REVISED

# SUNSET PALISADES/ONTARIO RIDGE SPECIFIC PLAN

Final Adoption By the City of Pismo Beach

January 22, 1990

Resolution Number
90-07

Incorporating
Modifications Required by the
California Coastal Commission
December 15, 1989
as City of Pismo Beach
Major Local Coastal Plan Amendment
No. 1-89

REVISED

# SUNSET PALISADES/ONTARIO RIDGE SPECIFIC PLAN

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L. Resolution Declaring Its Intention With Respect to the City's Acceptance of Easements for Pedestrian and Bicycle Ingress and Egress Over and Across Lot B. (Resolution No. R-89-120).

M. A Resolution of the City Council of the City of Pismo Beach Approving Minor Modifications to Vesting Tentative Tract Map No. 1618 and the Specific Plan for the Ontario Ridge Property, Approving the Revised Vesting Tentative Tract Map No. 1618 and the Revised Specific Plan, and Authorizing the Filing of a Notice of Determination for Previously Approved Environmental Impact Report. (Resolution No. R-90-07).

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O. A Resolution of the City Council of the City of Pismo Beach Approving and Adopting Minor Modifications to the City's General Plan/Local Coastal Land Use Plan with Respect to the Ontario Ridge Property. (Resolution No. 90-13).

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# SUNSET PALISADES/ONTARIO RIDGE SPECIFIC PLAN

## A. Description/Location/Background:

The Ontario Ridge Specific Plan is a component of the certified Pismo Beach General Plan/Local Coastal Program (GP/LCP). Upon certification by the Coastal Commission it amends and adds to the Sunset Palisades Planning Area A. The Local Coastal Program (LCP), comprised of the Land Use Plan and the Zoning Ordinances which implement it, provides overall policies and standards for development of the Ontario Ridge area. This Specific Plan provides additional guidelines and standards developed for this area, consistent with the Public Resources and Government Codes.

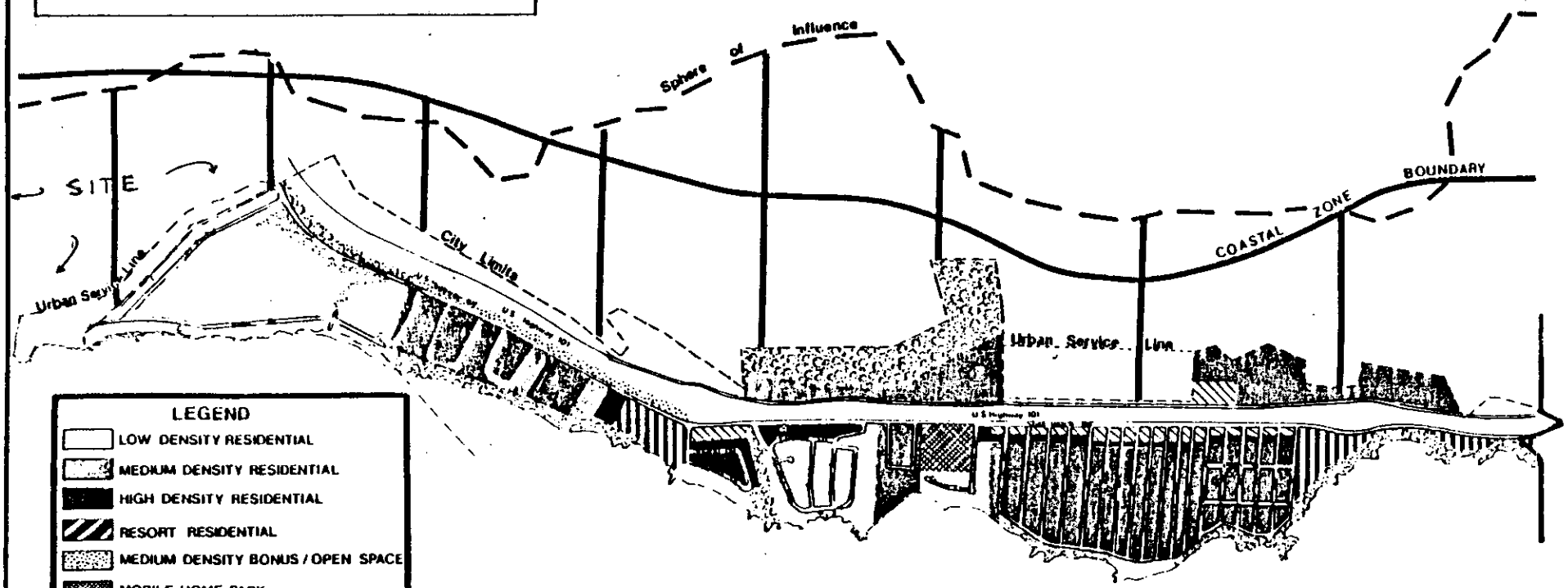
Geographically, the site consists of an ocean front area extending north from the Sunset Palisades area of Shell Beach and climbs landward nearly to the top of Ontario Ridge. (See Figure 2) The highest elevation is approximately 730 feet above sea level. The property also extends easterly behind the portion of the Sunset Palisades community fronting El Portal Drive to the Caltrans right-of-way for Highway 101.

## B. Purpose:

The 107 acre Ontario Ridge City territory is currently subdivided into two existing lots of record and a small portion of a third existing parcel. One lot comprises the property ocean ward of Cave Landing Road and is approximately 9.1 acres in size. The remainder of the property lies landward of Cave Landing Road and is comprised of approximately 98 acres including the area of Cave Landing Road which runs parallel to El Portal Drive, which is proposed to be vacated. This Specific Plan contains a coordinated development plan to subdivide the newly annexed City territory into 25 parcels. These would consist of 23 large residential lots of at least 1 acre in size, 1 open space parcel of approximately 53 acres on the upper slopes, and 1 ocean front open space/recreational parcel of approximately 9.1 acres in size (Figure 4).

# The City Of PISMO BEACH

# General Plan 1980-1995




LEGEND

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- RESORT RESIDENTIAL
- MEDIUM DENSITY BONUS / OPEN SPACE
- MOBILE HOME PARK
- RESORT COMMERCIAL
- COMMERCIAL
- PUBLIC / SEMI-PUBLIC
- OPEN SPACE
- ROADS
- URBAN RESERVE
- INDUSTRIAL
- AGRICULTURE

0 600' 1200' 2400'

**FIGURE 1**
**PISMO BEACH**
**GENERAL PLAN**

JOHN L. WALLACE & ASSOCIATES
*CONSULTING CIVIL ENGINEERS*

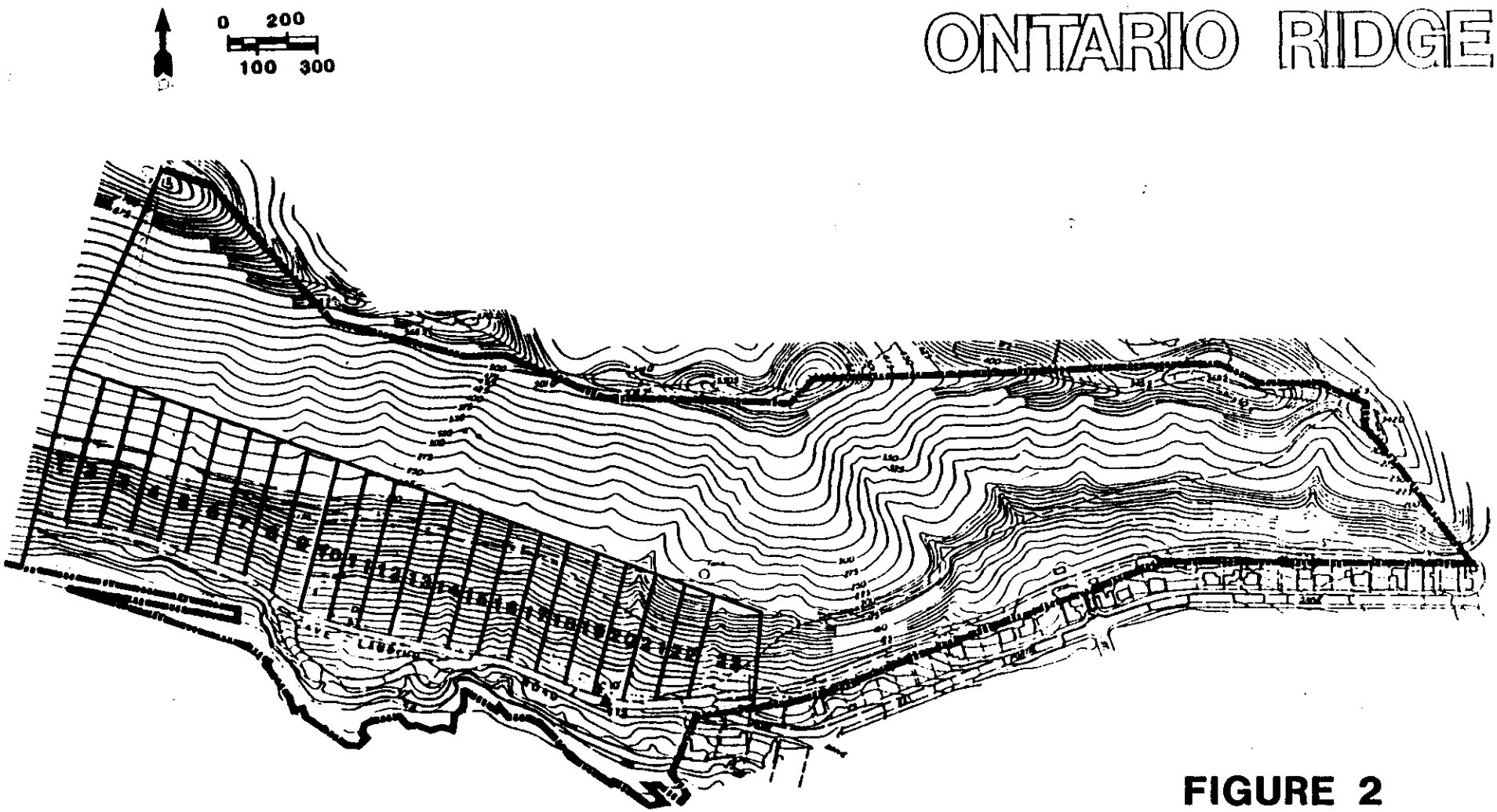



**FIGURE 2**

**PROPOSED ANNEXATION PROJECT SITE**

JOHN L. WALLACE & ASSOCIATES

# ONTARIO RIDGE

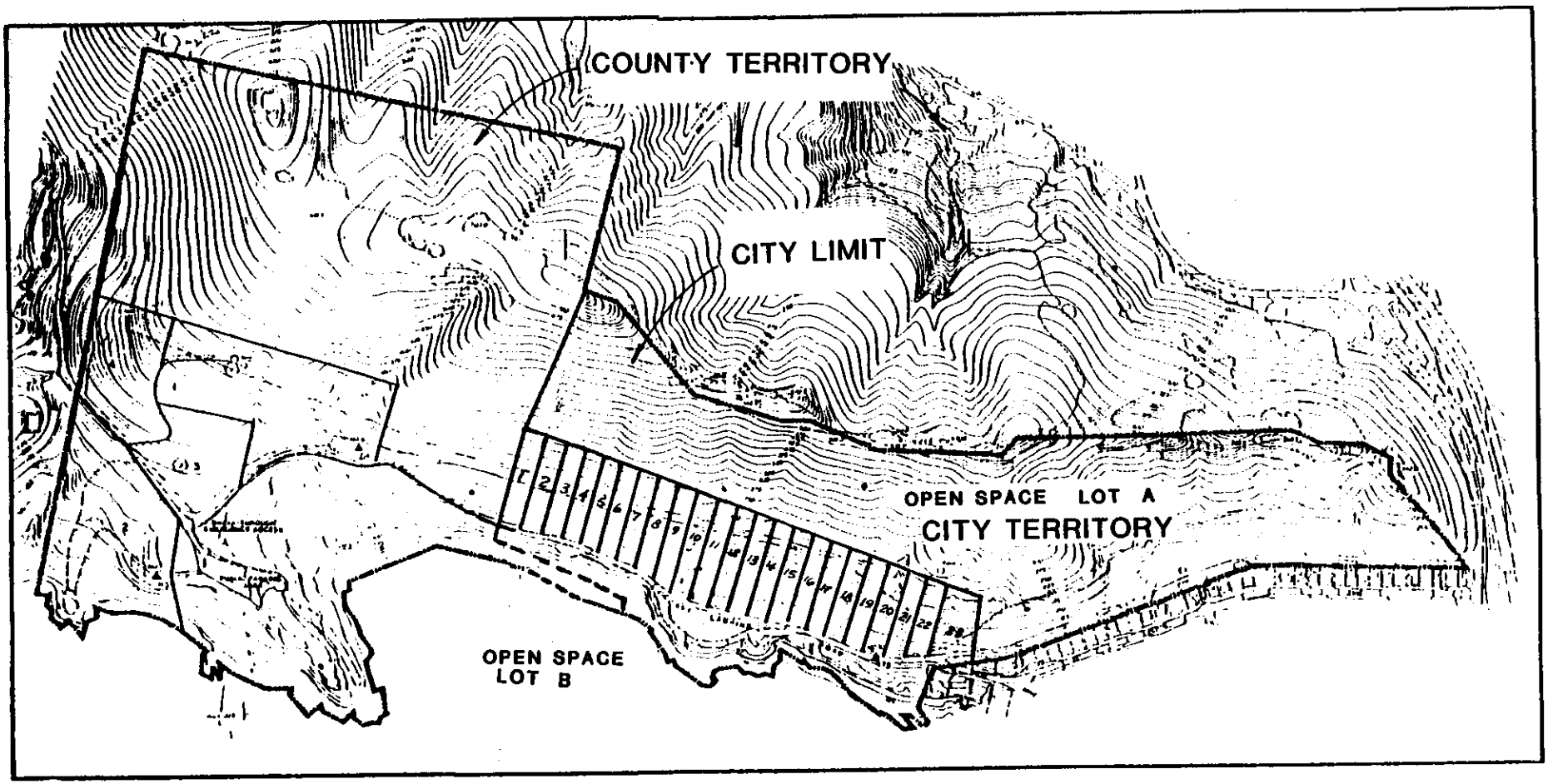



**FIGURE 3**
**ONTARIO RIDGE PROJECT**
**CITY AND COUNTY TERRITORY**

JOHN L. WALLACE & ASSOCIATES

CONSULTING CIVIL ENGINEERS

C. Land Use Plan Concepts:

The certified GP/LCP anticipated annexation of the Ontario Ridge area during the 1990-1995 timeframe, and placed a tentative land use designation of agriculture on the property. The following land uses for the annexation area, as shown on Exhibit 5, are consistent with these existing land uses:

- Open Space - Lot A - Allowable land uses would include agricultural grazing, consistent with the provisions of the LCP and this Specific Plan. No barns or other structures are permitted in this area except as designated in this Specific Plan.

