

CALIFORNIA COASTAL COMMISSION

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



F10b

Prepared September 6, 2022 for September 9, 2022 Hearing

To: Commissioners and Interested Persons

From: Dan Carl, Central Coast District Director
Katie Butler, District Supervisor

**Subject: Additional hearing materials for F10b (City of Pismo Beach LCP
Amendment Number LCP-3-PSB-22-0018-2 – St. Andrews Tract Setback
Changes)**

This package includes additional materials related to the above-referenced hearing item as follows:

Additional correspondence received in the time since the staff report was distributed

From: CentralCoast@Coastal
To: [Butler, Katie@Coastal](mailto:Butler,Katie@Coastal)
Subject: Fw: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks).
Date: Monday, August 29, 2022 9:40:39 AM

From: John Sherwood <jsherwd@gmail.com>
Sent: Friday, August 26, 2022 6:03 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks).

As a homeowner in the St. Andrews Tract I encourage you to approve the proposal to bring our setback requirements in line with the rest of Pismo Beach. This action will have a negligible impact on our neighborhood and no negative impact on the public's coastal access.

Thank you for your consideration,

John Sherwood
189 Seacliff Drive
Shell Beach, CA 93449
310/663-2000

From: CentralCoast@Coastal
To: Butler_Katie@Coastal
Subject: Fw: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks)
Date: Wednesday, August 31, 2022 10:46:51 AM

From: Ron Penir <penir@sbcglobal.net>
Sent: Wednesday, August 31, 2022 10:44 AM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Cc: Ron Penir <penir@sbcglobal.net>
Subject: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks)

California Coastal Commissioners,

I am writing to you today in regard to the Pismo Beach LCP Amendment for the St. Andrews zone. We have owned our home here here in St. Andrews since August of 2018. When we purchased our home there never was a mention of the restrictions regarding setbacks and stepbacks. I have a fair amount of experience in real estate and finance and would never have thought to look at a city's General Plan to find this level of detail, especially for such an obscure and arbitrary restriction. I have always thought of a General Plan as being exactly that, general, broad, and spells out a vision and direction. A requirement as rigid as this one should only exist, if at all, in the city's municipal code. This would at least allow the city to be able to issue a variance if the need was demonstrated, however I am in complete support of the LCP Amendment.

As it relates to my home, I assume my house conforms to the existing stepback requirements. Should I entertain a substantial remodel down the road, I would hope that I would have the ability to retain my home's existing second story as all other neighborhoods have that same ability to do so. (outside of the St. Andrews zone)

I support the City of Pismo Beach's LCP Amendment for the St. Andrews zone and I urge you to vote in approval of it.

Ron Penir
805-709-FICO (3426)
170 Naomi Ave.
Pismo Beach, Ca 93449

From: CentralCoast@Coastal
To: [Butler, Katie@Coastal](mailto:Butler,Katie@Coastal)
Subject: Fw: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks)
Date: Thursday, September 1, 2022 12:09:41 PM

From: Loch Soderquist <lochsoderquist@gmail.com>
Sent: Thursday, September 1, 2022 9:23 AM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks)

My name is Loch Soderquist, I live in the St. Andrews tract with my family. I am also the architect that designed the project on Naomi that brought the need for a General Plan revision to the attention of the Planning Commission & City Council.

A setback requirement that is based on the pre-existing home & garage setbacks creates an inequity, it penalizes select homeowners with excessively large setbacks. Setbacks in my neighborhood range from 8' to 51'. The city's existing 20' setback is standard to all other residential neighborhoods, providing a fair and uniform requirement.

The 2nd story step back requirement has had the unintended consequence of creating a great number of existing non-conforming residences. Many homeowners would technically be forced to remove large portions of their 2nd story if they ever chose to do a major remodel, this certainly seems unfair. The City already has a standard for 2nd story massing for every other home in the City, why not apply that to the St. Andrews Tract?

I urge you to support the City of Pismo Beach Planning Commission, the City Council, and the Coastal Commission staff's recommendation, and approve the General Plan Amendment without delay (originally on the consent calendar). The amendment is consistent with, and adequate to carry out Chapter 3 of the Coastal Act.

