appealed:

Permit to demolish a one-car garage on Lot 9 and construct a 3-story stand-alone residence on Lot 20 and replace only a one-car garage on Lot 9. Each lot to be sold separately.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

202 Vista Del Mar Street. Development proposes to make Lot 20 of Parcel Map PB 71-269 a separate, stand-alone homesite.

4. Description of decision being appealed (check one.):

Approval; no special conditions

Approval with special conditions:

Denial

**RECEIVED**

JUN 28 2010

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

**TO BE COMPLETED BY COMMISSION:**

APPEAL NO: A-3-PSB-10-032

DATE FILED: June 30, 2010

DISTRICT: Central Coast

A-3-PSB-10-032 (Larson)  
Exhibit 2  
Page 1 of 95

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- X City Council/Board of Supervisors
- X Planning Commission
- Other

6 Date of local government's decision: Planning Commission -- April 13, 2010  
City Council (Appeal)- June 1, 2010

7 Local government's file number (if any): Project 10-0006

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Jordan and Rachael Larson  
202 Vista Del Mar Street  
Pismo Beach, CA 93449

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) See attached page.

(2)

(3)

(4)

## 202 Vista Del Mar Appeal Interested Parties

Janet George  
140 Vista Del Mar  
Pismo Beach, CA 93449

Rinaldo & Nelly Caminada  
226 Vista Del Mar  
Shell Beach, CA 93449

Grant Elwood  
305 Terrace Avenue  
Shell Beach, CA 93449

Edward Felix  
134 Vista Del Mar  
Pismo Beach, CA 93449

George & Diane Glaser  
262 Vista Del Mar  
Shell Beach, CA 93449

Maria Hutkin  
1354 San Marcos Court  
San Luis Obispo, CA 93401

Pat & Gail Williams  
239 Santa Fe Avenue  
Pismo Beach, CA 93449

Brian Kreowski  
1435 Shell Beach Road  
Pismo Beach, CA 93449

Adam Laurent  
366 Montecito  
Pismo Beach, CA 93449

Jim DeCecco  
140 Vista Del Mar  
Pismo Beach, CA 93449

Edward Pollard  
235 Terrace Avenue  
Pismo Beach, CA 93449

Jordan & Rachel Larson  
202 Vista Del Mar  
Pismo Beach, CA 93449

Barry Erlich  
325 Terrace Avenue  
Pismo Beach, CA 93449

Sandra Nielsen  
313 Vista Del Mar  
Pismo Beach, CA 93449

Patricia Tietz  
225 Terrace Avenue  
Shell Beach, CA 93449

Rhoni & Jerry Yeager  
219 Vista Del Mar  
Pismo Beach, CA 93449

Tom Ramones  
505 Hawkins Court  
Arroyo Grande, CA 93420

City of Pismo Beach  
760 Mattie Road  
Pismo Beach, CA 93449

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

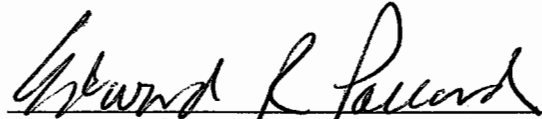
See attached pages.



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

  
\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: 6-26-10

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby authorize \_\_\_\_\_  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_

The development being appealed was approved on April 13, 2010, by the Pismo Beach Planning Commission by a 4-to-1 vote. An appeal to the City Council was heard on June 1, 2010, and was denied by a 3-to-2 vote.

This project is proposed by Jordan and Rachel Larson as Project No. 10-0006 and consists of a Coastal Development permit for the demolition of a one-car garage on Lot 9 and construction of a new three-story residence on Lot 20. The address of the project is 202 Vista Del Mar Street, Pismo Beach, California.

The applicants' five-page plan is included herewith. The plan proposes to demolish a one-car garage and create a 14'-wide easement across Lot 9 in favor of the rear Lot 20 and also replace a one-car garage on Lot 9.

The applicants are asking that Lot 20 be considered a separate, stand-alone homesite which could be sold separately from Lot 9. This is the crux of the opposition from appellants hereto.

Lot 20 is one of 20 parcels created by Parcel Map PB 71-269, and following I have related the history of how Parcel Map PB 71-269 was conceived and approved:

Lot 9 fronts on Vista Del Mar Street and is part of the 1925 subdivision Pismo Terrace, which consists of almost entirely legal non-conforming lots. Lot 20 is a part of a 20-lot subdivision completed in 1972 by myself at almost the same time as I completed the 30-lot Shoreline Terrace Subdivision Tract 394 that lies on two sides of the Shell Beach Elementary School. Included are maps of both of these subdivisions.

After we completed Tract 394, a very irregular-shaped parcel became available that lay behind our lots fronting on Terrace Avenue. This property is outlined in red on the Parcel Map. As the map shows, it had limited access via a 10'-wide strip, 400' long, up to Shell Beach Road and a 20'-wide easement at the other (south) end to Vista Del Mar Street. The property was available at an attractive price and we became interested in it as well as being concerned as to how this property would ultimately be developed.

Our newly-approved lots on Terrace Avenue were only 82' deep, and we thought it would be very beneficial if we had greater depth to these lots. We also could see distinct benefits to lots on Vista Del Mar Street if those lots were deeper as most of the existing improvements were near the rear property line; i.e. they had no back yards.

We approached the owners on Vista Del Mar Street and the City with the proposition of purchasing the parcel and subdividing it into parcels to be added to existing lots fronting on Terrace Avenue and Vista Del Mar Street. All of the abutting owners were thrilled with the proposal and we received encouragement and support from the City. The City staff/Planning Commission stated they had been concerned how that property would otherwise be developed with its location and limited access, and complimented us for our proposal.

We proposed to divide the property into 20 lots ranging in size from 652 sq.ft. to 4,920 sq.ft., and lot lines were to be extensions of lot lines of abutting lots with frontage on existing streets, Terrace Avenue and Vista Del Mar Street. **No new separate homesites were proposed or approved.** It was clearly understood that stand-alone homesites were not proposed or being approved. The intent was to improve the desirability of lots for homeowners while benefitting the neighborhood. We proceeded to purchase the property, obtained City approvals and ultimately sold the subdivided parcels to abutting owners on Terrace Avenue and Vista Del Mar Street. Lots were sold to owners on Vista Del Mar Street for about \$1,500.

The former City Mayor, Joe Crescione, was a City Planner in 1971 and clearly remembers this matter and testified before the current City Council in August 2009 as to what was proposed and approved by PM 71-269, i.e. no new homesites were created. Everyone knew that these parcels would be sold to abutting owners to enlarge their homesite, and no improvements were requested or required as no new homesites were being created. The minutes of the Planning Commission show this to be a fact. The City made no mention of a requirement to merge the lots. If it was a requirement of the subdivider, why was it not so stated and insisted upon?

Please examine the Parcel Map. You will note the following:

1. The map was approved by the City on February 1972 and was recorded February 29, 1972. No new **separate** building sites were proposed or approved by the City.
2. There previously existed a 20' sewer easement that traversed the south end of the parcel from Terrace Avenue to Vista Del Mar Street.
3. Over this sewer easement we established a 20' wide **private** access easement along the common line between some parcels to provide access for purposes of storing RV's or boats, etc., behind each ownership. The map so designates this easement as "not a public way."
4. The map notes that parcel lines are extensions of existing lot lines.
5. None of the parcels met the 5,000 sq.ft. minimum lot size for new SFR lots (some are only 10' wide).
6. None of the parcels had developable access to a public road.
7. None of the parcels had utilities, easements for utilities, or any street improvements. None of the lots met the City code requirements or Subdivision Map Act requirements for stand-alone homesites.
8. All lots have been sold to abutting owners on Terrace Avenue and Vista Del Mar Street.

9. No new separate homesites were approved.

At the time of subdivision in 1971, there was no mention or requirement that these parcels be merged with the abutting owners. Since 1971 eleven of the parcels have been included in development plans without complications from the City Planning Department or Coastal Commission. Only one parcel, Lot 17, has been officially merged with Lot 12 on Vista Del Mar Street. This was done in 2001 during a remodel of a house and garage. **Five ownerships have built improvements across the common line of these parcels.**

In my appeal to the City Council, I pointed out a very important distinction must be made between Shell Beach lots created in the 1920's, prior to the establishment of land use regulations regarding subdivision, and the parcels of Parcel Map PB 71-269. Unlike these much older parcels in Shell Beach that must be considered independent homesites, the subject parcels were created under City of Pismo Beach Zoning and Subdivision Code requirements for new lots—and those requirements continue in effect to today.

**The Staff Report responding to our appeal made the following incorrect statement! ...**

(Parcel map) "lots were subject to the 1963 Zoning Code which did not appear to have a standard for minimum lot size."

The subdivision of Parcel Map PB 71-269 approved by the City in 1971 was subject to the 1963 Zoning Code and Resolution No. 446, an ordinance which sets forth all the requirements for the subdivision of new lots after October 1959.

Resolution 446 was the controlling document under which I obtained approval of the 30-lot Shoreline Terrace Tract 394 in 1971 and Parcel Map PB 71-269. I have in my possession the minutes of the Planning Commission which state that the approval of our 1971 Subdivision must comply with Resolution 446.

Accompanying herewith are two pertinent excerpts taken from this ordinance, one as to lot size and one as to required access. I have also included the signatures page of Resolution (Ordinance) 446. (Resolution 446 is a 17-page ordinance regulating subdivisions in Pismo Beach after 1959.)

I would like to point out that at virtually the same time as the Parcel Map was approved in 1971, the City required our new lots created by Tract 394 to have 5,000+ sq.ft., paved streets, curbs, gutters, sidewalks, water, sewer, drainage facilities, street lights and easements for utilities. **None of these requirements were requested or required for Parcel Map PB 71-269 as no new separate homesites were being created.**

This demonstrates once again that Parcel Map PB 71-269 was approved only for plottage purposes and not separate stand-alone homesites as none of the parcels complied with the many requirements of **separate, new** homesites. To now at this time approve a parcel from Parcel Map PB 71-269 as a separate homesite will also be in direct conflict with the code under which these lots were created and also in conflict with current City code for the creation of **new** lots.

How can it be that at virtually the same time the City waved all of these requirements in the approval of Parcel Map PB 71-269, they also thereby created separate stand-alone building sites--and still met their own Code requirements for new lots? Impossible! It didn't happen! Further, how is it that all the many requirements of code for new lots can be can be ignored but compliance with other requirements such as setback, maximum lot coverage, parking requirements, building height, et cetera, are mandatory?

I believe the City has a responsibility to require merging of the substandard back lots as a condition of a building permit. City code and Government code encourages the merging of small abutting non-conforming parcels in a single ownership. Please refer to Sections J and K of Section 17.102.060 City Zoning Ordinance (1983 Code) and California Government Code Section 66451.11. The Government Code sets forth conditions under which the City can merge these parcels by ordinance. Copies of these codes are included herewith.

The 1963 Zoning Code section 5.17 states as follows: **No structure shall be erected on any substandard parcel if said parcel was acquired from the owner or owners of record of contiguous property or said contiguous owners or owners transference after the effective date of this ordinance.**

California Government Code Section 66451.11 sets forth that a local agency can by ordinance provide for the merger of a contiguous parcel held by the same owner if the parcel does not conform to the standards of minimum parcel size.

The City has required merging in one instance on the subject parcels. In 2001, Sal Caminada, owner of Lot 12 on Vista Del Mar Street and Lot 17 of Parcel Map PB 71-269, was required to merge his two parcels in order to obtain a permit to remodel and expand his garage. This was the first time that merging was ever mentioned as a requirement for a permit. If the City considered merging necessary in that instance, then why would it not be required for any other proposed development of two non-conforming parcels in common ownership?

During the past 38 years the neighborhood has enjoyed the benefits of large homesites with backyards. Lots on Terrace Avenue were originally only 82' deep. Development confined to only this depth would have resulted in a totally different neighborhood with almost no back yards. Many of the existing homes on Vista Del Mar Street are built up to 5' from the original old lot line.

What has occurred during the past two years is that the owner of Lot 9 on Vista Del Mar Street and Lot 20 of the Parcel Map (Larson applicant) has applied for a permit to build a three-story house on his plottage "back" lot and sell it off as a "stand-alone" homesite. Lot 20 consists of only 2,179 square feet. This proposal has received considerable objection from the neighborhood. (See included petition.) In 2008 the project went to the Planning Commission and was approved. Twelve owners in the neighborhood appealed the matter to the City Council and, by a result of strong objection from the neighbors, the applicant withdrew the application. Later, however, the applicant again sought to proceed with the project, but the City ruled he would have to re-apply.

I and the other neighbors continued to appeal the matter to the City Council. The Council passed an urgency ordinance on June 5, 2009 to restrict separate construction on these parcels, but then let the ordinance expire. The Council then asked the Planning Commission to review and provide comments on potential development of these parcels.

The Planning Commission proposed some guidelines for future development and the Council has now passed a resolution setting forth five guidelines for future development. They are contained in Resolution R-2009-068, copy enclosed.

As I see it, Resolution R-2009-068 is an attempt by the City to allow the creation of **separate** SFR homesites while not meeting the requirements of new stand-alone homesites, which have been enumerated above. We also see it as an attempt to create an indirect amendment to the Zoning Ordinance.

Clearly none of the parcels created by Parcel Map PB 71-269 were proposed as **separate** homesites, nor met the necessary City code requirements of the 1963 Zoning Ordinance and Resolution 446 and Subdivision Map Act requirements for **separate** homesites and **there has been no action taken to date to change this.**

Allowing independent development and sale of these "plottage" parcels is tantamount to creating or allowing to be created new substandard stand-alone homesites without having to comply with 1) City zoning and subdivision ordinances for new SFR lots, 2) the General Plan or 3) the Subdivision Map Act and City Resolution R-2009-068. Thereby, this is in conflict with the Local Coastal Plan.

The separate independent development of these plottage lots will ultimately result in a very substandard non-conforming development essentially in the "backyards" of homes on Terrace Avenue and Vista Del Mar Street. Such development will be incompatible with the neighborhood. The existing parcel sizes for lots fronting on Terrace Avenue is between 6,256 sq.ft. to 10,686 sq.ft. with several of the lots over 9,000 sq.ft. Existing lots on Vista Del Mar Street that abut the subject plottage lots range from 6,679 sq.ft. to 9,042 sq.ft. (which includes the plottage lots). To allow separate development of these "plottage" lots these lots would result in lots ranging in size from 1,870 sq.ft. to a maximum of 3,630 sq.ft.--considerably smaller than prevailing homesites in the neighborhood and in Shell Beach.

Essentially what is being advocated is to turn these plottage lots into "flag lots" if an owner creates an access easement across the frontage lot for the benefit of the plottage lot. This could result in seven or more of these substandard non-conforming flag lots on Vista Del Mar Street. This would have a definite negative impact on orderly development of the area and the City at large in regard to the general planning of the whole community. It would set a very negative precedent for local planning.

Each of the affected ownerships is currently conforming as to size of the ownership (frontage parcels and plottage parcels as one homesite). To allow independent development would cause each ownership to be comprised of two parcels which would then become non-conforming, and would result in the expansion of non-conforming use. It would result in a doubling of the number of SF residences and the doubling of the number of non-conforming homesites.

The action taken by the City with Resolution R-2009-068 will be in conflict with the City General Plan for the area due to compatibility, bulk and character. The subject ownerships lie within two Planning Areas of the General Plan, Area G and Area H.

*Planning Area G*  
Terrace Avenue

*"... includes the Shell Beach School and a residential neighborhood consisting primarily of large two-story homes,"*

and the planning concept is that:

***"The Terrace Avenue Planning Area shall be designated for Low Density Residential uses and the Shell Beach School. The focus shall be conserving the existing neighborhood housing stock and assuring that future changes are compatible with the existing neighborhood."***

*Planning Area H*  
Shell Beach

The subject area within Area H:

*"The Shell Beach area is designated for "Low Density Residential."*

and the planning concept is that:

***"The emphasis is on assuring that new and expanded homes are compatible with the scale, bulk and character of the existing neighborhood."***

Included are copies of the City General Plan pages for Planning Areas G and H, the subject neighborhood.

It is clear that Resolution R-2009-068 is in direct conflict with these General Plan concepts and thereby is conflict with the Local Coastal Plan.

It is generally recognized within the Subdivision Map Act, City ordinances, the Government Code ordinances and City prior approvals that contiguous non-conforming parcels held in common ownership should be merged by lot line adjustment, or by City Ordinance, or by amendment or correction of a final or parcel map. The City's own ordinances speak to this subject. Items J and K of the 1983 Zoning Code 17.102.060 state:

*“until such time as contiguous nonconforming parcels are merged by separate ordinance, no structure shall be erected on any nonconforming contiguously owned residential parcels with a minimum individual lot width of less than thirty feet, nor shall any structure be erected on contiguously owned parcels less than five thousand sq.ft.”*

It further states:

*“When a single development is proposed over two or more contiguously owned parcels, those parcels shall be required to be merged prior to the issuance of a building permit ... “*

Please note that the applicant purchased the subject property from the estate of Bernice Higgins. In 2000 another owner on Vista Del Mar Street applied to the City for a permit to separately develop his back lots. You will note on the included petition at that time, that Ms. Higgins signed to disallow such a project. This project was denied by the City and the City took a position that these back lots were to be “developed in support to their primary parcels that have public street frontage on Vista Del Mar and Terrace Avenue.” See enclosed letters from the City.

Following are additional factors and considerations being ignored by the Planning Commission regarding the Larson proposal:

1. Parcel 20 is far below the minimum lot size for new homesites.  
Required minimum: 5,000 sq.ft.  
Lot 20 area: 2,179 sq.ft. -- 57% below the minimum required
2. Parcel 20 is far below minimum lot width for new homesites. It's width is only 33' wide (at its widest) vs. 50' code standard--34% below minimum required.
3. Access is far below reasonable City code requirements. Code requires frontage on a public street, road or waterway. Lot 20 is proposed to access Vista Del Mar by only a 14'-wide easement over already substandard non-conforming Lot 9, leaving an effective lot width of only 36' for Lot 9. City code requires a 50' width.



4. It should be recognized that the imposition of a driveway easement across Lot 9 in favor of Lot 20 will be very adverse and burdensome to the utility and development of Lot 9. The owner of Lot 9 will no longer be able to park in the driveway easement area as the access to Lot 20 will have to remain open at all times for personal use and fire protection. This very effectively reduces the potential building size and footprint of any future construction on Lot 9.

Lot 9 is presently substandard as to size, 4,740 sq.ft., and is thereby legally non-conforming as to size. It is clear that the imposition of the driveway easement effectively makes Lot 9 more substandard and more non-conforming. The driveway easement will encumber 28% of Lot 9, thereby reducing the development potential by 28% and making Lot 9 more non-conforming. This fact makes the project not compliant with the City's Resolution No. R-2009-068, items Nos. 3, 4 and 5.

5. Planning Commission is allowing the removal of a one-car garage on Lot 9 and only to be replaced by a one-car garage. City code requires the replacement of a two-car garage when the one-car garage is removed, as Lot 9 is in excess of 2,700 square feet. See Section 17.108.020, A, of the City Zoning Ordinance; also Ordinance No. 94-04, Section 6.1.

6. The plan presented does not show a new driveway to the replacement garage.

7. The owner of Lot 20 will have to back out of the garage 127 feet to enter Vista Del Mar Street. This is unsafe! It must be recognized that the driveway (road) will be utilized by two families and this fact introduces increased safety hazards. The replacement garage will be virtually on the easement line, thus not allowing reasonable setback of improvements from the easement (travel way) for sight distance, et cetera.

8. The proposed doubling of homesites on the Larson ownership will adversely impact parking on Vista Del Mar Street. Vista Del Mar Street is one of the major traffic carriers bringing traffic from Shell Beach Road down to Ocean Blvd. and the beach. The project, and the other similar projects that will undoubtedly follow if this project is allowed, will without question adversely impact parking and traffic on Vista Del Mar Street.

9. The applicant has proposed a three-story structure which is incompatible with surrounding residences. There are NO three-story residences anywhere between Vista Del Mar and Terrace Avenue or, to my knowledge, in all of Shell Beach. City code does not address the concept of three-story residences as to how they would be configured or how they would be compatible with surrounding properties--probably because it was unthinkable at the time as it is now! City code states development of new single-family residences are to be harmonious and compatible with the size and character of the surrounding neighborhood. See City Ordinance No. 94-04, Section 2, Item 1.

10. There is no articulation between floors on the right side of the building, which will look like a 25-foot high wall. Refer to City Ordinance No. 94-04, Section 5, Item 3b.

11. The location of Lot 20 as a separate stand-alone homesite does not allow reasonable fire protection as it is removed from the boulevard by 127 feet and access is via a narrow easement with improvements abutting the easement. There is no room for a turnaround on Lot 20.

12. The proposed project will reduce the market value of Lot 9 by the imposition of the access easement which will be very burdensome. (The easement will encumber 28% of Lot 9 and will also negatively impact future use.) The easement will in effect be a roadway, and will also adversely impact the adjacent Lot 10 by making it a corner lot and impacting privacy and noise.

13. To permit Lot 20 to be classified as a new stand-alone homesite will set an adverse precedent for other parcels created by the Parcel Map. It has the potential to result in several other homesites that do not meet minimum requirements or having had reasonable planning concepts properly applied, thereby adversely impacting property values of the neighborhood.

14. The highest and best use of Lots 9 and 20 is to develop them as a primary residence and perhaps a "granny unit" or support structure on Lot 20. They should be merged as a condition of a building permit.

15. A petition is included signed by virtually all of the adjoining and nearby neighbors and property owners who strongly oppose the proposed status of a precedent-setting, separate stand-alone homesite for Lot 20.

As has been recognized during the past 38 years, the plottage lots created by Parcel Map PB 71-269 **are developable** in connection with the abutting frontage lots, and the appellants of this appeal identified herein **have no objection to continued development in this manner**. The strong objection arises when it is proposed to consider **separate development and sale** of these lots, which were never proposed or approved for such use and cannot comply with City Code for new, separate homesites.

We, therefore, respectfully ask that the Coastal Commission review this matter and act to ensure that the City of Pismo Beach comply with not only the original intent of their approval of Parcel Map 71-269, but also with the City Code for the creation of new lots (Resolution 446) and the current Code, the General Plan, and Local Coastal Plan--and basically what is clearly needed as good planning for the area.

I wish to address a question that has been raised previously--that of the suggestion that if an owner of a parcel created by Parcel Map PB 71-269 is denied a permit to develop the parcel **independently** that there will be a "taking" -- making the City potentially liable as a result on inverse condemnation.

In order for an owner to claim inverse condemnation, he would have to prove that he was denied a permit to use a parcel for a **reasonable** and economically **viable** purpose.

I previously worked for over 30 years as Right-of-Way Agent for the California Department of Transportation doing condemnation appraisals of partial and full acquisitions (takings) for State highway. I believe I am well familiar with what is legally considered as a compensable "taking." I do not see a compensable taking at all as a result of the City merely continuing to require a merging of these parcels as a condition of a building permit. I believe a requirement of merging is entirely consistent with the history and intent of the approval of the Parcel Map and is totally compatible with City ordinances, authority and planning goals.

Parcels created by Parcel Map PB 71-269 were never approved as stand alone separate homesites. They were approved for plottage purposes to existing lots, not as separate new homesites and there has been no change in this status.

None of the parcels in Parcel Map PB 71-269 met any of the code requirements for new homesites, i.e. parcel size, utilities, public access, et cetera. At essentially the same time as the map was approved, I personally was required to comply with all the code requirements for new lots in the subdivision of adjacent Tract 394, Shoreline Terrace. We provided over 5,000 sq.ft. lots, paved streets, sidewalks, underground utilities, et cetera.

If a week after filing the Parcel Map of record I, as subdivider, had come back to the City with a proposal such as Mr. Larson's, the City would have undoubtedly shown me the door! This is what should be reasonably done today.

These plottage lots are developable, legal lots but approved only for additions to existing lots; however because of physical limitations and land use control limitations, they are limited to be developed as support to or as an integral part of the total ownership. Access and use would be in connection with the overall use of the total ownership. I submit that the use of these lots for plottage and enlargement of existing lots is a reasonable and economically viable use, and that there has been no diminution in value from that use since they were created by City action in 1971.

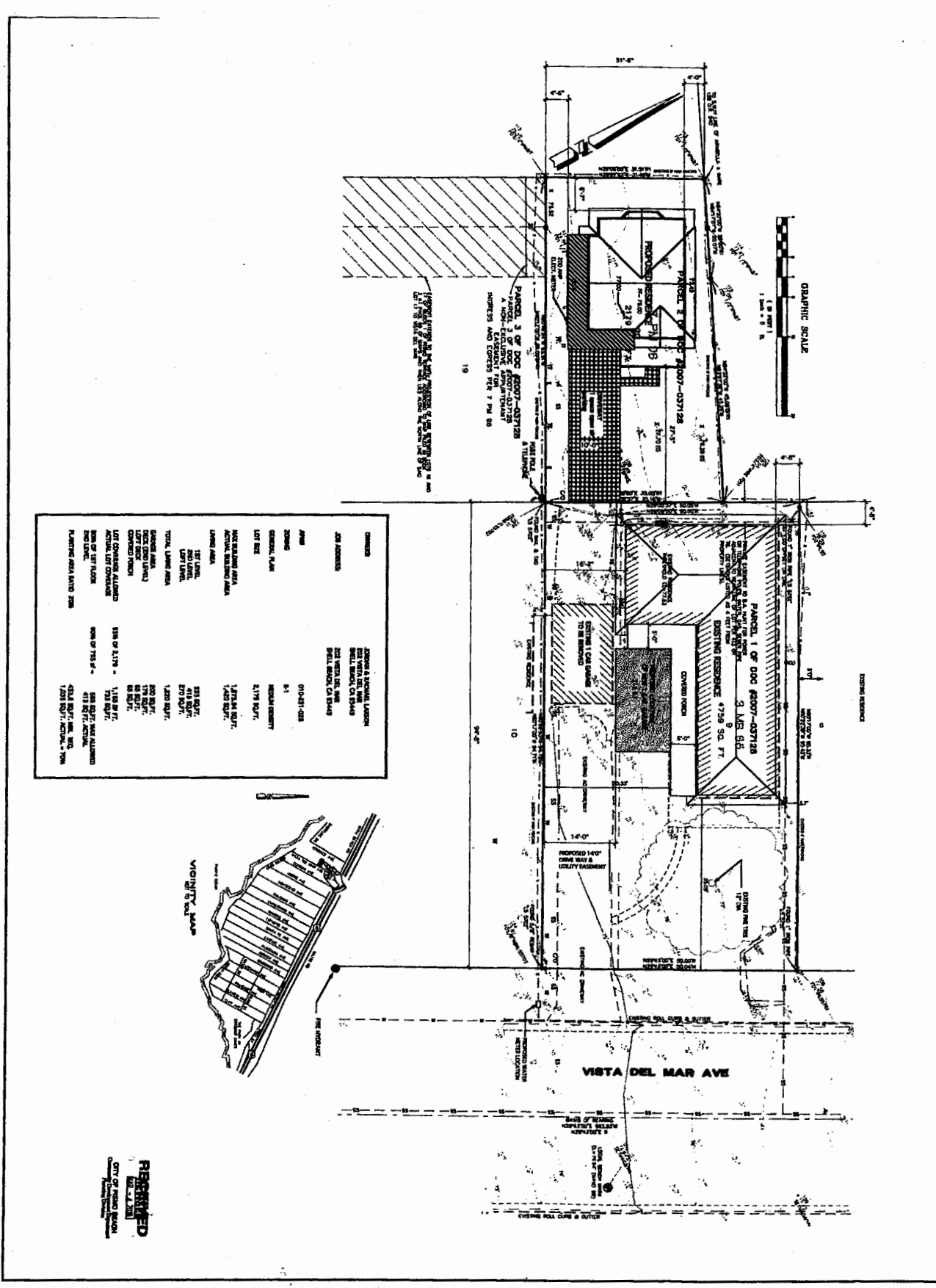
It is totally **unreasonable** for an owner to expect the city to set aside or ignore the well-established history of "why and how" these parcels were created and all the City code requirements for new stand-alone homesites so that that owner can unduly benefit from a proposal to develop the parcel independently. Clearly Mr. Larson

is asking for a special benefit to his ownership to which he is not entitled by having the City designate these lots as complying with City code and Subdivision Map Act for a stand-alone homesite. I believe this is clearly an **unreasonable** use/proposal under the circumstances.

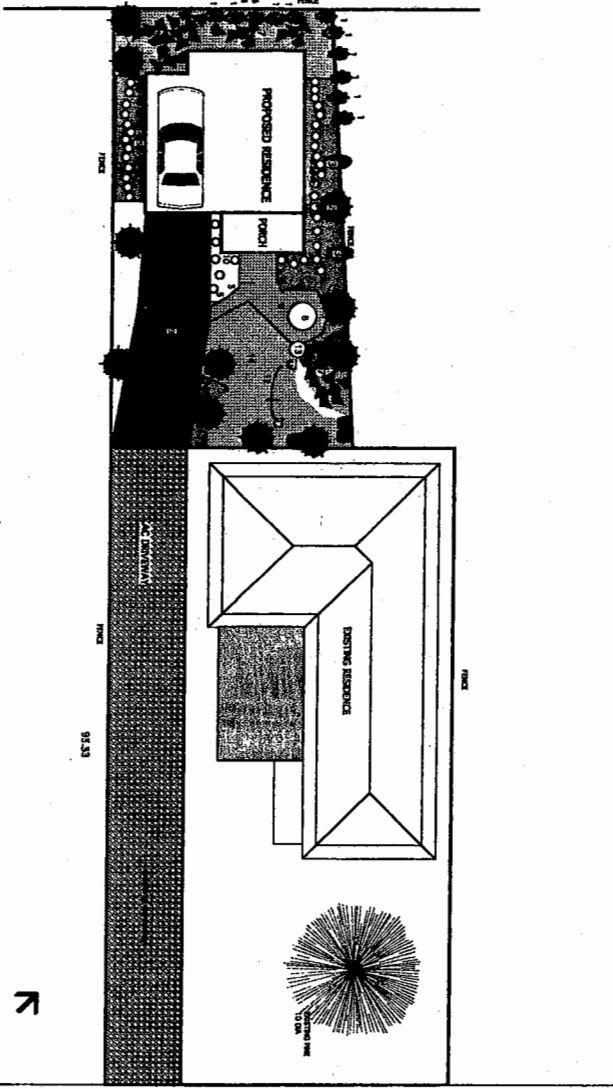
If an owner should chose to separate the title of a lot from the frontage property, this would most likely result in a loss of access, utility and, thereby, value. Any such loss of value would be as a result of their own action, at their own volition and peril and would not be a result of any new action by the City, i.e. cause for inverse condemnation.

There is a very important distinction that has to be made between older lots in Shell Beach created in the 1920's prior to establishment of land use regulations regarding subdivision and the parcels of Parcel Map PB 71-269. Unlike these much older parcels in Shell Beach that now must be considered independent homesites, the subject parcels were created under City of Pismo Beach Zoning and Subdivision Code requirements for new lots—and those requirements continue in effect to today. This is why these subject lots are not automatically separate legal homesites.

It is my position that Mr. Larson continues to possess all the same rights he received when he purchased the property. If denied the right to **separately** develop and sell the back lot, he still has the same reasonable economically feasible use of the back lot.