- Open Space - Lot B - Public access and recreation area along the bluff top.

- Limited Low Density Residential - Lots 1 through 23 - Estate size lots (1 acre minimum) to be developed along the base of the hill below the 200 foot contour and on slopes of less than 30 percent.

1. Land Use Designations

   a. Open Space Parcel Lot A, containing the portion of the property in the upper slopes, will be designated Open Space categories 1c, 2b, 3a and 4e, as shown in the General Plan. These categories are defined on pp. III - 122, 123 of the General Plan as follows:

      1c. General Open Space: Environmentally Sensitive: Points or areas which may contain special resources which require special consideration.

      2b. Undeveloped Land: Inappropriate for development. These are open space areas which, due to special circumstances, such as steep slope, flooding or other constraints, are deemed inappropriate for development.

      3a. Potential Hazards Areas: Landslide, earthquake fault zone, liquefaction, over 30% slope: Areas potentially subject to these hazards.

4e. Open Space on Private Land: Agriculture/Grazing: These are open space areas which are expected to continue in private agricultural land use.

b. Residential Lots 1 - 23, the residential area above Cave Landing Road, will be designated Limited Low Density Residential. This land use category is a new residential land use designation and will be used in order to limit the number of residential units to a maximum of 23 units. A use program and specific definition of this area will be found in Appendix A.

c. Open Space Lot B, the lower bluff top area, oceanward of Cave Landing Road will be designated Open Space-1B, 1C, 3C, and 4B. These are defined in the General Plan as follows:

1b. General Open Space - Public Access: These are walkways, stairways or other accesses to beaches, creeks or other open space areas. They can be private with easements for public access or they can be publicly owned.

1c. General Open Space: Environmentally Sensitive: Points or areas which may contain special resources which require special consideration.

3c. Potential Hazard Areas: Cliff Erosion and Hazard: These are areas subject to moderate to substantial cliff erosion rates or provide particular hazard for buildings and/or people.

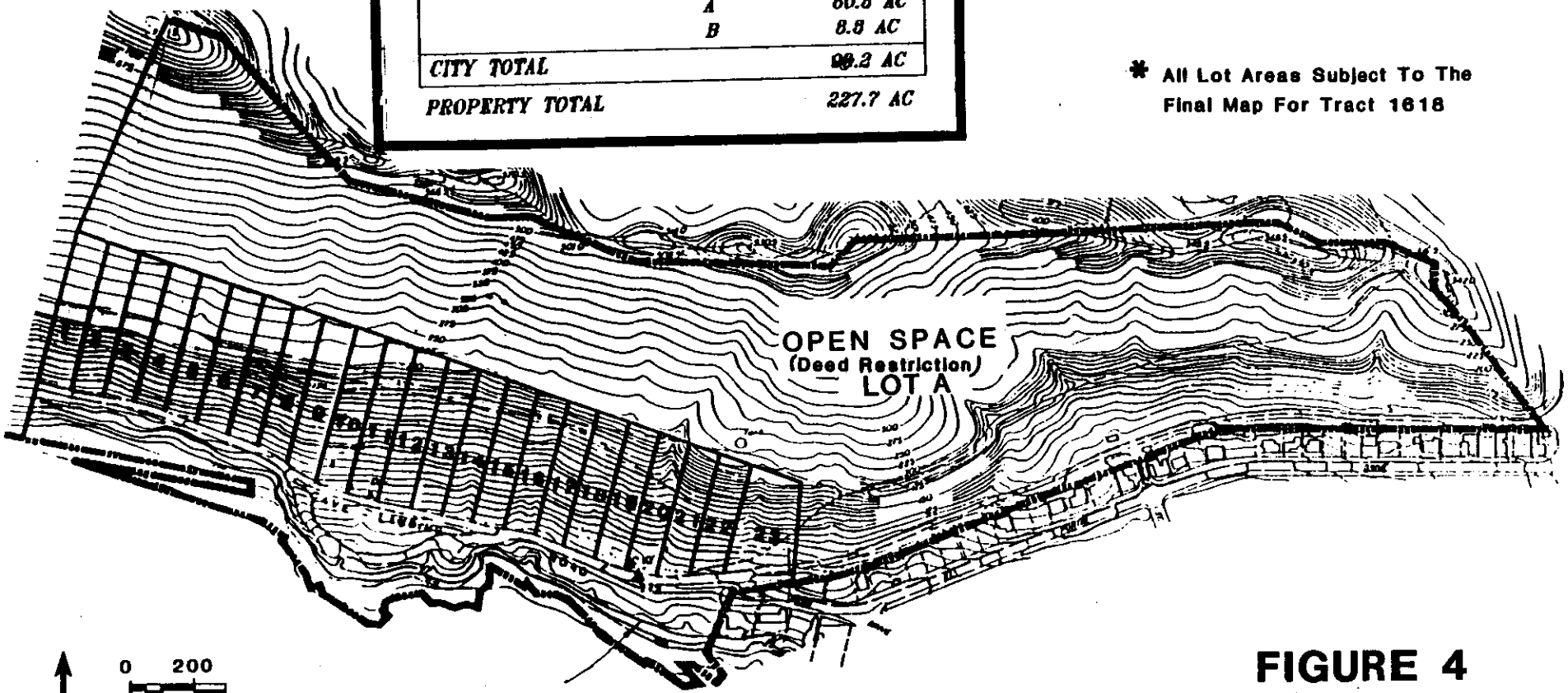
4b. Open Space on Private Land: Easements: These are easements permitting public access.

This Open Space parcel will provide continuous pedestrian and bicycle access from the Sunset Palisades area to Avila Road via Cave Landing Road paralleling the ocean including access improvements as provided in this Specific Plan.

# TRACT 1618
# ONTARIO RIDGE

| LOT | AREA | LOT | AREA * |
|---|---|---|---|
| 1 | 1.4 AC | 14 | 1.3 AC |
| 2 | 1.3 AC | 15 | 1.2 AC |
| 3 | 1.4 AC | 16 | 1.2 AC |
| 4 | 1.2 AC | 17 | 1.2 AC |
| 5 | 1.2 AC | 18 | 1.2 AC |
| 6 | 1.1 AC | 19 | 1.2 AC |
| 7 | 1.1 AC | 20 | 1.2 AC |
| 8 | 1.1 AC | 21 | 1.2 AC |
| 9 | 1.1 AC | 22 | 1.2 AC |
| 10 | 1.3 AC | 23 | 1.8 AC |
| 11 | 1.3 AC | | |
| 12 | 1.3 AC | | |
| 13 | 1.3 AC | | |
| TOTAL INDIVIDUAL LOTS | | | 28.5 AC |
| | | A | 60.8 AC |
| | | B | 8.8 AC |
| CITY TOTAL | | | 98.2 AC |
| PROPERTY TOTAL | | | 227.7 AC |

* All Lot Areas Subject To The Final Map For Tract 1618




## FIGURE 4

## PROPOSED LOT AREAS

JOHN L. WALLACE & ASSOCIATES

KEY

2B – UNDEVELOPED LAND
3A – POTENTIAL HAZARDS AREA
4E – OPEN SPACE ON PRIVATE LAND

1B – GENERAL OPEN SPACE PUBLIC ACCESS
1C – GENERAL OPEN SPACE ENVIRONMENTALLY SENSITIVE
3C – POTENTIAL HASARDS AREA

# ONTARIO RIDGE

0 200
100 300

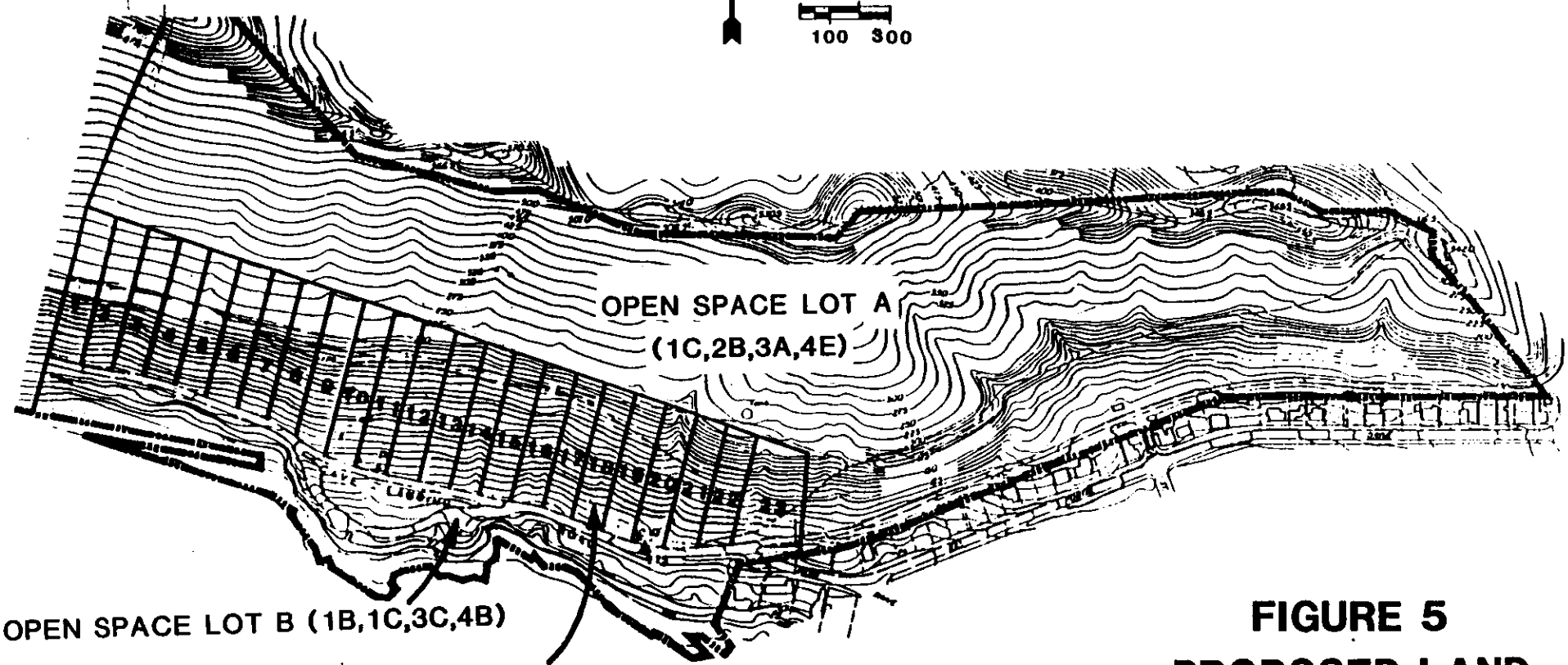



**FIGURE 5**
**PROPOSED LAND USE DESIGNATIONS**

JOHN L. WALLACE & ASSOCIATES

2. Zoning Designations

a. Primary Zones: The property is proposed to have three primary zoning designations:

Lot A, Upper Slopes and Hilltop: This area is proposed to be zoned Agriculture Exclusive (AE) which will permit the continued grazing of cattle and horses consistent with the provisions and standards of the LCP and this Specific Plan as certified by the Commission. This area will be under the common ownership of the residents of the project with open space uses assured through easement, deed restriction, or other legal mechanism. Lot A will be subject to a deed restriction to which the City will be a party with right of enforcement and which will (a) permit the grazing of cattle and horses consistent with provisions of this Specific Plan, and (b) prohibit the construction of any structures on Lot A and public access to Lot A."

Lots 1 - 23, Residential Area: This area is proposed to be zoned Planned Residential (PR) to permit the construction of 23 single family homes on lots of one acre or larger.

Lot B, Bluff-top Park Area: Proposed to be zoned Open Space-Recreational Use (OS-R) to ensure its use for recreational uses such as walking and bicycling and privately maintained landscaping.

Figure 6 indicates the proposed boundaries for each primary zoning category.

b. Overlay Zones: A number of overlay zones will apply to the planning area. These overlay zones, as certified in the GP/LCP, establish development standards and contain special criteria which must be adhered to under the development plan for the area. These criteria are described in detail in the City's Coastal Zoning Ordinance. The pertinent overlays include:

b.1. Archaeology (A): Several areas of the project site have been identified in the Environmental Impact Report as having archaeological significance. Mitigation measures contained in the EIR must be incorporated into the final project design.