Respectfully,

Loch Soderquist
808 895 2682

From: CentralCoast@Coastal
To: [Butler, Katie@Coastal](mailto:Butler,Katie@Coastal)
Subject: Fw: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks) California Coastal Commissioners, My family and myself live at 123 Baker Avenue in Pismo Beach and...
Date: Thursday, September 1, 2022 12:31:22 PM

California Coastal Commissioners,

My family and myself live at 123 Baker Avenue in Pismo Beach and we love our little community. We have a home that has about a 55' setback and have limited options for expansion. We can't go towards the street since there are setback requirements that force us to retain the pre-existing one. We looked at adding a second story but with the 10' step-back that is also required, we don't have enough room. So we are pretty much stuck without any options.

I hope that you will approve the Local Coastal Plan Amendment for Saint Andrews and allow families to have options besides selling and moving. We should have the same ability to enjoy and expand our homes as the other neighborhoods in Pismo Beach have. I have no idea how this was approved to begin with, and I highly doubt if you would approve such a restriction if it were proposed today.

Thank you for your time and consideration,

Michele Benson

From: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Sent: Thursday, September 1, 2022 12:29 PM
To: Michelle Benson <mm_benson@yahoo.com>
Subject: Re: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks) California Coastal Commissioners, My family and myself live at 123 Baker Avenue in Pismo Beach and...

No Problem! Your comment will be noted.

Thank you.

From: Michelle Benson <mm_benson@yahoo.com>
Sent: Thursday, September 1, 2022 12:28 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Re: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks) California Coastal Commissioners, My family and myself live at 123 Baker Avenue in Pismo Beach and...

Sorry I wanted to make sure I got the subject line correct !!! -Michelle

Sent from my iPhone

On Sep 1, 2022, at 12:24 PM, CentralCoast@coastal.ca.gov wrote:

Hi Michelle,

Could you please re-send your comment? Unfortunately it didn't arrive in it's entirety.

Thank you!

From: Michelle Benson <mm_benson@yahoo.com>

Sent: Thursday, September 1, 2022 12:21 PM

To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>

Subject: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks)
California Coastal Commissioners, My family and myself live at 123 Baker Avenue in Pismo Beach and we ...

Sent from my iPhone

From: CentralCoast@Coastal
To: [Butler, Katie@Coastal](mailto:Butler,Katie@Coastal)
Subject: Fw: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks).
Date: Friday, September 2, 2022 9:46:35 AM

From: Richard Mittry <outlook_07772F09C8EC8363@outlook.com>
Sent: Thursday, September 1, 2022 7:48 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks).

Dear Coastal Commission,

I am the owner of the home at 171 Naomi in Pismo Beach. I apologize for not being able to be present at the meeting, but due to my health and age related issues it is safer for me to send someone to represent me. I will have Frances Romero with TW Land Planning speaking on my behalf.

Thank you for your consideration on the city's matter.

Sincerely,
Richard Mittry

Sent from [Mail](#) for Windows

From: CentralCoast@Coastal
To: [Butler, Katie@Coastal](mailto:Butler,Katie@Coastal)
Subject: Fw: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks)
Date: Thursday, September 1, 2022 1:13:45 PM

From: Brian Kreowski <BrianK@sblg.legal>
Sent: Thursday, September 1, 2022 1:01 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks)

Honorable Coastal Commissioners:

My family and I have lived in Shell Beach and the St. Andrews tract for many years. We truly enjoy the character of our coastal neighborhood. Prior to reviewing the Local Coastal Plan, I didn't realize what an incongruity of setbacks that our planning area has. One would have never thought that the existing setbacks would hamper property owners' use and enjoyment of their property.

Having been worked with the Coastal Commission and Staff, while serving as President of the Port San Luis Harbor Commission and developing the Local Coastal Plan Update for Avila Beach, I know the importance of consistency in planning. I have reviewed the Proposed Local Coastal Plan Amendment and I fully support it. The proposed changes are reasonable and necessary and promote consistency and fairness, in allowing for homeowners' use and enjoyment of their property. The disparate enforcement of excessive setbacks and the step back rule, upon certain properties in our neighborhood, is punitive to those homeowners and is certainly unfair. I have heard no concerns expressed by my neighbors, or within our neighborhood, concerning the Local Coastal Plan Amendment. Rather, I know many in our neighborhood who welcome it. With housing shortages in our area, it seems prudent to allow more homeowners the ability to add an ADU or expand their living environment (in a reasonable manner of course). My understanding is that the neighborhood and planning area, would still have the same setback requirements, as the rest of the city of Pismo Beach. It is quite incongruous to establish a special rule, which serves no real planning purpose, just for our small planning area.