NO.	DESCRIPTION	AREA	PERCENTAGE
1	PROPOSED RESIDENCE	2,178	100%
2	DRIVING RESIDENCE	4,758	100%
3	DRIVING RESIDENCE	4,758	100%
4	DRIVING RESIDENCE	4,758	100%
5	DRIVING RESIDENCE	4,758	100%
6	DRIVING RESIDENCE	4,758	100%
7	DRIVING RESIDENCE	4,758	100%
8	DRIVING RESIDENCE	4,758	100%
9	DRIVING RESIDENCE	4,758	100%
10	DRIVING RESIDENCE	4,758	100%
11	DRIVING RESIDENCE	4,758	100%
12	DRIVING RESIDENCE	4,758	100%
13	DRIVING RESIDENCE	4,758	100%
14	DRIVING RESIDENCE	4,758	100%
15	DRIVING RESIDENCE	4,758	100%
16	DRIVING RESIDENCE	4,758	100%
17	DRIVING RESIDENCE	4,758	100%
18	DRIVING RESIDENCE	4,758	100%
19	DRIVING RESIDENCE	4,758	100%
20	DRIVING RESIDENCE	4,758	100%
21	DRIVING RESIDENCE	4,758	100%
22	DRIVING RESIDENCE	4,758	100%
23	DRIVING RESIDENCE	4,758	100%
24	DRIVING RESIDENCE	4,758	100%
25	DRIVING RESIDENCE	4,758	100%
26	DRIVING RESIDENCE	4,758	100%
27	DRIVING RESIDENCE	4,758	100%
28	DRIVING RESIDENCE	4,758	100%
29	DRIVING RESIDENCE	4,758	100%
30	DRIVING RESIDENCE	4,758	100%
31	DRIVING RESIDENCE	4,758	100%
32	DRIVING RESIDENCE	4,758	100%
33	DRIVING RESIDENCE	4,758	100%
34	DRIVING RESIDENCE	4,758	100%
35	DRIVING RESIDENCE	4,758	100%
36	DRIVING RESIDENCE	4,758	100%
37	DRIVING RESIDENCE	4,758	100%
38	DRIVING RESIDENCE	4,758	100%
39	DRIVING RESIDENCE	4,758	100%
40	DRIVING RESIDENCE	4,758	100%
41	DRIVING RESIDENCE	4,758	100%
42	DRIVING RESIDENCE	4,758	100%
43	DRIVING RESIDENCE	4,758	100%
44	DRIVING RESIDENCE	4,758	100%
45	DRIVING RESIDENCE	4,758	100%
46	DRIVING RESIDENCE	4,758	100%
47	DRIVING RESIDENCE	4,758	100%
48	DRIVING RESIDENCE	4,758	100%
49	DRIVING RESIDENCE	4,758	100%
50	DRIVING RESIDENCE	4,758	100%
51	DRIVING RESIDENCE	4,758	100%
52	DRIVING RESIDENCE	4,758	100%
53	DRIVING RESIDENCE	4,758	100%
54	DRIVING RESIDENCE	4,758	100%
55	DRIVING RESIDENCE	4,758	100%
56	DRIVING RESIDENCE	4,758	100%
57	DRIVING RESIDENCE	4,758	100%
58	DRIVING RESIDENCE	4,758	100%
59	DRIVING RESIDENCE	4,758	100%
60	DRIVING RESIDENCE	4,758	100%
61	DRIVING RESIDENCE	4,758	100%
62	DRIVING RESIDENCE	4,758	100%
63	DRIVING RESIDENCE	4,758	100%
64	DRIVING RESIDENCE	4,758	100%
65	DRIVING RESIDENCE	4,758	100%
66	DRIVING RESIDENCE	4,758	100%
67	DRIVING RESIDENCE	4,758	100%
68	DRIVING RESIDENCE	4,758	100%
69	DRIVING RESIDENCE	4,758	100%
70	DRIVING RESIDENCE	4,758	100%
71	DRIVING RESIDENCE	4,758	100%
72	DRIVING RESIDENCE	4,758	100%
73	DRIVING RESIDENCE	4,758	100%
74	DRIVING RESIDENCE	4,758	100%
75	DRIVING RESIDENCE	4,758	100%
76	DRIVING RESIDENCE	4,758	100%
77	DRIVING RESIDENCE	4,758	100%
78	DRIVING RESIDENCE	4,758	100%
79	DRIVING RESIDENCE	4,758	100%
80	DRIVING RESIDENCE	4,758	100%
81	DRIVING RESIDENCE	4,758	100%
82	DRIVING RESIDENCE	4,758	100%
83	DRIVING RESIDENCE	4,758	100%
84	DRIVING RESIDENCE	4,758	100%
85	DRIVING RESIDENCE	4,758	100%
86	DRIVING RESIDENCE	4,758	100%
87	DRIVING RESIDENCE	4,758	100%
88	DRIVING RESIDENCE	4,758	100%
89	DRIVING RESIDENCE	4,758	100%
90	DRIVING RESIDENCE	4,758	100%
91	DRIVING RESIDENCE	4,758	100%
92	DRIVING RESIDENCE	4,758	100%
93	DRIVING RESIDENCE	4,758	100%
94	DRIVING RESIDENCE	4,758	100%
95	DRIVING RESIDENCE	4,758	100%
96	DRIVING RESIDENCE	4,758	100%
97	DRIVING RESIDENCE	4,758	100%
98	DRIVING RESIDENCE	4,758	100%
99	DRIVING RESIDENCE	4,758	100%
100	DRIVING RESIDENCE	4,758	100%

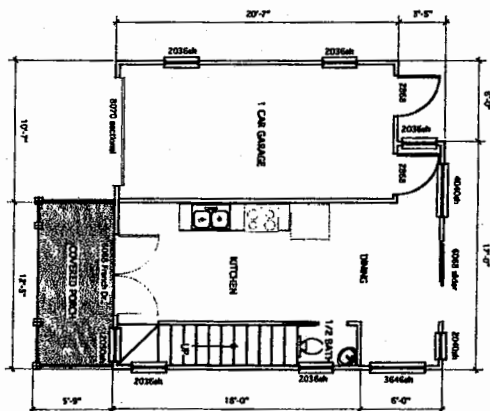
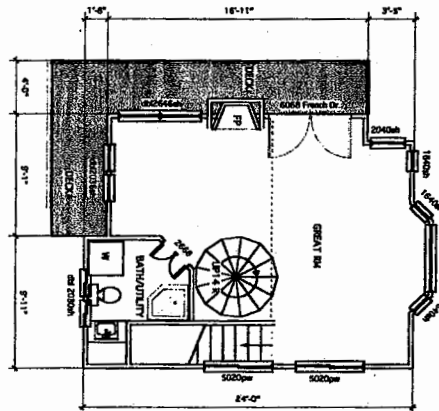
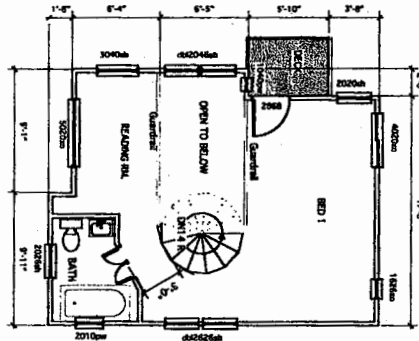


LANDSCAPE PLAN PROPOSED PLANTING AREA - 1,003 SQ.F.  
Scale: 1/8" = 1'-0"

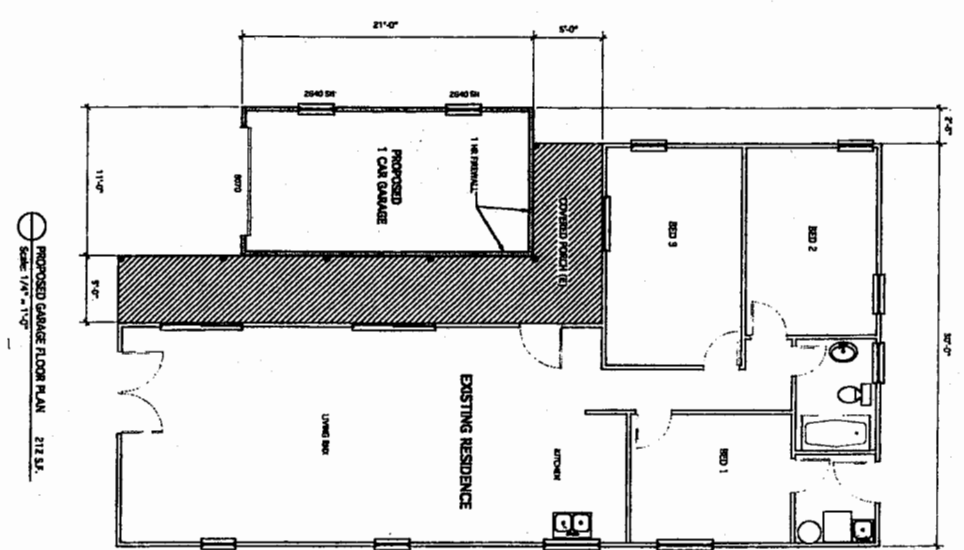
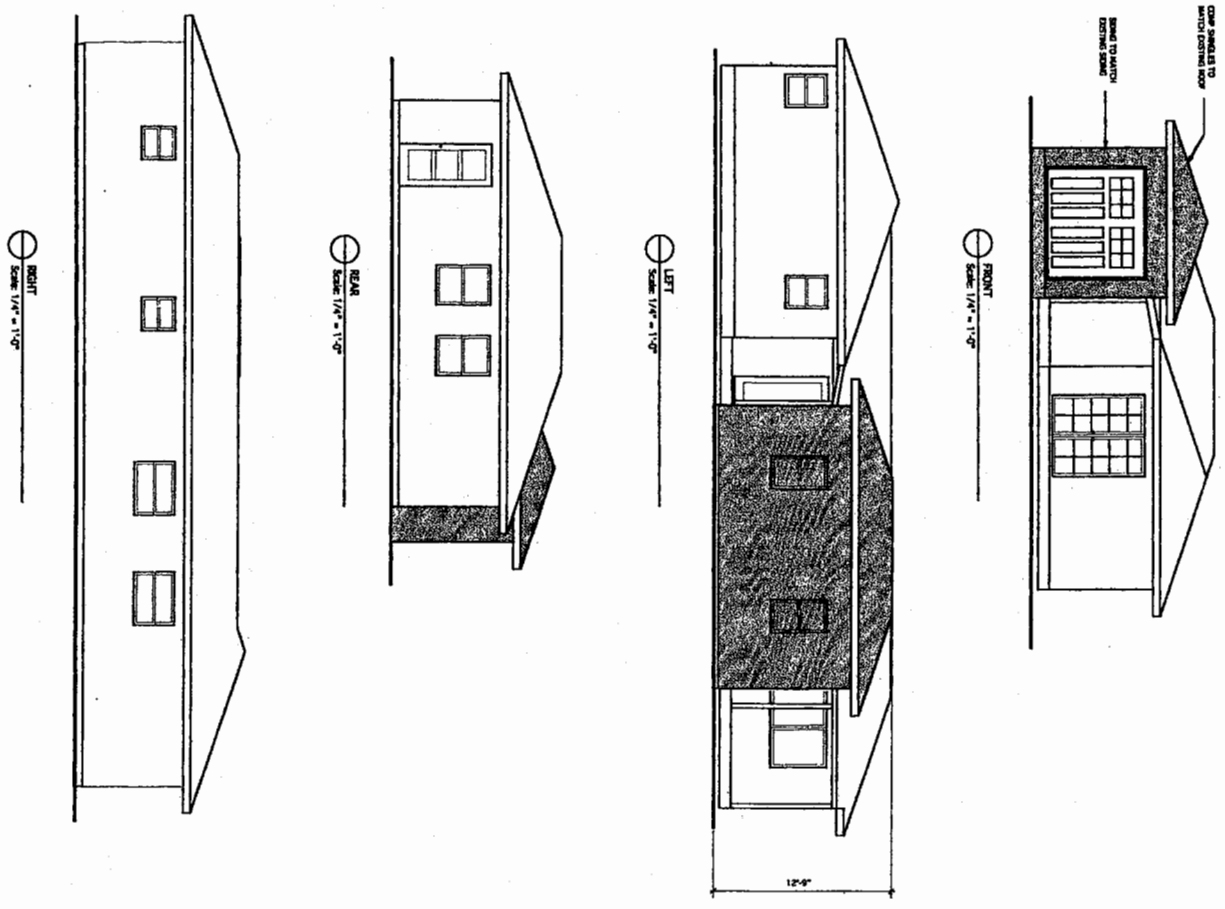
LANDSCAPE KEY	
1.	BAMBOO
2.	EXISTING TREES
3.	LARGE TREES
4.	PLANT TREE-PALM, ANACOT, ARTLE
5.	SMALL PLANTS
6.	FLOWER BED
7.	FLASSTONE W/ GROUND COVER
8.	DISCOMPRESSED GRANITE
9.	RECTANGULAR PAVERS W/ GRASS INTERLUM
10.	STEPPING STONES W/ BRIGHT TILEDWANT GROUND COVER
11.	ROCK FORMATION
12.	WOOD BERMS STEP DOWN
13.	SMALL POND
14.	GROUND COVER

VISTA DEL MAR

DRAWN BY CHECKED DATE SCALE SHEET NO. SHEET	<b>LANDSCAPE PLAN</b>  JORDAN & RACHAEL LARSON 202 VISTA DEL MAR, SHELL BEACH, CA 93449 APR 010-231-028	<b>RAMONES CONSTRUCTION &amp; DESIGN</b> 888 HAWKINS CT, ANAHOYO GRANDE, CA 93430 805-481-6788	A-3-PSB-10-032 (Larson) Exhibit 2 Page 18 of 95



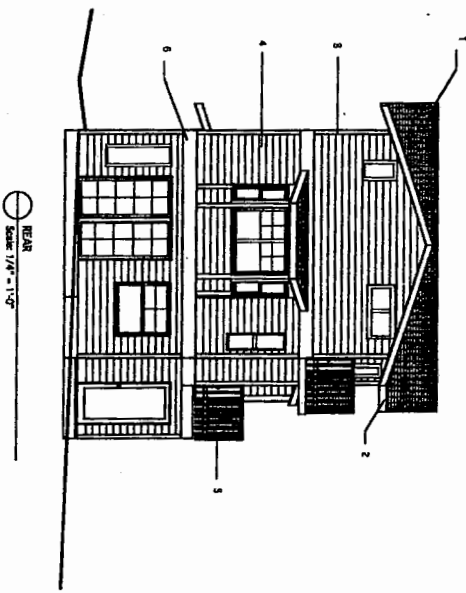
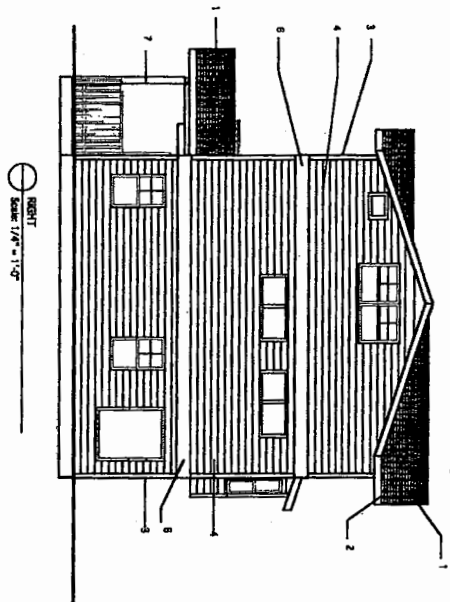
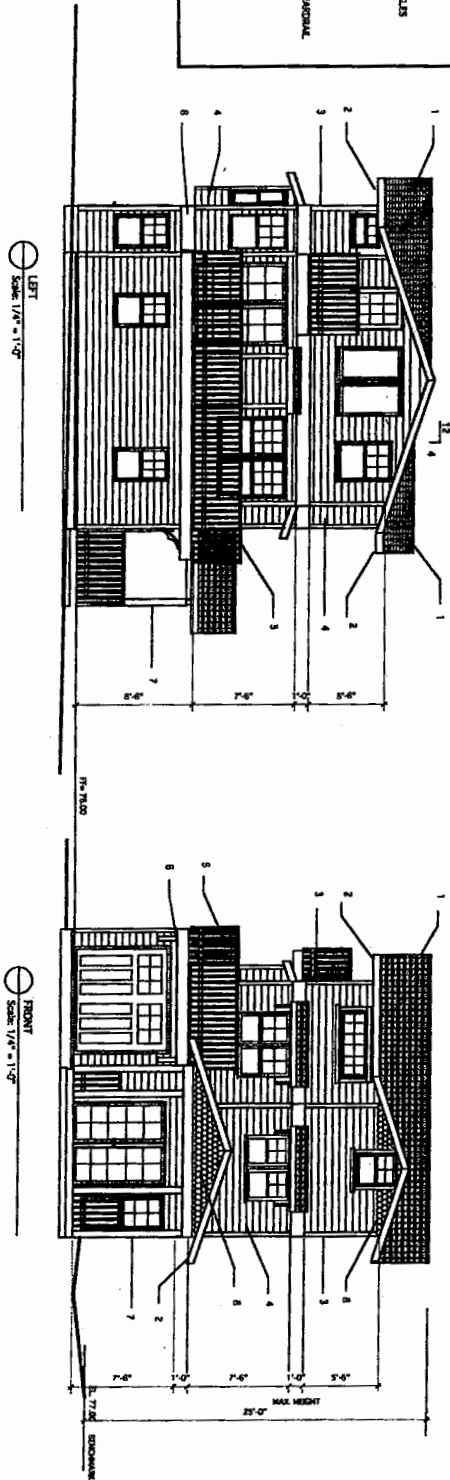
A-1	DRAWN	CHECKED	DATE	SCALE	SHEET	SERIES	<b>FLOOR PLAN</b> <b>JORDAN &amp; RACHAEL LARSON</b> 202 VISTA DEL MAR SHELL BEACH, CA 95449 APR 01 0-231-028	<b>RAMONES CONSTRUCTION &amp; DESIGN</b> 808 HAWKINS CT. ABBOTO GRANDE, CA 95428 925-491-6785	A-3-FSB-10-032 (Larson) Exhibit 2 Page 19 of 95



DRAWN CHECKED DATE SCALE SHEET	<b>1 CAR GARAGE ADDITION</b> 202 VISTA DEL MAR SHELL BEACH, CA  <b>JORDAN &amp; RACHAEL LARSON</b> 202 VISTA DEL MAR SHELL BEACH, CA 93449 APRM 010-231-028	<b>RAMONES CONSTRUCTION &amp; DESIGN</b> 690 HAWKINS CT, ARROYO GRANDE, CA 93420 805-481-4788	A-9-PSB-10-032 (Larson) Exhibit 2 Page 20 of 95



KEY	
1	COMPOSITION SHINGLES
2	2X8 PLYMA
3	1X4 HORIZONTAL TRIM
4	HORIZONTAL SIDING
5	2X2 MOOD POCKET QUADRANTAL 4P" HORN
6	1X10 HORIZONTAL TRIM
7	6X6 POST
8	HANDRAILS



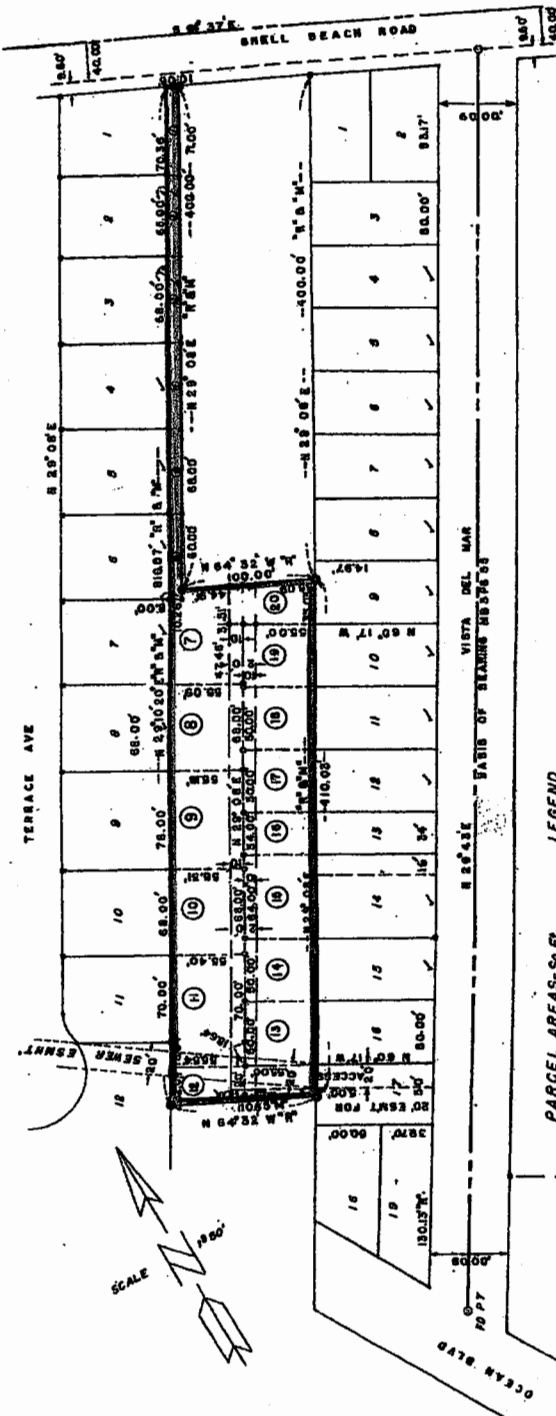
<p><b>A-2</b></p> <p>SHEETS</p>	<p><b>ELEVATIONS</b></p> <p>JORDAN &amp; RACHAEL LARSON          202 VISTA DEL MAR SHELL BEACH, CA 93449          APMB 010-231-028</p>	<p><b>RAMONES CONSTRUCTION &amp; DESIGN</b></p> <p>626 HAWKING CT. ARROYO GRANDE, CA 93420          805-481-4788</p>	<p>A-3-PSB-10-032 (Larson)          Exhibit 2          Page 21 of 95</p>
	<p>DATE: 11.2.16</p> <p>SCALE: AS SHOWN</p> <p>DRAWN BY: J. LARSON</p> <p>CHECKED BY: R. LARSON</p> <p>SHEET: 21</p>	<p>DRAWN BY: J. LARSON</p> <p>CHECKED BY: R. LARSON</p>	<p>DATE: 11.2.16</p> <p>SCALE: AS SHOWN</p> <p>DRAWN BY: J. LARSON</p> <p>CHECKED BY: R. LARSON</p> <p>SHEET: 21</p>

**RECORDER'S CERTIFICATE**  
 FILED THIS 29th DAY OF JANUARY 1978  
 AT 12:00 PM IN BOOK 7 OF  
 AT THE REQUEST OF  
 R.E. 7031  
 SIGNED: [Signature]  
 COUNTY OF SAN DIEGO

**CITY ENGINEER'S CERTIFICATE**  
 THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE  
 WITH THE LAWS SURVEYORS ACT THIS 30th DAY  
 OF JANUARY 1978  
 SIGNED: [Signature]  
 CITY ENGINEER

**SURVEYOR'S CERTIFICATE**  
 THIS MAP WAS PREPARED BY ME OR UNDER MY  
 DIRECTION AND WAS COMPILED FROM RECORD  
 DATA AND BASED ON A FIELD SURVEY IN CONFORMANCE  
 WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT  
 AT THE REQUEST OF R.E. 7031 & J.C. [Signature]  
 IN JANUARY OF 1978

SIGNED & SEALED: [Signature]  
 R.E. 7031

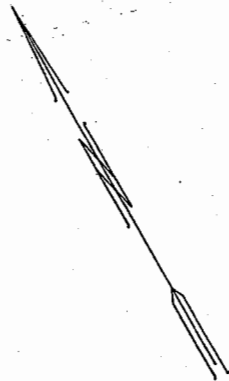


**PARCEL MAP**  
**NO. PB. 71-269**  
 A DIVISION OF A PORTION OF  
 LOT 6  
 PISMO B. SAN MIGUELITO RCHS  
 IN THE CITY OF  
 PISMO BEACH, CALIFORNIA  
 PREPARED AT THE REQUEST OF [Signature] & [Signature]  
 BY J.K. ANDERSON R.C.E. 1700  
 JAN. 1978 SCALE 1"=100'

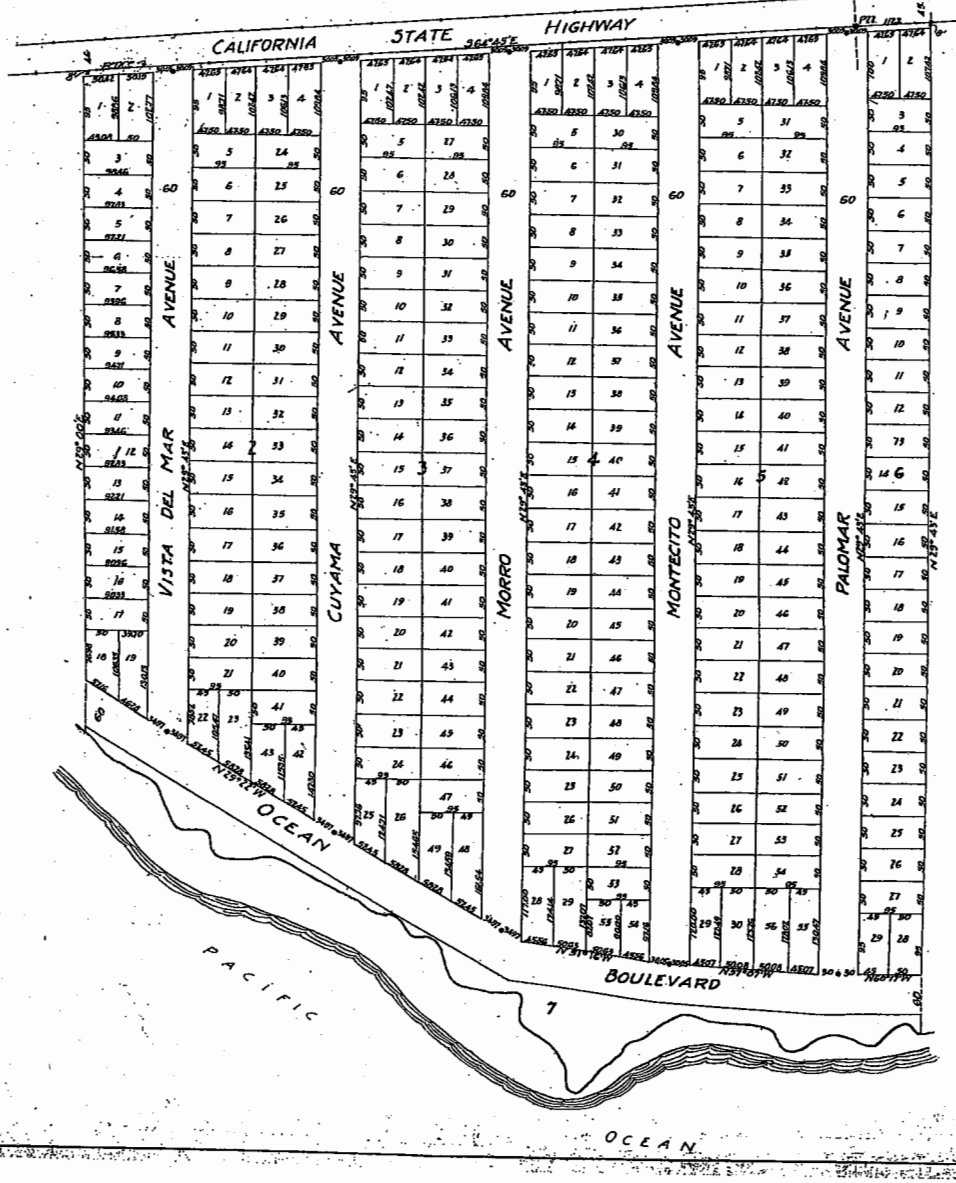
**LEGEND**  
 DOTTED LINE = QUOTE LIMITS  
 SOLID LINE = PARCEL BOUNDARIES  
 CIRCLES WITH NUMBERS = ORIGINAL LOT LINES  
 SET 3 1/2' L.P. AND 6' C.E.P. (100')  
 PARCEL LINES - EXTENDED LOT LINES  
 50' SEWER EASEMENT - NOT A PUBLIC WAY

PARCEL	AREA - SQ. FT.	TOTAL AREA
1	707	4820
2	628	3168
3	628	2780
4	600	2750
5	638	3430
6	638	1870
7	447	2750
8	376	2150
9	430	2750
10	374	1850

MAP OF  
**PISMO TERRACE**  
A SUBDIVISION OF A PART OF LOTS 6 AND 8 OF  
THE RANCHO EL PIZMO, SAN LUIS OBISPO, CALIF.  
August 22, 1906  
See plat 17106  
as indicated before set of these grounds.