# ONTARIO RIDGE

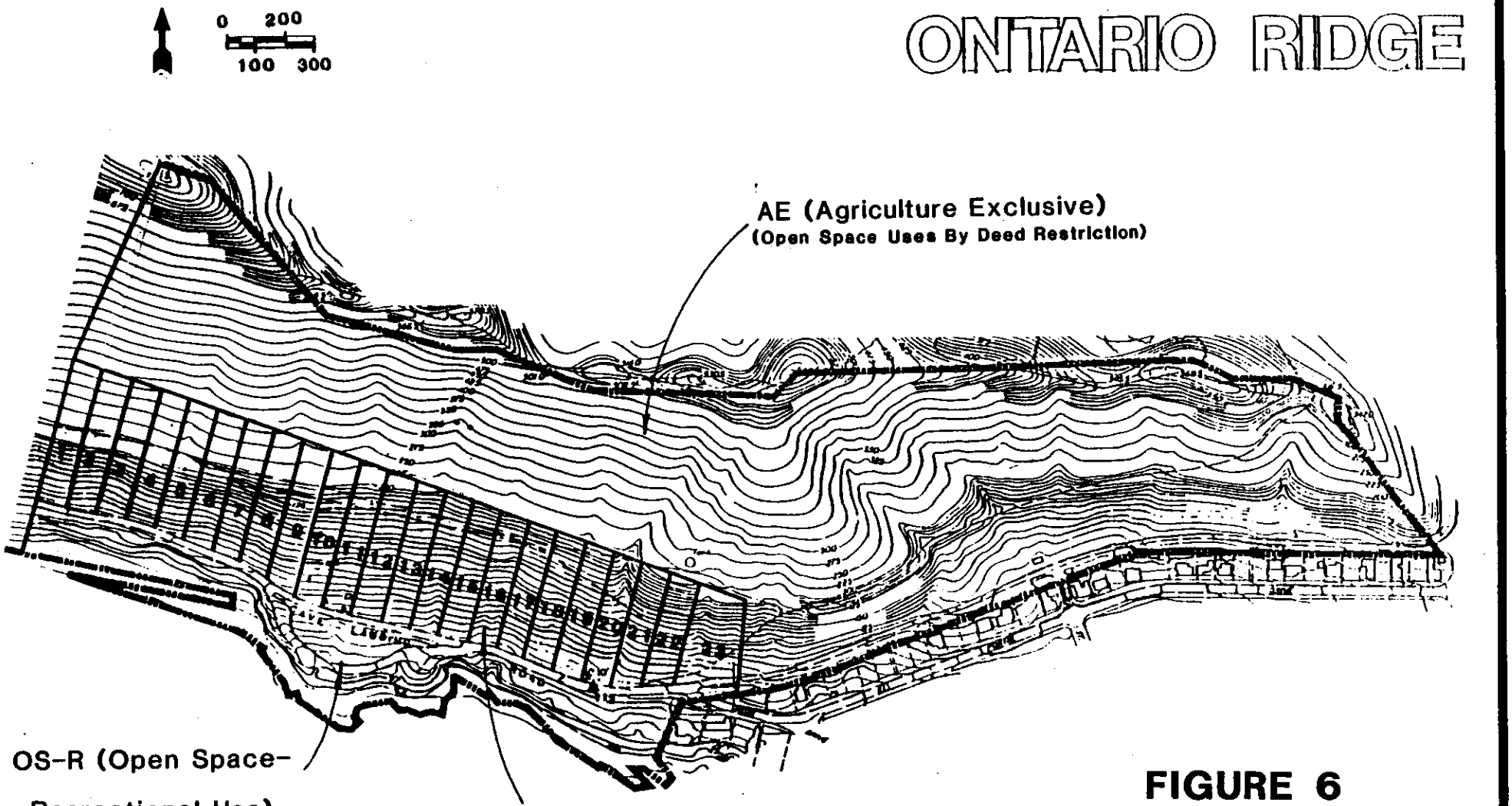



**FIGURE 6**
**PROPOSED ZONING**

JOHN L. WALLACE & ASSOCIATES

The "A" Overlay Zone will apply to those portions of the property which have been identified in the EIR as having archaeological significance. Consistent with the need for confidentiality on these sites, the information has been filed with the City and is not published in this document.

b.2. Coastal Access (AC): Public walking and bicycle trails will be provided along the coastal bluff, to be managed and maintained as set forth in the Ontario Ridge Accessway Management and Maintenance Plan Section of this Specific Plan. The "AC" Overlay Zone will apply to the lower open space area, Lot B, to protect the public's right of access to the bluff-top and lateral access to the portion of the property proposed for public ownership within County territory. The City shall manage those areas set aside for bicycle and pedestrian accesses and the overall maintenance of Lot B as follows: the City will (1) fully maintain the pedestrian access, providing trash pickup, maintenance of all amenities installed as a part of the pedestrian access, provide signs as appropriate according to the City's pedestrian walkway standards, and (2) enforce maintenance of the bicycle access easement by the Homeowners' Association, provide signs, as appropriate according to Class 3 bicycle trail standards, as set forth in the GP/LCP, which shall be maintained by the City, and (3) enforce general maintenance, including but not limited to, maintenance of the landscaping on the remainder of Lot B."

b.3. Coastal Appeal (CA): Land between the sea and the first public road paralleling the sea, or within three hundred (300) feet of the inland extent of any beach or coastal bluff or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or within 100 feet of any coastal stream, wetland, estuary or on any tidelands or public trust land is included within the Coastal Appeal Zone, as depicted on the Post-certification Appeals Jurisdiction Map as amended and certified by the Coastal Commission. Grounds and procedures for appeal of actions taken by the

City on coastal Development Permit applications are set forth in Sects. 17.072 and 17.124 of the Coastal Zoning Ordinance.

b.4. Hazards and Protection (H): Properties subject to bluff-retreat and slopes over 30 percent are required to meet the City's requirements contained in the "H" Overlay Zone section of the Zoning Ordinance.

b.5. Open Space (OS-2): The "OS-2" Overlay Zone will apply to the Residential Lot area and the agriculture/grazing area. Development will be prohibited on land having an existing slope in excess of 30 percent.

Overlay zoning is generally shown on Figure 7.

D. Development Plan:

The development of the project will consist of 23 residential lots with designated building sites as shown in Appendix C and 2 open space lots as shown in Figure 8. The lots will be sold to individuals with the construction of residences later completed by the purchaser/owner. However, the public and common facilities will be constructed initially by the developer. These improvements will consist of the following:

- Improvement and cul-de-sacing of Cave Landing Road to prevent through traffic from Avila Road,

- Installation of utilities to serve the parcels,

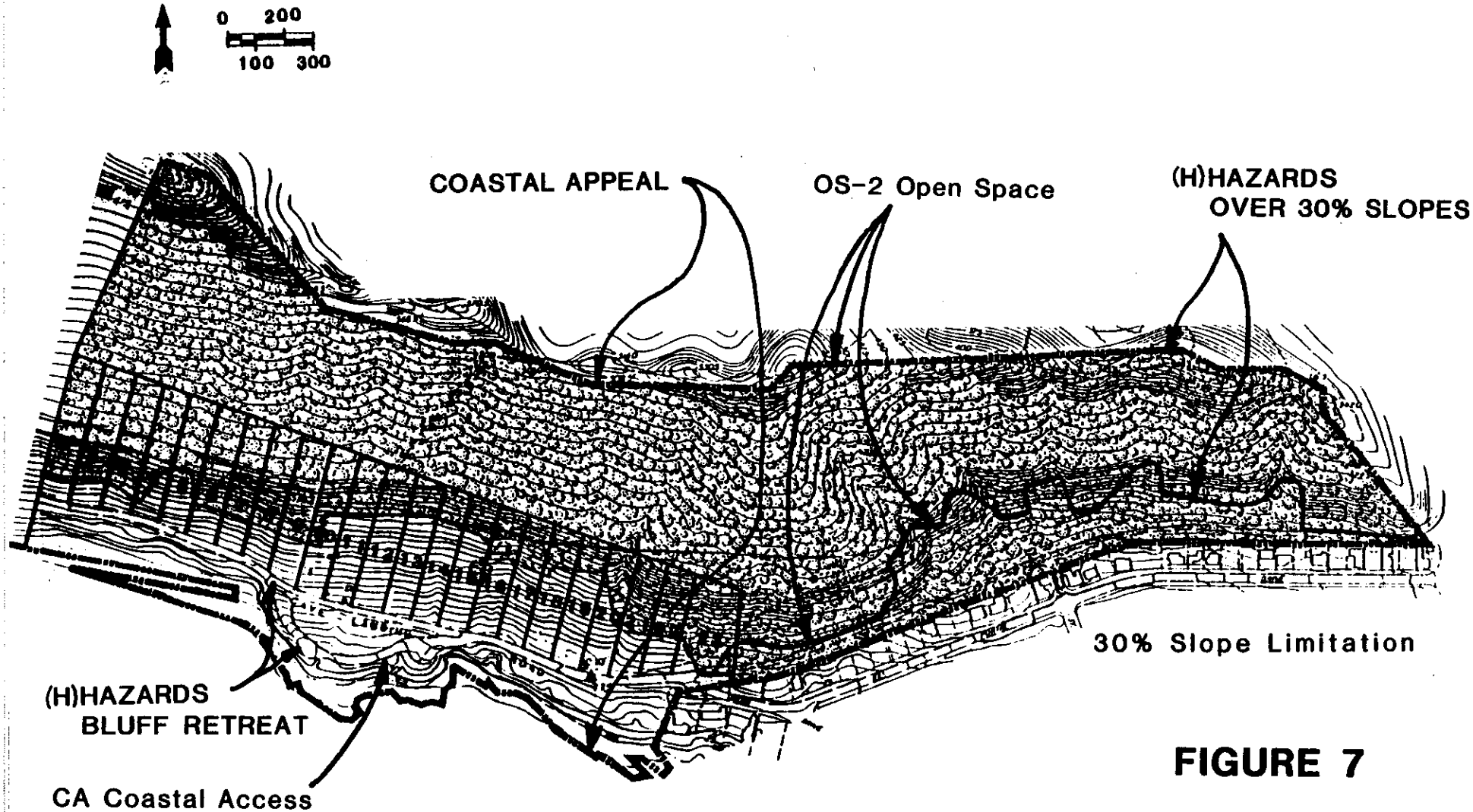
- Water and sewer improvements to serve the tract,

- Construction of a public pedestrian walkway and a bicycle path and associated signs as set forth in Coastal Commission Major Amendment No. 1-89 (Modification A.17). All portions of this parcel (Open Space Lot B) shall be available for general public access. These public recreational facilities will provide lateral access along the ocean to the westerly (County) boundary of the project.