I have always and will always advocate for equal treatment under the law and rules developed pursuant to the law. As a long standing St. Andrews tract resident I fully support the LCP amendment as advancing the goal of equal treatment and I, therefore, ask you to vote in favor of it.

Best regards,

Brian Craig Kreowski

From: CentralCoast@Coastal
To: [Butler, Katie@Coastal](mailto:Butler,Katie@Coastal)
Subject: Fw: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks)
Date: Friday, September 2, 2022 12:22:24 PM

From: keone.kauo@gmail.com <keone.kauo@gmail.com>
Sent: Friday, September 2, 2022 12:21 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: Public Comment on September 2022 Agenda Item Friday 10b - City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2 (St. Andrews Tract Setbacks)

Coastal Commissioners,

We request your support of the City of Pismo Beach General Plan Amendment. We live in the St. Andrews tract and we support the ability to move the garage forward from it's original location when there is room to expand while still maintaining standard street setbacks. For our lot, requiring an owner to keep a 61' driveway seems very excessive and a waste of possible living space when the rest of Pismo Beach does not have this restriction. Please allow the St. Andrews Tract to have the same requirements as the rest of Pismo Beach and approve the City's General Plan Amendment.

Keone Kauo
165 Naomi Avenue
Pismo Beach, CA 93449

From: CentralCoast@Coastal
To: Butler_Katie@Coastal
Subject: Fw: LCP-3-PSB-22-0018-2
Date: Friday, September 2, 2022 1:18:05 PM

From: Claire <clairegrether@charter.net>
Sent: Friday, September 2, 2022 1:17 PM
To: CentralCoast@Coastal <CentralCoast@coastal.ca.gov>
Subject: LCP-3-PSB-22-0018-2

To: California Coastal Commission

This memo addresses the request by the City of Pismo Beach to modify the LCP's Land Use Plan for our neighborhood, the St. Andrews Tract. Please consider our concerns before taking action on the proposed amendment (St. Andrews Tract Setbacks).

1. In 2012 the Pismo Beach City Council adopted new land use guidelines for the St. Andrew's Tract Land Use Planning Area E. When the new land use guidelines were created, it was for the following reasons:

St. Andrew's is an established residential neighborhood. The policy changes were recommended and approved so that the front yards retain their setbacks for home additions and reconstruction of existing homes. As new structures are to be developed the 2012 guidelines will cause the new structures to be set back in a pattern that is similar to the setbacks that are seen up and down the current streets.

The City found that these new guidelines will facilitate new structures as they are being built which will fit into the neighborhood better.

We believe that these guidelines were put in place in 2012 to maintain our neighborhood's cohesiveness and our community's character.

2. Why would the Coastal Commission address this issue now when the City of Pismo Beach will be working on an update for the entire City within the next six months?

Please vote no on the proposed amendment LCP-3-PSB-22-0018-2.

Claire and Rick Grether, Paddock Ave., Resident since 2007
Tara and Mike Dunham, Paddock Ave., Resident since 2000
Darlene Tunney, Paddock Ave., Resident since 1969
Barbara Lane, Paddock Ave., Resident since 1979
Linda and Brent Keetch, Paddock Ave., Resident since 1972
Sharon and Jim Deck, Coburn Ave., Resident since 2017
Marlene and Harvey Goodman, Paddock Ave., Resident since 1990
Jay and Judy Chapel, Baker Ave.
Marian Gregory, Naomi Ave., Resident since 1962
Sally Krenn, Baker Ave., Resident since 1984
Thank you for all you do.