Lot 6 Lot 8



**SURVEYOR'S CERTIFICATE**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND WAS COMPILED FROM RECORD DATA AND BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AT THE REQUEST OF *J.H. Anderson & M.A. Capovilla* IN JANUARY of 1972



SIGNED & SEALED *J. Anderson*  
R.C.E. 7081

**CITY ENGINEERS CERTIFICATE**

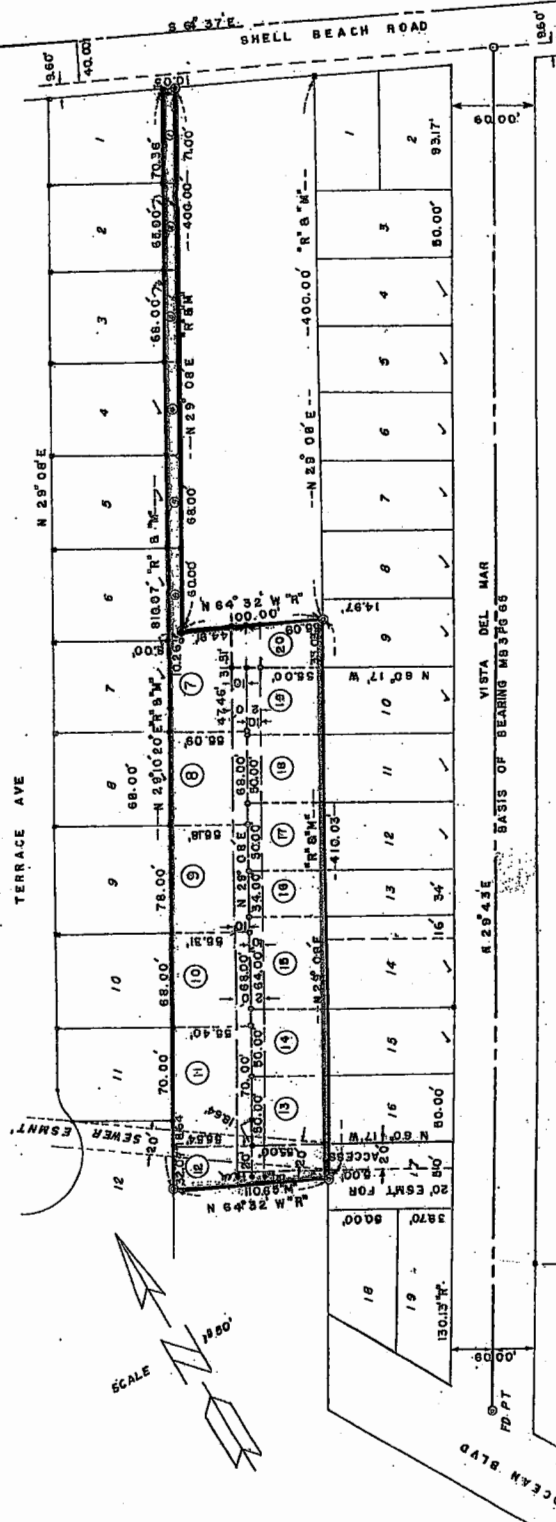
THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE LAND SURVEYOR'S ACT THIS 25 DAY OF February 1972

SIGNED *Donald Lee*  
CITY ENGINEER

**RECORDERS CERTIFICATE**

FILED THIS 23rd DAY OF JANUARY 1972 AT 12:58 PM IN BOOK L OF RECORDS AT THE REQUEST OF *J.H. Anderson & M.A. Capovilla* PAGES: 4500 DEC. 1977

SIGNED *J.H. Anderson*  
COUNTY CLERK



**PARCEL AREAS - 50 FT**

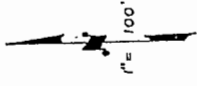
1	707
2	652
3	666
4	690
5	689
6	696
7	447
8	3749
9	4308
10	3764
11	4880
12	3165
13	2750
14	2750
15	3650
16	1870
17	2780
18	2550
19	2750
20	1630
<b>TOTAL AREA</b>	
48,242.90 FT	

**LEGEND**

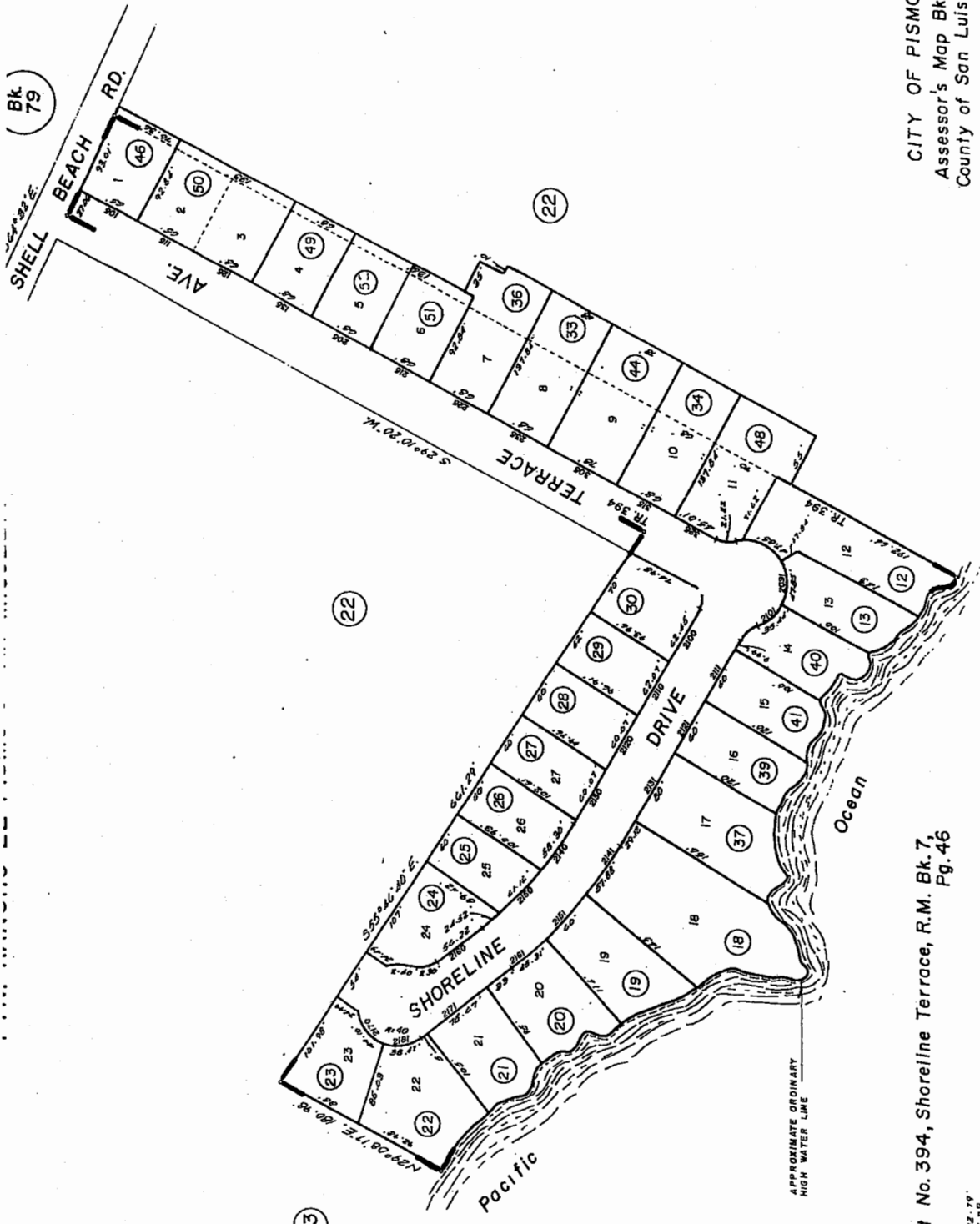
- OUTER LIMITS
- PARCEL LIMITS
- PARCEL NUMBERS
- ORIGINAL LOT LINES
- SET BACK L.P. MED. R.C.E. 7081
- PARCEL LINES - EXTENDED LOT LINES
- 20' ESMNT BTWN PARCELS & AT LOT 10/11
- 20' SEWER ESMNT - NOT A PUBLIC WAY

**PARCEL MAP NO. PB. 71-269**

A DIVISION OF A PORTION OF LOT 6  
PISMO & SAN MIGUELITO RCHS  
IN THE CITY OF PISMO BEACH, CALIFORNIA  
PREPARED BY *J.H. Anderson & M.A. Capovilla*  
BY *J.H. Anderson* R.C.E. 7081  
JAN. 1972  
SCALE 1" = 50'



THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY

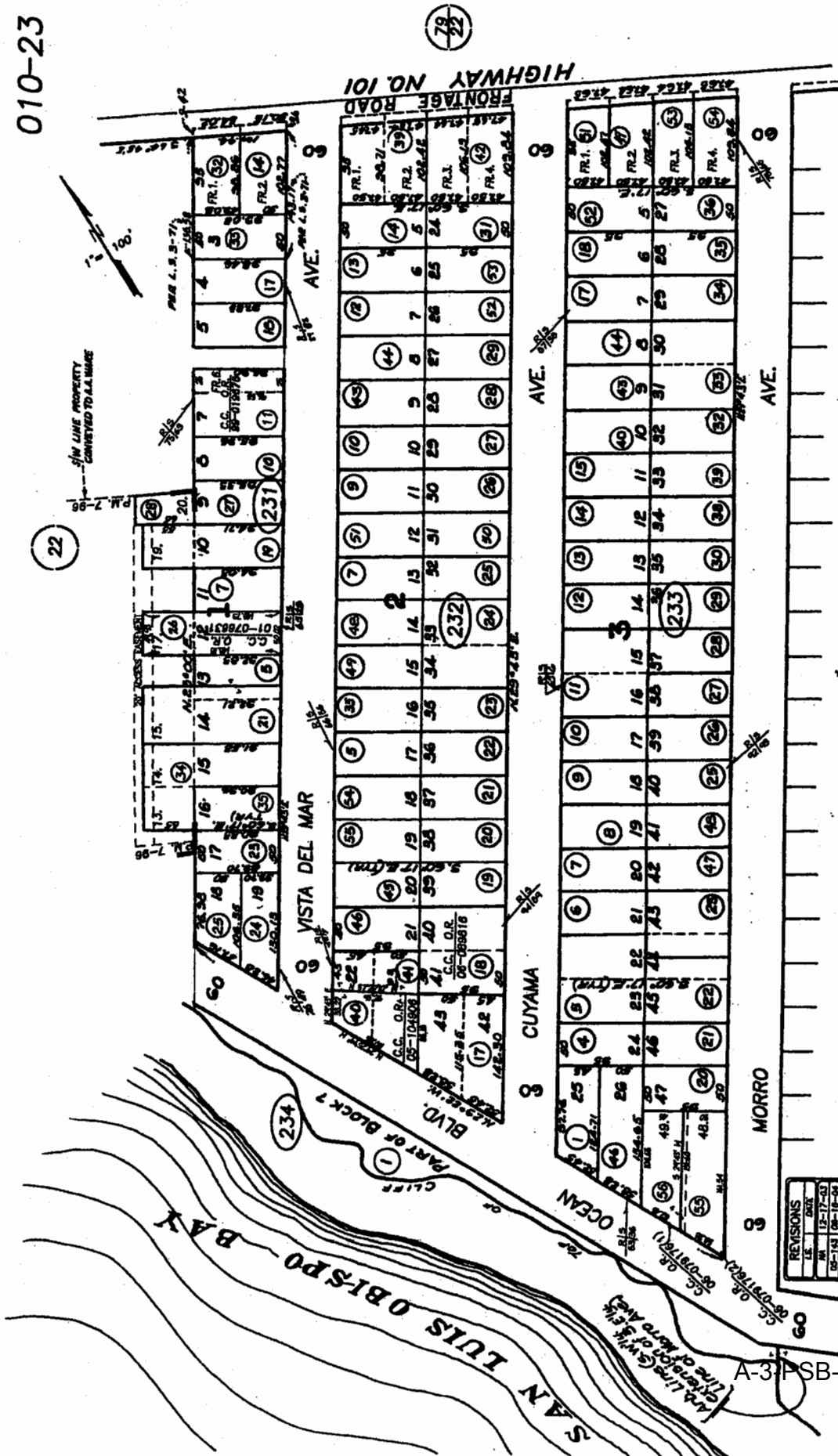


CITY OF PISMO BEACH  
 Assessor's Map Bk. 10 - Pg. 52  
 County of San Luis Obispo, Calif.

Tract No. 394, Shoreline Terrace, R.M. Bk. 7.  
 Pg. 46

7-12-77  
 4-15-88

010-23



22

24

NOTE:  
Dimensions on lots adjacent  
to Highway extend to Subdivision  
line.

REVISIONS	DATE
1	12-17-43
2	08-12-54
3	10-24-55
4	05-05-59
5	12-01-59
6	01-15-57

THIS MAP IS PREPARED FOR  
ASSESSMENT PURPOSES ONLY.

CITY OF PISMO BEACH  
ASSESSOR'S MAP  
SAN LUIS OBISPO CO., CALIF.  
BOOK 010 PAGE 23

PISMO TERRACE, R.M. Blk. 3, Pg. 65

RESOLUTION NO. 446

A RESOLUTION OF THE CITY OF PISMO BEACH, ADOPTING SUBDIVISION STANDARDS AND REGULATIONS OF THE CITY OF PISMO BEACH, REPEALING ALL RESOLUTIONS OR PORTIONS THEREOF IN CONFLICT HEREWITH,

WHEREAS, under the provisions of Ordinance No. 71, of the City of Pismo Beach, it was provided that the City Council of the City of Pismo Beach was authorized by resolution to adopt rules and regulations for the subdivision of land and the filing and approval of maps thereof and maps of roads and streets, which said regulations were to be designated "Subdivision Standards and Regulations of the City of Pismo Beach".

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Pismo Beach, that the rules and regulations hereinafter set forth be and the same are herewith and henceforth designated as the rules and regulations covering the subdivision of land, the filing and approval of maps thereof, and of maps of roads and streets and that such rules and regulations be and the same are herewith known and designated as the "SUBDIVISION STANDARDS AND REGULATIONS OF THE CITY OF PISMO BEACH."

---

**Excerpts from Resolution 446: Requirements for new subdivisions**

6 -3. Lots--The size and shape of lots shall be in conformance to any zoning regulations effective in the area of the proposed subdivision and shall not be less than sixty feet in width, nor less than five thousand four hundred square feet in area, nor less than eighty (80) feet in depth no more than one hundred fifty feet in depth.

No lots shall be divided by a city boundary line.  
Lots without frontage on a street will not be permitted.  
Lots, other than the corner lots, may front on more than one street where necessitated by topographic or other unusual conditions.

*Signature page of Resolution 446*

SECTION TWELVE. Repeal-

Any resolution or section or subsection thereof in conflict with this resolution or any of the provisions thereof, to the extent of such conflicts and no further, are hereby repealed.

On motion of Councilman Floyd Jones, seconded by Councilman Frank Landini, and on the following roll call vote, to-wit:

AYES: Earl Masten, Frank Landini, Floyd Jones, George McDonald

NOES: None

ABSENT: E. A. Grant

The foregoing Ordinance was adopted this 19th day of October, 1959.

ATTEST:

Elijah J. Jett  
City Clerk

George W. McDonald  
Mayor

*Resolution 446 is 17 pages*





City of Pismo Beach,  
Community Development Department/ Planning Division  
760 Mattie Road,  
Pismo Beach, CA 93449  
Tel: (805)773-4658 • Fax: (805) 773-4684

**FILE COPY**

May 23, 2000

James and Anne Regan  
250 Vista Del Mar  
Pismo Beach, CA 93449

Subject: Lot Line adjustment  
Lots 13 and 14 of Parcel Map No. 71-269

Planning Staff has reviewed your request for approval of a lot line adjustment to consolidate lots 13 and 14 of Parcel Map No. 71-269, for property located between Vista Del Mar and Terrace Avenue, and finds it can approve said request.

In reviewing your request staff finds that the parcels of land created by Parcel Map No. 71-269 have been problematic from their creation. The purpose of this map was to add additional depth and square footage to the existing lots that front on Vista Del Mar and Terrace Avenue. The above parcels were created but were never merged with these street frontage parcels. Staff finds that the above lots 13 and 14 can be merged and developed as secondary support to your primary parcel at 250 Vista Del Mar, but does not meet current city development standards as a stand alone primary parcel of land.

The above issue of how the parcels of land created by Parcel Map No. 71-269 can be developed have been in question for several years. It is staff's position that these parcels can be developed as support to their primary parcels that have public street frontage on Vista Del Mar and Terrace Avenue.

If you have any questions please call me at 773-7089.

Sincerely;

A handwritten signature in black ink, appearing to read "Randy Bloom", with a long horizontal line extending to the right.

Randy Bloom,  
Community Development Director

cc: Planning Commission  
cc: property owners of Parcel Map 71-269



**City of Pismo Beach, Engineering Division**  
760 Mattie Road  
Pismo Beach, CA 93449  
(805) 773-4656 • Fax: (805) 773-4684

August 12, 1998

Mr. Edward Pollard  
235 Terrace Ave.  
Pismo Beach, CA 93445

Re: Potential new building sites in the area between Tracts along Vista del Mar Ave. and Terrace Ave.

Dear Mr. Pollard:

We are in receipt of your letter dated July 30, 1998. You have asked for a "determination or ruling" about the potential creation of additional building sites within the area that was previously divided by Parcel Map PB 71-269.

Staff tends to agree with the items and conclusions that you have summarized in your letter. At this point, we consider it highly doubtful that it would be possible for anyone to create a building site within this area. However, to make a determination of this issue would require significant staff time for research and, very likely, some legal guidance from the City Attorney's office. We are unable to commit the staff time necessary to pursue the question at this time. If it should become critical some time in the future, naturally we will do what is necessary.

Very truly yours,

A handwritten signature in black ink, appearing to read "Larry Versaw".

Larry Versaw  
Associate Engineer

LV:jb

cc: R. Dennis Delzeit, Director of Public Services/City Engineer

235 Terrace Avenue  
Pismo Beach, CA 93449

July 30, 1998

R. Dennis Delzeit, P.E.  
Director of Public Services  
City Engineer  
City of Pismo Beach  
760 Mattie Road  
Pismo Beach, CA 93449

Dear Mr. Delzeit:

Enclosed is a copy of Parcel Map No. PB 71-269 which pertains to an irregular-shaped parcel of land lying between Terrace Avenue and Vista Del Mar in Shell Beach. I was one of the owners who subdivided this property (into 20 lots in 1972), and I am also one of the developers of Shoreline Terrace--the subdivision of 30 lots fronting on Terrace and Shoreline Drive.

My partner and I acquired this irregular-shaped parcel with the intent of dividing and plotting it to existing lots on Terrace Avenue and Vista Del Mar, thereby making these lots deeper. At the time the City was concerned as to what would be done with this land which had such an odd shape and access which limited its independent development. They were obviously pleased with our proposed use.

The City approved the map, clearly with the intent that these parcels were not separate building sites, i.e., no new building sites were created. Public access was not provided, utilities were not provided, they did not meet the Subdivision Map Act requirements for creating separate building sites. We included a 20'-wide driveway easement between certain lots for the purpose of providing access to the rear of these lots to allow access for RV's and boats, etc. This access is not a public road.

Recently, I have received calls from many of the owners of these parcels expressing concern that sometime in the future someone may attempt to sell off one or more of these parcels in an attempt to create a separate building site. I can assure you this was not our intent as subdividers and was not the intent of the Planning Commission or City Council at the time of approval of the subdivision.

Mr. Delzeit  
Page 2  
July 30, 1998

I would appreciate a determination or ruling be made as to whether any of these parcels can be considered separate building sites. I would be happy to provide any information I have, and would welcome a call to discuss this matter.

Thank you, and I will be looking forward to hearing from you.

Very truly yours,



Edward K. Pollard

Enc.  
cc: John Brown

(773-1907)



**City of Pismo Beach, Public Services Department**  
760 Mattie Road  
Pismo Beach, CA 93449  
(805) 773-4656 • Fax: (805) 773-4684

November 6, 1999

Philip F. Sinco  
Borton, Petrini & Conron, LLP  
1114 Marsh Street  
San Luis Obispo, CA 93401

**Subject:** James and Anne Regan  
Lots 11, 13, 14 of Parcel Map No. 71-269  
**Regarding:** a.) Your March 18, 1999 Letter  
b.) My December 3, 1999 Letter

Dear Phil:

First, please accept my thanks to you and the Regans for being patient with the delayed response to your inquires in this matter. The workload has been extreme and I have secured the services of an outside professional engineer for assistance. I have reviewed his work and this letter provides my conclusions.

The subject parcel map, approved by the City in 1972, created small parcels behind existing lots which front on Vista Del Mar and on Terrace Avenue. It is still my opinion that the intention was to merge these parcels with the existing lots to create larger lots and provide a rear access alley to each of these lots. However, the process was flawed. Research indicates that some of the lots were sold to the owners fronting the two streets, but mergers never took place.

In answer to your letter, the three lots, 11, 13, and 14 exist as separate distinct lots. Theoretically, they are buildable, as long as a proposed project complies with any and all the applicable ordinances and regulations. Also, the sewer and access easements will provide constraints. Thanks again for your patience.

Sincerely,

A handwritten signature in cursive script that reads "R. Dennis Delzeit".

R. Dennis Delzeit P.E.  
Director of Public Services/City Engineer

cc: Mr and Mrs Regan, 250 Vista Del Mar  
Mike Boyajian, Asst. City Attorney  
Ned Rogoway, Acting Planning Director

A-3-PSB-10-032 (Larson)  
Exhibit 2  
Page 33 of 95

D. It shall be the duty of the building official to periodically review all such fences, in bluff retreat areas to ensure that minimum bluff top setbacks are maintained. Owners of properties receiving permits for these improvements shall permit continuous, announced entry by the building official to permit these periodic inspections.

**17.102.060 Minimum lot size and/or area requirements for new lots.**

- A. A-E Zone. The minimum lot size shall be forty acres.
- B. R-2, R-3 and R-R Zones. The minimum lot size for all lots created after the date of adoption of this ordinance shall be five thousand sq. ft.
- C. R-4 Zone. The minimum lot size shall be twenty thousand sq. ft.
- D. C-1, C-2 and G Zones. The minimum lot size shall be as determined by the use permit or development permit.
- E. C-M Zone. The minimum lot size shall be ten thousand sq. ft.
- F. M-H and C-R Zone. The minimum space size shall be as provided in the guidelines established for the M-H and C-R zones. The minimum size for new mobile home or recreational trailer/vehicle parks shall be two acres.
- G. P-R Zone as established by the use permit, or as further identified in the certified local coastal program land use plan.
- H. OS-1 and OS-R Zones. There shall be no minimum lot area requirements for an OS-1 or OS-R zone.
- I. Development on Nonconforming Parcels. Development may be permitted on non-conforming parcels subject to the architectural review procedure of Chapter 17.105.
- J. Lot Merger. Until such time as contiguous nonconforming parcels are merged by separate ordinance, no structure shall be erected on any nonconforming contiguously owned residential parcels with a minimum individual lot width of less than thirty feet, nor shall any structure be erected on contiguously owned parcels less than five thousand sq. ft. and more than twenty percent slope if said parcels were acquired from the owner or owners of record of contiguous property or said contiguous owner or owners transferee after October 12, 1976.
- K. When a single development is proposed over two or more contiguously owned, parcels, those parcels shall be required to be merged prior to the issuance of a building permit, provided, however, for any parcels subject to a bona fide lien or mortgage of record prior to the adoption of this ordinance which would prevent merger, the city attorney may approve appropriate deed restrictions which would adequately tie common uses. The planning commission may exempt parcels from this requirement if merger is deemed inappropriate or unnecessary, based on findings, and appropriate deed restrictions or easements may be required, where appropriate, in lieu of lot merger, subject to the approval by the city attorney of the documents.

**17.102.070 Minimum lot width requirements for new lots.**

- A. A-E Zone. There shall be no minimum lot width.
- B. R-1, R-2, R-3 and R-R Zone. Corner and interior lots are required to be no less than fifty feet.
- C. R-4 and C-M Zone. Corner and interior lots are required to be no less than seventy-five feet.
- D. M-H and C-R Zone. Corner and interior lots are required to be no less than one hundred feet.
- E. C-1, C-2, G and P-R Zones. Corner and interior lots shall be as determined by the use permit or development permit.

**17.102.080 Maximum allowable lot coverage for all structures.**

- A. A-E Zone. Total maximum lot coverage for subdivided parcels: Ten percent.
- B. R-1 and R-2 Zone. Total maximum lot coverage for subdivided parcels: Fifty-five percent.
- C. R-3, R-4 and R-R Zones. Total maximum lot coverage for subdivided parcels: Fifty-five percent.
- D. P-R Zone. Total maximum lot coverages, less existing road right of ways and nonbuildable open space areas: As established by the use permit, not to exceed forty percent, or as further identified in the certified local coastal program land use plan.
- E. M-H and C-R Zones. Total maximum lot coverages shall be as provided in the guidelines established for the M-H and C-R zones.
- F. C-1, C-2 and G Zones. Total maximum lot coverage: Eighty percent.
- G. C-M Zone. Total maximum lot coverage: Thirty-three percent.
- H. OS-1 and OS-R Zones. Maximum allowable lot coverage does not apply to OS-1 and OS-R zones.

**ORDINANCE NO. O-94-04**

**An Ordinance of the Council of the City of Pismo Beach  
Amending Various Sections of Title 17 (Zoning) Regarding  
Standards for the Development of Single-Family Dwellings**

---

The City Council of the City of Pismo Beach does ordain as follows:


**SECTION 1. Findings**

The Council hereby finds that:

1. Several appeals of decisions of the Planning Commission regarding permits for the development of single-family homes in various zoning districts in the City have been recently filed.
2. Several residential areas of the City, including Shell Beach village and the residential areas adjacent to the downtown, are characterized by very small, substandard-sized parcels which were originally developed many years ago with small beach cottages in a manner responding to the small parcel sizes.
3. Many of the existing homes in those areas are not developed to the maximum standards allowable under Title 17, while many recent applications have proposed homes that are at or near the maximum allowable standards.
4. Certain existing development standards in Title 17 may allow the construction of residential buildings that are excessive in bulk, mass, size and height in comparison to the existing homes in the surrounding neighborhood and such development may be detrimental to the desirability of occupation or investment in the neighborhood.
5. In recognition of these concerns, the Council directed the staff to prepare a draft ordinance to consider revisions to the development standards for single-family houses and to refer the ordinance to the Planning Commission for its recommendations.
6. The Planning Commission conducted a duly noticed public hearing, beginning on October 12, 1993 and concluding on November 9, 1993, in accordance with the provisions of state and local laws to consider the draft ordinance and the Council has received and considered the Commission's recommendations.
7. A Negative Declaration has been approved on 16 November 1993 for the zoning/local coastal program amendment determining that there are no significant environmental effects that would be caused by the adoption and implementation of this ordinance.

**SECTION 2. Purpose**

The purposes of the changes in zoning regulations created by this ordinance shall be to:

- 
1. Establish development standards that will cause the development of new and substantial alteration or additions to existing single-family residences to be harmonious with the characteristics of the subject site and with the size and character of structures in the surrounding neighborhood; and
  2. Provide specific standards for single-family homes to guide applicants in designing proposed projects and to guide the Planning Commission in considering discretionary permits for the projects.

**SECTION 3. Amendment of Chapter 17.006, Definitions**

Sections 17.006.0180, 17.006.0485 and 17.006.0490 of the Pismo Beach Municipal Code, titled "Building Area, Total," "Floor Area, Gross" and "Floor Area, Ratio" are hereby amended to read as follows:

"17.006.0180 Building Area, Total: Shall have the same meaning as "Floor Area, Gross."

"17.006.0485 Floor Area, Gross: The total horizontal area, in square feet, on all floors within the exterior walls of a structure, including garages and carports, but excluding the area of courts, open decks, unenclosed patios and basements. Roofed portions of structures which are enclosed by vertical wall surfaces exceeding sixty (60) percent of the total vertical area between the floor and roof planes shall be included as building area."

"17.006.0490 Floor Area Ratio: The ratio of the gross floor area of the structure to the total area of the lot or building site."

**SECTION 4. Amendment of Chapter 17.102, "General Provisions"**

Item number 1 of Section 17.102.010 of the Pismo Beach Municipal Code, titled "Building Heights," is hereby amended to read as follows:

"17.102.010 Building Heights. Maximum allowable building heights shall be as follows:



**SECTION 6. Amendment of Chapter 17.108, "Off-street Parking and Loading Requirements"**

Sub-Item 1. of Section 17.108.020 of the Pismo Beach Municipal Code, titled "Minimum Off-street Parking Requirements," is hereby amended to read as follows:

1. Single Family and Duplex Structures. Two (2) parking spaces per dwelling, both of which must be within a garage, except that no more than one space shall be required to be within a garage if the parcel area is less than 2,700 s.f.

**SECTION 7. Exemptions**

The provisions of this ordinance shall not apply to the following:

1. any project for which all necessary discretionary or ministerial planning permits had been granted by the City prior to the date of adoption of this ordinance by the Council, provided that such permits remain in force and effect and have not lapsed; or
2. any project for which applications for all necessary discretionary or ministerial planning permits had been submitted to the City and deemed by the City to be complete prior to the date of adoption of this ordinance by the Council, provided that the application is not modified prior to its approval. This exemption shall not include any project which would require the approval of a legislative action by the City Council.

**SECTION 8. Effective Date.**

Planning Division staff is hereby authorized to submit an application to the California Coastal Commission for certification of this amendment of the Pismo Beach Local Coastal Program Implementation Measures (Zoning Code). The amendment will be carried out in accordance with the California Coastal Act and shall take effect immediately upon Coastal Commission approval.

**SECTION 9. Posting**

Before the expiration of fifteen (15) days after the passing of this ordinance, it shall be posted with the names of the members voting for and against the same, in three public places within the city of Pismo Beach, to wit:

**California Government Code Section 66451.11**

A local agency may, by ordinance which conforms to and implements the procedures prescribed by this article, provide for the merger of a parcel or unit with a contiguous parcel or unit held by the same owner if any one of the contiguous parcels or units held by the same owner does not conform to standards for minimum parcel size, under the zoning ordinance of the local agency applicable to the parcels or units of land and if all of the following requirements are satisfied:

(a) At least one of the affected parcels is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

(b) With respect to any affected parcel, one or more of the following conditions exists:

(1) Comprises less than 5,000 square feet in area at the time of the determination of merger.

(2) Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.

(3) Does not meet current standards for sewage disposal and domestic water supply.

(4) Does not meet slope stability standards.

(5) Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

(6) Its development would create health or safety hazards.

(7) Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.

The ordinance may establish the standards specified in paragraphs (3) to (7), inclusive, which shall be applicable to parcels to be merged.

This subdivision shall not apply if one of the following conditions exist:

(A) On or before July 1, 1981, one or more of the contiguous parcels or units of land is enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.

(B) On July 1, 1981, one or more of the contiguous parcels or units of land is timberland as defined in subdivision (f) of Section 51104, or is land devoted to an agricultural use as defined in subdivision (b) of Section 51201.

(C) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.

(D) On July 1, 1981, one or more of the contiguous parcels or units of land is located within 2,000 feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued by the local agency.

(E) Within the coastal zone, as defined in Section 30103 of the Public Resources Code, one or more of the contiguous parcels or units of land has, prior to July 1, 1981, been identified or designated as being of insufficient size to support residential development and where the identification or designation has either (i) been included in the land use plan portion of a local coastal program prepared and adopted pursuant to the California Coastal Act of 1976 (Division 20 of the Public Resources Code), or (ii) prior to the adoption of a land use plan, been made by formal action of the California Coastal Commission pursuant to the provisions of the California Coastal Act of 1976 in a coastal development permit decision or in an approved land use plan work program or an approved issue identification on which the preparation of a land use plan pursuant to the provisions of the California Coastal Act is based.

For purposes of paragraphs (C) and (D) of this subdivision, "mineral resource extraction" means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining activity.

(c) The owner of the affected parcels has been notified of the merger proposal pursuant to Section 66451.13, and is afforded the opportunity for a hearing pursuant to Section 66451.14.

For purposes of this section, when determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded.

#### **California Code - Section 66451.12**

A merger of parcels becomes effective when the local agency causes to be filed for record with the recorder of the county in which the real property is located, a notice of merger specifying the names of the record owners and particularly describing the real property.

#### **California Code - Section 66451.13**

Prior to recording a notice of merger, the local agency shall cause to be mailed by certified mail to the then current record owner of the property a notice of intention to determine status, notifying the owner that the affected parcels may be merged pursuant to standards specified in the merger ordinance, and advising the owner of the opportunity to request a hearing on determination of status and to present evidence at the hearing that the property does not meet the criteria for merger. The notice of intention to determine status shall be filed for record with the recorder of the county in which the real property is located on the date that notice is mailed to the property owner.

Pismo Beach Municipal Code

Title 17 ZONING ORDINANCE (1983 CODE)\*

Chapter 17.108 OFF-STREET PARKING AND LOADING REQUIREMENTS

**Chapter 17.108 OFF-STREET PARKING AND LOADING REQUIREMENTS**

**17.108.010 Purpose.**

The purpose of this chapter is to alleviate or prevent congestion and to maintain the availability of public streets for the safe movement of vehicles. At the time any main building or structure is erected, enlarged or increased in capacity, there shall be provided either on the same site or some reasonably and conveniently located site, adequate parking, loading, turning and maneuvering space to accommodate substantially such needs as are generated by the use. It is also the purpose of this chapter to ensure that adequate off-street parking is provided so that the public use of on-street parking is not impaired by excessive parking demands of new developments.