HAZARDS (H) = entire property

ARCHEOLOGICAL (A) = archeology for sites shown in EIR

# ONTARIO RIDGE

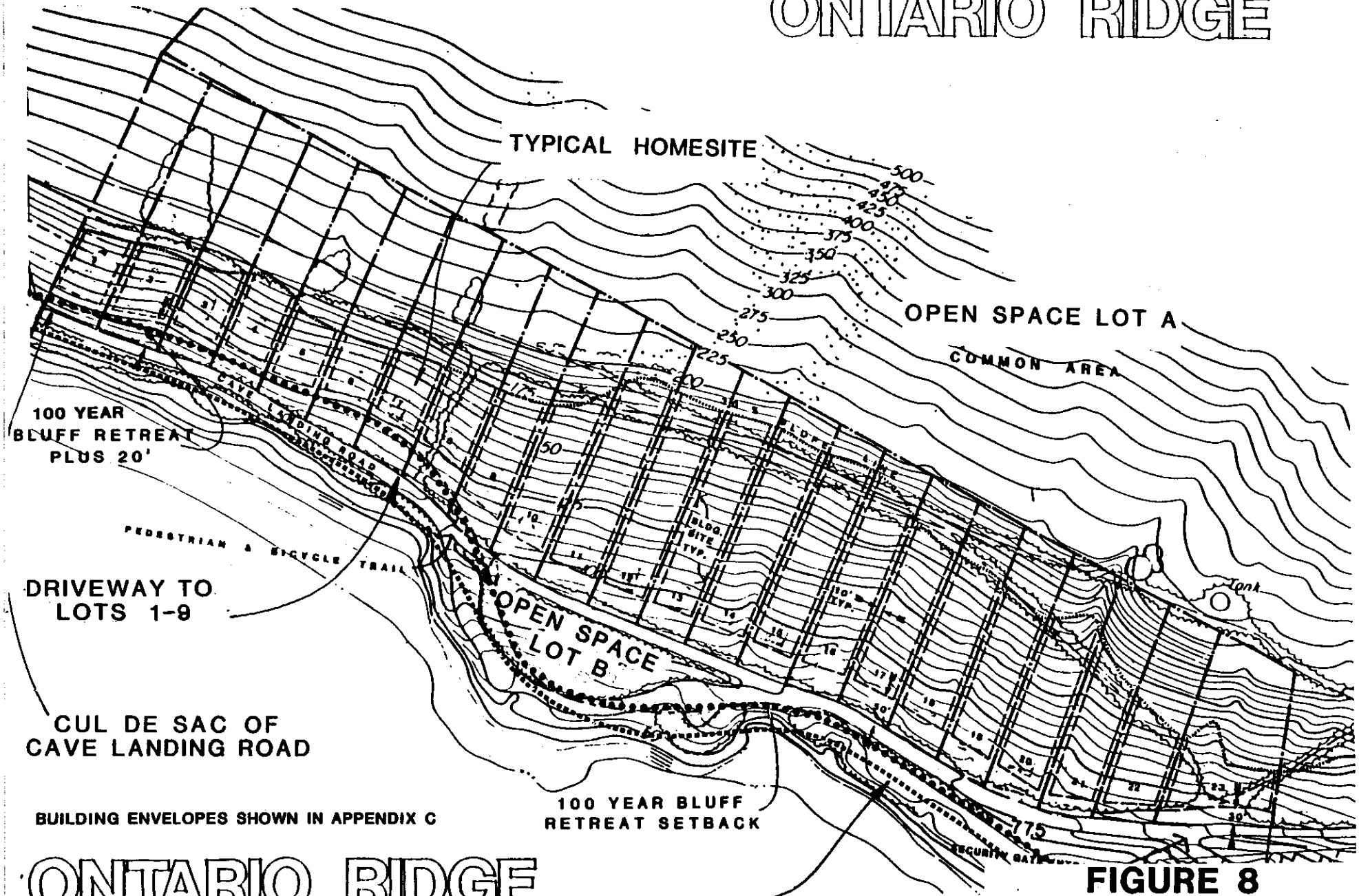



## FIGURE 7

## OVERLAY ZONING

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# ONTARIO RIDGE

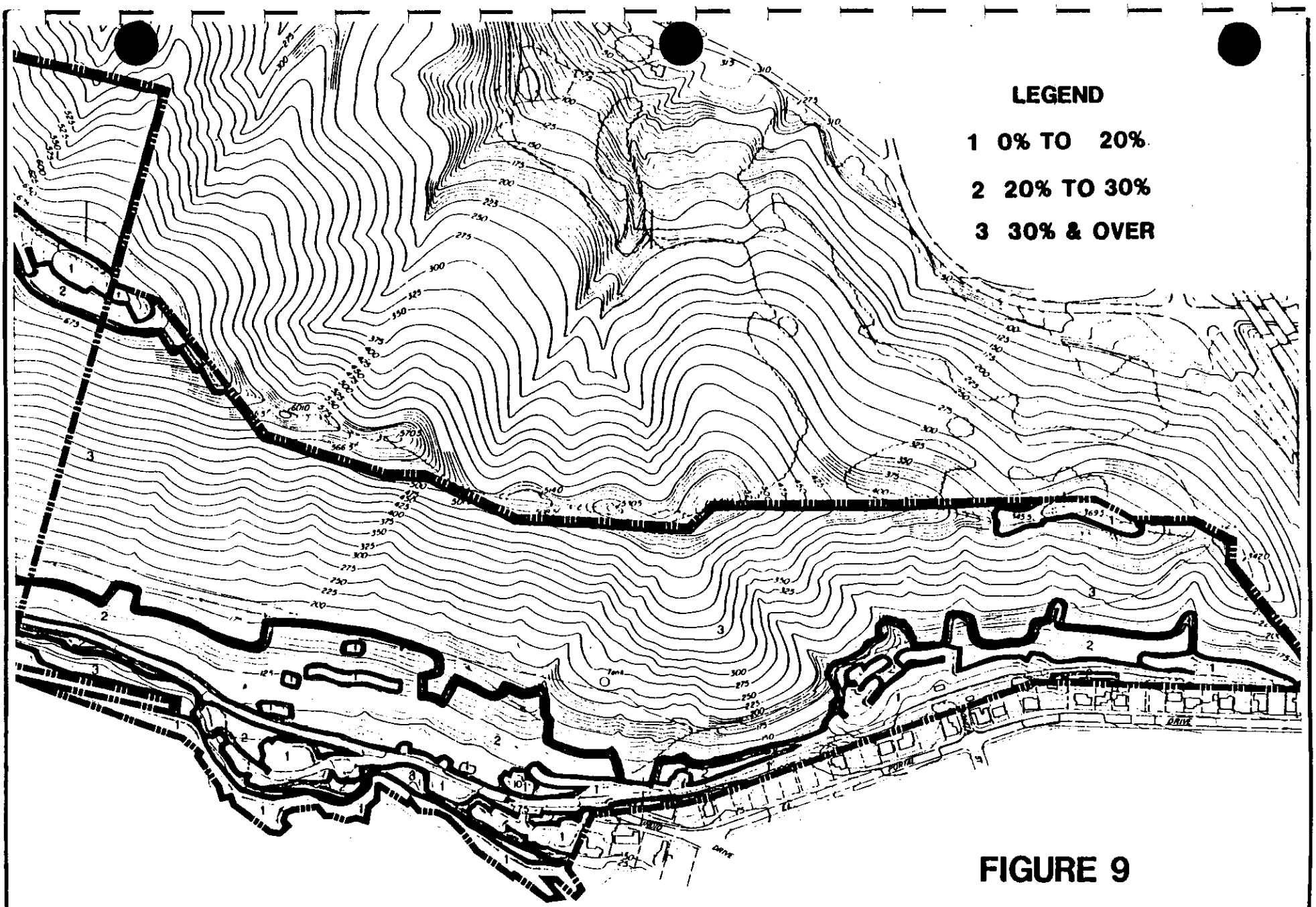



ONTARIO RIDGE

**FIGURE 8**

**DEVELOPMENT PLAN**

JOHN L. WALLACE & ASSOCIATES




# FIGURE 9

# SLOPE ANALYSIS

JOHN L. WALLACE & ASSOCIATES
CONSULTING CIVIL ENGINEERS

In addition to the current provisions in the City's LCP standards and ordinances, additional development restrictions are presented in a later chapter. A slope limitation of 30% would be the upper restriction for development purposes (see Figure 9). All of the proposed homesite building envelopes are below the 30% slope line. All homesites and other development (except landscaping and open fencing) will also be below the 200' contour (above mean sea level). In addition, the setbacks for the public road and public pedestrian walkway and bikeway shall at a minimum meet a 50 year bluff erosion setback; setbacks for residential development shall meet a 100 year bluff erosion setback plus 20' as required by the standards of the certified GP/LCP. An easement or deed restriction shall be required between the 100 year bluff erosion setback and the 50 year bluff erosion setback to provide for the future relocation of improvements if required.

E. Circulation/Street System:

Primary access to the Pismo Beach portion of the site will be from El Portal and Indio Drive to a security entrance at the end of Indio Drive. Access to the site is provided by Cave Landing Road, obtained from El Portal and Indio Drives in Pismo Beach, through a security entrance at the end of Indio Drive. Pedestrian and bicycle access is also provided to the site via El Portal and Indio Drives in Pismo Beach and via Cave Landing road in the unincorporated County Territory. The public bikeway shall be constructed to the standards of the certified LCP and shall be designated on the LCP Bikeways Plan as provided in Suggested Modification A.14 of the Coastal Commission's Major Amendment No. 1-89.

Cave Landing Road will be offered for dedication as a public street for the maximum period of time allowed by law. After certification of the amendment but prior to the filing of the final tract map, the City and the developer shall enter into a development agreement requiring an irrevocable offer to dedicate an easement in perpetuity over Cave Landing Road or its equivalent as described in the final tract map. Such offer shall run for 21 years (or maximum period of time allowed by law), and shall be for the purpose of providing a public vehicular right-of-way through this newly annexed area.

# ONTARIO RIDGE

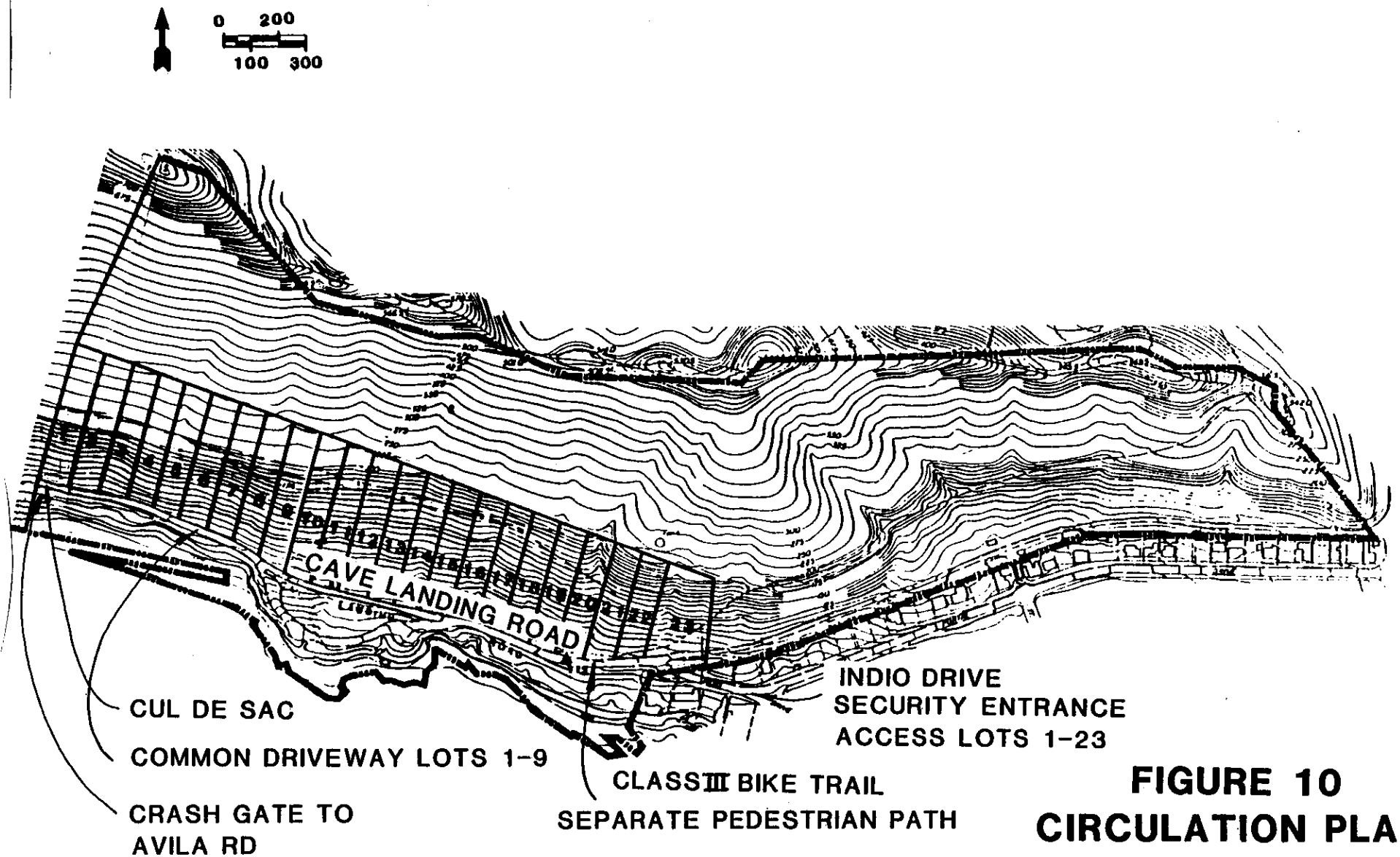
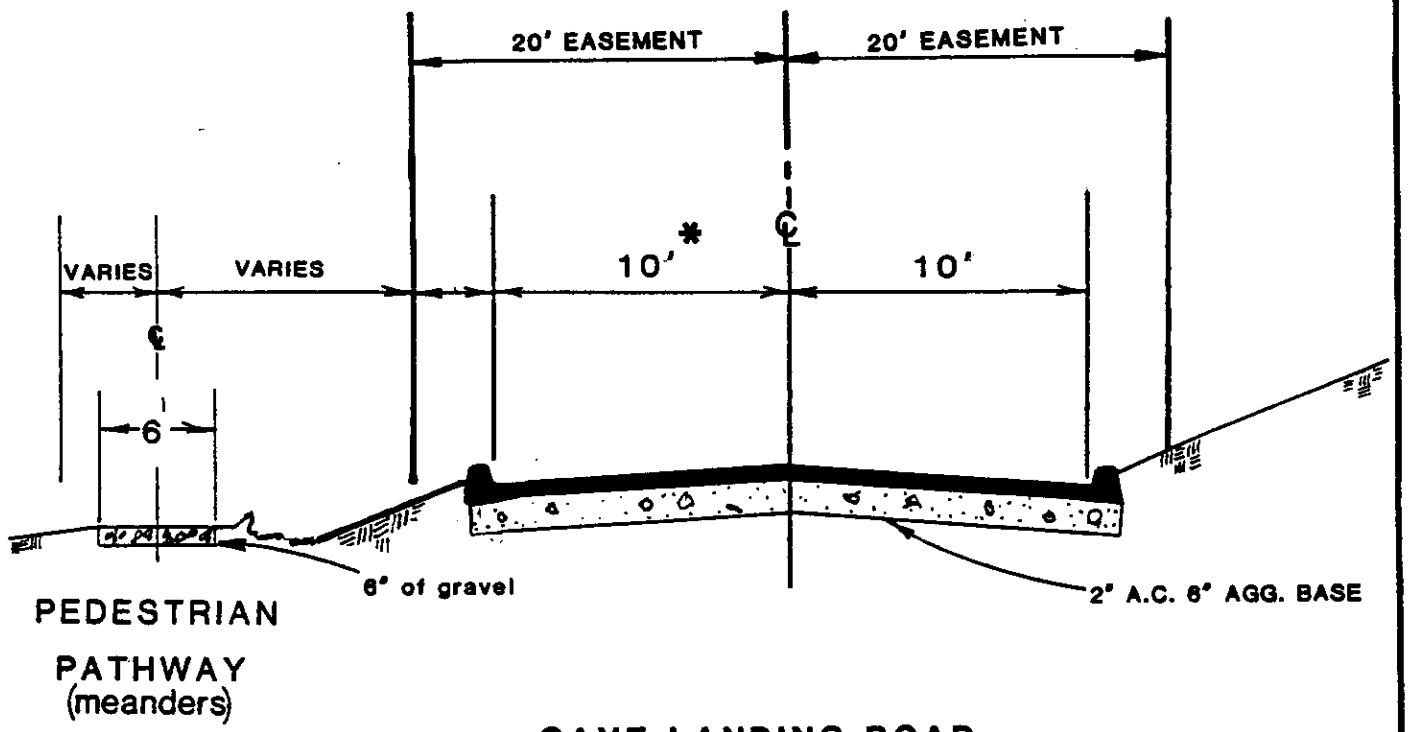
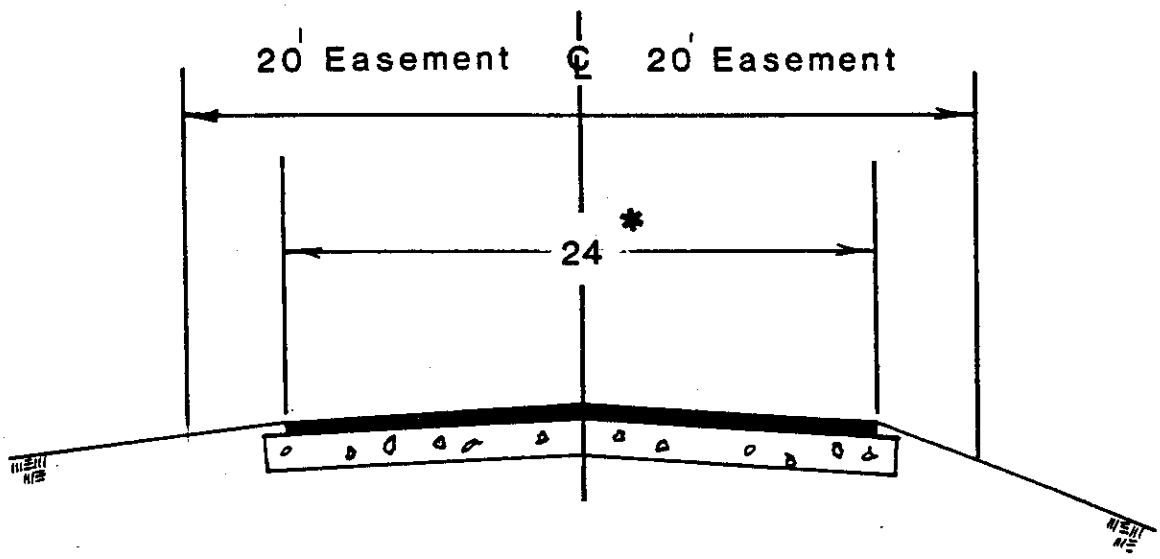



**FIGURE 10**
**CIRCULATION PLAN**

JOHN L. WALLACE & ASSOCIATES




**CAVE LANDING ROAD**
(TO CUL DE SAC)




* INCLUDES CLASS III BIKELANE

**CAVE LANDING ROAD EXTENSION**

# FIGURE 11
# STREET CROSS SECTIONS

F. Public Facilities:

Public facilities are those facilities either impacted or provided by the development and includes improvements made to serve the tract residents and public.

1. Water System

Part of the project's proposal is to transfer an entitlement of 10 acre-feet of Lopez Water to the City to insure that water service is provided to the project. This would include service to the four lots that would lie within the County territory. In order to facilitate the goal of self sufficiency of the project in respect to water, the development standards contained in the LCP and this Specific Plan will provide a limitation on the extent and type of landscaping as well as provide for the normal low water usage fixtures in residences.