TW LAND PLANNING & DEVELOPMENT, LLC

VENTURA (CORPORATE)

1068 E. Main Street, Suite 225

Ventura, CA 93001

Ph: (805) 698-7153

SANTA BARBARA

903 State Street, Suite 202

Santa Barbara, CA 93101

SANTA MARIA/ORCUTT

195 S. Broadway Street, Suite 209

Orcutt, CA 93455

September 2, 2022

California Coastal Commission

725 Front Street #300

Santa Cruz, CA 95060

**RE: September 9 Agenda, Central Coast District
10.b. City of Pismo Beach LCP Amendment No. LCP-3-PSB-22-0018-2
(St. Andrews Tract Setbacks)**

Dear Coastal Commission,

I am a Senior Planner with TW Land Planning & Development & agent for Richard Mittry who's trust owns 171 Naomi. My letter will walk you through the process since our initial submittal for context that I will not be able to provide during public comment.

I was hired to work on this project so that Councilman Scott Newton would not be processing this project in the City of Pismo Beach on behalf of his stepfather. Although Mr. Newton is totally capable of processing a General Plan Amendment application, he did not want to put staff in an uncomfortable position or create an appearance that could cause the public to wonder about the integrity of the City's process. Despite claims otherwise, Mr. Newton has no ownership interest in this property, it is owned by his parent's trust; he only has a first right of refusal to purchase the home once it is built.

We found the unusual text adopted as part of a General Plan Amendment on January 1, 2012, LU-E-I a., that required the lots in the St. Andrews Tract to maintain their pre-existing/original setbacks. This meant we had to maintain a 42' setback due to location of the existing garage while all other homes in the City only have a 20' front yard setback. When we consulted with City Staff, they indicated that a General Plan Amendment (GPA) would be needed if we did not want to wait until 2025 for the possible adoption of the next GP update. My client is over 80, so he opted for a faster process.

After I reviewed the project plan, it was clear that "but for" this General Plan Ordinance this would be a classic variance case due to the lot's pie shape. The language is incorrectly located in the General Plan which should be "general" & not specific to a small neighborhood. Language relating to a specific neighborhood is better placed in the Municipal Code or a Specific Plan. Figure LU-3, Neighborhood Planning Areas from the City's Land Use, Final Draft, December 2020 document is included here for context & your reference. Please note the orange area – St. Andrews/Spindrift (St. Andrews is approximately 2/3 of this area to the west):