**17.108.020 Minimum off-street parking requirements.**

Minimum off-street parking requirements shall be as follows:

A. Single Family and Duplex Structures. Two parking spaces per dwelling, both of which must be within a garage, except that no more than one space shall be required to be within a garage if the parcel area is less than two thousand seven hundred square feet.

B. Triplex, Apartment Structures, Planned Residential Developments and Condominiums. Two parking spaces per dwelling which may be permitted in parking courts, carports, or garages. Parking for multiple unit developments with one bedroom and studio units of less than six hundred sq. ft. in living area shall be required to provide one and one-half parking spaces per living unit. When provided in parking courts, the parking courts shall be subject to architectural review. For residential projects of eight to fifty units, one guest parking space shall be provided for every four units. For residential developments in excess of fifty units, one guest parking space shall be provided for every two units.

C. Boarding and Lodging Homes. One off-street parking space is required for each sleeping room; or one parking space per one hundred square feet of actual sleeping area, whichever is greater.

D. Lodges and Clubs and Convention Facilities. One off-street parking space for each four seats in an assembly hall plus one parking space for every thirty square feet of area in main auditorium not occupied by permanent seats.

E. Mobile Home Parks. Two parking spaces for each site, one of which must be covered when mobile home is in place. One parking space for every four units shall be provided for visitor and RV parking.

F. Hotels, Motels. One parking space per sleeping room; plus one management/employee/guest space for every twenty rooms with a minimum of an additional two spaces.

1. Dining, meeting and convention combined with hotel/motel: One parking space for each one hundred fifty sq. ft. of dining room area.

2. Special parking provisions: such as tandem valet parking, for major hotels and motels may be considered by the planning commission with conditional use permit, provided sufficient guarantees for enforcement are made to ensure that (i) the valet system will continue to operate with the use; (ii) the valet activity is in a controlled area and (iii) the total number of spaces required with the development will be accommodated at all times.

3. RV parking spaces: RV parking spaces should be considered in the parking layout.

G. Dining and Cocktail Lounges.

A. Residential. In the A-E, R-1, R-2, R-3, R-4, R-R and M-H zones, each corner lot shall have a street side yard setback of not less than twenty percent of the lot width, but in no case shall the setback be less than seven feet nor required to be more than ten feet. Interior lots shall have a side yard setback of not less than ten percent of the lot width, but in no case shall the setback be less than four feet nor required to be more than five feet.

B. Commercial. In the C-1, C-2 and C-M zones each lot need not have any side yard setbacks, unless otherwise required per the city's current building standards and as otherwise necessary to protect adjacent residential uses.

C. P-R, OS-1, OS-R, C-R and G Zones. As established by the use permit, or as further identified in the certified local coastal program land use plan.

**17.102.040 Minimum rear yard setback requirements.**

---

A. Residential. In the A-E, R-1, R-2, R-3, R-4, R-T and M-H zones each corner and interior lot shall have a rear yard setback of not less than ten percent of the average lot depth, but in no case shall the setback be less than five feet nor be required to be more than ten feet.

B. Commercial. In the C-1, C-2 and C-M zones, each lot need not have any rear yard setbacks, unless otherwise required per the city's current building standards and as otherwise necessary to protect adjacent residential uses.

C. P-R, OS-1, OS-R, C-R and G zones as established by the use permit or as further identified in the local coastal program land use plan.

**17.102.050 Exceptions to minimum side or rear yard setback requirements for coastal blufftop developments.**

---

All uses in any zone with side or rear yards abutting coastal bluffs and beaches are subject to the standards adopted in the local coastal program land use plan policies and programs. Development permitted in the areas reserved for public beach access or recreation shall be limited to structures and facilities designed to accommodate passive recreational use of the area, including but not limited to stairways, benches, tables, refuse containers, bicycle racks, and public parking facilities. In no case shall any development except public access paths and public stairways be permitted within the bluff retreat setbacks identified in site specific geologic studies, except as follows for R-1 zones:

A. Ninety percent see-through, non-permanent, forty-two inch maximum height fences may be permitted with a coastal permit, per Section 17.102.120.

B. Fences described above shall be designed and sited in such a manner as to permit the easy removal or relocation of the structure in order to continually maintain a five foot minimum setback from the top edge of the bluff. A document to this effect shall be recorded with the title of the property in a manner and format approved by the city attorney.

C. A site specific geologic study by a registered geologist shall be prepared for structures permitted by subsection A above. This report shall assess the impact of the development in the retreat area on the stability and erosion of the bluff and shall make a finding that the proposed location would not contribute to the erosion or failure of the bluff, or propose alternative locations to achieve this result.

D. It shall be the duty of the building official to periodically review all such fences, in bluff retreat areas to ensure that minimum bluff top setbacks are maintained. Owners of properties receiving permits for these improvements shall permit continuous, announced entry by the building official to permit these periodic inspections.

**17.102.060 Minimum lot size and/or area requirements for new lots.**

---

A. A-E Zone. The minimum lot size shall be forty acres.

- B. R-1, R-2, R-3 and R-R Zones. The minimum lot size for all lots created after the date of adoption of this ordinance shall be five thousand sq. ft.
- C. R-4 Zone. The minimum lot size shall be twenty thousand sq. ft.
- D. C-1, C-2 and G Zones. The minimum lot size shall be as determined by the use permit or development permit.
- E. C-M Zone. The minimum lot size shall be ten thousand sq. ft.
- F. M-H and C-R Zone. The minimum space size shall be as provided in the guidelines established for the M-H and C-R zones. The minimum size for new mobile home or recreational trailer/vehicle parks shall be two acres.
- G. P-R Zone as established by the use permit, or as further identified in the certified local coastal program land use plan.
- H. OS-1 and OS-R Zones. There shall be no minimum lot area requirements for an OS-1 or OS-R zone.
- I. Development on Nonconforming Parcels. Development may be permitted on non-conforming parcels subject to the architectural review procedure of Chapter 17.105.
- J. Lot Merger. Until such time as contiguous nonconforming parcels are merged by separate ordinance, no structure shall be erected on any nonconforming contiguously owned residential parcels with a minimum individual lot width of less than thirty feet, nor shall any structure be erected on contiguously owned parcels less than five thousand sq. ft. and more than twenty percent slope if said parcels were acquired from the owner or owners of record of contiguous property or said contiguous owner or owners transferee after October 12, 1976.
- K. When a single development is proposed over two or more contiguously owned, parcels, those parcels shall be required to be merged prior to the issuance of a building permit, provided, however, for any parcels subject to a bona fide lien or mortgage of record prior to the adoption of this ordinance which would prevent merger, the city attorney may approve appropriate deed restrictions which would adequately tie common uses. The planning commission may exempt parcels from this requirement if merger is deemed inappropriate or unnecessary, based on findings, and appropriate deed restrictions or easements may be required, where appropriate, in lieu of lot merger, subject to the approval by the city attorney of the documents.

**17.102.070 Minimum lot width requirements for new lots.**

---

- A. A-E Zone. There shall be no minimum lot width.
- B. R-1, R-2, R-3 and R-R Zone. Corner and interior lots are required to be no less than fifty feet.
- C. R-4 and C-M Zone. Corner and interior lots are required to be no less than seventy-five feet.
- D. M-H and C-R Zone. Corner and interior lots are required to be no less than one hundred feet.
- E. C-1, C-2, G and P-R Zones. Corner and interior lots shall be as determined by the use permit or development permit.

**17.102.080 Maximum allowable lot coverage for all structures.**

---

- A. A-E Zone. Total maximum lot coverage for subdivided parcels: Ten percent.
- B. R-1 and R-2 Zone. Total maximum lot coverage for subdivided parcels: Fifty-five percent.
- C. R-3, R-4 and R-R Zones. Total maximum lot coverage for subdivided parcels: Fifty-five percent.
- D. P-R Zone. Total maximum lot coverages, less existing road right of ways and nonbuildable open space areas: As established by the use permit, not to exceed forty percent, or as further identified in the certified local

2  
75

*Adopted April 1963*

**MUNICIPAL  
CODE  
11.**

**ZONING ORDINANCE  
CITY OF PISMO BEACH, CALIFORNIA**

**AN ORDINANCE OF THE CITY OF PISMO BEACH, STATE OF CALIFORNIA, ESTABLISHING REGULATIONS PERTAINING TO USES OF LAND AND USES, LOCATION, HEIGHT, BULK, SIZE AND TYPES OF BUILDINGS AND OPEN SPACES AROUND BUILDINGS IN CERTAIN DISTRICTS OF THE CITY, SPECIFYING SAID DISTRICTS; PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH REGULATIONS AND PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF; REPEALING ORDINANCES IN CONFLICT HEREWITH.**

The City Council of the City of Pismo Beach does ordain as follows:

**ARTICLE I**

**ADOPTION OF ZONING PLAN**

**Section 1.1 Adoption:** There is hereby adopted a Precise Zoning Plan for the City of Pismo Beach, State of California. Said Plan is adopted to promote and protect the public health, safety, peace, morals, comfort and general welfare.

**Section 1.2** The purpose of this ordinance is to provide for regulations for the systematic execution of the Land Use element of the General Plan for the physical development of the City of Pismo Beach.

**Section 1.3** This Ordinance shall be known by the following short title: "THE CITY OF PISMO BEACH ZONING ORDINANCE".



## ARTICLE IX

### INTERPRETATION

Section 9.1 Except as specifically provided herein this ordinance shall not be interpreted to repeal, abrogate, annul or in any way affect any existing provision of any law or ordinance or regulations or permits previously adopted or issued relating to the erection, construction, moving, alteration or enlargement of any building or improvement; provided however, in any instances where this ordinance imposes greater restrictions upon the erection, construction, establishment, moving, alteration or improvement of buildings or the use of any building or structure than is imposed or required by any existing law, ordinance or regulation, the provisions of this ordinance shall control.

\* Section 9.2 Whenever the Planning Commission of the City of Pismo Beach is called upon to determine whether or not the use of land or any structure in any district is similar in character to the particular uses allowed in a district, the Commission shall consider the following factors as criteria for their determination:

- (a) Effect upon the public health, safety, and general welfare of the neighborhood involved and the City at large.
- (b) Effect upon traffic conditions.
- (c) Effect upon the orderly development of the area in question and the City at large in regard to the general planning of the whole community.

Section 9.3 The Planning Commission shall have the power to hear and decide appeals based on the enforcement or interpretation of the provisions of this ordinance.

Section 9.4 In case the applicant is not satisfied with the action of the Planning Commission on his appeal, he may within five (5) days appeal in writing to the City Council.

Section 9.5 Notice shall be given to the Planning Commission of such appeal, and a report shall be submitted by the commission to the City Council, setting forth the reasons for the action taken by the commission. Such report shall be submitted in writing or by representation at the hearing.

Section 9.6 The City Council shall render its decision within forty-five (45) days after the filing of such appeal.



ceeding six (6) feet into any required rear yard.

Section 5.13 Whenever an Official Plan Line has been established for any street, required yards shall be measured from such line and in no case shall the provisions of this ordinance be construed as permitting any encroachment upon any Official Plan Line.

Section 5.14 Where an accessory building is attached to the main building, it shall be made structurally a part of and have a common roof with the main building and shall comply in all respects with the requirements of this ordinance applicable to the main building. Unless so attached an accessory building in an "R" District except in R-4 District shall be located on the rear one-half (1/2) of the lot and at least ten (10) feet from any dwelling building existing or under construction on the same lot, or any adjacent lot. Residential garage entrances fronting on any lot line shall be located not less than 20 feet from said lot line.

Section 5.15 Swimming Pools in "R" Districts shall be constructed on the rear one-half of the lot or 50 feet from the front property line, whichever is the less; such pools shall not be located closer than 5 feet to any rear lot line or side line. On the street side of any corner lot, where the rear lot line abuts a side lot line, no pool shall be located closer than 10 feet to such side lot line.

Filter and heating systems for such pools shall not be located closer than 30 feet to any dwelling other than the owner's.

No pool shall occupy over 50% of the required rear yard. Coverage by a swimming pool shall not be considered in measuring maximum lot coverage.

\* Section 5.16 In R-1 and R-2 Districts, where four (4) or more lots in a block have been improved with buildings at the time of the passage of this ordinance (not including accessory buildings), the minimum required front setback shall be the average of the improved lots, if said setback is more or less than the stated requirements of the districts.

Section 5.17 Any use allowed in a district may be allowed on any parcel of land, the area of which is less than the building site area required for the particular district in which said parcel is located, if, and only if said parcel was in single ownership at the time of the adoption of this ordinance and said single ownership was recorded in the office of the County Recorder of San Luis Obispo County.

\* No structure shall be erected on any substandard parcel if said parcel was acquired from the owner or owners of record of contiguous property or said contiguous owner's or owners' transferee after the effective date of this ordinance.

Section 5.18 The width of side yards on single family dwellings constructed pursuant to Sections 5.17 may be reduced to ten percent (10%) of the width of such parcel, but in no case to less than four (4) feet.

Section 5.19 In any "R" District, where a dwelling unit is located on a lot so that the main entrance is located on the side of the building, the required side setback, from the front setback line to such entrance, shall be not less than 10 feet.

Section 5.20 Dwelling groups shall be constructed so that the following minimum distances are provided:

December 9, 2008

To: Members of the Pismo Beach Planning Commission

As residents of Terrace Avenue and Vista Del Mar, we would like to express our opposition to any proposal that creates a separate building site in the plottage parcels between our two streets. It has been our understanding that these parcels (Parcel Map 71-269) were created for the purpose of adding square footage and depth to existing lots, and were not to be developed as separate building sites.

None of the requirements for independent building sites was met at the time the City approved the parcel map. As noted on the map, lot lines were extensions of existing lot lines, public access was not created, and no utilities were provided. The minutes of the action taken by the City to approve the parcel map will confirm that the parcels were not separate building sites.

These plottage parcels have benefitted all the adjoining parcels as well as the character of the neighborhood in general. To permit these parcels to be converted into separate stand-alone homesites is contrary to the intent of the subdivider and the City's approval of the subdivision. It would also be a detriment to the surrounding properties by creating a radically substandard size site among much larger homesites, as well as reduce the effective size of the primary parcel on Vista Del Mar by burdening it with an easement over 30% of its area. Last, but not least, by not requiring the applicants to replace a two-car garage will certainly result in increased parking on an already crowded street.

Janet Gudge 140 Vista Del Mar, Shell Beach

W & Sharon Pellert 235 TERRACE Ave

Walter & George

Patricia Jantz 225 Terrace Ave

2612 VDM

Patricia & John Nunes 220 Vista Del Mar

Don & Sandy Galil 325 TERRACE AVE

Maureen Felwick 305 Terrace Ave  
Shell Beach

Barbara Sanchez 234 Vista Del Mar

Sel & Nelly Canchi 226 VISTA DEL MAR

Robert B. Smith Vista Del Mar

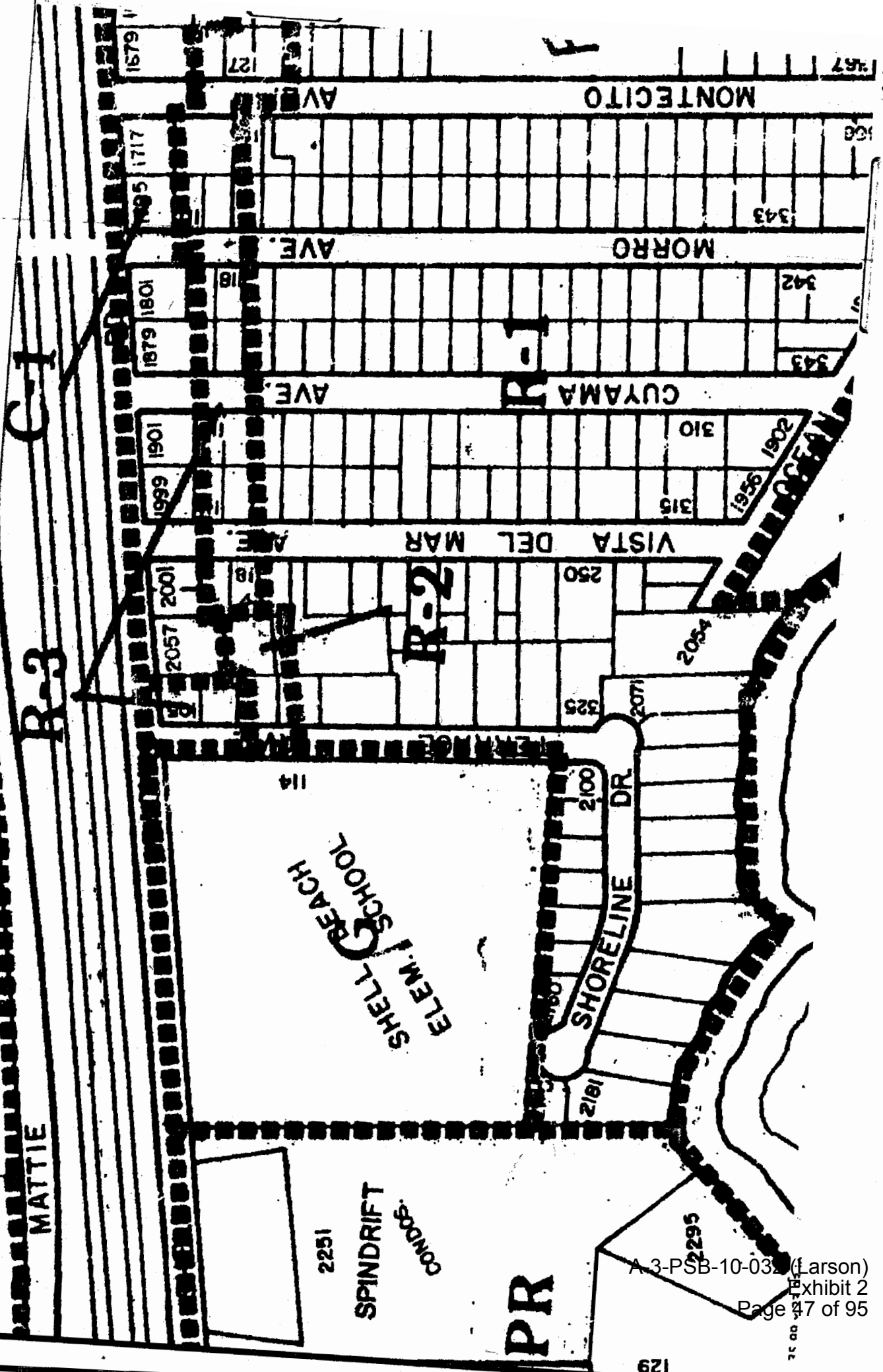
Alice Pellert  
315 Terrace Ave  
Pismo Est

Richard Felix 134 Vista Del Mar

Sp. th Felix 134 Vista del Mar

ZONING MAP

1 / 1 200% Find

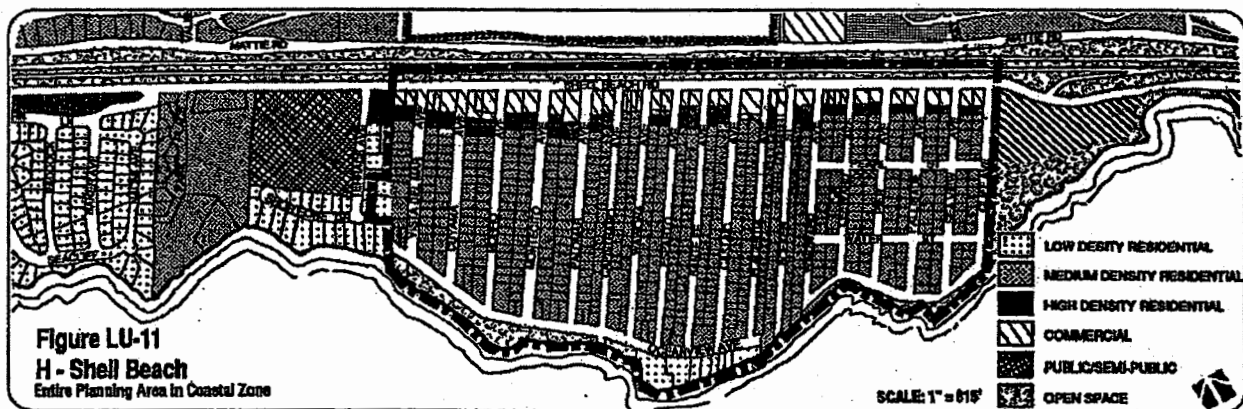


# GENERAL PLAN

## Shell Beach Planning Area H

### Background

Planning Area H, with the exception of scattered vacant lots, is essentially developed. However, there is a trend to expand or replace small beach cottages on small lots with large houses that are not always compatible with the character of the community. A variety of retail and service uses front Shell Beach Road, including several small motels. The area includes a small public library, several churches and the Shell Beach Veterans' building. The Shell Beach ocean bluffs are significant recreational resources containing two city parks, which are the aesthetic focus of the community. The park and development on top of the bluffs are seriously endangered by erosion. Shell Beach embodies much of the historic ambiance and flavor of small California beach towns.



## Policies

### LU- H-1 Concept

The Shell Beach area is designated for Low Density Residential west of Ocean Boulevard and Medium Density Residential from there toward Shell Beach Road. Shell Beach Road is bordered by a narrow commercial strip backed by a narrow band of High Density Residential. The focus of this area is a more traditional beach community with small single-family lots, street activity, and views of the ocean to the west, and the foothills to the east. The emphasis is on assuring that new and expanded homes are compatible with the scale, bulk, and character of existing neighborhood.

### LU- H-2 Shoreline Qualifies

The unique shoreline qualities of Shell Beach shall be protected by:

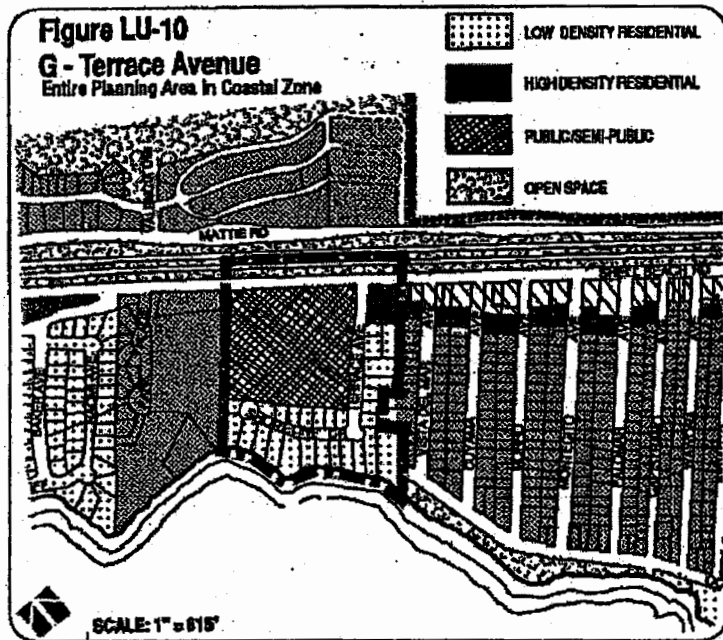
- Maintaining and improving public access along the bluff-tops.
- Pursuing all available sources to provide the necessary funds to improve and maintain the parks along the Shell Beach bluffs.
- Instituting measures, such as signing and policing, to prohibit removal of tide-pool marine life.
- Designating the vista point at the end of Boeker Street as a bird observation area and leaving it in its natural state for neighborhood use.

# GENERAL PLAN

## Terrace Avenue Planning Area G

### Background

The Terrace Avenue Planning Area includes of the Shell Beach Elementary School and a residential neighborhood consisting primarily of large two-story homes. Because of the moderate degree of slope and the openness of the Shell Beach School site, there is an unobstructed ocean overview from U.S. Highway 101 in this area. Substantial bluff retreat has occurred in this area. There are four private stairways to a sandy beach.



## Policies

### LU- G-1 Concept

The Terrace Avenue Planning Area shall be designated for Low Density Residential uses and the Shell Beach School. The focus shall be conserving the existing housing stock and assuring that future changes are compatible with the existing neighborhood.

### LU- G-2 Bluff Setback and Protection

Development along the bluffs shall be set back a minimum of 25 feet from the top of the bluff. Geology reports shall be required for any development near the top of the bluff to ensure that adequate bluff protection measures are provided. Appropriate erosion control measures shall be required for any project along the bluff-tops and shall specify methods for maintenance.

### LU- G-3 Bluff Protection

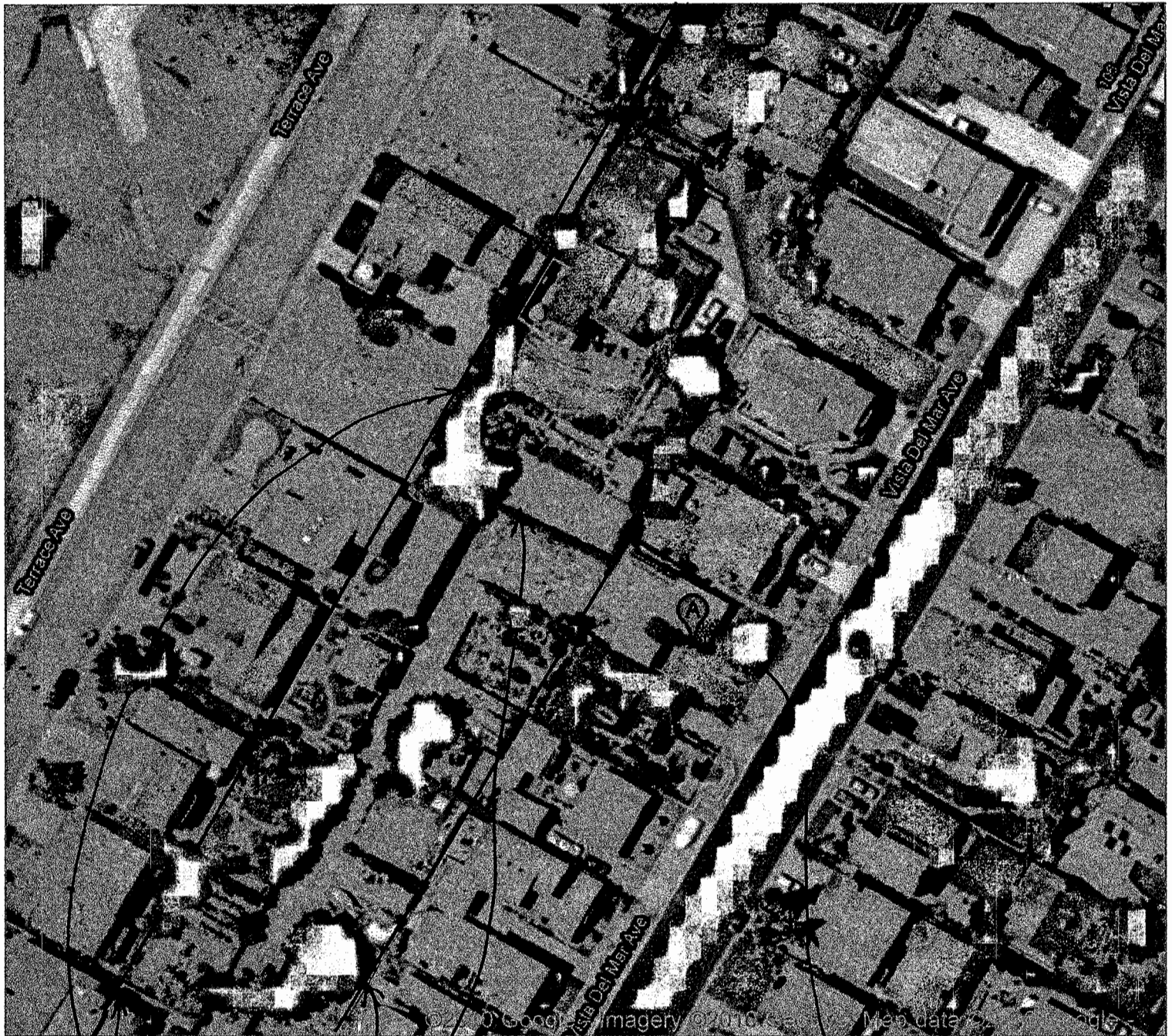
Bluff protection devices may be necessary to protect existing development in this area, but they shall not be permitted unless the city has determined that there are no less environmentally damaging alternatives for the protection of existing structures, based on geologic reports.



To see all the details that are visible on the screen, use the "Print" link next to the map.

[Get Directions](#) [My Maps](#)

[Print](#) [Send](#) [Link](#)



BOUNDARY OF PARCEL MAP PB 71-269

LARSON PROPERTIES

**RESOLUTION NO. R-2009-068**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH DETERMINING DEVELOPMENT GUIDELINES FOR LOTS CREATED BY PM 71-269, AND WAIVING ANY FEE FOR LOT MERGERS BETWEEN VISTA DEL MAR AND TERRACE AVENUE FRONTING LOTS AND ANY LOT CREATED BY PM 71-269.**

---

**WHEREAS**, On February 29, 1972 the City of Pismo Beach recorded Parcel Map No. PB. 71-269 creating a series of substandard residential lots behind existing parcels facing Vista Del Mar and Terrace Avenue. The intent of the map was to provide additional depth to those existing lots facing Terrace Avenue and Vista Del Mar; and

**WHEREAS**, a private easement was established with the map, which created a de facto alley that did not provide for public access or utilities easements; and

**WHEREAS**, The newly created lots were never merged with their companion lots that faced public streets, nor was a covenant recorded stating how they could be utilized; and

**WHEREAS**, Some of these lots are developable if access is achieved from Vista Del Mar or Terrace avenue fronting lots; and

**WHEREAS**, On June 5, 2009, the Council adopted an urgency ordinance restricting construction on residential structures of the landlocked parcels. That ordinance has since expired; and

**WHEREAS**, The Planning Commission reviewed the background on PM 71-269 on September 1, 2009. The Commission concurred on a number of development guidelines for Council consideration;

**WHEREAS**, The City Council reviewed the guidelines on October 20, 2009; and

**WHEREAS**, It is the intent of the City Council to encourage developers to conform with existing zoning ordinances without resort to variances.

**NOW THEREFORE, BE IT RESOLVED**, by the Pismo Beach City Council that the following guidelines shall be utilized for future development on any lot created by PM 71-269:

1. Each project shall be considered on its own merits without a precedence determined by any previous approval of any other lot created with PM 71-269.

2. Access to each lot, and therefore its development potential, can only be achieved with a common access easement through the respective adjacent lot facing Vista Del Mar or Terrace Avenue.
3. Existing parking accommodations on any Vista Del Mar or Terrace Avenue fronting lot cannot be made non-conforming nor increase existing non-conformities to accommodate access to any PM 71-269 lot.
4. Development on PM 71-269 lots shall be compatible with the respective adjacent lot facing Vista Del Mar or Terrace Avenue.
5. Existing setbacks, lot coverage and building floor area on any Vista Del Mar or Terrace Avenue fronting lot cannot be made non-conforming nor increase existing non-conformities to accommodate access to any PM 71-269 lot.

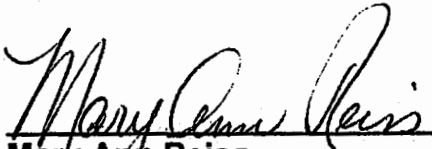
**BE IT FURTHER RESOLVED** that should any property owner on Vista Del Mar or Terrace Avenue make application to merge their street fronting lot with a lot created by PM 71-269, the application will be processed by the City at no charge.