In review of the City's Master Plan dealing with water supply facilities for the project, the existing Shell Beach 1 million gallon water storage tank is sufficient for this portion of the City. Also, because the system will be tied into the Lopez line, a pressure of approximately 90 psi will be provided from the turnout to El Portal Drive. Also, because the City's existing water tank site on the property may be in some doubt concerning its easement rights, the applicants will provide an appropriate right-of-way for the permanent establishment of this tank if so desired by the City. (See Figure 12)

It will be the applicant's responsibility to construct water lines to serve the development's domestic and fire flow needs. To serve lots 1 through 23 an 8" line is proposed to be constructed from the end of the present 8" line in Indio Drive (where the present waterline changes from 6" to 8") through the westerly boundary of the area to be annexed by the City and terminate with service lines to the four lots in County territory. Fire hydrants will be located at an appropriate spacing along the roadway.

As the Ontario Ridge development becomes annexed to the City, the property's 10 acre-ft per year allotment of Lopez water becomes available to the City. Based upon water use figures from the City's Water System Master Plan Report, the expected volume of water used by the residents of all 27 proposed lots (including the 4 County lots) will average about 10 acre-ft. per year. When based on the amount of water billed to customers (152 gpcpd) this amount drops to 9.1 AF per year.

Also, the addition of 10 AF of Lopez water to the City's existing 886 AF entitlement will enable the City to buy an additional share of surplus water when available.

The Master Water Plan suggested that 12" and 8" transmission mains be constructed south of the Sunset Palisades area tying in that area to the Shell Beach service zone. According to the City Engineer, these lines have been constructed and the two service zones connected. City staff also indicated that a new 1.0 million gallon "Foothill Reservoir" is to be constructed in the vicinity of the Shell Beach Reservoir but at a higher elevation of about 270-280 feet. This new reservoir is planned to be constructed and will further improve the pressure situation in the service areas.

2. Sewer System

Because of the need for the project to have City sewer service, the applicants will be providing a sewer line to City standards which will connect to existing City facilities at the intersection of Indio Drive and El Portal. Because of the elevation difference at the point where the line would connect to existing City facilities an on-site lift station may be required.

However, recent field investigation indicates that the tie-in can be made into a deep manhole near the upper end of Indio Drive and will most probably eliminate the need for a new lift station.

The sewer in Indio Drive flows southward acting as a collector line for local sewers on its way to the Sunset Palisades pump station. The capacity of this line is adequate to handle all of the flow contributed to the pump station from the north including that proposed by the project.

In fact, based upon usage figures from the Comprehensive PRC TOUPS Wastewater System Master Plan Report and assuming a build-out of all the lots in this tributary area, the Indio Drive sewer line has about double the necessary capacity.

According to the above Wastewater Master Plan, the Sunset Palisades pump station's wet well is adequate to handle flows expected in the year 2004 from the entire tributary area of the pump station. The calculated flow from the Ontario Ridge project will be less than 3.5% of the total pump station's flow at full development.

Figure 12 shows the proposed Water and Sewer facilities.

3. Storm Drainage System

No existing City storm drain systems will be affected by the development of lots 1 - 23 and storm drainage will be provided by an appropriate collection system designed to City Standards to discharge water to the shoreline without aggravating bluff erosion. This will entail road improvements as necessary to collect tributary water as well as street flow and to discharge into culverts and dissipation devices suitably anchored to the slope. In order to prevent erosion of the bluff face, culverts will discharge at the base of the bluff.

# ONTARIO RIDGE

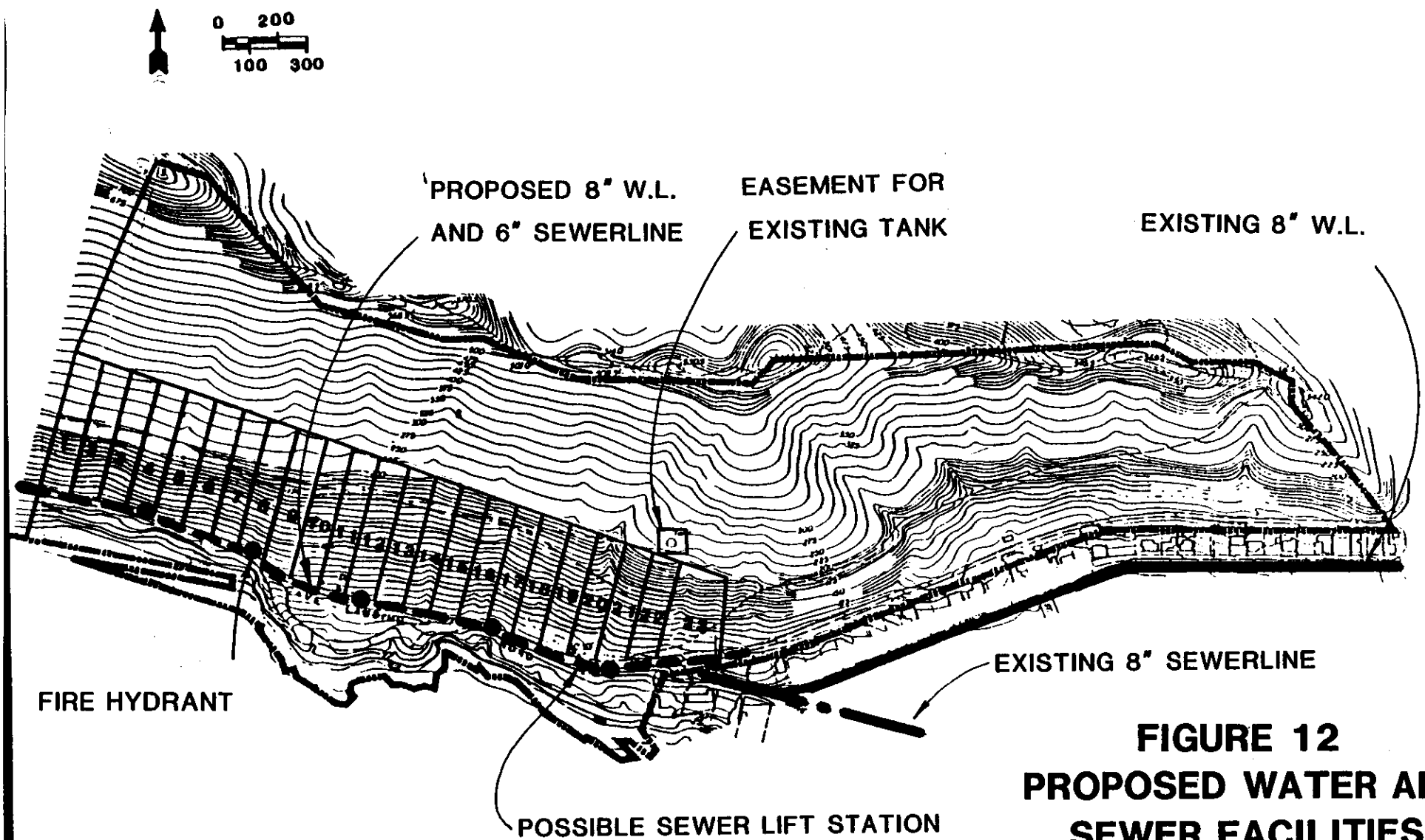



**FIGURE 12**
**PROPOSED WATER AND SEWER FACILITIES**

JOHN L. WALLACE & ASSOCIATES

CONSULTING CIVIL ENGINEERS

4. Open Space and Parks

The project will bring into the City approximately 75 acres of new recreational and scenic open space in addition to an area of approximately 7 acres of open space overlay zoning over the upper portions of the residential lots and, as such, will further increase the City's existing inventory of open space and parks. An easement will be recorded over Open Space Lot B for the purpose of public recreational use over the entire parcel. The easement includes improved and unimproved areas of the open space lot, the public pedestrian walkway, the public bikeway, a minimum 6 space improved parking area, signs for public access and the open unimproved and/or revegetated blufftop. Fee title to Open Space Lot B will be conveyed to the Homeowners' Association.

5. Police and Fire Protection

Emergency preparedness measures specifically developed based on the Unocal Avila Tank Farm Hazard Analysis (Reece-Chambers, Jan., 1989) shall be coordinated between the responsible fire and police agencies.

In addition, the homes will be constructed with appropriate security devices such as dead bolts and optional alarm systems.

As previously discussed in the water system section, fire flow of 1500 gpm will meet City standards as measured by operating pressures in the tributary waterlines. If sprinklers are provided in the residences, a fire flow of 1000 gpm will be acceptable.

6. Schools

The San Luis Obispo County Coastal School District, which would serve this project, indicates no current capacity problems.

G. Recreational Facilities:

1. Open Space Parcels

The project will have two open space parcels, Cave Landing Road shall be offered for dedication as a public road.

# ONTARIO RIDGE

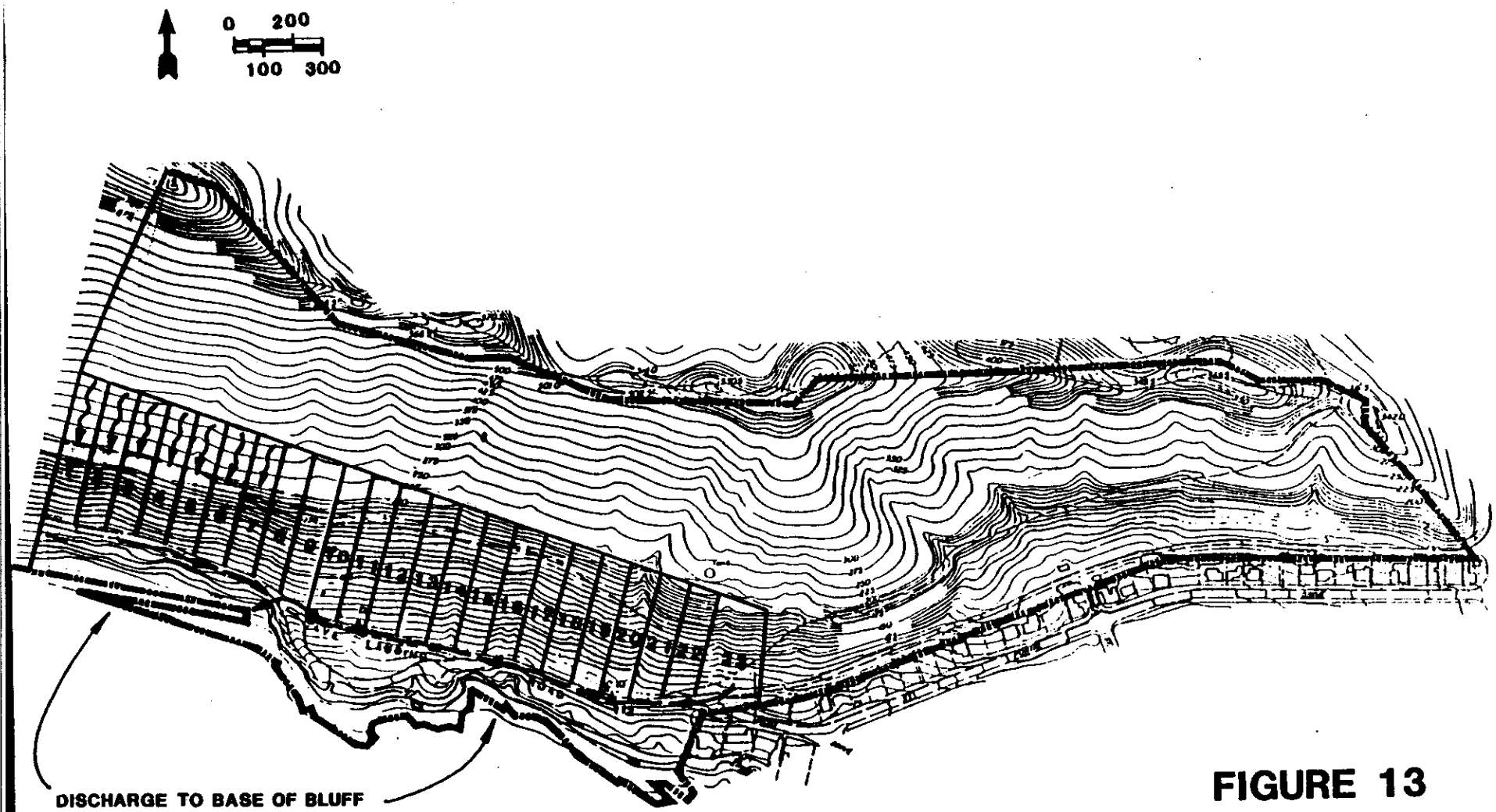
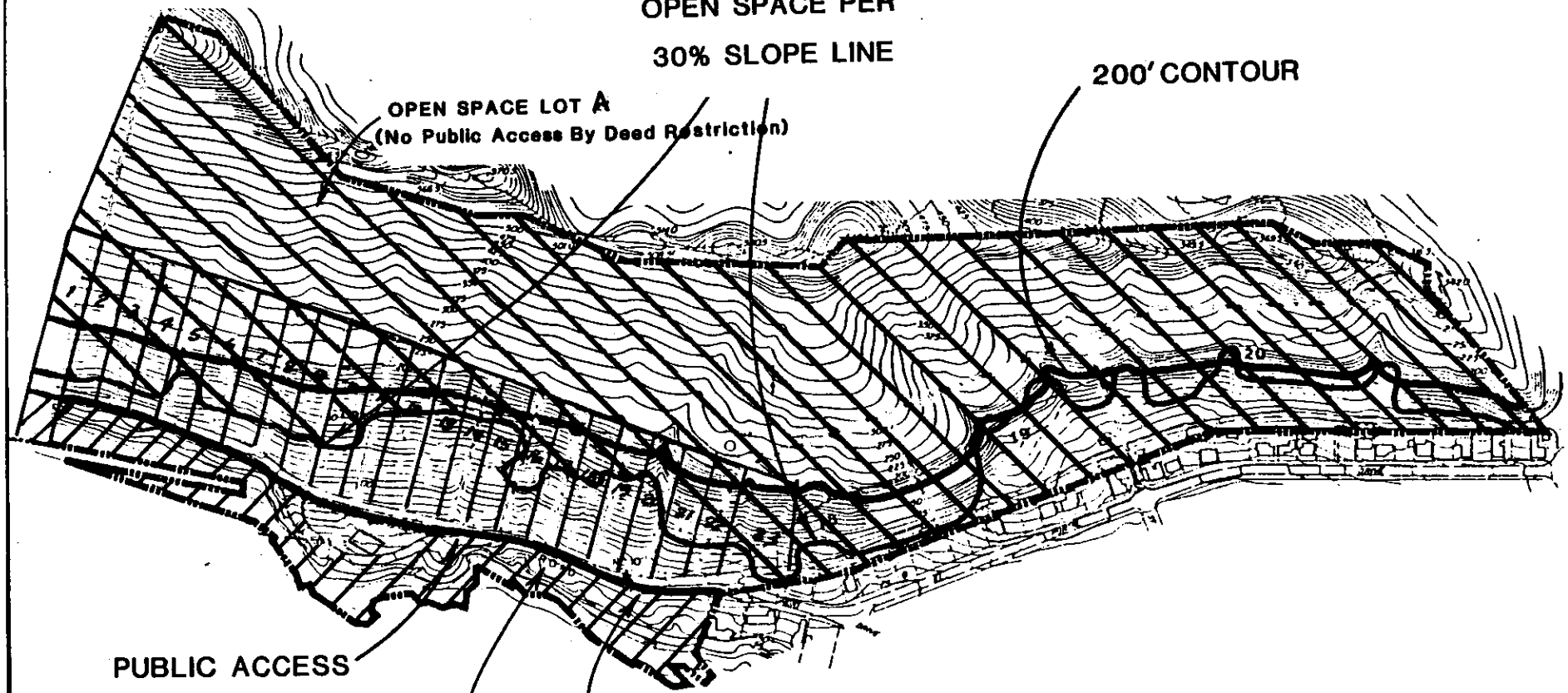