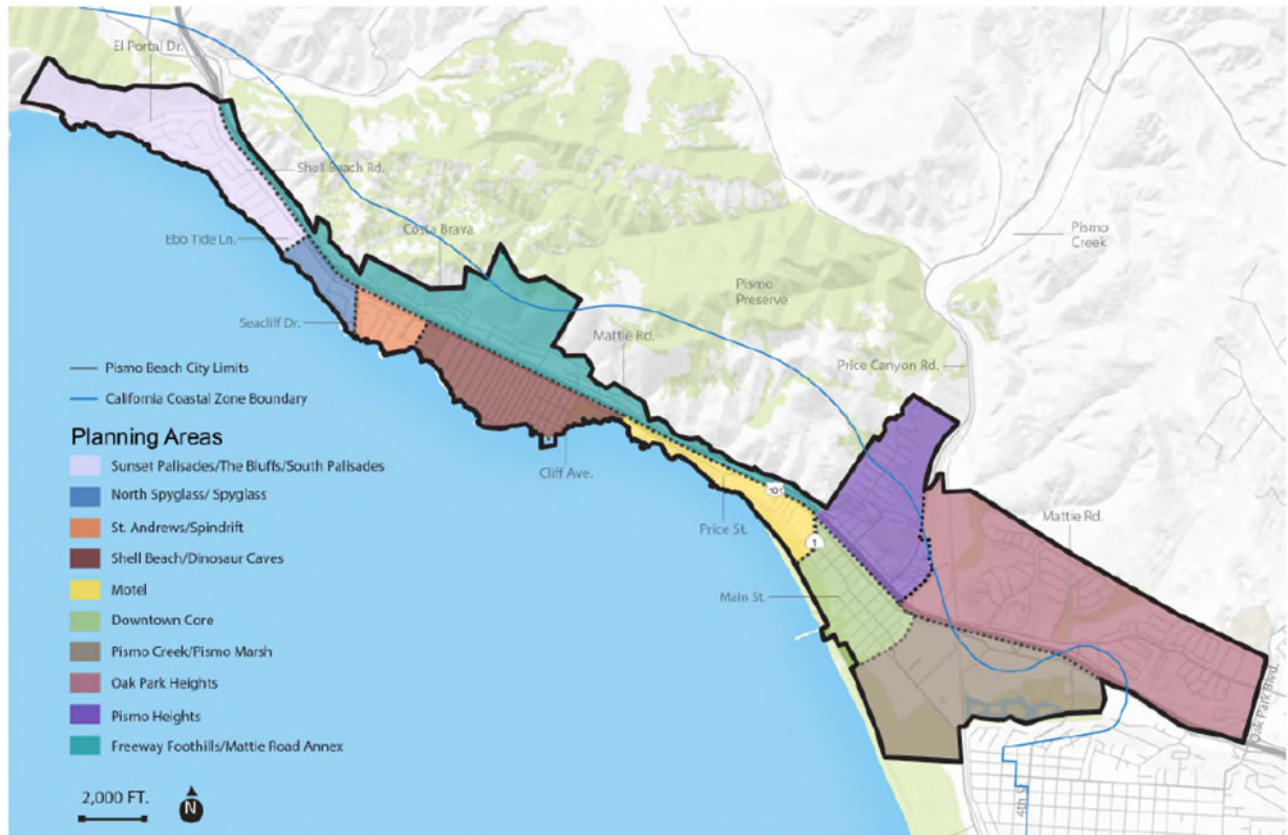


Figure LU-3, Neighborhood Planning Areas

Our architect did a thorough lot analysis that considered the spirit of the ordinance related to existing setbacks & for the second story setback when he designed the home at 171 Naomi. The architect needed to balance the spirit of the law & the constraints of the parcel. Our highest design priorities were to not impact our neighbor's view, which we believe was the intent of the setback language & to provide good architecture which is achieved through varied front yard setbacks & use of high-quality materials.

The first image below show includes a blue strip across the front yards which is 20' wide, the standard used for every other home in the City. The approved home is placed on the lot to ensure no negative impacts to the neighbor's view. Every neighbor (40) from the surrounding homes sent letters of support to the City for the new home, which is rather rare these days.



The second image shows the view corridor from the next-door neighbor located at 165 Naomi. Mr. Keoni Kauo has reviewed the plans throughout the process & supports the design. He has spoken in favor of the home at hearing & has submitted written comments in support of this project.



The second issue for our project was a requirement for the 2nd story to be setback 10' from the 1st story (LU-E-I b.) *"For additions or reconstructions of existing homes and the construction of new homes. A front elevation minimum 10' building setback from the most prominent first floor wall to the second floor"*. Only one home has been built to conform to this requirement since its adoption on January 1, 2012. Twenty (20) out of the 24 two (2)-story homes are legal non-conforming in the St. Andrews Tract. This includes single family residences, apartments, & even the City's fire department. The City of Pismo already has a requirement in place for the rest of the City that limits 2nd stories to 80% of the square footage of the first-story. Requiring an arbitrary 10' setback serves no purpose yet creates an expensive negative impact on anyone who decides to remodel their legal non-conforming home.

As we prepared for the Planning Commission hearing, a petition signed by 40 property owners from the St. Andrews Tract. The appeal of the Planning Commission was by someone who doesn't even live the tract. Other opposition has also come from outside of the tract as well.