**UPON MOTION OF** Councilmember Waage seconded by Councilmember Vardas the foregoing resolution was passed, approved and adopted by the City Council of the City of Pismo Beach this 20<sup>th</sup> day of October 2009, by the following roll call vote:


**AYES: 5 Councilmembers: Waage, Vardas, Ehring,  
Higginbotham, Reiss**

**NOES: 0**  
**ABSENT: 0**  
**ABSTAIN: 0**

**Approved:**

  
 \_\_\_\_\_  
 Mary Ann Reiss  
 Mayor

**Attest:**

  
 \_\_\_\_\_  
 Emily Colborn, CMC  
 City Clerk

**CERTIFICATION**

I hereby certify the foregoing is a true  
 and correct copy of the original  
 document on file in the office of the  
 City Clerk of the City of Pismo Beach

  
 \_\_\_\_\_  
 City Clerk

Dated: 10/30/09

A-3-PSB-10-032 (Larson)  
 Exhibit 2  
 Page 52 of 95



To see all the details that are visible on the screen, use the "Print" link next to the map.

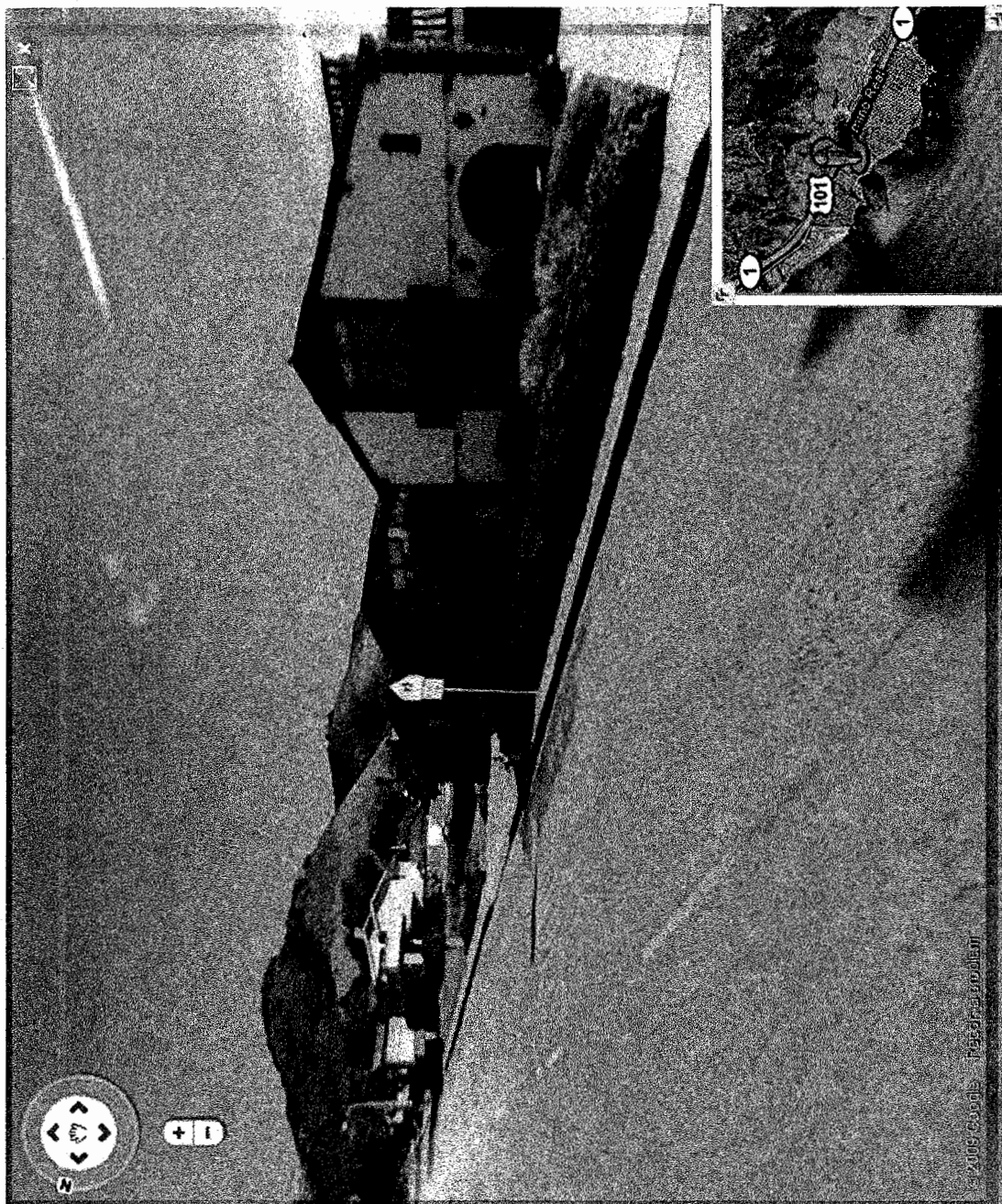
[Get Directions](#) [My Maps](#)

[Print](#) [Send](#) [Link](#)



Photos fro... | 212 Vista ... | 235 Terrac...

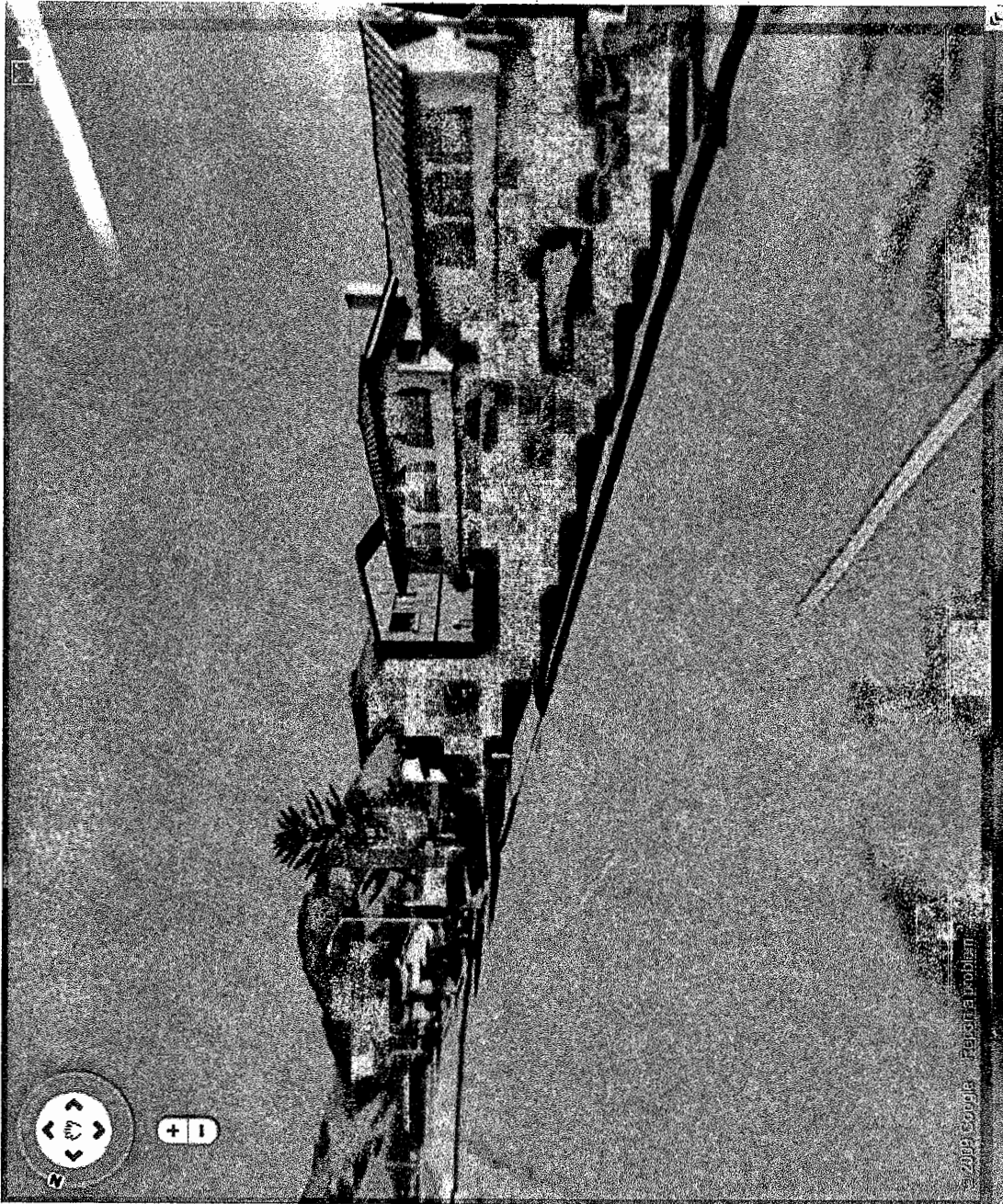
To see all the details that are visible on the screen, use the "Print" link next to the map.



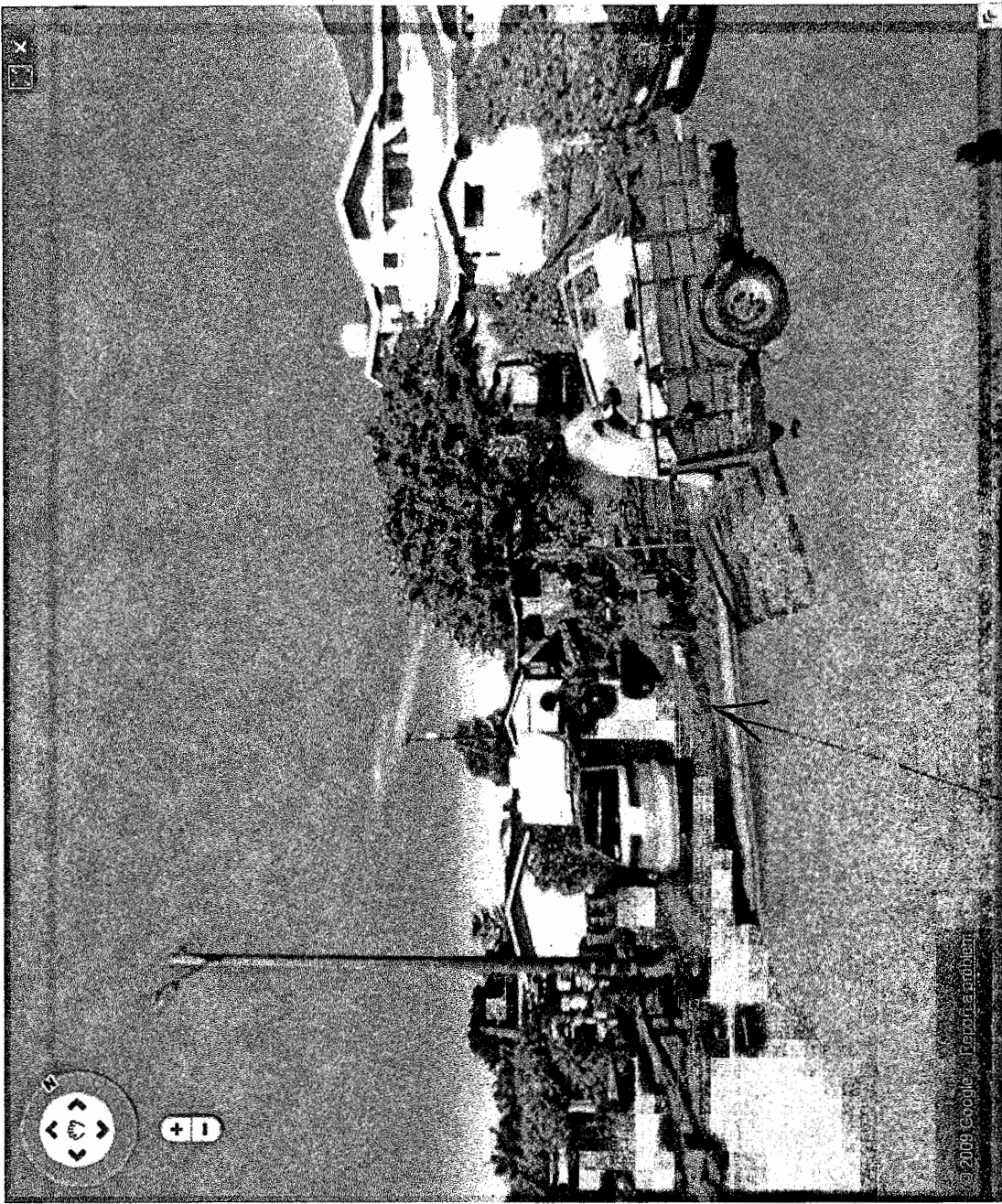
TERRACE AVE



To see all the details that are visible on the screen, use the "Print" link next to the map.



TERRACE AVE



LARSON PROPERTY  
202 VISTA DEL MAR

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
726 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4883 FAX (831) 427-4877



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Janet George

Mailing Address: PO Box 764

City: Pismo Beach

Zip Code: CA

Phone: 93448

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Pismo Beach

2. Brief description of development being appealed:

Coastal Development Permit for the demolition of an existing garage and construction of a new garage on street fronting lot and construction of a new single family home on adjacent landlocked lot

3. Development's location (street address, assessor's parcel no., cross street, etc.):

202 Vista Del Mar, Pismo Beach APN 010-231-027 and 010-231-028

4. Description of decision being appealed (check one.):

- Approval; no special conditions
Approval with special conditions:
Denial

RECEIVED

JUN 29 2010

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:
APPEAL NO: A-3-PSB-10-032
DATE FILED: June 30, 2010
DISTRICT: Central Coast

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: June 1, 2010

7. Local government's file number (if any): Project No. 10-0006

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Jordan and Rachel Larson  
202 Vista Del Mar  
Pismo Beach, CA 93449

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Rinaldo & Nelly Caminada  
226 Vista Del Mar  
Shell Beach, CA 93449

(5) Edward Pollard  
235 Terrace Avenue  
Pismo Beach, CA 93449

(2) Grant Elwood  
305 Terrace Avenue  
Shell Beach, CA 93449

(6) Jim DeCecco  
140 Vista Del Mar  
Pismo Beach, CA 93449

(3) Edward Felix  
134 Vista Del Mar  
Pismo Beach, CA 93449

(7) Barry Erlich  
325 Terrace Avenue  
Pismo Beach, CA 93449

(4) George & Diane Glaser  
262 Vista Del Mar  
Shell Beach, CA 93449

(8) Sandra Nielsen  
313 Vista Del Mar  
Pismo Beach, CA 93449

(9) Maria Hutkin  
1354 San Marcos Court  
San Luis Obispo, CA 93401

(10) Robert & Lois Sellers  
251 Vista Del Mar  
Shell Beach, CA 93449

(11) Pat & Gail Williams  
239 Santa Fe Avenue  
Pismo Beach, CA 93449

(12) Brian Kreowski  
1435 Shell Beach Road  
Pismo Beach, CA 93449

(13) Adam Laurent  
366 Montecito  
Pismo Beach, CA 93449

(14) Patricia Tietz  
225 Terrace Avenue  
Shell Beach, CA 93448

(15) Jordan & Rachel Larson  
202 Vista Del Mar  
Pismo Beach, CA 93449

(16) Rhoni & Jerry Yeager  
219 Vista Del Mar  
Pismo Beach, CA 93449

(17) Tom Ramones  
505 Hawkins Court  
Arroyo Grande, CA 93420

(18) City of Pismo Beach  
760 Mattie Road  
Pismo Beach, CA 93449

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

Please see attachment



**Appeal From Coastal Permit Decision Of Local Government**  
**Section IV. Reasons Supporting This Appeal**  
**Attachment**

The grounds for appealing City of Pismo Beach Project No. 10-006 are that the development does not conform to the standards set forth by the City of Pismo Beach.

Below is a timeline of events from the creation of the relevant lots to the approval of the project by the City of Pismo Beach:

- Vista Del Mar is part of the Pismo Terrace subdivision created in 1925 – map attached. There were no zoning codes in 1925.
- Terrace Avenue is part of the Shoreline Terrace subdivision created in 1970 – map attached. The 1963 zoning code was in effect as was Resolution 446.
- The proposed new house is part of a 20 lot parcel map created in 1971 PB-71-269 – map attached. The 1963 zoning code was in effect as was Resolution 446. Lot 20 is 2,179 square feet and is landlocked. The 1963 zoning code Sec 2.209 "Building Site" must have its principal frontage on a street, road, highway or waterway. Sec 5.17 Any use allowed in a district may be allowed on any parcel of land, the area of which is less than the building site area required for the particular district in which said parcel is located if, and only if said parcel was in single ownership at the time of the adoption of this ordinance and said single ownership was recorded in the office of the County Recorder of San Luis Obispo County. (Adopted 4/08/1963 lots created 2/29/72) Res. 446 section 6.3 Lots – The size and shape of lots shall be in conformance to any zoning regulations effective in the area of the proposed subdivision and shall not be less than sixty feet in width, nor less than five thousand four hundred square feet in area, nor less than eighty (80) feet in depth no more than one hundred fifty feet in depth. The current Development Standards for Area H in the Shell Beach Planning Area requires a 5,000 s.f. min lot size. In addition, the Pismo Beach Municipal Code Chapter 16.40 Standards and Requirements states under 16.40.020 Buildable lots "No subdivision shall create lots which are impractical of improvement due to size or shape... or other natural physical conditions". 16.40.030 Access to public streets "All lots or parcels created by the subdivision of land shall have access to a public street improved to the standards hereinafter required." 16.40.040 Lot standards The size, shape and orientation of lots shall be appropriate to the location of the proposed subdivision and to the types of developments contemplated. The following principles and standards shall be observed: A. The minimum area and dimension of all lots shall

conform to the requirements of the zoning laws of the city for the district in which the subdivision is located."

- Joe Crescione Planning Commissioner at the 1/22/1969 Pismo Beach planning commission meeting (copy of minutes attached) where the Shoreline Terrace subdivision was reviewed appeared before the Pismo Beach City Council's 8/04/2009 meeting during the public comment period. Video is available on Pismo Beach City's website at:  
[http://pismobeach.granicus.com/MediaPlayer.php?view\\_id=6&clip\\_id=180](http://pismobeach.granicus.com/MediaPlayer.php?view_id=6&clip_id=180) under item 5 at 22:20 on the recording. Mr. Crescione attested to the fact that the City Of Pismo Beach asked Mr. Pollard and his partner Mr. Caparone to buy the landlocked property and extend the existing parcels on Vista Del Mar and Terrace. Although they were never merged the idea was that the street fronting lots on Vista Del Mar and Terrace Avenue and the adjacent new lots created, which match up perfectly with the existing lots, would be one parcel and were never to be built on separately.
- Pismo Beach Associate Engineer, Larry Versaw, replied to Ed Pollard's request for a "determination or ruling" about the potential creation of additional building sites within the area that was previously divided by Parcel Map PR 1-269 on 8/12/1998. "Staff tends to agree with the items and conclusions that you have summarized in your letter. At this point, we consider it highly doubtful that it would be possible for anyone to create a building site within this area. However, to make a determination of this issue would require significant staff time and research and, very likely, some legal guidance from the City Attorney's office. We are unable to commit the staff time necessary to pursue the question at this time. If it should become critical some time in the future, naturally we will do what is necessary."
- Pismo Beach Community Development Director, Randy Bloom, sends letter on 5/23/2000 to James and Anne Regan owners of property at 250 Vista Del Mar and Lots 13 and 14 of PB 71-269 telling them their lots can be merged but do not meet current city development standards as stand alone primary parcels of land and the landlocked lot can be developed as support to their primary parcel that has public street frontage. There have been no changes in the zoning ordinance since 5/23/2000.
- Applicant purchases the 2 lots at 202 Vista Del Mar on 6/01/2007
- The Pismo Beach Planning Commission approves Project No. 08-0232 with a 3 – 0 vote for the property at 202 Vista Del Mar
- 12 appeals are filed by the neighbors

- Jordan and Rachel Larson withdraw Project No. 08-0232 on 1/16/2009
- Urgency ordinance No. 0-2009-006 was adopted unanimously by the Pismo Beach City Council on 6/02/2009 temporarily prohibiting the issuance of coastal development permits, use permits or building permits for construction of residential structures on certain landlocked parcels of land with the City of Pismo Beach. City Council did not extend urgency ordinance letting it expire at the 7/07/2009 city council meeting.
- Resolution No. R-2009-032 was unanimously adopted by the Pismo Beach City Council on 6/02/2009 indicating the City Council's intent to adopt an ordinance modifying the City's zoning code to regulate development on specific substandard lots between Vista Del Mar and Terrace Avenues
- The City Council unanimously adopts Resolution No. R-2009-068 on 10/20/2009 determining development guidelines for lots created by PM 71-269
- Pismo Beach Planning Commissions approves project 10-006 with a 4 – 1 vote on 4/13/2010
- Between April 22, 2010 and April 26, 2010, Rinaldo & Nelly Caminada, Grant Elwood, Edward Felix, Janet George, George & Diane Glaser, Maria Hutkin and Edward Pollard appeal project 10-006 with the City of Pismo Beach
- Pismo Beach City Council upholds planning commission's approval with a 3 -2 vote at the 6/01/2010 public hearing appealing the project

Because the City and/or the developers failed to address various issues when the parcel map was recorded in 1972 doesn't mean that after 38 years they can allow separate development on those lots that range in size from 652 to 4,920 sq. ft. Once you allow the proposed project at 2,179 sq. ft. do the remaining 11 larger, yet nonconforming, lots get allowed also? How about the 8 smaller lots? Ed Pollard tried to get a clarification from the City back in 1998 to rectify the situation and the City said they didn't have time. We tried again in 2009 with an Urgency Ordinance, which the City let expire after only 35 days, and with a resolution to adopt an ordinance modifying the City's zoning code to regulate development on specific substandard lots between Vista Del Mar and Terrace Avenues. The City adopted Resolution No. R-2009-068 which gives property owners on the street fronting lots the ability to add an access easement over the front of a street fronting lot to get to a separate back lot which doesn't exist anywhere else in Shell Beach and therefore not compatible with the neighborhood not to mention has the possibility of making a nonconforming street fronting lot more nonconforming. The resolution also states that development on PM 71-269 lots shall be compatible with the respective adjacent lot facing Vista Del Mar or

Terrace Avenue, however if the street fronting lot is twice the PM 71-269 lot, as is the case in the proposed project, that isn't compatible. The original lots on Vista Del Mar were created in 1925 so there are a lot of older smaller homes which I would imagine one day will be either remodeled or replaced as is the case with the proposed project. If separate development is allowed on the PM 71-269 lots that takes place prior to the remodel or replacement of the existing street fronting houses as is the proposal here, how can the larger street fronting lots be compatible with the existing neighborhood which has mostly larger two story homes and also be compatible with the development on the smaller PM 71-269 lot? So now there is a proposed project that the City of Pismo Beach has approved that has a new house on a nonconforming lot (2,179 sq. ft.) without street access that they want to use an access easement over the street fronting lot that is already nonconforming at less than 5,000 square feet and let the front house tear down it's one car nonconforming garage and replace it with another one car nonconforming garage which violates Section 17.118.010 which states "No nonconforming use may be extended to occupy a greater area of land, building or structure than is occupied at the time of the adoption of this Title" and section 17.118.060 "Nonconforming structures may be maintained, repaired or portions thereof replaced upon securing the appropriate city approvals." 100% replacement is not a portion thereof. It is also in violation of Resolution R-2009-068 item 3 "Existing parking accommodations on any Vista Del Mar or Terrace Avenue fronting lot cannot be made non-conforming nor increase existing non-conformities to accommodate access to any PM 71-269 lot". Increasing nonconformity is going to be an issue for 5 of the 6 potential Vista Del Mar lots as the street fronting original lots are less than 5,000 sq. ft.

The proposed project does not conform to the standards set forth by the City of Pismo Beach general plan/local coastal program land use plan in so many ways. According to Pismo Beach's municipal code the zoning ordinance is to ensure that lands ultimately are used for the purposes which are most appropriate and most beneficial for the city as a whole. By allowing this or any of the other of the 19 nonconforming substandard lots of PB71-269 to be developed as separate building sites, is going to set a precedent not only in our neighborhood but city wide. Not only is there no longer going to be "low density residential" use as called for in the development standards but nonconformity is going to increase, there will be more congestion with increased traffic and more on street parking, there will no longer be adequate light, air, privacy and open space and Shell Beach especially will lose it's community spirit, views of the ocean and it's natural beauty. It's obvious these 20 lots were created to add on to the existing lots on which they abut and never intended or approved to be separate building sites as has been attested to by not only the original developer but a member of the Pismo Beach Planning Commission who served in 1971 as well as Pismo Beach City staff. They are all smaller than what was required when they were created or subsequent to that, they don't have street frontage or access, there are no utilities, they match up exactly with the lots adjacent to them and the City has approved building permits on Terrace Avenue for secondary structures on some of these lots.

The applicant did purchase two legal lots and can sell them separately if they so desire, but they have never been two separate buildable lots. The same standards that were in place when they purchased the lots in 2007 are still in place today and the City of Pismo Beach has not conformed to their own standards in approving this project.

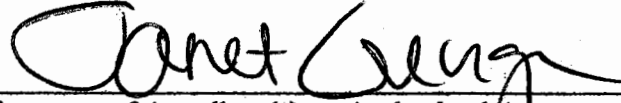
**Attachments:**

- Map of Pismo Terrace recorded 9/15/1925
- Map of Tract 394 Shoreline Terrace recorded 8/12/70
- Parcel Map No. PB. 71-269 recorded 2/29/72
- Pages 3, 16 & 17 of Pismo Beach 1963 zoning code as provided by the City of Pismo Beach
- Page 12 of Resolution 446 as provided by the City of Pismo Beach
- Area H: Development Standards Shell Beach Planning Area
- Pismo Beach Code Chapter 16.40 Standards and Requirements
- Pismo Beach 6/22/1969 Planning Commission meeting minutes
- 8/12/1998 Letter from Larry Versaw
- 5/23/2000 Letter from Randy Bloom
- Larson grant deed
- 1/16/2009 Larson project no. 08-0232 withdrawal
- Pismo Beach Ordinance No. 0-2009-006
- Pismo Beach Resolution No. R-2009-032
- Pismo Beach Resolution No. R-2009-068

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

  
\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: June 28, 2010

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby authorize \_\_\_\_\_  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: \_\_\_\_\_

CERTIFICATION RE MAP OF PISMO TERRACE

A SUBDIVISION OF

A PART OF LOTS 6 AND 8

OF THE SUBDIVISIONS OF RANCHO EL PISMO

OWNERS' CERTIFICATE

The undersigned hereby certify that they are all the owners and the only ones whose consent and signatures are necessary to pass a clear title to the tract of land and its subdivisions hereon delineated "Pismo Terrace" that this is a correct map of an actual survey made by our consent and under our directions and is the map by which deeds, contracts and other instruments in writing relating to said lands will be drawn and that we hereby offer and dedicate to public use the boulevard and avenues shown hereon.

Witness our hands and seals this 23rd day of September, A.D. 1925

*[Signature]*  
Executor of the last will of Fred D. Crosser, also known as F.D. Crosser, deceased.

NOTARIAL

STATE OF CALIFORNIA ) ss.  
COUNTY OF SAN LUIS OBISPO )

On this 23rd day of September, 1925, before me

a Notary Public in and for said County and State, duly commissioned and sworn personally appeared B.A. Hunt, known to me to be the person described in and whose name is subscribed to the within and foregoing Owners' certificate and she acknowledged to me that she executed the same.

Witness my hand and official seal the day and year hereinbefore written.  
My commission expires October 3, 1927. Notary Public Aforesaid.

STATE OF CALIFORNIA ) ss.  
COUNTY OF SAN LUIS OBISPO )

On this 23rd day of September, 1925, before me

a Notary Public in and for said County and State, duly commissioned and sworn personally appeared W.E.H. Meldon, executor of the last will of Fred D. Crosser, also known as F.D. Crosser, deceased, known to me to be the person described in and whose name is subscribed to the within and foregoing Owners' certificate and he acknowledged to me that he executed the same.

Witness my hand and official seal the day and year hereinbefore written.  
My commission expires September 22, 1927. Notary Public Aforesaid.

APPROVAL OF COUNTY SURVEYOR

I, John P. Black, County Surveyor of the County of San Luis Obispo, California, having examined the map of Pismo Terrace consisting of one sheet exclusive of the sheet on which this certificate is enclosed, and numbered Sheet 1 and Sheet 2, do hereby, as provided by Section 4, of Chapter 231, of Statutes of the State of California of the year A.D. 1907, as amended, approve the said Map and recommend its official approval by the governing Board of the said County.

Witness my hand and official seal this 23rd day of Sept. A.D. 1925.  
John P. Black  
County Surveyor Aforesaid.

By \_\_\_\_\_ Deputy

SURVEYORS' CERTIFICATE

I, Warren B. Burch, licensed surveyor do hereby certify that this is a correct map of Pismo Terrace according to an actual survey of the external boundaries of the property on the ground and plotted from such survey.

Witness my hand and seal this 23rd day of Sept. A.D. 1925

Warren B. Burch

TAX CERTIFICATE

I, the undersigned, County Auditor of the County of San Luis Obispo, State of California, do hereby certify that there are no liens for unpaid State, County, Municipal or other taxes except taxes not yet payable against the property hereon delineated as Pismo Terrace or against any part thereof.

Witness my hand and official seal this 23rd day of Sept. A.D. 1925.

No 83C Harvey A. Truedale  
County Auditor Aforesaid.

APPROVAL OF SUPERVISORS

The map of Pismo Terrace whereon this certificate is endorsed is hereby approved by the Board of Supervisors of the County of San Luis Obispo, State of California, in accordance with the provisions of Section 4, of Chapter 231, of Statutes of the State of California of the year A.D. 1907, as amended, and the boulevard and avenues offered and dedicated to public use by the owners are not accepted on behalf of the public.

Witness our hands and official seal this 23rd day of Sept. A.D. 1925

*[Signature]* County Clerk  
*[Signature]* Chairman of Board of Supervisors

Filed for record at Page 65 Volume 3 of Maps San Luis Obispo County Records at request of Warren B. Burch at 10 hr. 30 min. A.M. September 23rd A.D. 1925.