**FIGURE 13**
**STORM DRAINAGE PLAN**

JOHN L. WALLACE & ASSOCIATES
CONSULTING CIVIL ENGINEERS

# ONTARIO RIDGE

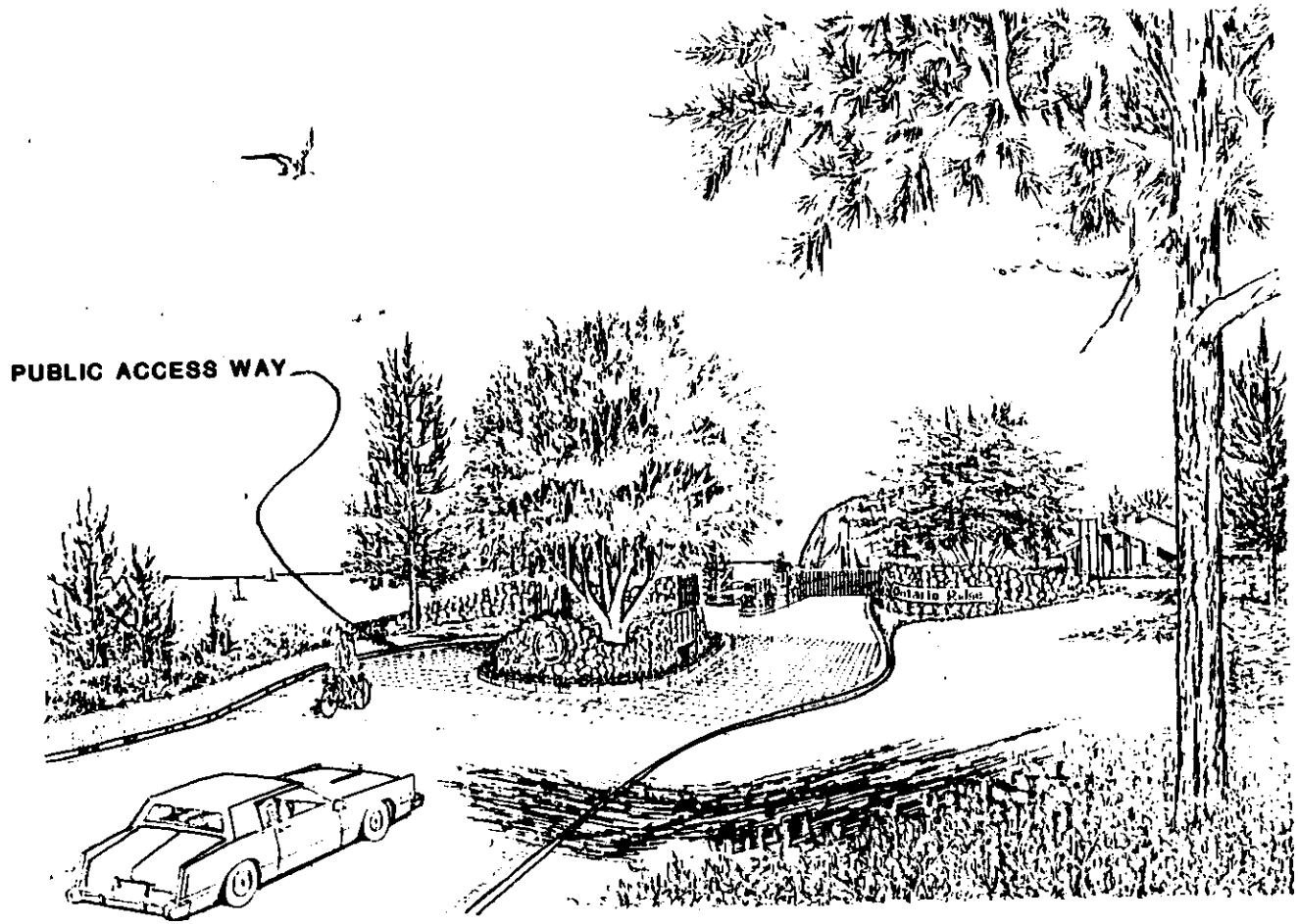
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IN ADDITION TO AREAS SHOWN, ALL AREAS WITH SLOPES
IN EXCESS OF 30 PERCENT SHALL BE RETAINED IN OPEN SPACE.

## FIGURE 14
## OPEN SPACE AND PARKS

JOHN L. WALLACE & ASSOCIATES




# FIGURE 15
# ENTRANCE SKETCH

JOHN L. WALLACE & ASSOCIATES
CONSULTING CIVIL ENGINEERS

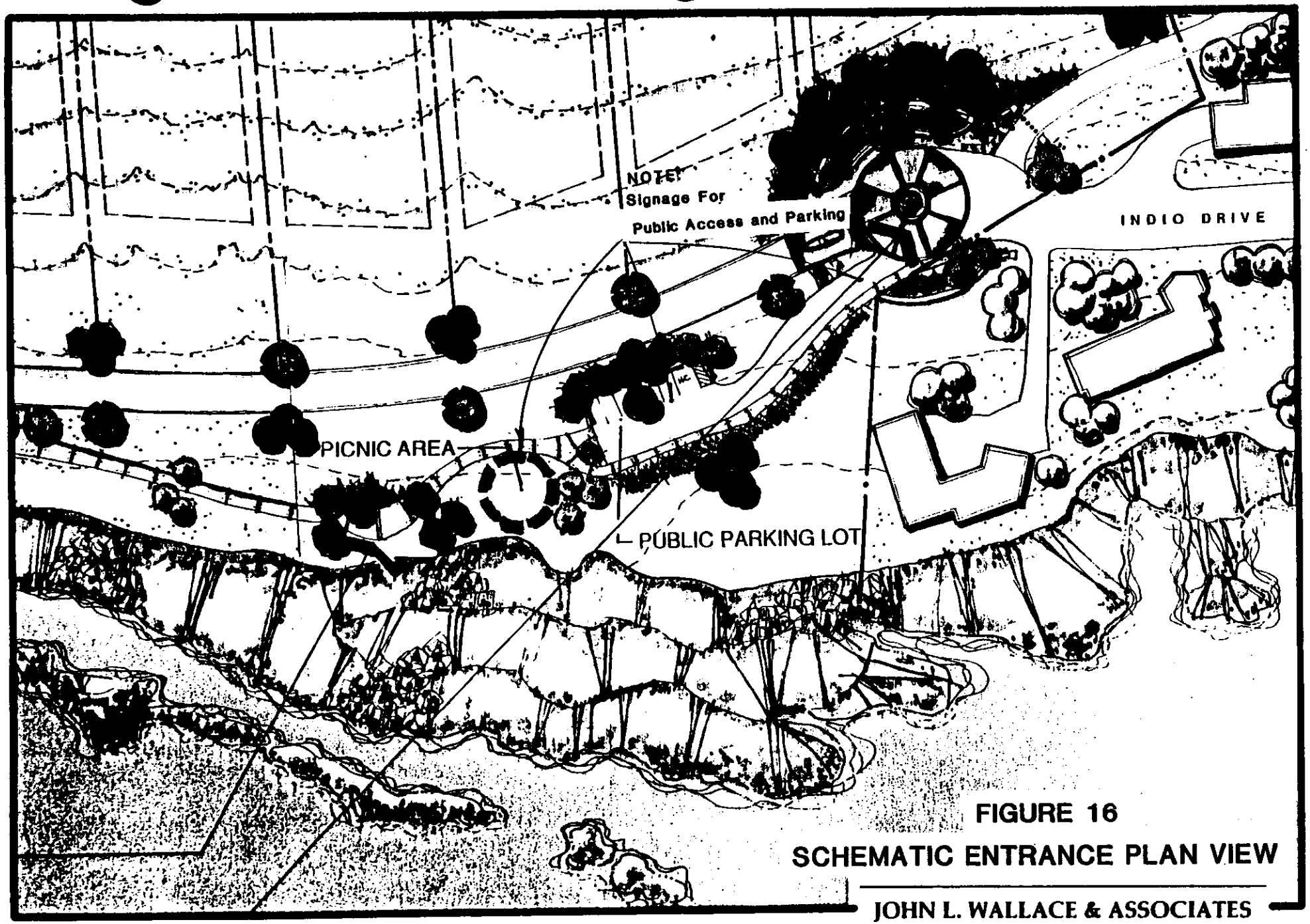



**FIGURE 16**

**SCHEMATIC ENTRANCE PLAN VIEW**

**JOHN L. WALLACE & ASSOCIATES**

*CONSULTING CIVIL ENGINEERS*

A vehicle barrier and crash gate may be provided at the City limit to prohibit automobile access through to Pirates' Cove. In accordance with this Specific Plan, all public access and support facilities shall be constructed concurrent with other subdivision improvements (i.e., curbs, gutters and sidewalks). Open Space Lot A will have a scenic open space easement by recorded deed restriction over the entire parcel to ensure protection of the significant public views and sensitive habitat areas.

2. Ontario Ridge Accessway Ownership Management and Maintenance Plan

Ownership of the Open Space Parcel B, the bluff top Coastal access area, will be dedicated to the Homeowner's Association but easements over the Open Space Parcel Lot B shall be offered to the City or to another public agency or non-profit corporation, consistent with PRC Section 30530 as implemented by California Administration Code, Section 13574. The upper open space parcel, Lot A, will be privately owned and maintained by the Homeowners' Association and the open space values shall be protected through easement, deed restriction, or other appropriate legal mechanism as provided above.

The City shall manage those areas set aside through easements for public bicycle and pedestrian accesses and the overall maintenance of Lot B as follows: (1) fully maintain the pedestrian access, providing trash pick-up, maintenance of all amenities installed as a part of the pedestrian access, provide signs as appropriate according to the City's pedestrian walkway standards, and (2) enforce maintenance of the bicycle access easement, provide signs, as appropriate according to bicycle trail standards as set forth in the GP/LCP, which shall be maintained by the City, and (3) enforce general maintenance by the Homeowners' Association, including but not limited to, maintenance of the landscaping on the reminder of Lot B.

Public coastal access improvements to be provided by the project developer and maintained by the Homeowners' Association or the City include: the bikeway, pedestrian trails, benches, overlooks, signs, trash cans, fencing as necessary, and one designated public parking lot on Lot B located generally near the proposed entrance of at least 6 improved spaces. The improvements shall be consistent with the View Considerations overlay zone and shall be designed to minimize intrusion into the viewshed to the maximum

extent feasible. The improvements should be shown schematically on a map of the amendment area and included within this Specific Plan as certified by the Coastal Commission.

3. Revegetation and Landscaping

The high scenic values of the area, as shown in Figure 15, as well as the significance of much of the site as foraging habitat for the peregrine falcon requires careful revegetation of the graded areas. Development standards for both Open Space Lot B and the individual residential lots shall provide that revegetation and landscaping plan shall be prepared by registered Landscape Architect and implemented quickly and maintained so as to ensure the least possible erosion, sedimentation or other adverse impacts. Drought tolerant plans native to the Central Coast are required for use on both the Open Space parcels, and on the unbuildable portions (over 30 percent slopes) of the residential lots.

H. Administration:

This Specific Plan and any subsequent amendments may be adopted by the City Council by resolution after hearings prescribed by State law and City policy. The Planning Commission shall be authorized to issue conditional use permits, development permits, coastal permits, etc. for development proposals which conform with the standards of this Specific Plan in addition to the certified LCP. The City Planning Director shall be authorized to approve minor modifications for previously approved development which conform to the provisions of this plan. Also because some of the facilities including but not limited to water and sewer line sizes, may be changed in the course of final plans and engineering, these facilities will be approved through the City Improvement Plan and Coastal Development Permit approval process.

# APPENDIX A

# SPECIFIC PLAN DEVELOPMENT REQUIREMENTS

# SUMMARY

## APPENDIX A

### SPECIFIC PLAN DEVELOPMENT REQUIREMENTS: SUMMARY

The City's Zoning Ordinance and the General Plan-Local Coastal Plan regulations provide most of the criteria for development of the subject property. The Specific Plan provides the remaining guidelines and standards for the Ontario Ridge area.

A. CONSISTENCY WITH GENERAL PLAN-LOCAL COASTAL PLAN AND ORDINANCE AND OTHER CITY ORDINANCES

A-1 Any development in the Specific Plan area shall be consistent with the adopted General Plan-Local Coastal Program Land Use Plan.

A-2 Development of all properties shall meet the requirements and standards of this Specific Plan. Any deviations from these standards shall require an amendment to the Specific Plan except as provided for by A-3 (administration).

A-3 The administration of this Specific Plan will include provisions that the Planning Commission may approve use permits that do not conform to the standards of this plan when it has been shown that the proposed project is better than could otherwise be developed. The City Planning Director shall be authorized to approve minor modifications for previously approved development which conforms to the provisions of this plan.

A-4 The development, through approval of this Specific Plan document, shall comply with the City's Growth Management Plan for the 23 residential lots.