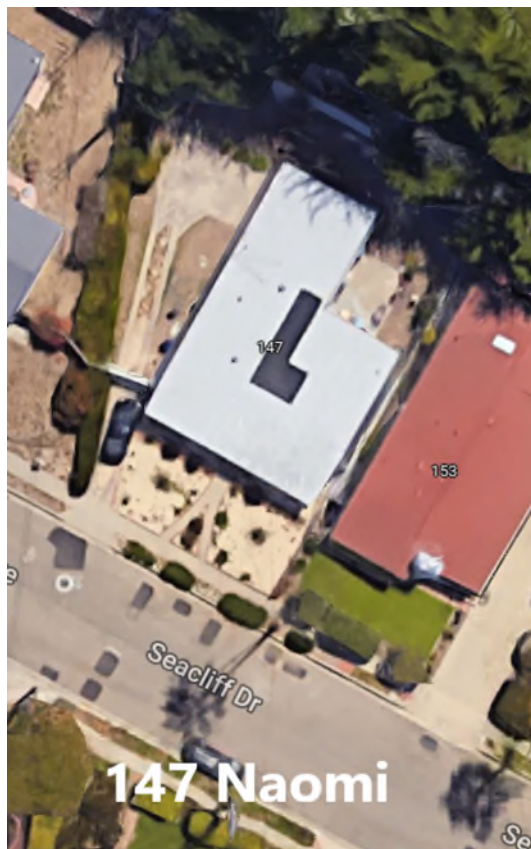
As we prepared for our Planning Commission hearing, it became clear that my client was not the only one in the St. Andrews Tract with a problem. The Planning Commission invested a lot of time & had extended conversations about the needs of the one applicant vs. the entire neighborhood. They received written testimony from a past Planning Commissioner who stated that there was no analysis at the time that this language was included in the General Plan, the video tape confirmed that there was no discussion of the change either. The former Planning Commission who voted on this language, did so

under a false assumption that it had been properly analyzed & had no idea of the number of legal non-conforming structures the action would create.

Thankfully, the City's Planning Commission recognized the negative impacts of these requirements & the prior process & correctly exercised their obligation to the community by expanding the applicant-driven General Amendment request to the entire St. Andrews Tract to correct a long-standing ordinance that received no public notice or scrutiny when it was adopted. The Planning Commission was unanimous in their decision. Correcting this mistake will eliminate many issues for the residents of St. Andrews & the City.

I would like to share a few images to highlight the real-life impacts of this restriction as well as its potential conflict with the State's ADU & SB9 laws.

These two images are of homes that have their garage at the rear of their property. How could they add an ADU within the Coastal Zone? The City requires enclosed parking & due to the setback requirement, a new garage could not be constructed in front of the existing garage. It appears that they do not have the ability to convert their existing garage into an ADU.



Here are just a few examples of the many 2-story legal non-conforming single-family residences. It should be noted that all these examples were either built or had major remodels after the adoption of the standard which was not applied.





Legal Non-conforming Apartments





City's Fire Department



This final image depicts the homes that have a legal non-conforming 2nd story stepback & others that have excessive existing setbacks beyond that of the usual City-wide setbacks enjoyed by the balance of the City, 171 Naomi is outlined with a bold black outline. As you can see, the stepback & setback requirements should never have been adopted. As previously stated, confirmed on video of the hearings, & the written & verbal testimony of past decision-makers, no one analyzed the impacts prior to the addition of these requirements, which was done after the vast majority of the neighborhood was developed.



ST. ANDREWS TRACT STUDY

We hope that you will agree with the City Staff's recommendations, the Planning Commission, the neighbors/owners of legal non-conforming homes, & the City Councilmembers who want to correct this mistake that places an undue burden on much of the neighborhood. Thank you for your consideration & service.

Sincere regards,

Frances A Romero

Frances Romero, Senior Planner
TW Land Planning & Development

August 31, 2022

California Coastal Commission
Central Coast District
725 Front Street, suite 300
Santa Cruz, CA 95060

RECEIVED

SEP 03 2022

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Commissioner Linda Escalante

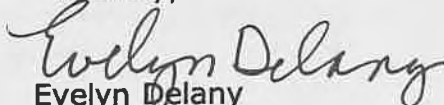
I am OPPOSED to the proposed modification of development standards in the St. Andrews neighborhood in Pismo Beach, **F10b**.

St. Andrews is a very nice neighborhood, and I/we would like to keep it that way. Each remodel has been unique and adds to the pleasant character of the neighborhood. Why let down our guard, and allow it to become mundane and overbuilt.

This proposed amendment is the brainchild of Scott Newton, a newly elected City Council member. He and his family are major developers in the region. They own more than one house in the St. Andrews neighborhood. Their most recent development proposal is a tear-down and complete rebuild to a monstrous 3500 square foot, multistory Mc Mansion on Naomi Street, which is completely out of character to the rest of the neighborhood. It will stand out like a sore thumb, or worse.

Please vote to deny the proposed setback changes and keep the existing standards in place.

Sincerely,



Evelyn Delany
128 Seacliff Drive
Pismo Beach CA 93449