W. L. Ranage  
County Recorder of San Luis Obispo County, State of California.

Indication of destination volume, page, of original record.  
Section of California volume 230 page 68

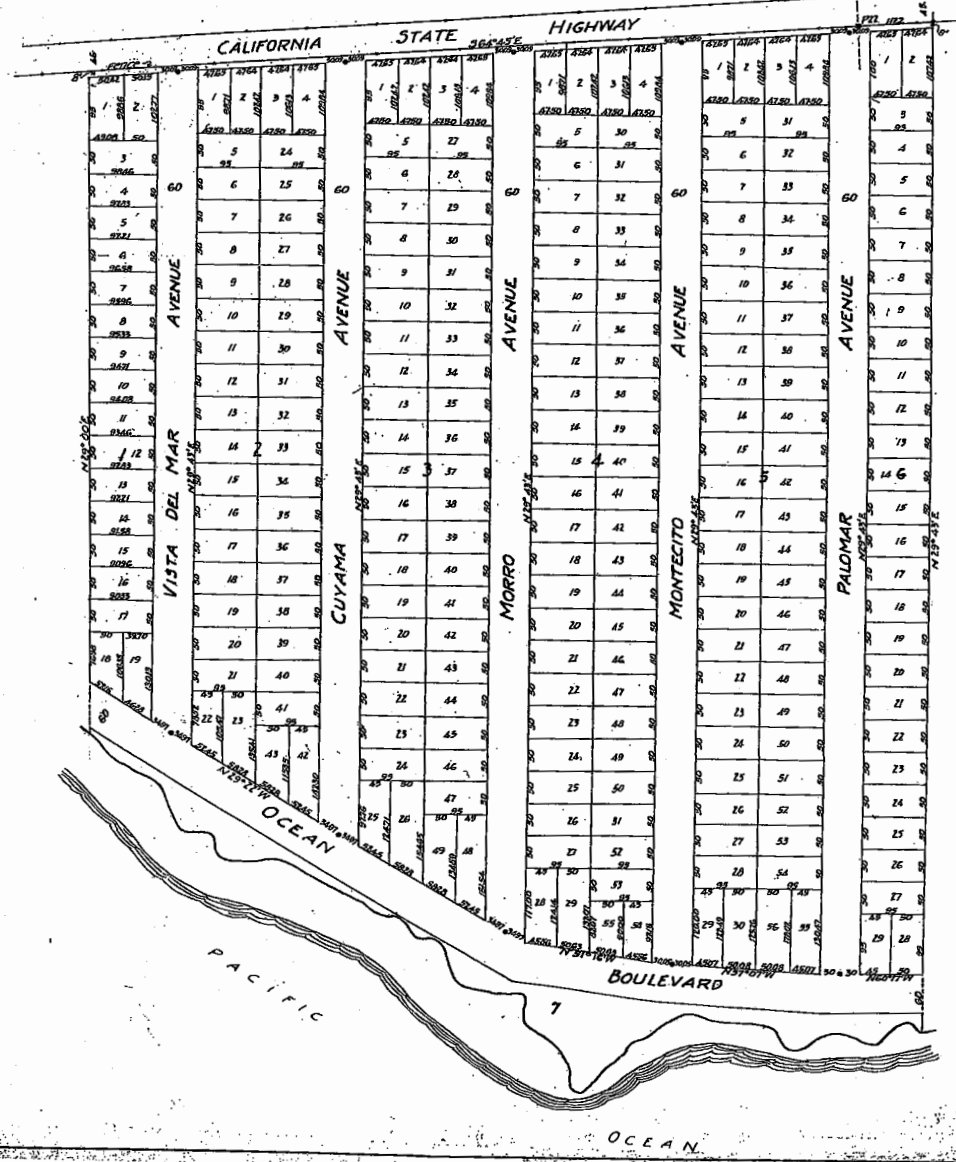
6

Map Book 3

MAP OF  
**PISMO TERRACE**  
 A SUBDIVISION OF A PART OF LOTS 6 AND 8 OF  
 THE RANCHO EL PIZMO, SAN LUIS OBISPO, CALIF.  
 AUGUST, 1925  
 JACQUE PUGH AND ARCH. SMITH

•• indicate pipes for long set 17 below ground.

Lot 6 Lot 8





DECLARATION OF RESTRICTIONS Vol. 1572 Page 437 B.C. No. 1572 P. 437 B.C.

DECLARATION OF RESTRICTIONS Vol. 1572 Page 437 B.C. No. 1572 P. 437 B.C.

DECLARATION OF RESTRICTIONS Vol. 1572 Page 437 B.C. No. 1572 P. 437 B.C.

DECLARATION OF RESTRICTIONS Vol. 1572 Page 437 B.C. No. 1572 P. 437 B.C.

COUNTY RECORDERS CERTIFICATE  
I hereby certify that the City Clerk of the City of Pismo Beach, California did on the 13th day of April, 1970...

CITY CLERK'S CERTIFICATE  
I hereby certify that the City Clerk of the City of Pismo Beach, California did on the 13th day of April, 1970...

CITY ENGINEER'S CERTIFICATE  
This map has been examined by me this 13th day of April, 1970 and the Subdivision of the Tract 394, Shoreline Terrace, Pismo Beach, California, as shown on the Subdivision Map Act and all other State and local ordinances have been fully complied with and that I am satisfied that said map is a validly correct.

CERTIFICATE OF THE PLANNING COMMISSION  
I hereby certify that this final map of "Tract 394" substantially conforms to the tentative map of said tract as shown on the map of the Planning Commission of the City of Pismo Beach, California.

MAP OF  
TRACT 394  
SHORELINE TERRACE  
BEING A PORTION OF  
LOT 6  
EL PISMO & SAN  
MIGUELITO RANCHOS  
PISMO BEACH, CALIFORNIA

AT REQUEST OF - CARRONE & POLLARD  
PACIFIC ENGINEERS & SURVEYORS, INC.  
NOVEMBER 1969

CITY ENGINEER'S CERTIFICATE  
I hereby certify that I am a Registered Civil Engineer of the State of California and that this map consisting of 2 sheets currently represents a survey made under my direction in November 1969, and that the survey is true and correct and that I am satisfied that the same will be in accordance with the provisions of the Public Health Act of the State of California and that the monuments are or will be sufficient for the survey to be returned.

CERTIFICATE OF COUNTY TAX COLLECTOR  
I, J. J. BARRETT, County Tax Collector of the County of San Luis Obispo, State of California, do hereby certify that there are no taxes for unpaid State, County, additional local taxes, or other taxes due on the property described in the County Assessor's Subdivision Map of Tract No. 394 for the year 1970.

TAX BOND  
MARSHALL B. COUNTY CLERK of the County of San Luis Obispo, State of California, do hereby certify that the Tax Bond required by Section 1820, Division 4, Part 8, Chapter 2 of the Statutes and Regulations Code of the State of California, has been filed with me and that I am satisfied that the same is in full compliance with the provisions of said Code.

TRUSTEES CERTIFICATE  
I, the undersigned, do hereby certify that the Trustee under said Deed of Trust, dated August 15, 1967, in Book 1572, Page 437 of Official Records, State of California, is a validly existing Trust.

STATE OF CALIFORNIA  
COUNTY OF SAN LUIS OBISPO  
I, the undersigned, do hereby certify that the Trustee under said Deed of Trust, dated August 15, 1967, in Book 1572, Page 437 of Official Records, State of California, is a validly existing Trust.

OWNERS CERTIFICATE  
We the undersigned, certify that we are all the owners and claimants to interest in the entire and undivided interest in the real property described in the Deed of Trust No. 394, and that this is a correct map of an actual survey made by our company and under our direction and in conformity with the provisions of the Public Health Act of the State of California and that the monuments are or will be sufficient for the survey to be returned.

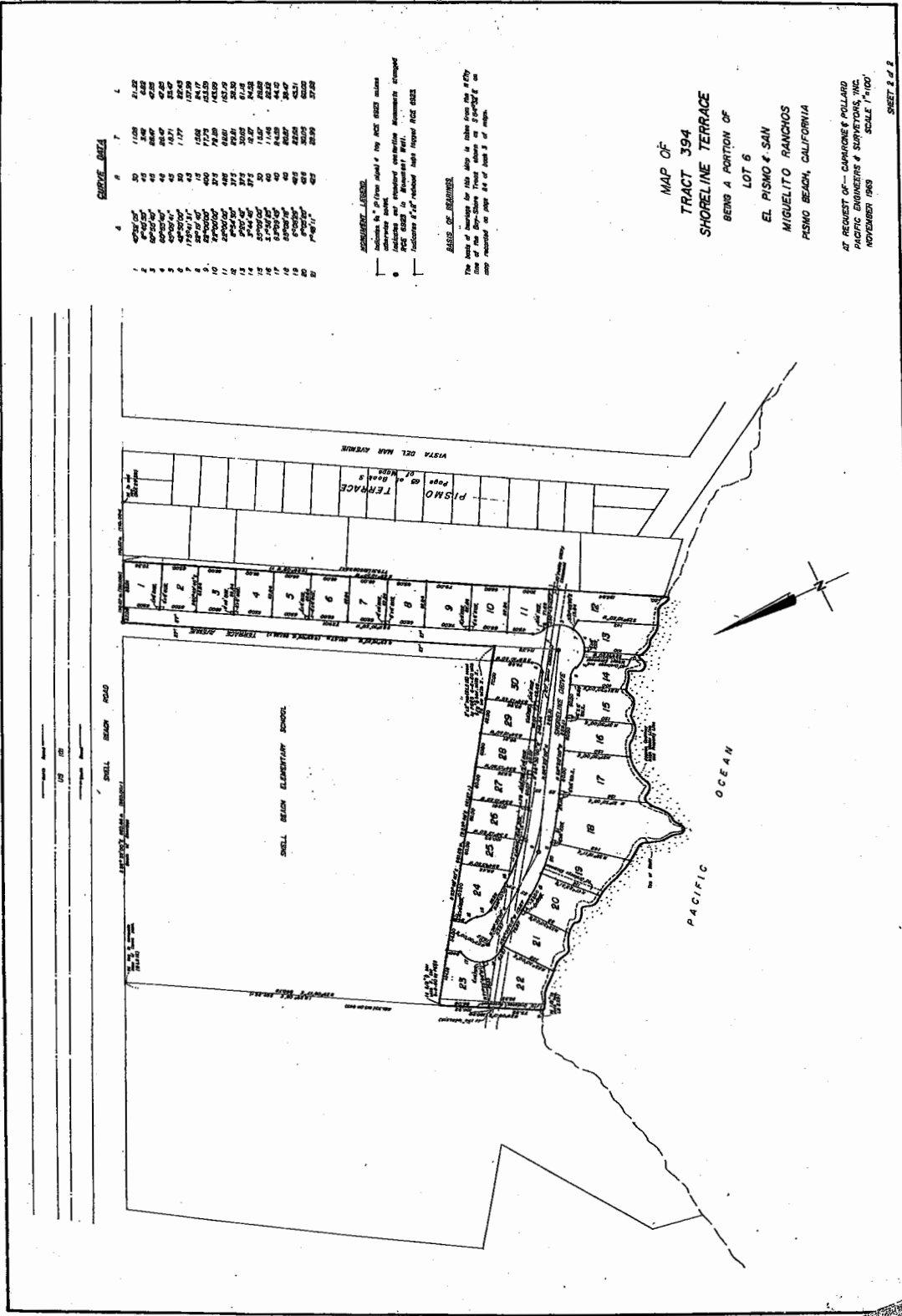
CERTIFICATE OF THE BOARD OF DIRECTORS  
I, the undersigned, do hereby certify that the Board of Directors of the Trustee under said Deed of Trust, dated August 15, 1967, in Book 1572, Page 437 of Official Records, State of California, is a validly existing Trust.

CERTIFICATE OF THE BOARD OF DIRECTORS  
I, the undersigned, do hereby certify that the Board of Directors of the Trustee under said Deed of Trust, dated August 15, 1967, in Book 1572, Page 437 of Official Records, State of California, is a validly existing Trust.

CERTIFICATE OF THE BOARD OF DIRECTORS  
I, the undersigned, do hereby certify that the Board of Directors of the Trustee under said Deed of Trust, dated August 15, 1967, in Book 1572, Page 437 of Official Records, State of California, is a validly existing Trust.

TRUSTEES CERTIFICATE  
I, the undersigned, do hereby certify that the Trustee under said Deed of Trust, dated August 15, 1967, in Book 1572, Page 437 of Official Records, State of California, is a validly existing Trust.

STATE OF CALIFORNIA  
COUNTY OF SAN LUIS OBISPO  
I, the undersigned, do hereby certify that the Trustee under said Deed of Trust, dated August 15, 1967, in Book 1572, Page 437 of Official Records, State of California, is a validly existing Trust.



PM 7

**SURVEYOR'S CERTIFICATE**  
 THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND WAS COMPILED FROM RECORD DATA AND BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AT THE REQUEST OF James H. Anderson & Mc Coy in January of 1972

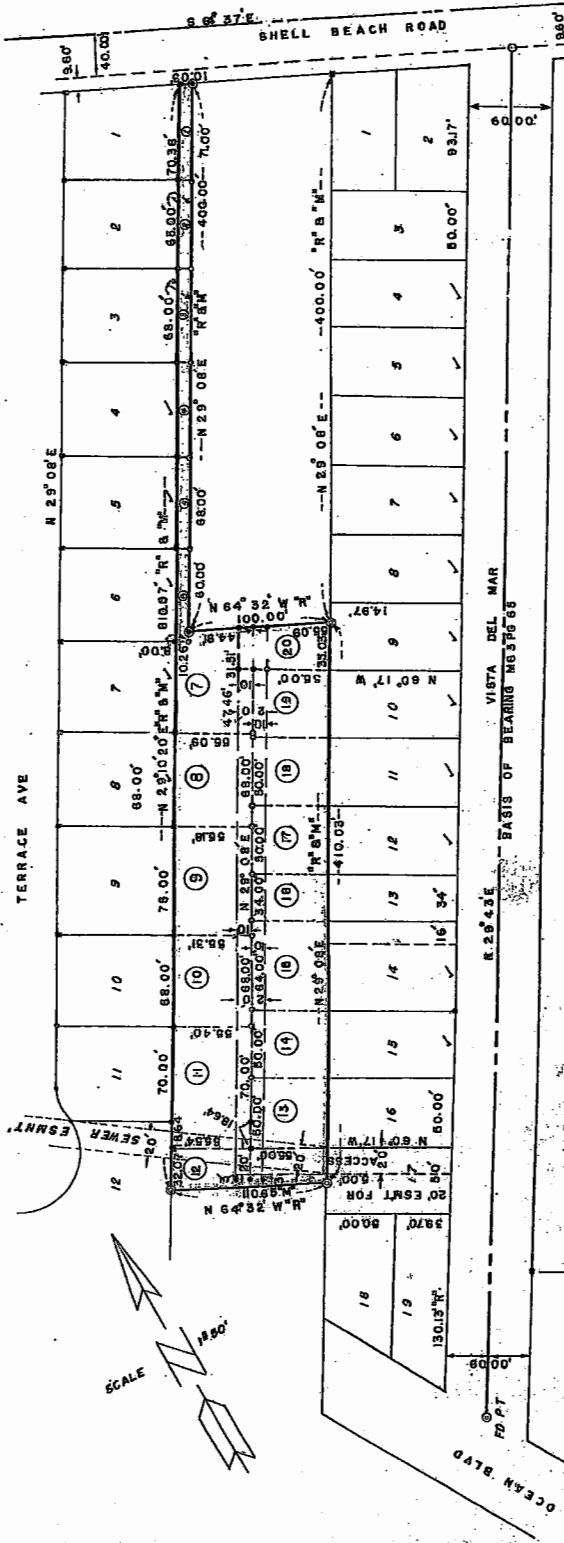


SIGNED & SEALED James H. Anderson  
 R.C.E. 7051

**CITY ENGINEER'S CERTIFICATE**  
 THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE LAND SURVEYOR'S ACT THIS 26 DAY OF February 1972

SIGNED Donald Blum  
 CITY ENGINEER

**RECORDERS CERTIFICATE**  
 FILED THIS 22<sup>ND</sup> DAY OF February 1972 AT 2:30 PM IN BOOK Z OF RECORDS AT THE REQUEST OF James H. Anderson & Mc Coy Fee: \$4500 Doc: #4177 SIGNED James H. Anderson Recorder



**PARCEL AREAS - SQAFT**

1	707
2	622
3	656
4	690
5	693
6	696
7	447
8	3748
9	4508
10	3754
11	4920
12	3156
13	2750
14	2750
15	3650
16	1870
17	2700
18	2700
TOTAL AREA	48242.80 FT

**LEGEND**  
 OUTER LIMITS  
 PARCEL LIMITS  
 PARCEL NUMBERS  
 ORIGINAL LOT LINES  
 SET 3/4" I.P. MD. R.L.E. 903  
 1/2" = 110'  
 PARCEL LINES, EXCEPTED LOT LINES  
 20' ESMNT FROM PARCELS MET. L. 6617  
 20' SEWER ESMNT

**PARCEL MAP**  
 NO. PB. 71-269  
 A DIVISION OF A PORTION OF  
 LOT 6  
 PISMO & SAN MIGUELITO RCHS  
 IN THE CITY OF  
 PISMO BEACH, CALIFORNIA  
 PREPARED AT THE REQUEST OF James H. Anderson & Mc Coy  
 BY J.H. Anderson R.C.E. 7051  
 JAN. 1972 SCALE 1" = 50'

2.208 "Building, Main" A building in which is conducted the principal use of the lot and/or building site on which it is situated.

2.209 "Building Site" A lot or parcel of land, in single or joint ownership, and occupied or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this ordinance and having its principal frontage on a street, road, highway or waterway.

2.210 "Business, Retail" The retail sale of any article, substance, or commodity, within a building, but not including the sale of lumber or other building materials.

2.211 "Business, Wholesale" The wholesale handling of any article, substance or commodity, but not including the handling of lumber or other building materials or the open storage or sale of any material or commodity, and not including the processing or manufacture of any product or substance.

2.212 "Combining District" Any district in which the general district regulations are combined with those special districts defined in Section 3.2 hereof for the purpose of adding additional special regulations.

2.213 "District" A portion of the City within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth and specified in this ordinance.

2.214 "Dwelling" A building or portion thereof designed and used exclusively for residential occupancy, including one family, 2 family, 3 family dwellings and apartments, multiple family dwellings, but not including hotels, motels or boarding houses.

3.

*Adopted  
11/26/03*

Section 5.15

Swimming Pools in "R" Districts shall be constructed on the rear one-half of the lot or 50 feet from the front property line, whichever is the less; such pools shall not be located closer than 5 feet to any rear lot line or side line. On the street side of any corner lot, where the rear lot line abuts a side lot line, no pool shall be located closer than 10 feet to such side lot line.

Filter and heating systems for such pools shall not be located closer than 30 feet to any dwelling other than the owner's.

No pool shall occupy over 40% of the required rear yard. Coverage by a swimming pool shall not be considered in measuring maximum lot coverage.

Section 5.16

In R-1 and R-2 Districts, where four (4) or more lots in a block have been improved with buildings at the time of the passage of this ordinance (not including accessory buildings), the minimum required front setback shall be the average of the improved lots, if said setback is more or less than the stated requirements of the districts.

Section 5.17

*Amuse allowed in a district may be allowed*  
~~In "R" districts, single family dwellings only may be erected on any~~  
parcel of land, the area of which is less than the building site area required for the particular district in which said parcel is located, ~~but~~ if and only if said parcel was in single ownership at the time of the adoption of this ordinance and said single ownership *was recorded in the office of the County Recorder of S. L. County.* ~~on January 1st, 1958.~~ No structure shall be erected on any substandard parcel if said parcel was acquired from the owner or



owners of record of contiguous property or said contiguous owner's or owners' transferee after *The effective date of this ordinance.* January 1st, 1958.

Section 5.18 The width of side yards on single family dwellings constructed pursuant to Section 5.17 may be reduced to ten percent (10%) of the width of such parcel, but in no case to less than four (4) feet.

Section 5.19 In any "R" District, where a dwelling unit is located on a lot so that the main entrance is located on the side of the building, the required side setback, from the front setback line to such entrance, shall be not less than 10 feet.

Section 5.20 Dwelling groups shall be constructed so that the following minimum distances are provided:

- (a) Minimum of ten (10) feet between buildings
- (b) Minimum of twelve (12) feet between side yard line and access side of single row dwelling groups.
- (c) Minimum of twenty (20) feet between access side of buildings in double rows.

Section 5.21 In case an application is made for a permit for any building or structure in any "C", "A-R" or "CM" District, said application shall be accompanied by architectural drawings or sketches, showing the elevations of the proposed building or structure and site plans showing proposed landscape or other treatment of the grounds around such building or structure. Such drawings, sketches, and site plans shall be considered by the Planning Commission in an endeavor to provide that the architectural and general appearance of such buildings or structures and grounds be in keeping with the character of the neighborhood and such as not to be detrimental to the orderly and harmonious development of the city, or to impair the desirability of investment or occupation in the neighborhood.

# Resolution 446

street parking areas for all lots proposed for commercial usage. Where off-street parking is required the minimum shall be at a ratio of one foot parking space to one 50 foot required the minimum shall be at a ratio of one foot parking space to one 50 foot of store space.

g. Non-Access and Planting Strips--When the rear of any lots border any major or secondary street, highway or parkway, the subdivider may be required to execute and deliver to the City an instrument, deemed sufficient by the City Attorney, prohibiting the right of ingress and egress of the rear of such lots across the side lines of such streets or highways. When the rear of any lots border any freeway, state highway or parkway the subdivider may be required to dedicate and improve a planting strip adjacent to such parkway or freeway.

h. Alleys--When any lots are proposed for commercial or industrial usage, alleys at least thirty feet in width may be required at the rear thereof with adequate ingress and egress for truck traffic. Any alleys proposed in residential subdivisions shall have a minimum width of twenty feet fully graded and improved.

i. Street Names--All street names shall be as approved by the Planning Commission.

j. Acre or large lot subdivisions--Where a parcel of land is subdivided into lots of one-half acre to one or more, the Planning Commission may require that the blocks shall be of such size and shape and be so divided into lots so as to eliminate the possibility of a request for opening or extending of a street at some location in the block in order to provide for additional lots.

In the event the Planning Commission recommends an exception to the maximum lot depth of one hundred fifty feet, it may then require the subdivider or developer to offer for dedication a full width right-of-way for a future street at such intervals as will permit a subsequent division of any parcel into lots of normal size.

6 -2. Easements--The subdivider shall grant easements of reasonable width but not less than five feet in width for public utility, sanitary sewer and drainage purposes on each side of rear lot lines, along side lot lines, and in planting strips wherever necessary, provided easements of lesser width may be allowed when at the determination of the City Engineer that the purpose of easements may be accomplished by easements of lesser width and provided further that in such determination the City Engineer shall prescribe the width of such easements. Easements of overhead wire lines, shall be provided at the rear of all lots, except where alleys are available, and in contiguous locations to permit anchorage, line continuity, ingress and egress. Dedication of easements shall be to the City for the purpose of installing utilities, drainage, planting strips and for other public purposes.

6 -3. Lots--The size and shape of lots shall be in conformance to any zoning regulations effective in the area of the proposed subdivision and shall not be less than sixty feet in width, nor less than five thousand four hundred square feet in area, nor less than eighty (80) feet in depth no more than one hundred fifty feet in depth.



**Community Development Department**

**City of Pismo Beach**

**760 Mattie Road, P.O. Box 3**

**Pismo Beach, CA 93449**

**Telephone: (805) 773-4658 Facsimile: (805) 773-4684**

Address: \_\_\_\_\_ APN: \_\_\_\_\_

**Area H:  
Development Standards  
SHELL BEACH PLANNING AREA**

1983 Zoning Code, 1992 General Plan references  
R-1, R-3, C-1, and OS-R Zones  
*Low-Density, Medium-Density, and High-Density  
Residential, Commercial, Public/Semi-Public, and  
Open Space* General Plan designations

Item	Permitted/Required	Code reference	Proposal	Complies?
Lot Area	R-1 and R-3: 5,000 s.f. min.	17.102.060.B		
	C-1: As determined by development permit	17.102.060.D		
Building Height (also see HL-6 standards for those lots within this overlay zone)	R-1: 25' max. from existing site grade, measured at the center of the building footprint	17.102.010.A		
	R-3: 25' from existing natural grade	D-2a		
	C-1: 25' from existing natural grade	D-2a		
Maximum Building Area (including garage)	R-1: 86% of first 2,700 sf. of lot area + 60% of lot area in excess of 2,700 sf.	17.102.090.B		
	R-3: 125% of lot area, except that a single-family house will have same standard as R-1 zone	17.102.090.D		
	C-1: 200% of lot area	17.102.090.G		
Second floor/first floor ratio (applies only to single-family dwellings in R-1, R-2, R-3, R-4, and R-R zones)	R-1 and R-3: 2 <sup>nd</sup> floor cannot exceed 80% of square footage of the first floor, including garage.	17.105.135		
	C-1: Doesn't apply.			
Lot Coverage Ratio	R-1: 55% of lot area maximum	17.102.080.B		
	R-3: 55% of lot area maximum	17.102.080.C		
	C-1: 80% of lot area maximum	17.102.080.F		
Planting Area Ratio	R-1 and R-3: 20% of lot area min.	17.102.095.B		
	C-1: 10% of lot area minimum	17.102.095.E		
Garage setback from street property line	R-1, R-3, C-1: 20% of lot depth minimum, no more than 20' required (residential garage entrances only)	17.108.030.A.6.		
	C-1: Parking lots with four or more spaces must be designed so that vehicles don't back out onto public streets.	17.108.030.B		
Front yard, not including garage	R-1: 20% of lot depth or the average of the existing yards on either side, whichever is smaller (no less than 10', no larger than 20') <i>Blufftop lots: 15'</i>	17.102.020.A.1		
	R-3: 15' minimum <i>Blufftop lots: 15'</i>	17.102.020.A.2		
	C-1: 0', except when abutting a res. zone, in which case: 10' min.	17.102.020.B		



**Lot area:** The total horizontal area included within lot lines, but excluding any portion of such area which has been dedicated for public right-of-way purposes.

**Lot coverage by buildings:** The coverage of a lot by all portions of the building, either at or above ground level, including garages, carports, and cantilever portions of the building excluding roof overhangs, eaves or similar architectural extensions.

**Site grade:** Phrase used in the Zoning Ordinance to establish lot grade for the purpose of determining building heights and other development criteria. Site grade is determined as follows:

1. For subdivided properties existing as of the time of adoption of the October 12, 1976 Zoning Ordinance, site grade shall be the existing topography of each parcel as of October 12, 1976.
2. For unsubdivided properties, or parcels subdivided after October 12, 1976, site grade shall be established as being the precise topography of the lot at the time of completion of finished grading, based on the City approved grading plan for the subdivision.

### **Overlay Zones:**

Some lots in the Shell Beach area are within one or more of the following "overlay zones". These zones are applied to address specific issues in those areas, and therefore impose additional standards. Please refer to handouts on the specific overlay zones for these additional requirements:

- A:** Archaeology and Historic Sites
- AC:** Coastal Access
- AH/C-1:** Amusement Hall/Retail Commercial
- AR:** Architectural Review
- CA:** Coastal Appeal
- H:** Hazards and Protection
- HL-6:** Height Limitations - 6
- N:** Noise
- P:** Public or Visitor Parking
- V:** View Considerations

### **Nonconforming structures:**

Section 17.110

Existing structures that do not comply with the above development standards are considered "nonconforming". Additions may be made to these structures if the additions do conform to current standards. Please refer to the specific regulations on nonconforming uses and structures, noted above.

## Chapter 16.40 STANDARDS AND REQUIREMENTS

### 16.40.010 Requirements.

---

Except where modified in accordance with the provisions of this chapter, each subdivision and the map thereof shall be in conformity with the standards set forth or referred to in this title. (Ord. 299 § 1 (part), 1982)

### 16.40.020 Buildable lots.

---

All subdivisions shall result in the creation of lots which are developable and capable of being built upon, based on city ordinances and the general plan/local coastal program land use plan. No subdivision shall create lots which are impractical of improvement due to size or shape, location of watercourses or problems of sewage or driveway grades, or other natural physical conditions. No lot shall be created which would conflict in any manner with Ordinance 214, Article IX. (Ord. 299 § 1 (part), 1982)

### 16.40.030 Access to public streets.

---

All lots or parcels created by the subdivision of land shall have access to a public street improved to the standards hereinafter required. The planning commission may, however, impose a requirement that any dedication or offer of dedication of a street shall include a waiver of direct access rights, including ingress and egress, to such street from any property shown on a final map as abutting thereon, and that if the dedication is accepted, such waiver shall become effective in accordance with the provisions of the waiver of direct access. Whenever the planning commission finds a safety hazard would be created as a result of direct access, it may also require a waiver of direct access to any existing street already dedicated as a condition of approval. (Ord. 299 § 1 (part), 1982)

### 16.40.040 Lot standards.

---

The size, shape and orientation of lots shall be appropriate to the location of the proposed subdivision and to the types of developments contemplated. The following principles and standards shall be observed:

- A. The minimum area and dimension of all lots shall conform to the requirements of the zoning laws of the city for the district in which the subdivision is located, except as otherwise provided in Chapter 16.36.
- B. The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curvature, if such street is curved. The side lines of lots shall be approximately radial to the center of the curvature of a cul-de-sac on which the lot faces.
- C. No lot shall be divided by a city boundary line nor any boundary between parcels registered under separate ownership. Each such boundary line shall be made a lot line.
- D. Lots having double frontage shall not be approved, except where necessitated by unusual conditions. The width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required by the provisions of this chapter, unless the general layout in the vicinity, lines of ownership, topographical conditions or locations of major streets or freeways justify or make necessary a variation from this requirement.
- E. Lot numbers shall begin with the numeral "1" and shall continue consecutively through the tract, with no omissions or duplications, and no block designations shall be used.
- F. No remnants of property shall be left in the subdivision which do not conform to the lot requirements or are not required for a private utility or public purpose. No portion of a subdivision shall be designated as "not a part." All remnants of property shall be given a lot number.

(Ord. 299 § 1 (part), 1982)

A-3-PSB-10-032 (Larson)  
Exhibit 2  
Page 78 of 95

41

January 22, 1969

The regular meeting of the Pismo Beach Planning Commission was called to order at 8:00 P.M., as of the above date, by Chairman Warren.

Commissioners Present: Warren, Williams, Crescione, and Nickell.

Commissioners Absent: Hoover, Colson, and Langford.  
Also present: J. E. Ross and P. Stefancich.

Mr. Pollard and [REDACTED] presented a drawing of the property which they are proposing to subdivide. This property is South of the Shell Beach School. The Commissioners discussed the plan with the above named gentlemen, asking questions and offering suggestions which were very helpful. Mr. Pollard and Mr. [REDACTED] were instructed to come before the Commission with an overall plan of the subdivision step by step, as spelled out in the City's Resolution No. 446, and present the plan for approval if said plan meets all specifications as required.

Mr. John MacFarlane, of San Luis Obispo Savings and Loan Assoc., requested permission to operate a Mobile Facility, for their customer one day a week, on the parking lot of the Five Cities Realty Office, Lots 31, 32, 33, 34, 35, and 36, in Block 5, on the corner of Price Street and Kinds Avenue. After discussing the request, it was moved by Commissioner Nickell, seconded by Commissioner Crescione, that the Commission hold a public hearing at 8:30 P.M., February 11, 1969, regarding a Mobile Savings & Loan Unit on the Five Cities Realty property on Price Street. Motion carried.

The Commissioners were advised that the meeting with the City Council, scheduled for January 27th, had been cancelled, and tentatively set for February 24, 1969.

No further business appearing, meeting adjourned.

J. E. Ross, Secty. Pro Tem.



City of Pismo Beach  
760 Mattie Road  
Pismo Beach, CA 93449  
(805) 773-4656 • Fax: (805) 773-4684

August 12, 1998

Mr. Edward Pollard  
235 Terrace Ave.  
Pismo Beach, CA 93445

Re: Potential new building sites in the area between Tracts along Vista del Mar Ave. and Terrace Ave.