B. PUBLIC FACILITIES AND UTILITIES

B-1 The street system, comprising the private cul-de-sac along the bluff (Cave Landing Road-to be renamed) shall be constructed by the developer as specified in the Specific Plan Circulation Plan and street cross section diagram.

B-2 Public Utilities shall be installed underground throughout the project.

B-3 As a part of the development plan work, it will be necessary for the Developer to prepare legal descriptions for easements that will be required for the installation and maintenance of water mains, sewer lines and right-of-way for the roadways and existing City water tank.

B-4 The schematic circulation, water, sewer, drainage and subdivision plans contained within this Specific Plan are based on preliminary survey and engineering. More precise plans will be required consistent with the schematic concepts of other adopted plans. (Master Water and Sewer Plans).

B-5 Water lines shall be installed to City standards and be extended to serve the adjoining parcels within County territory. Required fire flows of 1,500 gpm must be met for the development. A fire flow of 1,000 gpm can be provided if all residences are sprinklered. The water main will be dedicated to and maintained by the City. The conceptual water plan is shown on the Water Plan Map (Figure 12) and will be extended to serve the 4 parcels within County territory.

B-6 The developer will construct a sewer system to connect with the existing City sewers in Indio Drive and El Portal Drive. The sewer main will be dedicated to and maintained by the City.

B-7 The developers will, at the conclusion of annexation and prior to recordation of the Final Map, and contingent upon service to all lots proposed both in City and County territory, grant rights to 10 acre feet of their Lopez water allotment to the City of Pismo Beach.

B-8 Storm water drainage will follow the streets and natural water courses as specified on the Drainage Plan Map, Figure 13. The drainage system will be sized to carry 25-year flood flows from the development and discharge storm drainage in non-erodible watercourses or directly to the base of the coastal bluffs.

B-9 All lots shall have positive drainage to the street or other approved drainage courses.

B-10 Drainage and erosion control facilities shall be designed within all properties of the development before the issuance of building permits and shall comply with the Grading and Erosion Control Ordinance of the City of Pismo Beach.

B-11 As required by code, all areas disturbed by grading shall be planted with temporary, or in the case of finished slopes, permanent erosion retardant vegetation. Native species shall be planted wherever feasible. Such plantings shall be accomplished under a plan prepared and submitted by a licensed civil engineer or landscape architect and shall consist of seeding, mulching, fertilization, and irrigation

adequate to provide adequate erosion protection. Planting shall be repeated if the required level of coverage is not established within the time period stipulated above and/or temporary erosion control measures installed. This requirement shall apply to all disturbed soils, and to all building pads and road cuts.

B-12 Fire hydrants will be necessary for the development. The location and number of hydrants will be determined in accordance with current City standards.

C. HOUSING

C-1 Housing densities shall be consistent with this Specific Plan and other pertinent City regulations.

C-2 No more than one single family residence will be permitted to be constructed on each of the 23 individual residential lots. Each lot will be a minimum of 1 acre in size.

D. TRANSPORTATION SYSTEMS

D-1 Cave Landing Road will be improved as a private cul-de-sac road and will be constructed to a 24 foot width, (including a 4 foot wide bike path), curb-to-curb with a turn-a-round area. A portion of Cave Landing Road serving lots 1 through 10 will be extended with a 20 foot wide section. On street parking will not be allowed and will be restricted through the development's CC&R's.

D-2 Two car garages shall be required for each residential unit.

D-3 Where the bikeway is located on the private road or where it crosses the road, the bike lane shall be signed for maximum safety.

D-5 Special paving treatment may be utilized at the project entry at the end of Indio Drive to facilitate a project entrance.

D-6 A security entrance with controlled access will be allowed.

E. OPEN SPACE, LANDSCAPING AND RECREATION

E-1 The bluff-top easements for the bike path portion of Cave Landing Road and pedestrian trail shall be dedicated to the City, State or other appropriate public agency for use as a pedestrian trail, bike path, and coastal access. The Homeowners' Association shall be responsible for landscaping maintenance which shall be enforceable by the City.

E-2 A pedestrian pathway shall be constructed by the Developer along the bluff-top. Appropriate signing and warning railings may be required and maintained by the City. The bike path provided as part of Cave Landing Road will be signed as required by the City.

E-3 The irrigated lawn landscaping area of each lot should be limited to 3000 square feet. Landscaping which requires only drip or bubbler irrigation will be permitted outside of this 3000 square foot area.

E-4 Drip irrigation on individual lots should be used where feasible. All common area landscaping should utilize drip irrigation where feasible.

E-5 Drought resistant landscaping should be used in common areas.

E-6 A fire greenbreak or other appropriate separation shall be provided between all homes and the rear hillside area.

E-7 The homeowner association shall be responsible for the maintenance of the upper hillside area as a permanent open space. Grazing of cattle and horses will be permitted in this area. No barns or other buildings will be permitted in this area.

F. ENVIRONMENTAL PROTECTION

F-1 The development has received an appropriate environmental analysis and review in accordance with the certified Environmental Impact Report. However, in the Project's approval process, the City may modify the EIR's mitigation measures to account for environmental impact due to annexation.

F-2 Accepted earthquake construction standards shall be used.

F-3 Standard construction practices consistent with soils characteristics should be used. Soils testing should be conducted as necessary or required.

G. ENERGY

G-1 Buildings should be oriented to achieve the most practical solar accessibility.

G-2 Drought tolerant landscaping is encouraged. (See Open Space, Landscaping and Recreation Section).

G-3 Water conserving equipment should be chosen for faucets, toilets, showers and other water equipment.

H. OTHER DEVELOPMENT GUIDELINES

H-1 The maximum number of residential units shall not exceed 23.

H-2 All units, roads and other structures will be designed to utilize the natural terrain where feasible.

H-3 The private road shall be subject to police enforcement to ensure that fire lanes continually remain open.

H-4 The Homeowners' Association shall maintain all common areas including the private road, entry, and hillside area and landscaping of Lot B.

H-5 A neighborhood watch program should be established.

H-6 All buildings shall have dead bolt locks and other security devices recommended by the Police Department.

H-7 All buildings shall have roofs of fire retardant material.

H-8 All residential buildings and otherwise permitted structures shall be built within designated building envelopes and shall not be permitted on average slopes in excess of 30 percent.

## I. SUMMARY OF DEVELOPMENT STANDARDS

Along with this Specific Plan, the Zoning Ordinance and the General Plan-Local Coastal Plan contain detailed regulations and policies for the development of Sunset Palisades/Ontario Hills. The following table summarizes several of the more important criteria from these sources.

DEVELOPMENT STANDARDS

| DESIGN ELEMENT | DEVELOPMENT STANDARD |
|---|---|
| Maximum number of residential units. | 23 units |
| Maximum Building Height<br>P-R Zones | As provided for in R-1 neighborhood (25 feet above existing grade with no wall exceeding 35 feet) |
| Minimum Building Setbacks<br>P-R Zone, single family<br>Front<br>Side<br>and as further defined by on-site building envelopes | <br><br>20 feet<br>10 feet |
| Minimum off-street parking | 2 covered garage spaces per unit |
| Minimum Lot Size<br>P-R Zone<br>Single family area | <br><br>1 acre |
| Maximum lot coverage, less street and unbuildable areas<br>P-R Zone | <br>40 percent of total lot area |
| Recommended maximum building area<br>P-R Zone | <br>80 percent of building envelope |

DEVELOPMENT STANDARDS (Cont'd)

| DESIGN ELEMENT | DEVELOPMENT STANDARD |
|---|---|
| Planting Area<br>P-R Zone | Maximum 3000 sq. foot irrigated area for lawn areas (larger area may be landscaped if ongoing irrigation is not required for plantings). No minimum or restriction on non-irrigated or drip irrigated plantings. |
| Maximum wall height | 42 inches in all setback areas. 72 inches for small private enclosures. 60 inches around swimming pools. |

| DESIGN ELEMENT | DEVELOPMENT STANDARD |
|---|---|
| Architectural Extensions | Limited to criteria in Section 17.102.150. |
| Slope Criteria | See regulations of Hazards and Protection Overlay Zone, Section 17.078, and the Grading and Erosion Control Ordinance. |

This table provides general development criteria. Specific amendments to the Zoning Ordinance and General Plan/LCP of the City of Pismo Beach are attached as Appendix B.

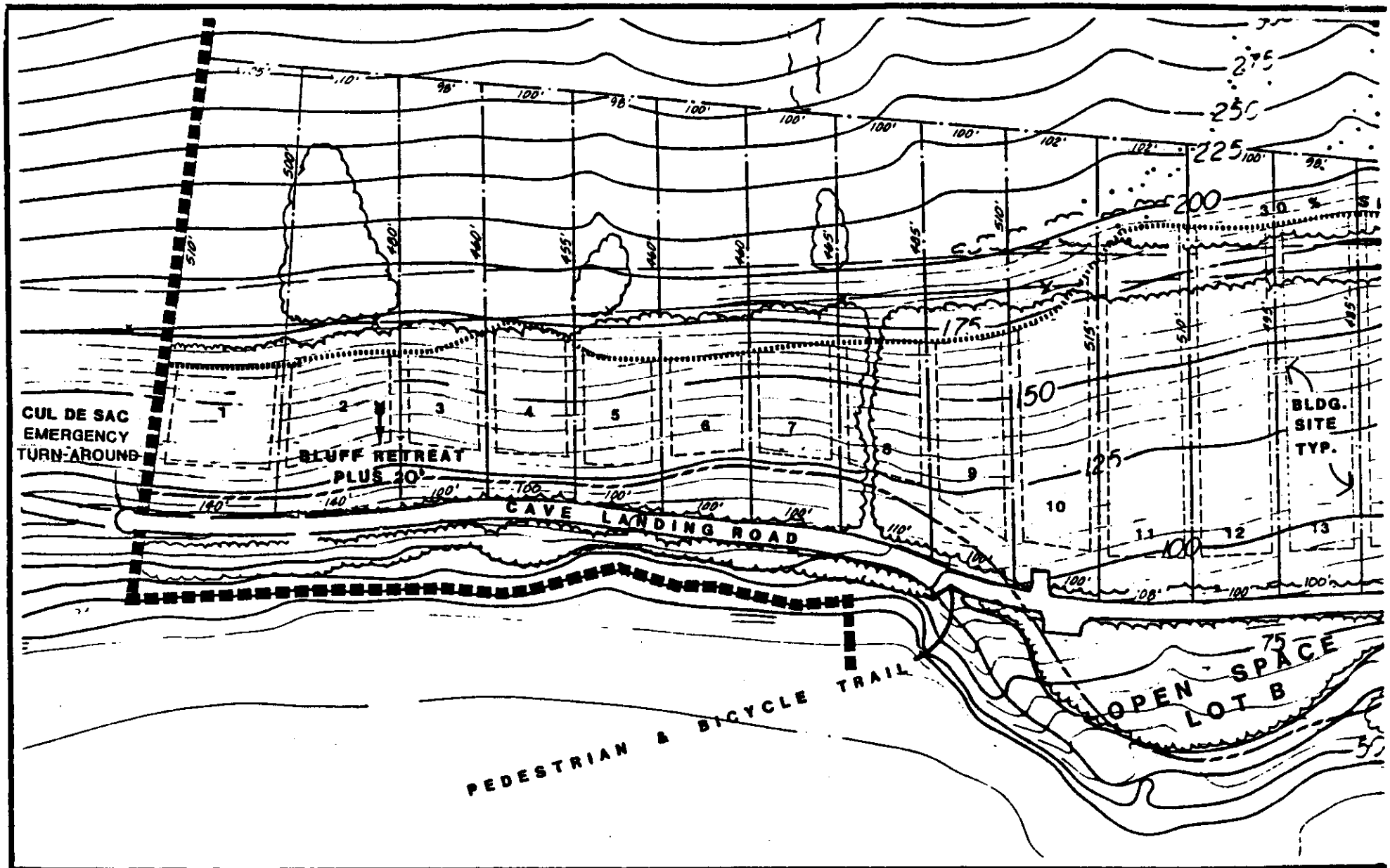
# APPENDIX B

## AMENDMENTS TO THE GENERAL PLAN/LCP AND ZONING ORDINANCE FOR THE ONTARIO RIDGE SPECIFIC PLAN AREA

(Succeeded by Appendix H)

