

**RESOLUTION NO. R-2020-087**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH,  
CALIFORNIA ACCEPTING AND ADOPTING THE CALIFORNIA COASTAL  
COMMISSION'S CERTIFICATION OF LOCAL COASTAL PLAN AMENDMENT LCP-  
3-PSB-20-0037-1 (RESIDENTIAL VERY HIGH DENSITY OVERLAY DISTRICT) WITH  
ADMINISTRATIVE CHANGES TO THE CERTIFIED LOCAL COASTAL PLAN LAND  
USE PLAN**

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**WHEREAS**, the City of Pismo Beach has initiated an update of the City's 1992 General Plan/Local Coastal Plan for the 2014–2019 Housing Element and has conducted workshops and meetings with members of the community and decision makers to assure public participation in the process; and

**WHEREAS**, the Housing Element update policies will provide the overall direction to meet the requirements of the State of California Housing and Community Development (HCD) agency; and

**WHEREAS**, the Housing Element update identifies sites to support a range of housing options including affordable housing; and

**WHEREAS**, the Planning Commission reviewed amendments to the 2014–2019 General Plan Housing Element at a duly-noticed public hearing at which all interested persons were given the opportunity to be heard on October 8, 2019, and recommended approval of the same; and

**WHEREAS**, the City Council adopted Resolution No. R-2019-086 adopting the 5<sup>th</sup> Cycle Housing Element of the General Plan and Mitigated Negative Declaration; and

**WHEREAS**, the California Coastal Commission on September 11, 2020 took action on the submittal and accepted the City of Pismo Beach LCP Amendment No. LCP-3-PSB-20-0037-1, subject to acceptance of proposed administrative modifications; and

**WHEREAS**, the City Council held a duly-noticed public hearing on October 6, 2020, at which all interested persons were given the opportunity to be heard on the required changes for certification of LCP-3-PSB-20-0037-1.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Pismo Beach, California hereby accepts and adopts the California Coastal Commission's modifications to LCP-3-PSB-20-0037-1, specifically modifying Land Use Plan Land Use Policy LU-2 and Table LU-3 as follows:

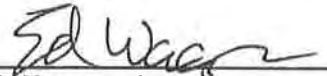
- a. LU-2 Residential Uses. Residential land uses include the categories of Low, Medium, High, and Very High densities. ...
- ...
- d. Densities. Permissible housing densities are established within four broad categories shown in table LU-3.

<b>Table LU-3</b>	
<b>Housing Categories and Density</b>	
<b>Category</b>	<b>Density</b>
Low Density	1 to 8 units per ac.
Medium Density	9 to 15 units per ac.
High Density	16 to 30 units per ac.
High Density with Residential Very High Density Overlay	Up to 50 units per ac. and up to 45 feet in height

**UPON MOTION OF** Mayor Pro Tem Howell, seconded by Council Member Blake, the foregoing resolution was adopted by the City Council of the City of Pismo Beach this 6<sup>th</sup> day of October 2020, by the following vote:

**AYES:**        5        Howell, Blake, Guthrie, Reiss, Waage  
**NOES:**        0  
**ABSENT:**    0  
**ABSTAIN:**   0  
**RECUSED:**   0

**Approved:**

  
 Ed Waage, Mayor

**Attest:**

  
 Erica Inderlied, City Clerk

**ORDINANCE NO. O-2020-008**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH,  
CALIFORNIA AMENDING TITLE 17 (1983 COASTAL ZONING CODE) ADDING  
CHAPTER 17.091 OF THE PISMO BEACH MUNICIPAL CODE ENTITLED  
RESIDENTIAL VERY HIGH DENSITY OVERLAY DISTRICT, AND REPEALING  
ORDINANCE NO. O-2019-009**

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**WHEREAS**, the City hereby creates a Residential Very High Density (RVHD) Overlay District in order to accommodate the City's Regional Housing Needs Allocation (RHNA) for the 2014–2019 General Plan Housing Element planning period as required by state law; and

**WHEREAS**, input from interviews conducted with a range of individuals who are familiar with or have a specific interest in residential development in Pismo Beach was used to craft this ordinance; and

**WHEREAS**, the RVHD Overlay District is tailored to enable well-designed very high density residential development consistent with the Housing Element; and

**WHEREAS**, the Planning Commission of the City of Pismo Beach held a regularly scheduled public hearing on October 8, 2019, for the purpose of considering amendments to the General Plan, Zoning Ordinance, and Zoning Map as part of the adoption of the City's 2014–2019 General Plan Housing Element, and recommended approval of the same to the City Council; and

**WHEREAS**, the City Council of the City of Pismo Beach adopted Ordinance No. O-2019-009 on December 3, 2019, for the above stated purpose, adding Chapter 17.091 to the Pismo Beach Municipal Code; and

**WHEREAS**, the California Coastal Commission on September 11, 2020 took action on the submittal and accepted the City of Pismo Beach LCP Amendment No. LCP-3-PSB-20-0037-1, subject to acceptance of proposed administrative modifications; and

**WHEREAS**, the City Council held a duly-noticed public hearing on October 6, 2020, at which all interested persons were given the opportunity to be heard on the required changes for certification of LCP-3-PSB-20-0037-1 (RVHD Overlay); and

**WHEREAS**, the City Council accepts the modifications approved by the California Coastal Commission for LCP-3-PSB-20-0037-1 (RVHD Overlay).