Dear Mr. Pollard:

We are in receipt of your letter dated July 30, 1998. You have asked for a "determination or ruling" about the potential creation of additional building sites within the area that was previously divided by Parcel Map PB 71-269.

Staff tends to agree with the items and conclusions that you have summarized in your letter. At this point, we consider it highly doubtful that it would be possible for anyone to create a building site within this area. However, to make a determination of this issue would require significant staff time for research and, very likely, some legal guidance from the City Attorney's office. We are unable to commit the staff time necessary to pursue the question at this time. If it should become critical some time in the future, naturally we will do what is necessary.

Very truly yours, ^

Larry J. Larson  
Associate Engineer

LV:jb

cc: R. Dennis Delzeit, Director of Public Services/City Engineer



City of Pismo Beach,  
Community Development Department/ Planning Division  
760 Mattie Road,  
Pismo Beach, CA 93449  
Tel: (805)773-4658 • Fax: (805) 773-4684

May 23, 2000

James and Anne Regan  
250 Vista Del Mar  
Pismo Beach, CA 93449

Subject: Lot Line adjustment  
Lots 13 and 14 of Parcel Map No. 71-269

Planning Staff has reviewed your request for approval of a lot line adjustment to consolidate lots 13 and 14 of Parcel Map No. 71-269, for property located between Vista Del Mar and Terrace Avenue, and finds it can approve said request.

In reviewing your request staff finds that the parcels of land created by Parcel Map No. 71-269 have been problematic from their creation. The purpose of this map was to add additional depth and square footage to the existing lots that front on Vista Del Mar and Terrace Avenue. The above parcels were created but were never merged with these street frontage parcels. Staff finds that the above lots 13 and 14 can be merged and developed as secondary support to your primary parcel at 250 Vista Del Mar, but does not meet current city development standards as a stand alone primary parcel of land.

The above issue of how the parcels of land created by Parcel Map No. 71-269 can be developed have been in question for several years. It is staff's position that these parcels can be developed as support to their primary parcels that have public street frontage on Vista Del Mar and Terrace Avenue.

If you have any questions please call me at 773-7089.

Sincerely;

Randy Bloom,  
Community Development Director

cc: Planning Commission  
cc: property owners of Parcel Map 71-269

RECORDING REQUESTED BY:  
Fidelity National Title Company  
Escrow No.: 07-212461-BB  
Locate No.: CAFNT0940-0940-0001-0000212461  
Title No.: 07-212461-ST

**JULIE RODEWALD**  
San Luis Obispo County - Clerk/Recorder  
Recorded at the request of  
**Fidelity Title Company**

DG  
6/01/2007  
8:00 AM

**When Recorded Mail Document  
and Tax Statement To:**  
Mr. and Mrs. Jordan Larson  
202 Vista del Mar  
Pismo Beach, CA 93449

DOC#: 2007037128



Titles: 1 Pages: 2  
Fees 10.00  
Taxes 968.00  
Others 0.00  
PAID \$978.00

APN: 010-231-027 and 028

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT DEED**

FILED	FEE PAID	EXEMPT	OUT OF STATE
<i>[Signature]</i>			

The undersigned grantor(s) declare(s)  
Documentary transfer tax is \$968.00

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale,
- Unincorporated Area X City of Pismo Beach,

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Alice J. Lorentz, Executor of the Estate of Bernice Lorraine Higgins, deceased, San Luis Obispo Superior Court Case No. PR 060309

hereby GRANT(S) to <sup>A.</sup> **Jordan/Larson and Rachael Pharr Larson, husband and wife** as Community Property with the right of survivorship

the following described real property in the City of Pismo Beach, County of San Luis Obispo, State of California: SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

DATED: April 17, 2007

STATE OF ~~CALIFORNIA~~ <sup>Washington</sup> )  
COUNTY OF ~~King~~ )  
ON May 1st 2007 before me,  
Jessica Swystun Notary Public.

(here Insert name and title of the officer), personally appeared **Alice J. Lorentz**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Alice J. Lorentz, Executor of the Estate of Bernice Lorraine Higgins, deceased, San Luis Obispo Superior Court Cas Case No. PR 060309

By: *Alice J. Lorentz, Executor Estate of Bernice Lorraine Higgins*  
Alice J. Lorentz, Executor

Witness my hand and official seal.

Signature Jessica Swystun (Seal)



**MAIL TAX STATEMENTS AS DIRECTED ABOVE**

FD-213 (Rev 7/96)  
(grant)(06-06)

GRANT DEED

A-3-PSB-10-032 (Larson)  
Exhibit 2  
Page 82 of 95

Escrow No.: 07-212461-BB  
Locate No.: CAFNT0940-0940-0001-0000212461  
Title No.: 07-212461-ST

## EXHIBIT "A"

### PARCEL 1:

Lot 9 in Block 1 of Pismo Terrace, in the City of Pismo Beach, County of San Luis Obispo, State of California, according to map recorded September 15, 1925 in Book 3, Page 65 of Maps, in the office of the County Recorder of said County.

### PARCEL 2:

That portion of Lot 6 of the Subdivisions of a part of the Ranchos El Pizmo and San Miguelito, in the City of Pismo Beach, County of San Luis Obispo, State of California, according to map recorded April 30, 1886 in Book A, Page 157 of Maps, in the office of the County Recorder of said County, described as follows:

Beginning at the most Westerly corner of Lot 9 in Block 1 of Pismo Terrace, according to map recorded September 15, 1925 in Book 3, Page 65 of Maps;  
thence North 60° 17' West along the Northwesterly extension of the Southwesterly line of said Lot 9, 65.00 feet;  
thence Northeasterly and parallel with the Northwesterly line of said Lot 9, to a point on the Southwesterly line of the property conveyed to Arabella A. Ware, a single woman, by deed recorded in Book 128, Page 240 of Official Records;  
thence South 64° 32' East along the Southwesterly line of the property so conveyed to a point on the Northwesterly line of said Lot 9 in Block 1 of Pismo Terrace;  
thence Southwesterly along said Northwesterly line to the point of beginning.

### PARCEL 3:

A non-exclusive easement for ingress and egress to be used in common with others over that portion of Lot 6 of the Subdivisions of a part of the Ranchos El Pizmo and San Miguelito, according to map recorded April 30, 1886 in Book A, Page 157 of Maps, and that portion of Lot 17 in Block 1 of Pismo Terrace, according to map recorded September 15, 1925 in Book 3, Page 65 of Maps, all in the City of Pismo Beach, County of San Luis Obispo, State of California, described as follows:

Beginning at the most Easterly corner of said Lot 17;  
thence South 29° 43' West along the Southeasterly line of said Lot 17, 20 feet more or less to a point on a line which is parallel with and distant 20.00 feet Southwesterly from the Northeasterly line of said Lot 17;  
thence North 60° 17' West along said parallel line, 155.08 feet;  
thence Northeasterly and parallel with the Northwesterly line of Block 1 of said Pismo Terrace, 370 feet more or less to a point on the Northwesterly extension of the Southwesterly line of Lot 9 in said Block;  
thence South 60° 17' East along said Northwesterly extension, 20.00 feet;  
thence Southwesterly and parallel with the Northwesterly line of said Block 1, 350 feet more or less to a point on the Northwesterly extension of the Northeasterly line of Lot 17 in said Block 1;  
thence South 60° 17' East along said extension and along the Northeasterly line of said Lot 17, 135.33 feet to the point of beginning.

A-3-PSB-10-032 (Larson)  
Exhibit 2  
Page 83 of 95

END OF DOCUMENT



City of Pismo Beach  
Community Development Department  
760 Mattie Road,  
Pismo Beach, CA 93449  
Tel: (805)773-4658 Fax: (805) 773-4684

January 16, 2009

**RE: Appeals and Withdrawal of Project No. 08-0232 at 202 Vista Del Mar**

Dear Interested Parties,

On December 9, 2008, the Pismo Beach Planning Commission approved project # 08-0232 at 202 Vista Del Mar for the demolition of an existing one-car garage on lot 9 and construction of a new single family residence on lot 20. The Planning Commission's approval was appealed to the City Council by the following property owners and/or residents:

Rindaldo & Nelly Caminada  
Marjorie Elwood  
Barry & Sandra Erlich  
Janet George  
David & Carol Georgi  
Diane & George Glaser

Maria & Allen Hutkin  
Alice Pollard  
Ed Pollard  
Lois & Robert Sellers  
Jack & Susie Spotts  
Patricia Tietz

The project applicants, Rachel and Jordan Larson, withdrew the project application on Monday January 12, 2009. The transmittal withdrawing the application is attached.

Each appellant and all the property owners on the northeast side of Vista Del Mar and the southwest side of Terrace Avenue are hereby notified of the application withdrawal and the City's determination not to hold a public hearing before the City Council on the application.

If you have any further questions, please feel free to contact Mike Gruver at the City of Pismo Beach Planning Division by phone at (805) 773-4658 or by email at [mgruver@pismo beach.org](mailto:mgruver@pismo beach.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Gruver".

Mike Gruver  
Assistant Planner

Enc: Email from Jordan and Rachel Larson withdrawing Project No. 08-0232

A-3-PSB-10-032 (Larson)  
Exhibit 2  
Page 84 of 95



**Gruver, Mike**

---

**From:** Jordan Larson [jordrach@mac.com]  
**Sent:** Monday, January 12, 2009 10:08 AM  
**To:** Gruver, Mike  
**Subject:** Re: 202 vista del mar/08-0232

January 12, 2009

Dear Michael,

I am writing to withdraw our project at 202 Vista Del Mar in Shell Beach. We would like to thank all the people involved with helping us with our project, and know a lot of time has gone into this. However, we find we don't have peace with all the resistance from our neighbors, and we can not live this way. It is a lose-lose either way for all, and it's not worth it. Our goal was never to fight, but find financial resolution for our situation, but this is obviously not the way if we anger all those around us. So, thank you again to everyone who has been helping us for the past year and a half: Randy Bloom, Carolyn Johnson and yourself.

Best Regards,  
Rachael and Jordan Larson

**ORDINANCE NO. O-2009-006**

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH  
TEMPORARILY PROHIBITING THE ISSUANCE OF COASTAL DEVELOPMENT  
PERMITS, USE PERMITS OR BUILDING PERMITS FOR CONSTRUCTION OF  
RESIDENTIAL STRUCTURES ON CERTAIN LANDLOCKED PARCELS OF LAND  
WITHIN THE CITY OF PISMO BEACH**

---

**WHEREAS**, It is necessary for the preservation of the public peace, health and safety to enact as an urgency ordinance rules restricting the development of residential structures on certain landlocked parcels of land within the City of Pismo Beach. The reasons for the urgency include the lack of specific regulations governing access to public streets from landlocked parcels over existing lots fronting on Vista del Mar and Terrace Avenues, and the impacts on vehicular access, parking and residential housing by allowing access to public streets through these existing lots. In light of the necessity to study and develop new and appropriate regulations, and the possibility of suffering adverse effects in the meantime, an urgency ordinance is necessary to protect the public, peace, health and safety, pending review and consideration by the City's planning commission and by the City Council of a permanent ordinance regulating the development of the landlocked parcels of land between Vista del Mar and Terrace Avenues. Based on the foregoing, the City Council does hereby declare this urgency ordinance is necessary to protect the public health, safety, and welfare while considering revisions to the zoning regulations related to development of residential structures on the landlocked lots.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Pismo Beach hereby does ordain as follows:

**SECTION 1.**

The recitals set forth above are adopted as findings of the City Council in support of this Ordinance.

**SECTION 2.**

Notwithstanding anything to the contrary contained in the Pismo Beach Municipal Code, pending review of and reporting back to Council by the City's Planning Commission on the development of the landlocked lots between Vista del Mar and Terrace Avenues, no coastal development permits, use permits or building permits shall issue for construction of residential structures on any parcel of land between Vista del Mar and Terrace Avenues that does not have street frontage existing on Vista del Mar or Terrace Avenue as of the date of this Ordinance. For purposes of this Ordinance "street frontage" shall not include an easement across another lot.

**SECTION 3.**

The amendments to the City's LCP and zoning ordinance created by this urgency ordinance do not require certification from the California Coastal Commission. The Coastal Act does not deprive local governments from exercising their statutory power to enforce

urgency ordinances, nor require prior review and approval of such ordinances by the Coastal Commission, provided that the ordinances are not in conflict with the Coastal Act. Certification by the Coastal Commission is required only for amendments that authorize a use other than that designated as a permitted use in the LCP. *Conway v. City of Imperial Beach* (1997) 52 Cal.App.4th 78.

**SECTION 4.**

As an urgency measure, this ordinance shall become effective immediately upon adoption hereof.

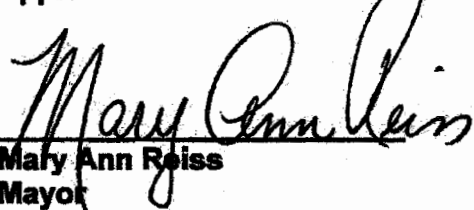
**SECTION 5.**

The City Clerk shall certify to the passage and adoption of this Urgency Ordinance, shall enter the same in the book of original ordinances of the City and shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted. Before the expiration of 15 days after the passage of this Ordinance, the City Clerk shall cause the same to be posted in three public places within the City of Pismo Beach, to wit: 1) City Hall, 760 Mattie Road, Pismo Beach, 2) U.S. Post Office, Shell Beach Road, Pismo Beach, 3) U.S. Post Office, Crest Drive, Pismo Beach.

**UPON MOTION OF** Councilmember Waage seconded by Councilmember Vardas the foregoing Urgency Ordinance was adopted by the City Council of the City of Pismo Beach this 2nd day of June 2009, by the following roll call vote:

**AYES: 5 Councilmembers: Waage, Vardas, Ehring, Higginbotham, Reiss**  
**NOES: 0**  
**ABSENT: 0**  
**ABSTAIN: 0**

**Approved:**

  
\_\_\_\_\_  
Mary Ann Reiss  
Mayor

**Attest:**

  
\_\_\_\_\_  
Lori Frontella, MMC  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
David M. Fleishman, City Attorney



**From the Office of the City Clerk**  
760 Mattie Road  
Pismo Beach, CA 93449  
(805) 773-4657  
(805) 773-7006 Fax

---

STATE OF CALIFORNIA            }  
  }        SS  
COUNTY OF SAN LUIS OBISPO}

I, Emily Colborn, the Deputy City Clerk of the City of Pismo Beach, California, do hereby certify that the attached is a true and correct copy of **Ordinance No. O-2009-006** and was duly posted in three public places within the City within 15 days of adoption thereof, pursuant to the requirements of Government Code Section 40806.

Dated this 9<sup>th</sup> day of June 2009.

A handwritten signature in black ink, appearing to read "Emily Colborn", written over a horizontal line.

Emily Colborn, CMC  
Deputy City Clerk/Executive Assistant

**RESOLUTION NO. R-2009-032**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH  
INDICATING THE CITY COUNCIL'S INTENT TO ADOPT AN ORDINANCE  
MODIFYING THE CITY'S ZONING CODE TO REGULATE DEVELOPMENT  
ON SPECIFIC SUBSTANDARD LOTS BETWEEN VISTA DEL MAR AND  
TERRACE AVENUES**

---

**WHEREAS**, the City Council has enacted an urgency ordinance temporarily prohibiting the development of certain substandard lots of land within the City between Vista del Mar and Terrace Avenues; and

**WHEREAS**, the City Council wishes to adopt a permanent ordinance regulating the development of the substandard lots of land within the City between Vista del Mar and Terrace Avenues to address the identified public peace and health and safety issues raised by development on these lots; and

**WHEREAS**, the City Council must direct the Planning Commission to report back to the City Council on a proposed zoning ordinance as provided in Section 17.127.030 of the City's municipal code.

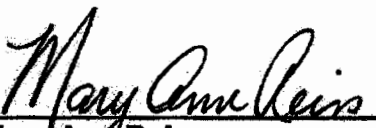
**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Pismo Beach that the City Council intends to adopt an ordinance regulating the development of the substandard lots of land within the City between Vista del Mar and Terrace Avenues, and hereby directs the Planning Commission to report back to the City Council on the form and content of a proposed ordinance as provided in the City's municipal code.

**UPON MOTION OF** Councilmember Vardas seconded by Councilmember Waage the foregoing resolution was passed, approved and adopted by the City Council of the City of Pismo Beach this 2<sup>nd</sup> day of June 2009, by the following roll call vote:

**AYES: 5 Councilmembers: Vardas, Waage, Ehring, Higginbotham  
Reiss**  
**NOES: 0**  
**ABSENT: 0**  
**ABSTAIN: 0**

**Approved:**

**Attest:**

  
**Mary Ann Reiss**  
**Mayor**

  
**Lori Frontella, MMC**  
**City Clerk**

**RESOLUTION NO. R-2009-068**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH DETERMINING DEVELOPMENT GUIDELINES FOR LOTS CREATED BY PM 71-269, AND WAIVING ANY FEE FOR LOT MERGERS BETWEEN VISTA DEL MAR AND TERRACE AVENUE FRONTING LOTS AND ANY LOT CREATED BY PM 71-269.**

---

**WHEREAS**, On February 29, 1972 the City of Pismo Beach recorded Parcel Map No. PB. 71-269 creating a series of substandard residential lots behind existing parcels facing Vista Del Mar and Terrace Avenue. The intent of the map was to provide additional depth to those existing lots facing Terrace Avenue and Vista Del Mar; and

**WHEREAS**, a private easement was established with the map, which created a de facto alley that did not provide for public access or utilities easements; and

**WHEREAS**, The newly created lots were never merged with their companion lots that faced public streets, nor was a covenant recorded stating how they could be utilized; and

**WHEREAS**, Some of these lots are developable if access is achieved from Vista Del Mar or Terrace avenue fronting lots; and

**WHEREAS**, On June 5, 2009, the Council adopted an urgency ordinance restricting construction on residential structures of the landlocked parcels. That ordinance has since expired; and

**WHEREAS**, The Planning Commission reviewed the background on PM 71-269 on September 1, 2009. The Commission concurred on a number of development guidelines for Council consideration;

**WHEREAS**, The City Council reviewed the guidelines on October 20, 2009; and

**WHEREAS**, It is the intent of the City Council to encourage developers to conform with existing zoning ordinances without resort to variances.

**NOW THEREFORE, BE IT RESOLVED**, by the Pismo Beach City Council that the following guidelines shall be utilized for future development on any lot created by PM 71-269:

1. Each project shall be considered on its own merits without a precedence determined by any previous approval of any other lot created with PM 71-269.

2. Access to each lot, and therefore its development potential, can only be achieved with a common access easement through the respective adjacent lot facing Vista Del Mar or Terrace Avenue.
3. Existing parking accommodations on any Vista Del Mar or Terrace Avenue fronting lot cannot be made non-conforming nor increase existing non-conformities to accommodate access to any PM 71-269 lot.
4. Development on PM 71-269 lots shall be compatible with the respective adjacent lot facing Vista Del Mar or Terrace Avenue.
5. Existing setbacks, lot coverage and building floor area on any Vista Del Mar or Terrace Avenue fronting lot cannot be made non-conforming nor increase existing non-conformities to accommodate access to any PM 71-269 lot.

**BE IT FURTHER RESOLVED** that should any property owner on Vista Del Mar or Terrace Avenue make application to merge their street fronting lot with a lot created by PM 71-269, the application will be processed by the City at no charge.

**UPON MOTION OF** Councilmember Waage seconded by Councilmember Vardas the foregoing resolution was passed, approved and adopted by the City Council of the City of Pismo Beach this 20<sup>th</sup> day of October 2009, by the following roll call vote:

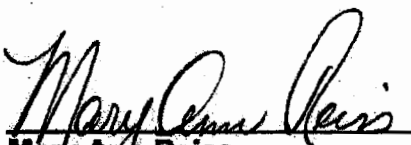
**AYES:** 5      **Councilmembers: Waage, Vardas, Ehring,  
Higginbotham, Reiss**

**NOES:** 0

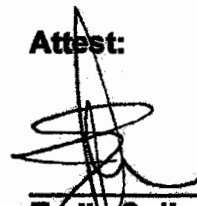
**ABSENT:** 0

**ABSTAIN:** 0

**Approved:**

  
\_\_\_\_\_  
**Mary Ann Reiss**  
Mayor

**Attest:**

  
\_\_\_\_\_  
**Emily Colborn, CMC**  
City Clerk

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
 725 FRONT STREET, SUITE 300  
 SANTA CRUZ, CA 95060-4508  
 VOICE (831) 427-4863 FAX (831) 427-4877



## APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

**Please Review Attached Appeal Information Sheet Prior To Completing This Form.**

### SECTION I. Appellant(s)

Name: Rinaldo & Nelly Caminada

Mailing Address: 226 Vista Del Mar

City: Shell Beach

Zip Code: 93449

Phone: 805-773-5791

### SECTION II. Decision Being Appealed

1. Name of local/port government:

Pismo Beach City

2. Brief description of development being appealed:

The proposed project at 202 Vista del Mar in Shell Beach, California is the demolition of an existing one car garage and the construction of a new 1,200 square foot single family dwelling on a rear lot or lot #20 in the Shell Beach planning area APNs 010-231-017 and 010-231-028 and this appeal is in reference to a Coastal Development Permit (Project no. 10-0006).

3. Development's location (street address, assessor's parcel no., cross street, etc.):

202 Vista Del Mar Shell Beach, California, APNs 010-231-017 and 010-231-028 the nearest cross street is Shell Beach Road.

4. Description of decision being appealed (check one.):

- Approval; no special conditions
- Approval with special conditions:
- Denial

# RECEIVED

JUN 28 2010

CALIFORNIA  
 COASTAL COMMISSION  
 CENTRAL COAST AREA

**Note:** For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

#### TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-PSB-10-032

DATE FILED: June 30, 2010

DISTRICT: Central Coast



**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)**

5. Decision being appealed was made by (check one):

- Planning Director/Zoning Administrator
- City Council/Board of Supervisors
- Planning Commission
- Other

6. Date of local government's decision: June 1, 2010

7. Local government's file number (if any): \_\_\_\_\_

**SECTION III. Identification of Other Interested Persons**

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Jordan & Rachel Larson; 202 Vista Del Mar, Shell Beach, CaliforniaR

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Rinaldo & Nelly Caminada 226 Vista Del Mar, Shell Beach, California 93449

(2) George & Diane Glaser 262 Vista Del Mar, Shell Beach, California 93449

(3) David & Carol Georgi 243 Vista Del Mar, Shell Beach, California 93449

(4) Ed Pollard 305 Terrace Shell Beach, California 934492.

(5) Janet George 140 Vista Del Mar Shell Beach California 93449;

(6) Jim Devechhio 140 Vista Del Mar, Shell Beach, California 93449;

(7) Maria Hutkin 150 Vista Del Mar, Shell Beach California 93449;

(8) Sandra Nielsen 313 Vista Del Mar, Shell Beach, California 94339

(9) Ed Felix 134 Vista Del Mar, Shell Beach, California

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)**

**SECTION IV. Reasons Supporting This Appeal**

**PLEASE NOTE:**

- Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section.
- State briefly **your reasons for this appeal**. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)
- This need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

The appeal is based on the original deeds to these lots in the Shell Beach Terrace planning area that the City approved and I feel these lots were established as support lots to the existing front lots and only for the development to expand your existing r-1 dwelling and/or construct a granny unit to the original dwelling. This project contradicts the non-conforming local plan of development in Pismo Beach and will set a precedent that will create more non-conforming dwellings and a sea of appeals to the Coastal Commission. The project is not consistent with other dwellings in this neighborhood and will also cause a public view and parking problem in the existing community.

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)**

**SECTION V. Certification**

The information and facts stated above are correct to the best of my/our knowledge.

\_\_\_\_\_  
Signature of Appellant(s) or Authorized Agent

Date: June 25, 2010

**Note:** If signed by agent, appellant(s) must also sign below.

**Section VI. Agent Authorization**

I/We hereby authorize N/A  
to act as my/our representative and to bind me/us in all matters concerning this appeal.

\_\_\_\_\_  
Signature of Appellant(s)

Date: June 25, 2010

**RECEIVED**

JUN 28 2010

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

## **Applicable LCP Policies**

**Land Use Element Policy H-1.** Concept: ...The focus of this area is a more traditional beach community with small single family lots, street activity, and views of the ocean to the west, and the foothills to the east. The emphasis is on assuring that new and expanded homes are compatible with the scale, bulk, and character of existing neighborhood.

**Land Use Element Policy H-4.** Residential Guidelines: a. Scale of Structures. New development should be designed to reflect the small scale image of Shell Beach rather than large monolithic buildings. Buildings should be designed with vertical, horizontal and roof articulation of building faces. Where two-story buildings are proposed, the second story should normally be stepped back...

**Circulation Element Principle 1.** ...Local streets should be designed to operate at Level C or better during peak hours. A lower standard may be used for the downtown area...

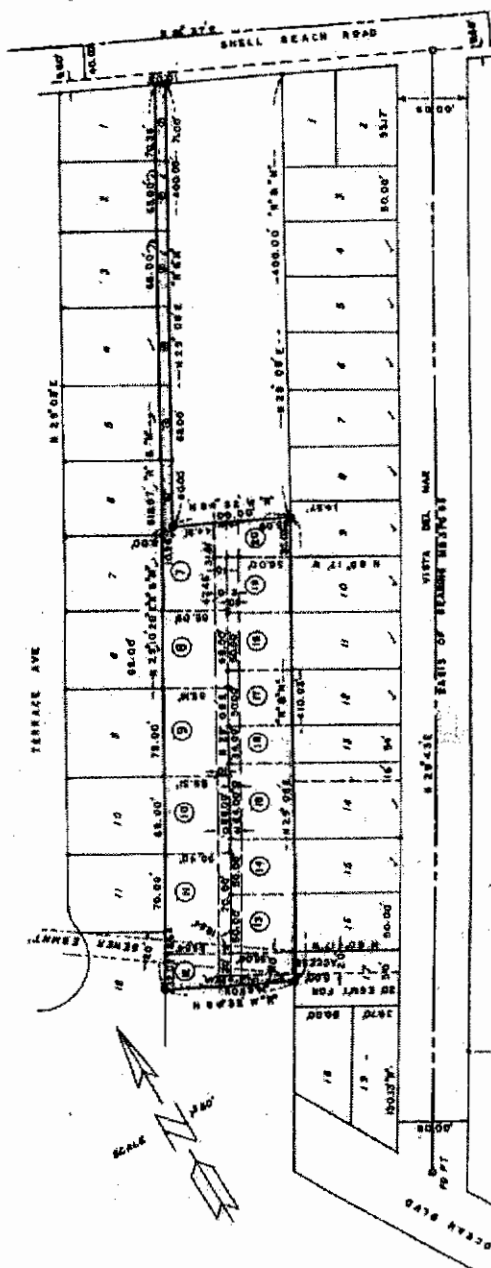
**Circulation Element Policy C-14 Parking.** ...In order to assure that development projects will not adversely affect the availability of existing parking for shoreline access, an adequate quantity of on-site parking spaces to serve the full needs of the development shall be required, except as noted above for the downtown area. Exact parking standards shall be established by City ordinance, but minimum parking ratios for new developments shall not be less than: ... single-family residential: 2 spaces per unit... New development projects located within one quarter mile of the beach or bluff edge shall be evaluated to assess their impact on the availability of parking for public access to the coast. If a project would result in a reduction of shoreline access parking, the project may be required to provide additional parking spaces to accommodate public access...

**RECORDERS CERTIFICATE**  
 FILED THIS MAP OF THE CITY OF PISMO BEACH, CALIFORNIA, AT THE REQUEST OF *[Signature]* COUNTY CLERK

**CITY ENGINEERS CERTIFICATE**  
 THIS MAP HAS BEEN EXAMINED FOR CONFORMANCE WITH THE LAND SUBDIVISION ACT THIS 12<sup>TH</sup> DAY OF *February* 1978  
 SIGNED: *[Signature]* CITY ENGINEER

**SURVEYOR'S CERTIFICATE**  
 THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND WAS COMPARED FROM RECORD DATA AND BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AT THE REQUEST OF *[Signature]* & *[Signature]* IN JANUARY 1978

TITIMED & SEALED *[Signature]*  
 R.C.E. 7081



**PARCEL MAP**  
 NO. PB 71-289  
 A DIVISION OF A PORTION OF  
 LOT 6  
 PISMO BEACH SAN MIGUELITO RCHS  
 IN THE CITY OF  
 PISMO BEACH, CALIFORNIA  
 PREPARED AT THE REQUEST OF *[Signature]* & *[Signature]*  
 JAN. 1978 SCALE 1"=50'

**LEGEND**  
 ORDER LIMITS  
 PARCEL NUMBER  
 DIMENSIONS LOT LINES  
 30' EASEMENT  
 PARCEL LINES, EXISTING LOT LINES  
 30' EASEMENT PARCELS IN LOT 10  
 30' EASEMENT

**PARCEL AREAS-SQ. FT.**

1	707	4988
2	882	3768
3	428	2750
4	690	2750
5	428	3820
6	428	3778
7	428	2450
8	428	2450
9	428	2450
10	428	1620

**RESOLUTION NO. R-2009-068**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH DETERMINING DEVELOPMENT GUIDELINES FOR LOTS CREATED BY PM 71-269, AND WAIVING ANY FEE FOR LOT MERGERS BETWEEN VISTA DEL MAR AND TERRACE AVENUE FRONTING LOTS AND ANY LOT CREATED BY PM 71-269.**

---

**WHEREAS**, On February 29, 1972 the City of Pismo Beach recorded Parcel Map No. PB. 71-269 creating a series of substandard residential lots behind existing parcels facing Vista Del Mar and Terrace Avenue. The intent of the map was to provide additional depth to those existing lots facing Terrace Avenue and Vista Del Mar; and

**WHEREAS**, a private easement was established with the map, which created a de facto alley that did not provide for public access or utilities easements; and

**WHEREAS**, The newly created lots were never merged with their companion lots that faced public streets, nor was a covenant recorded stating how they could be utilized; and

**WHEREAS**, Some of these lots are developable if access is achieved from Vista Del Mar or Terrace avenue fronting lots; and

**WHEREAS**, On June 5, 2009, the Council adopted an urgency ordinance restricting construction on residential structures of the landlocked parcels. That ordinance has since expired; and

**WHEREAS**, The Planning Commission reviewed the background on PM 71-269 on September 1, 2009. The Commission concurred on a number of development guidelines for Council consideration;

**WHEREAS**, The City Council reviewed the guidelines on October 20, 2009; and

**WHEREAS**, It is the intent of the City Council to encourage developers to conform with existing zoning ordinances without resort to variances.

**NOW THEREFORE, BE IT RESOLVED**, by the Pismo Beach City Council that the following guidelines shall be utilized for future development on any lot created by PM 71-269:

1. Each project shall be considered on its own merits without a precedence determined by any previous approval of any other lot created with PM 71-269.

2. Access to each lot, and therefore its development potential, can only be achieved with a common access easement through the respective adjacent lot facing Vista Del Mar or Terrace Avenue.
3. Existing parking accommodations on any Vista Del Mar or Terrace Avenue fronting lot cannot be made non-conforming nor increase existing non-conformities to accommodate access to any PM 71-269 lot.
4. Development on PM 71-269 lots shall be compatible with the respective adjacent lot facing Vista Del Mar or Terrace Avenue.
5. Existing setbacks, lot coverage and building floor area on any Vista Del Mar or Terrace Avenue fronting lot cannot be made non-conforming nor increase existing non-conformities to accommodate access to any PM 71-269 lot.

**BE IT FURTHER RESOLVED** that should any property owner on Vista Del Mar or Terrace Avenue make application to merge their street fronting lot with a lot created by PM 71-269, the application will be processed by the City at no charge.

**UPON MOTION OF** Councilmember Waage seconded by Councilmember Vardas the foregoing resolution was passed, approved and adopted by the City Council of the City of Pismo Beach this 20<sup>th</sup> day of October 2009, by the following roll call vote:


**AYES:** 5      **Councilmembers: Waage, Vardas, Ehrling,  
Higginbotham, Reiss**

**NOES:** 0


**ABSENT:** 0

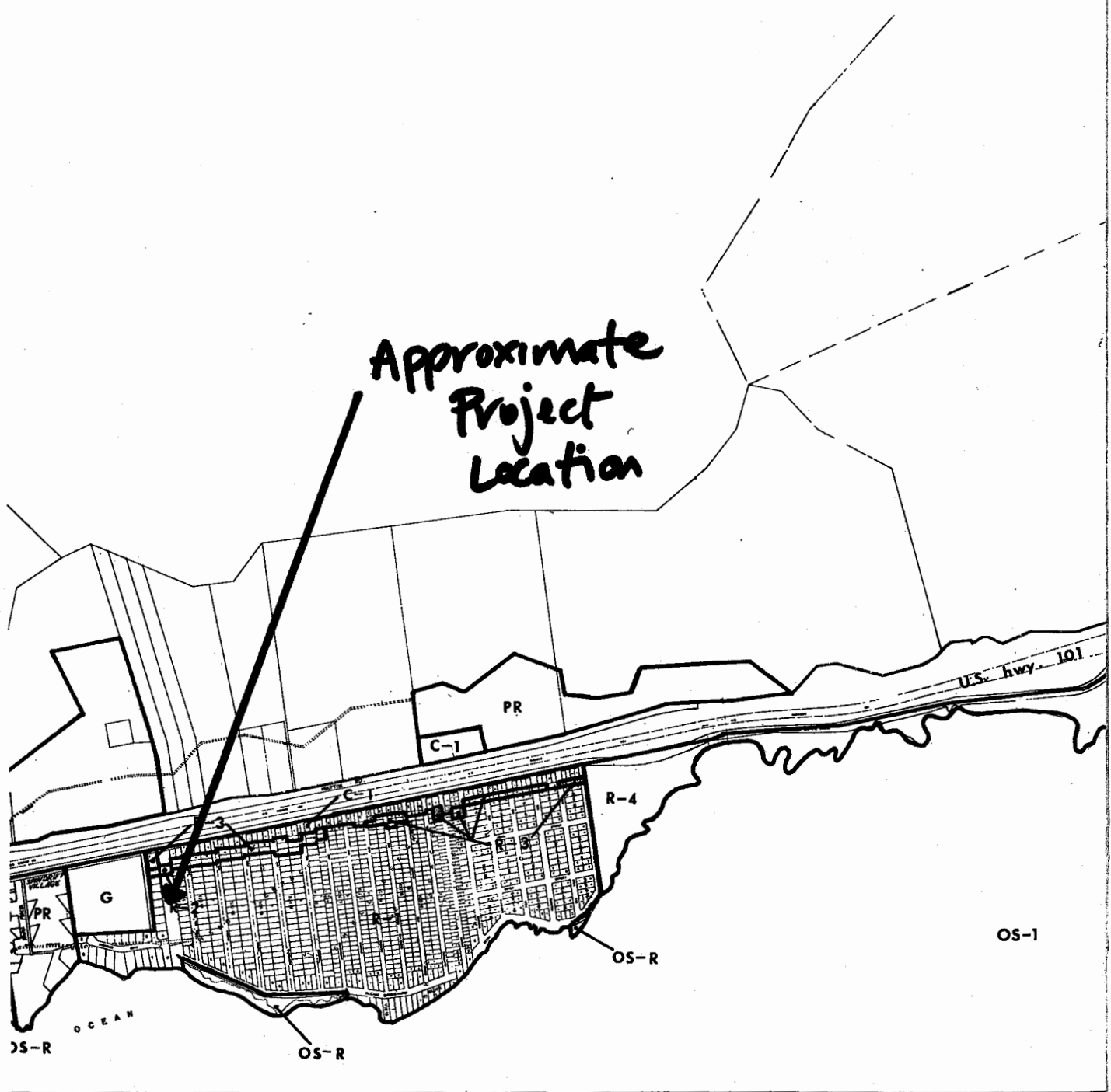
**ABSTAIN:** 0

**Approved:**

  
\_\_\_\_\_  
Mary Ann Reiss  
Mayor

**Attest:**

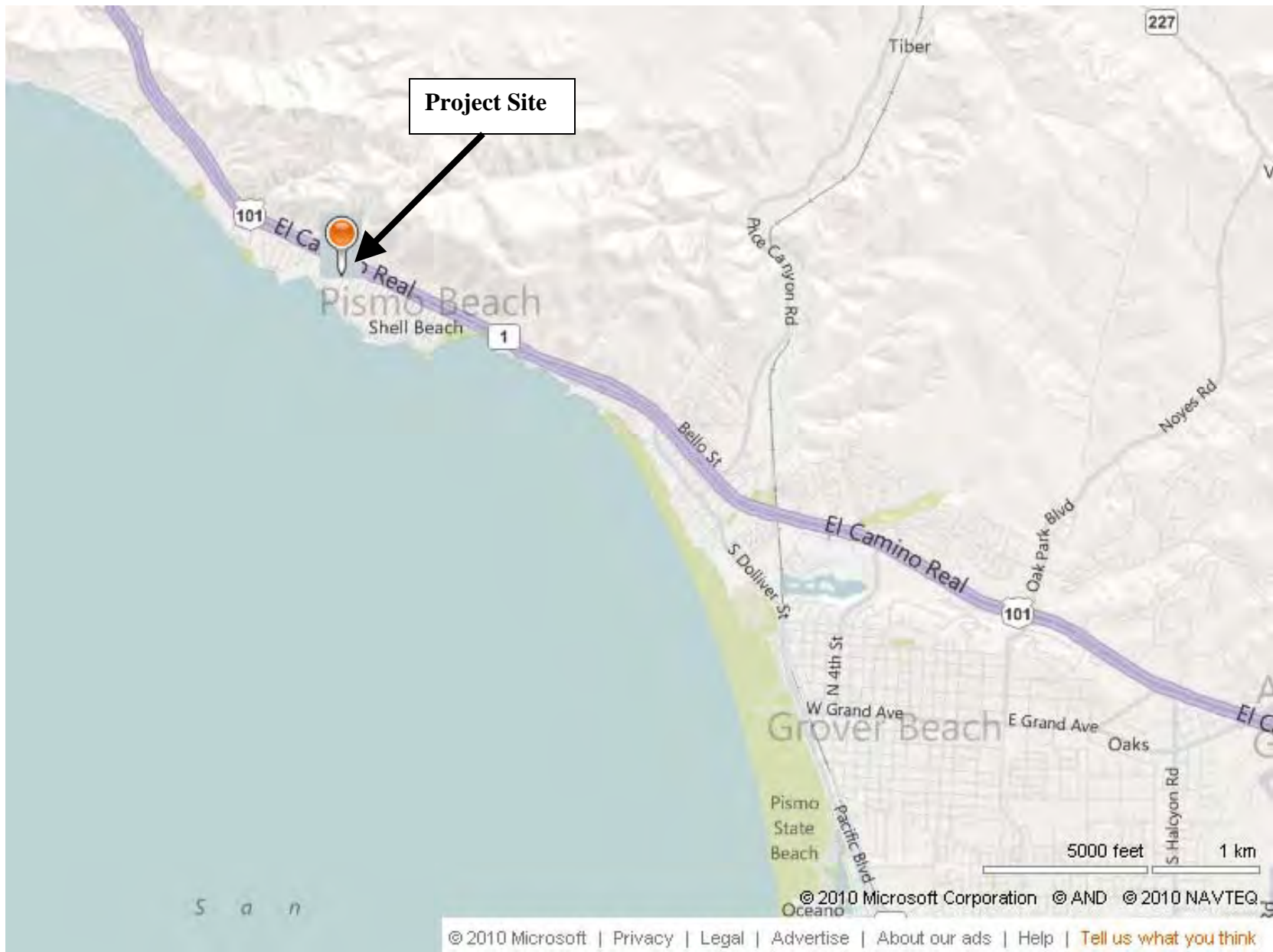
  
\_\_\_\_\_  
Emily Colborn, CMC  
City Clerk



**MH** Mobile Home  
**OS-R** Open Space Rec.  
**OS-1** Open Space Natural

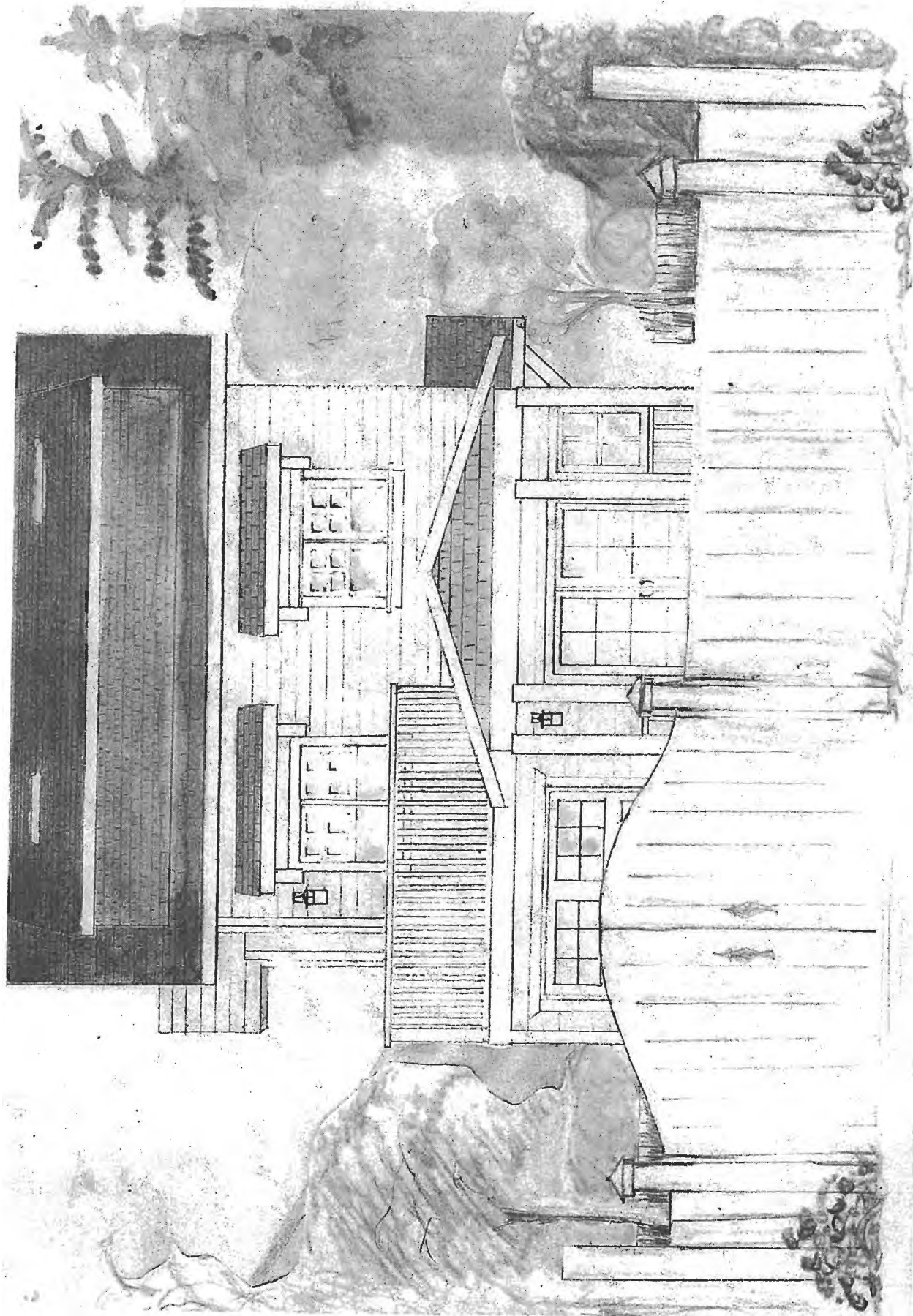
**C-1** Retail C  
**C-2** General  
**CR** Commerc



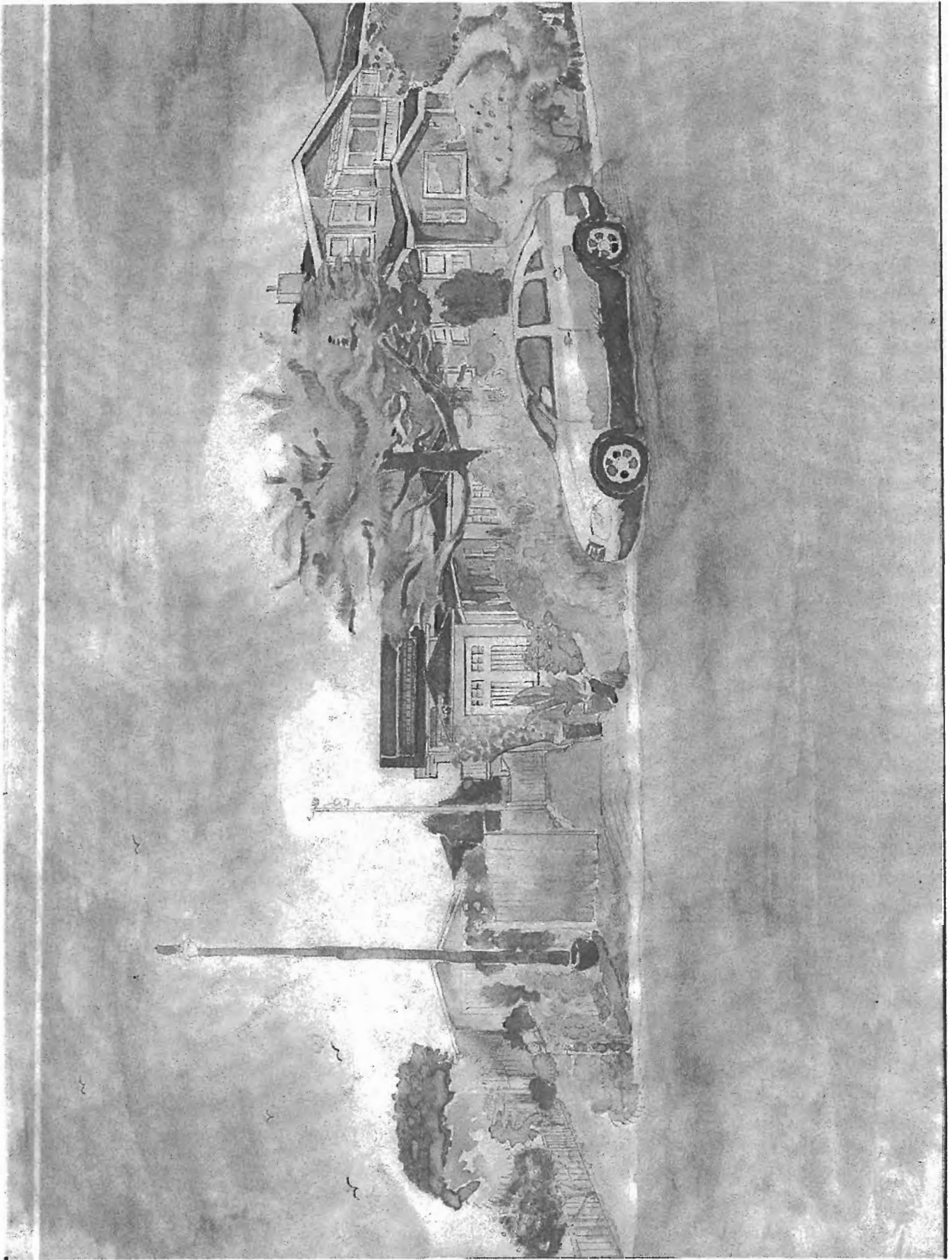


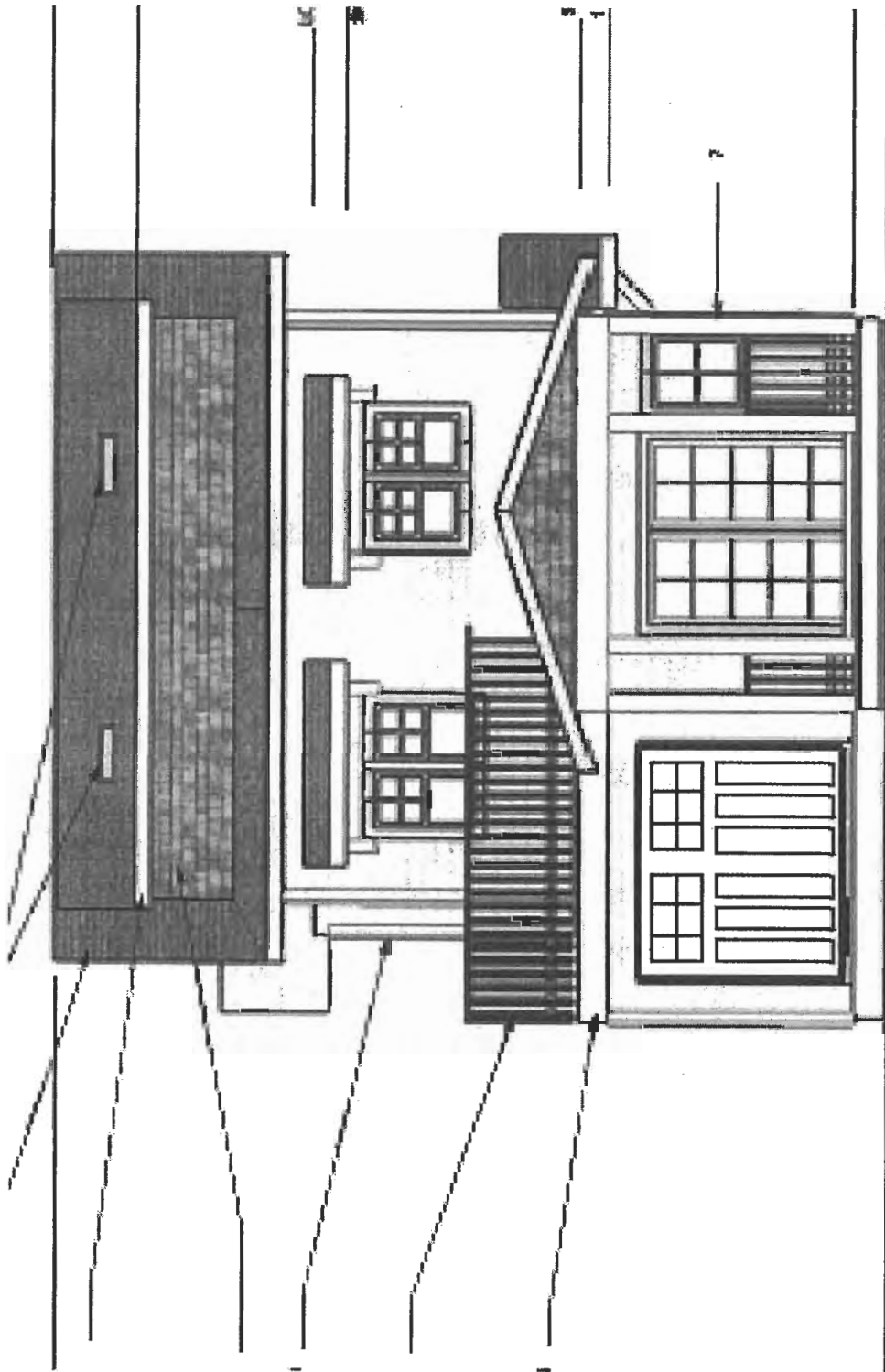




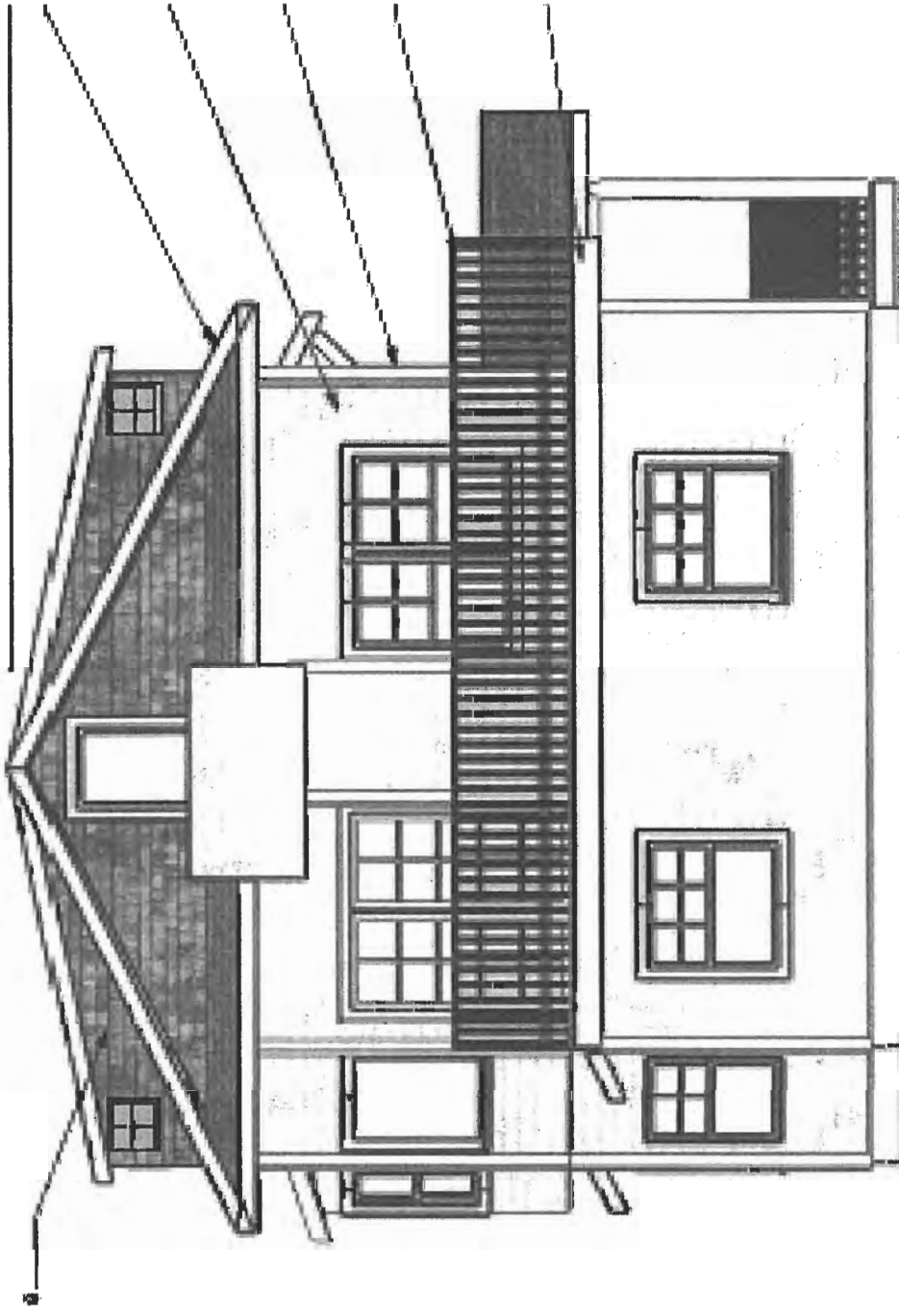


A  
&  
F

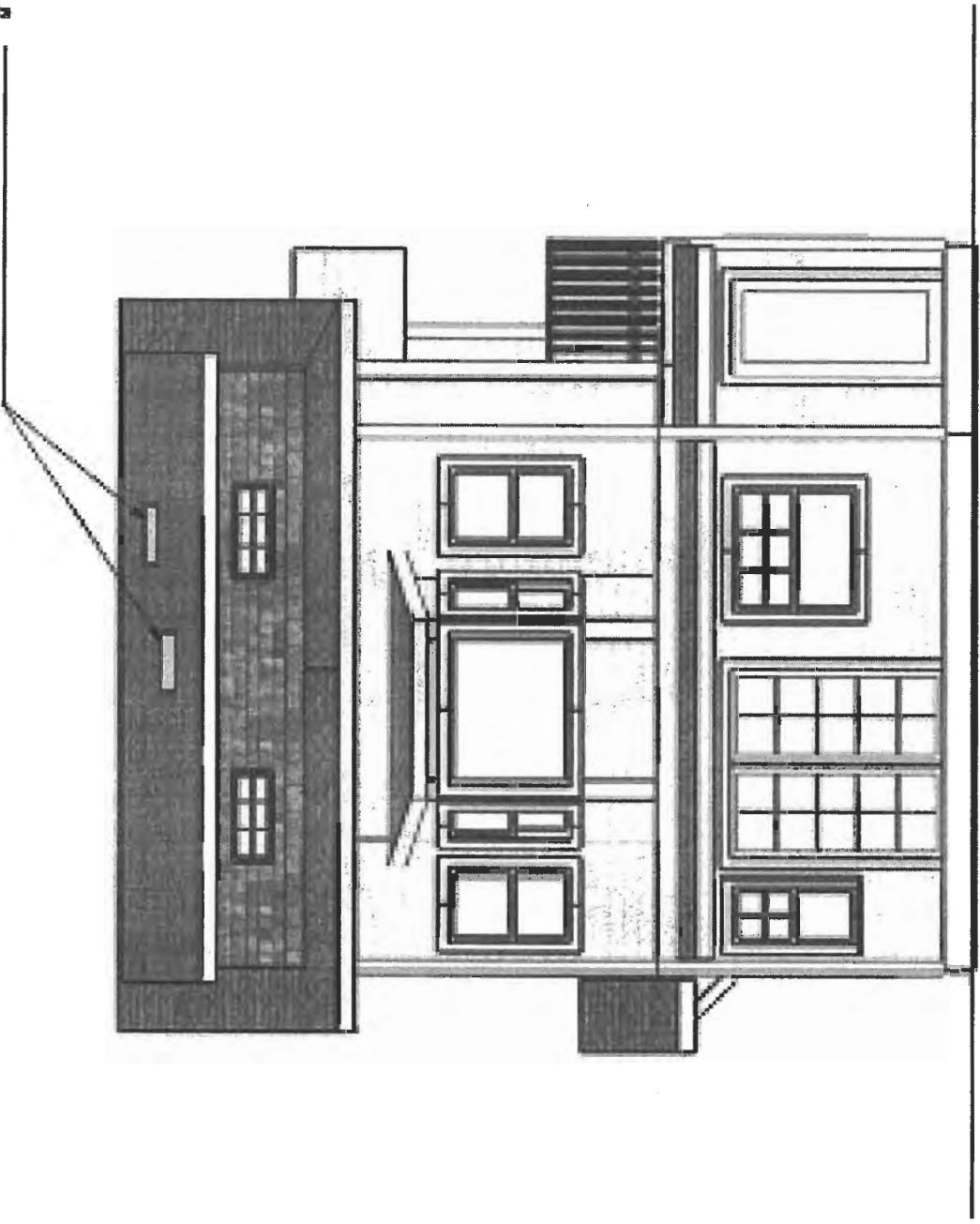




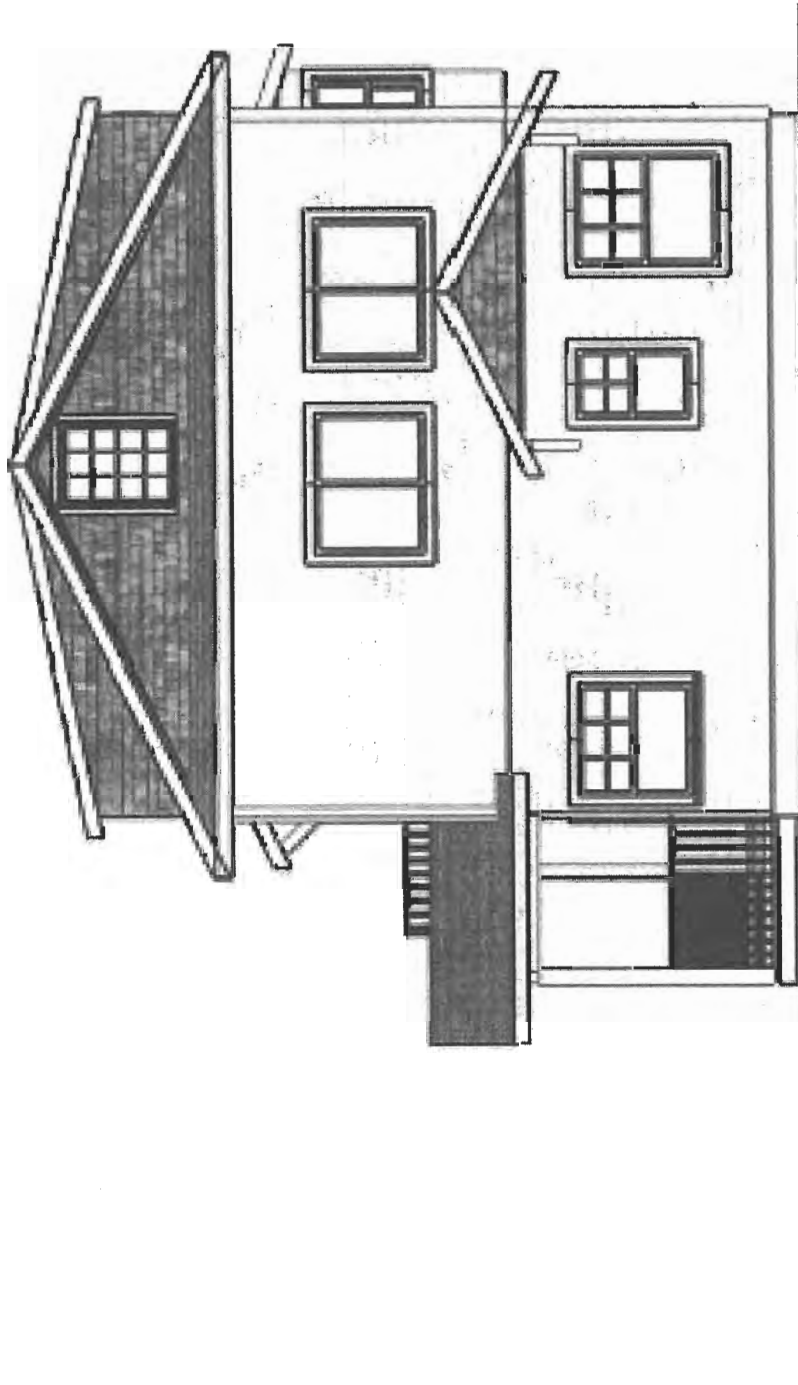
FRONT  
SECTION 3 JAN 21 2005



LEFT  
SCALE: 1/4" = 1'-0"



REAR  
Scale: 1/4" = 1'-0"



RIGHT  
SCALE 1/4" = 1'-0"