**NOW, THEREFORE**, the City Council of the City of Pismo Beach does ordain as follows:

## **SECTION 1.**

Chapter 17.091 of the Pismo Beach Municipal Code entitled Residential Very High Density (RVHD) Overlay District is hereby repealed and replaced in its entirety as follows.

### **Chapter 17.091 RESIDENTIAL VERY HIGH DENSITY (RVHD) OVERLAY DISTRICT**

#### **17.091.010 Purpose.**

The Residential Very High Density (RVHD) Overlay District serves to implement General Plan Housing Element policies of providing new housing that addresses affordable housing needs in the city by establishing development regulations and incentives for the development of higher density affordable housing projects.

#### **17.091.020 Applicability.**

The standards and regulations of this Chapter apply to areas designated with an RVHD overlay on the Zoning Map. Designation of a parcel or parcels with the RVHD overlay shall constitute an amendment to the Local Coastal Program's Implementation Plan, and shall require review and certification by the Coastal Commission. Any such amendment shall identify the maximum amount of development that can be accommodated pursuant to the RVHD overlay without adversely affecting coastal resources, including in terms of maximum building heights and maximum development envelopes, and such maximums shall be prescribed for any such parcels in subsection 17.091.050.G. Except as provided in this Chapter, all new structures and development, as well as alterations to existing structures, shall comply with the requirements and review procedures of the R-3 Zoning District.

#### **17.091.030 Affordable housing requirement.**

One hundred percent (100%) of the total number of residential units within the project, exclusive of units added by a density bonus awarded pursuant to state law, shall be provided at prices affordable to moderate-income or below households for a minimum of fifty-five (55) years.

#### **17.091.040 Density.**

Development within the RVHD Overlay Zone shall provide a minimum density of twenty (20) residential units per acre and shall not exceed a maximum density of fifty (50) units per acre, exclusive of units added by a density bonus awarded pursuant to state law.

**17.091.050 General development standards.**

- A. Building heights. No building or structure shall exceed thirty-five (35) feet in height above site grade except as provided below.
  - 1. Height exception. Buildings may be up to forty-five (45) feet in height where the Planning Commission finds that significant public views to and along the coast and other scenic areas are protected.
  - 2. Visual study required. In order to evaluate a proposed project's compliance with the above criteria, submittal of a visual study that substantiates the basis for granting a height exception is required.
- B. Minimum yard setbacks. Each lot shall have a front yard setback of not less than ten (10) feet. Other yard setbacks shall be provided in accordance with those otherwise required in the R-3 Zone.
- C. Maximum allowable lot coverage for all structures. Maximum allowable lot coverage limitations shall not apply.
- D. Maximum allowable total building floor area for all structures as a percentage of lot area. Maximum allowable total building floor area for all structures as a percentage of lot area shall not apply.
- E. Minimum planting and vegetation area (as a percentage of total lot area). A minimum of ten percent (10%) of the total lot area shall consist of planting and vegetation area.
- F. Minimum lot area per family unit. Minimum lot area per family unit requirements shall not apply.
- G. Site-specific development standards. In no case, including with respect to any otherwise permissible development deviation/exception/variance, shall development exceed the following site-specific development standards.
  - 1. Development at 855 4th Street (APN 005-242-019) under the RVHD overlay shall be limited to a maximum height of forty-five (45) feet.

**17.091.060 Parking.**

Parking shall be provided pursuant to Chapter 17.108, Off-Street Parking and Loading Requirements, except as provided below.

- A. Minimum off-street parking requirements. Minimum off-street parking requirements, inclusive of accessible parking and guest parking, shall

comply with California Density Bonus Law (California Government Code Section 65915).

- B. Configuration. Parking spaces may be covered or uncovered and may be provided in a tandem configuration provided no more than two vehicles shall be placed one behind the other and both spaces shall be assigned to a single dwelling unit.

**17.091.070 Open/amenity space.**

Open/amenity space shall be provided as follows.

- A. Amount. A minimum of sixty (60) square feet of open/amenity space shall be provided per unit.
- B. Type of open/amenity space. The required open/amenity space may be provided as private open space or common amenity space.
- C. Minimum dimensions.
  - 1. Private open space. Private open space located on the ground level (e.g., yards, decks, patios) shall have no dimension less than eight (8) feet. Private open space located above ground level (e.g., balconies) shall have no dimension less than six (6) feet.
  - 2. Common amenity space. Common amenity space, whether provided as outdoor or indoor space, shall have minimum horizontal dimensions of twenty (20) feet.
- D. Configuration.
  - 1. Private open space and outdoor common amenity space.
    - a. Private open space and outdoor common amenity space shall be unoccupied by main or accessory buildings, parking areas, driveways, and loading areas and be open and unobstructed to the sky.
    - b. A surface shall be provided that allows convenient use for outdoor living and/or recreation. Such surface may be any practicable combination of lawn, garden, flagstone, wood planking, concrete, decking, or other serviceable, dust-free surfacing.
    - c. Slope shall not exceed ten percent (10%).

2. Indoor common amenity space. Indoor common amenity space shall consist of common areas providing services to residents such as meeting and community rooms, community kitchen, daycare and other social service areas, gyms and other indoor recreation areas, and computer labs/media rooms.

E. Accessibility.

1. Private open space. Private open space shall be accessible to only one living unit by a doorway to a habitable room or hallway.
2. Common amenity space. Common amenity space shall be accessible to all of the living units on the lot.

**SECTION 2.**

Ordinance No. O-2019-009 is hereby repealed in its entirety.

**SECTION 3.**

Under the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15070, a Draft Initial Study/Mitigated Negative Declaration for the 2014–2019 General Plan Housing Element was produced and distributed for public review from July 18, 2019 to August 16, 2019. No significant impacts were identified as a result of the project and no comments from public agencies were received.

**SECTION 4.**

This ordinance shall not be interpreted in any manner to conflict with controlling provisions of state or federal law, including, without limitation, the Constitution of the State of California. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. If this ordinance, or any section, subsection or clause of this ordinance shall be deemed unconstitutional or invalid as applied to a particular appeal, the validity of this ordinance and its sections, subsections, and clauses in regard to other contracts shall not be affected.

**SECTION 5.**

This ordinance shall become effective on the thirtieth (30<sup>th</sup>) day following passage and adoption hereof.

**SECTION 6.**

The City Clerk shall certify to the passage and adoption of this 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 fifteen (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.

**INTRODUCED** at a regular meeting of the City Council held this 6<sup>th</sup> day of October, 2020, on motion of Mayor Waage, seconded by Mayor Pro Tem Howell, and on the following roll call vote, to wit:

**AYES: 5 Waage, Howell, Blake, Guthrie, Reiss**  
**NOES: 0**  
**ABSENT: 0**  
**ABSTAIN: 0**  
**RECUSED: 0**

Approved:

  
Ed Waage, Mayor

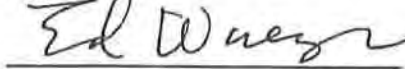
Attest:

  
Erica Inderlied, City Clerk

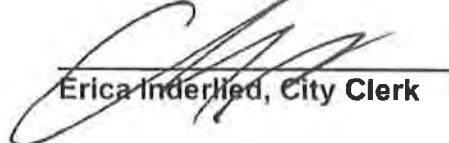
**ADOPTED** at a regular meeting of the City Council held this 20<sup>th</sup> day of October, 2020, on motion of Mayor Pro Tem Howell, seconded by Council Member Reiss, and on the following vote:

**AYES: 5 Howell, Reiss, Blake, Guthrie, Waage**  
**NOES: 0**  
**ABSENT: 0**  
**ABSTAIN: 0**  
**RECUSED: 0**

Approved:

  
Ed Waage, Mayor

Attest:

  
Erica Inderlied, City Clerk

**APPROVED AS TO FORM:**

  
David M. Fleishman, City Attorney

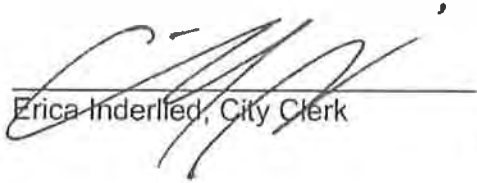


**CERTIFICATION OF ORDINANCE POSTING**  
Government Code §40806

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

I, Erica Inderlied, the City Clerk of the City of Pismo Beach, California, hereby certify in accordance with California Government Code Section 40806 that the foregoing document is a true and correct copy of **Ordinance No. O-2020-008**, titled **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH, CALIFORNIA AMENDING TITLE 17 (1983 COASTAL ZONING CODE) ADDING CHAPTER 17.091 OF THE PISMO BEACH MUNICIPAL CODE ENTITLED RESIDENTIAL VERY HIGH DENSITY OVERLAY DISTRICT, AND REPEALING ORDINANCE NO. O-2019-009**, and that I caused the same to be duly posted in three public places within the City within fifteen (15) days of adoption thereof, pursuant to the requirements of California Government Code Section 36933.

Dated this 22<sup>nd</sup> day of October, 2020. Witness my hand and official seal.

  
Erica Inderlied, City Clerk