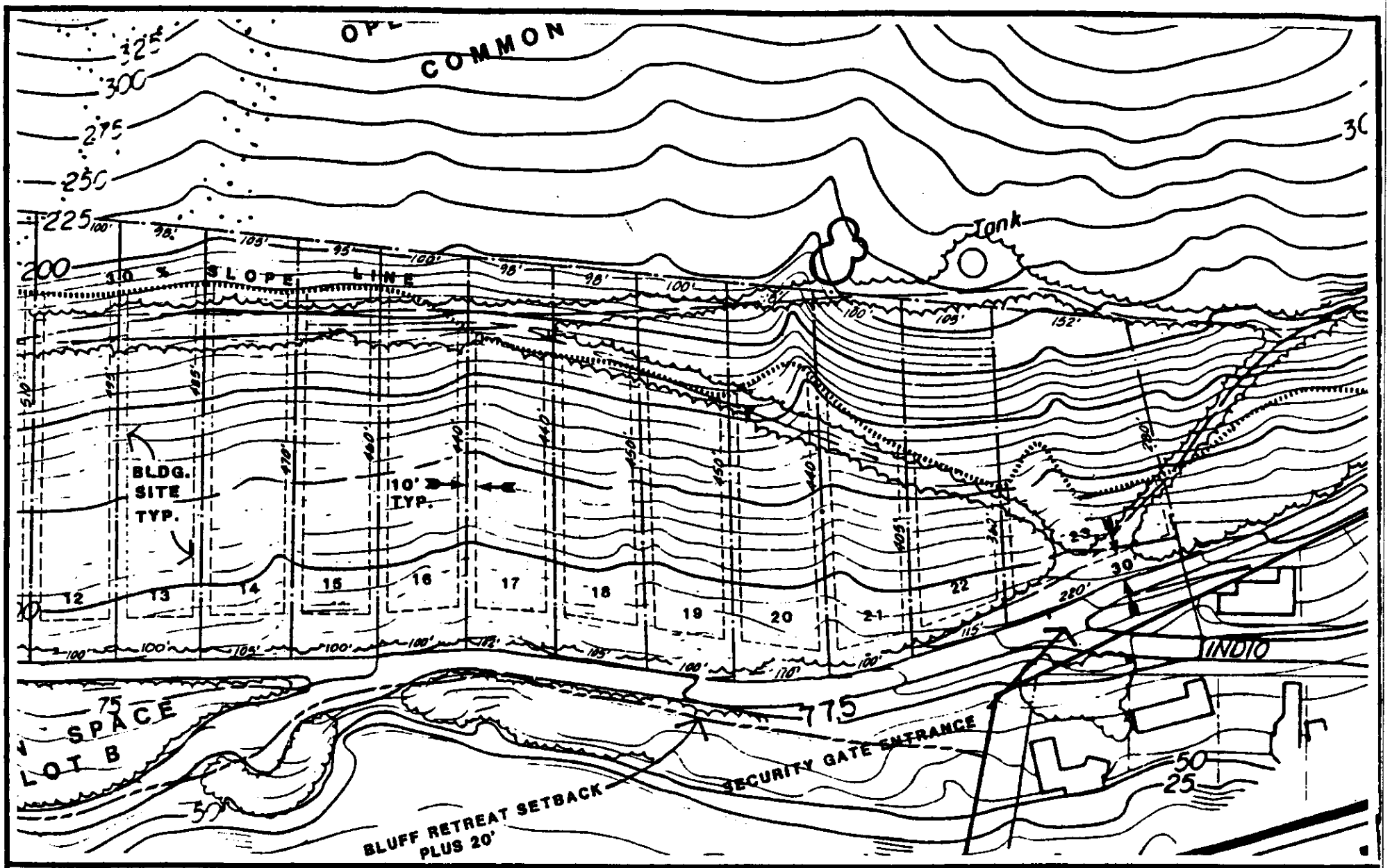
# APPENDIX C

# BUILDING ENVELOPES AND SETBACKS




JOHN L. WALLACE & ASSOCIATES

**ONTARIO RIDGE HOMESITE BUILDING ENVELOPES**




JOHN L. WALLACE & ASSOCIATES

**ONTARIO RIDGE HOMESITE BUILDING ENVELOPES**

# APPENDIX D
# RESOLUTION OF ANNEXATION
# AND
# RESOLUTION OF INTENTIONS AND POLICIES
# ADOPTED
# JANUARY 11, 1988
# BY
# THE PISMO BEACH CITY COUNCIL
# (Resolution Numbers R-88-03, R-88-02)

CITY OF PISMO BEACH, CALIFORNIA

CITY HALL
1000 BELLO ST. • P.O. BOX 3
PISMO BEACH, CALIFORNIA, 93449
TELEPHONE 805/773/4657

January 14, 1988

Mr. John L. Wallace
John L. Wallace & Associates
1458 Higuera Street
San Luis Obispo, CA 93401

Subject: Ontario Ridge Project

Dear Mr. Wallace:

Enclosed for your information, is a copy of Resolution No. R-88-02, stating intentions and policies regarding the annexation of certain territories identified as the "Ontario Ridge Project", and Resolution R-88-03, declaring a formal application being made to LAFCO to annex. These were approved at the City Council meeting on January 11th.

If you should need additional information, please do not hesitate to call me.

Cordially.

Catherine Simonich

Catherine Simonich
Deputy City Clerk

/cs
Enclosure:

RESOLUTION NO. R-88-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH DECLARING A FORMAL APPLICATION BE MADE TO LAFCO TO ANNEX THAT LAND KNOWN AS THE "ONTARIO RIDGE PROJECT" TO THE CITY OF PISMO BEACH

WHEREAS, the City of Pismo Beach is authorized by Government Code Section 56800 to make application via resolution for the annexation of land; and,

WHEREAS, the City recognizes approximately 94 acres as shown on Exhibit A and described as Assessor's parcel No.s 76-231-39 and 76-261-20 as shown in the 1986 assessor's rolls for the County of San Luis Obispo as land within the proposed Ontario Ridge Project; and,

WHEREAS, the City has received a written request by the registered owner of land within this property to be annexed; and,

WHEREAS, all land within the project is located within the shperes of influence and urban service areas for the City; and,

WHEREAS, the City intends to consider adoption of an ordinance to designate and pre-zone the property in conformance with the General Plan for the City and its surrounding area as adopted on January 23, 1981 and amended in January 1985; and,

WHEREAS, the land within the property is immediately adjacent to residentially developed land within the City; and,

WHEREAS, the City has worked with the local residents in the vicinity of this proposed annexation for the past several months to identify concerns to be considered on this process.

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

Section I:

The City Council of the City of Pismo Beach declares its intent to consider a formal application(s) to annex that land known as the "Ontario Ridge" project to the City of Pismo Beach.

Section II:

The Planning Commission is directed to begin a review of the annexation proposal including, without limitation, (re)certification of the previously prepared Environmental Impact Report (E.I.R.), the draft Specific Plan for the project, Zone Change, General Plan Amendments and Local Coastal Program Amendments, Conditional Use Permit and Tentaive Tract Map applications.

The Planning Commission is further directed to present its recommendation to the City Council at their earliest possible date.

Section III:

City Staff is hereby directed to cause an application to be made to the Local Agency Formation Commission (LAFCO) of the County of San Luis Obispo for this annexation, including, without limitation, the setting of a time for a hearing to consider this request, as well as the concurrent review of the E.I.R. for the annexation.

UPON MOTION of Councilmember Morrow, seconded by Councilmember Hearn, the foregoing Resolution is hereby passed and adopted at a regular meeting of the City Council held this 11 day of January, 1988, on the following roll call vote, to wit:

AYES: Councilmembers Morrow, Hearn, Eldwayen, Dillon, Baker

NOES: None

ABSENT: None

ABSTAIN: None

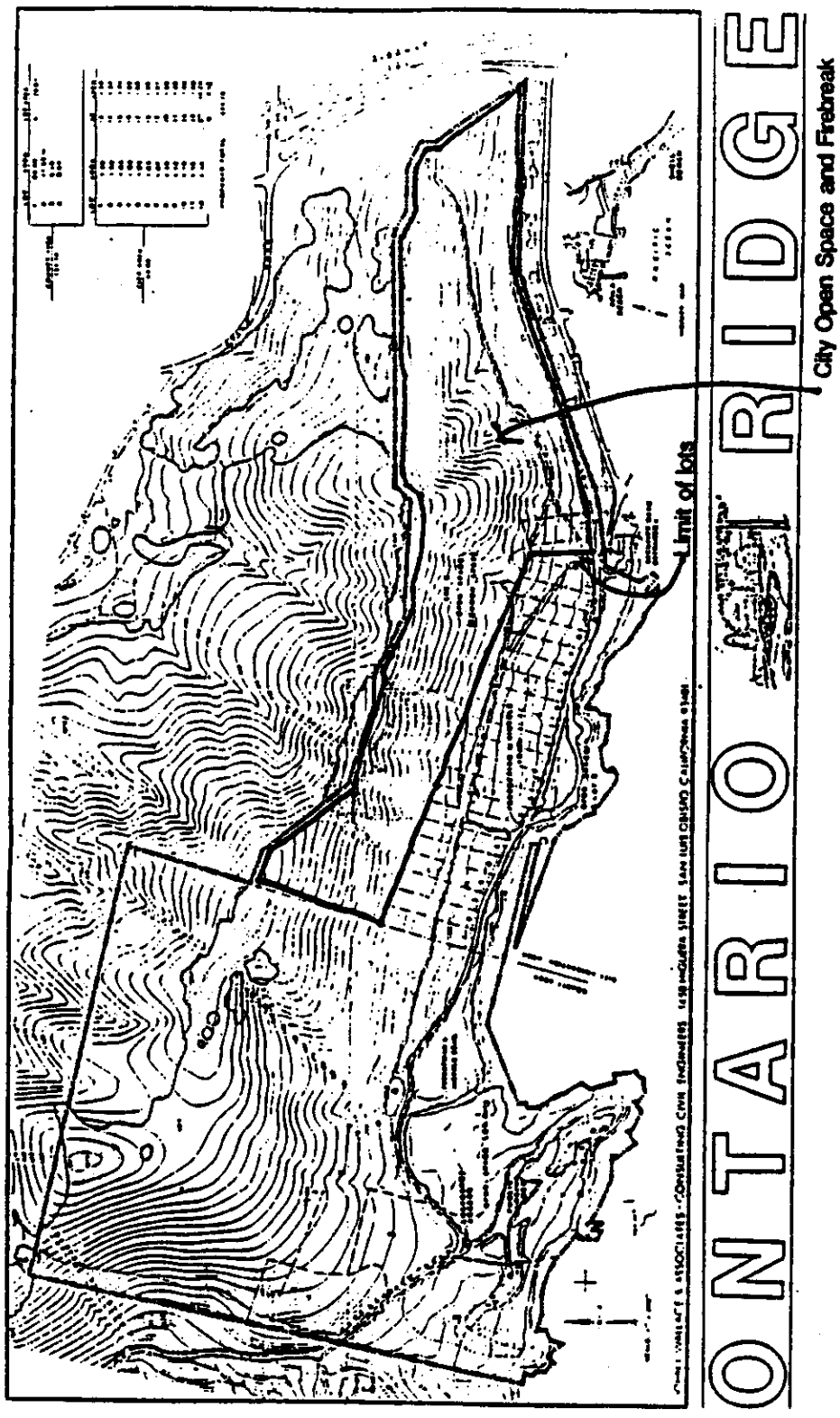
Nebb Eldwayen, Mayor

ATTEST:

Cathy Simonich
Deputy City Clerk

APPROVED AS TO FORM:

A.J. Shaw, Jr.
City Attorney




Ontario Ridge Annexation Resolution

# Exhibit "A"

RESOLUTION NO. R-88-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH STATING ITS INTENTIONS AND POLICIES REGARDING THE ANNEXATION OF CERTAIN TERRITORIES IDENTIFIED AS THE "ONTARIO RIDGE" PROJECT

WHEREAS, the City of Pismo Beach has been considering a possible annexation of territories northwest of the City limits, adjoining the El Portal and Indio residential areas; and,

WHEREAS, the City has been approached by the owners of said territory to apply to the Local Agency Formation Commission (LAFCO) to annex said territory; and,

WHEREAS, the City Council wishes, in part, to express its intentions and policies for the possible annexation, and ultimate development, of the territory.

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

The following policies shall be adhered to as the necessary Annexation application is purused with LAFCO; as the necessary General Plan - Zoning Ordinance - Local Coastal Program changes are pursued with the Planning Commission and City Council; and to the extent required, necessary applications to the State Coastal Commission and County Board of Supervisors.

Section I - Processing:

All processing shall be pursued with direct mailings to all persons interested on this matter and that so request.

All costs of processing the necessary applications and public hearings shall be reimbursed to the City by the applicant.

The City Attorney will prepare a "Pre-Annexation Agreement" to specify the various conditions identified herein, and hereinafter developed, if this annexation is pursued. This Agreement will be recorded against the titles to each of the to-be-created parcels.

The Planning Commission will prepare a Specific Plan and recommendation on the previously prepared EIR for the project and present it for City Council action, as well as any and all accompanying recommendations for the subdivision.

Section II - Maximum Units and Transfer of Development Rights

It is hereby determined that the maximum density on the combined 131.1 acre County lots and the twenty-three (23) City lots shall be a maximum of twenty-seven (27) single family residential units. Appropriate deed restrictions, open space zonings and easements to the City of Pismo Beach shall be incorporated over the combined land areas in order to ensure that future divisions of the to-be-created sites is strictly prohibited.

Section III - Fire and Emergency Access Provisions

Minimum road widths shall be 20' curb-to-curb, and emergency vehicle turnarounds shall have a minimum 35 foot radius and have a slope of 3% or less, or another alternative approved by the City Engineer and Fire Chief. Access roads shall be engineered to support emergency vehicle loads of up to 40,000 lbs. All fire access roads shall be constructed of appropriately engineered asphalt and base materials, and shall be completed prior to any flammable construction on any of the City lots.

Section IV - Fire Greenbreak and Protective Features

A fire greenbreak shall be developed on all lots of the proposed plan.

The owners of each lot will have the perpetual responsibility to maintain, improve and repair these facilities as directed by the City Fire Chief.

All construction shall be of a fire retardant material approved by the Fire Chief.

Additional waterline extensions shall include installations of fire hydrants as directed by the Fire Chief.

Section V - Open Space

Development density within the City shall be limited to a maximum of twenty-three (23) residential units. Appropriate deed restrictions and/or open space easements shall be recorded to ensure such limits.

The general areas landward of the El Portal and Indio residential area, the area known as "Cave Landing Road", may be used by the City as a fire greenbreak area and emergency access. This area will be within easement and/or deed areas conveyed to the City with this project. This area may also be utilized as an informal pedestrian path area, at the discretion of the City.

Section VI - Annexation and City Fees and a Possible Assessment District on Indio and El Portal Streets

Throughout discussions on the possible annexation of land for up to twenty-three (23) single family homesites, discussions regarding fees and contributions to a possible street/curb/gutter/undergrounding assessment district over the lots fronting Indio and El Portal Streets have played a pivotal role.

All standard annexation, planning department processing, subdivision and building fees, as well as any other appropriate fees, will be levied against this project pursuant to procedures established under the City's Municipal Code. In addition, contributions of cash towards the assessment district and the promises of services in lieu of cash contributions have also been identified. The following summary of fees represents estimates of these City fees and contributions to the possible assessment district.

| | |
|---|---|
| Planning Department Processing. . . . . | $ 8,500.00 |
| *Annexation Fees (Fifteen Acres) | |
| Public Facilities Charge. . . . . | $ 21,000.00 |
| Water System Improvement. . . . . | $ 45,000.00 |
| *Subdivision Fees (twenty-three lots) | |
| Water . . . . . | $ 34,500.00 |
| Sewer . . . . . | $ 10,580.00 |
| Plan Check & Inspection . . . . . | $ 22,500.00 |
| ESTIMATED TOTAL . . . . . | $142,080.00 |

*note: These fees do not include charges against the four (4) County lots that are not to be annexed. At such time as these areas were to annex, additional charges may be levied by the City.

Assessment District Contributions

Cash contribution
due at consumation
of annexation. . . . . .$200,000.00

**In-lieu of cash
services
(engineering & inspection) . . . . . .$325,000.00

**note: The applicants agree to provide engineering services for the design, assessment district proceedings and construction management and inspection of an assessment district formed for street, curb, gutter and utility undergrounding along El Portal and Indio Streets.

All in-lieu of cash engineering services will commence immediately upon recordation of any tract map on the City parcels. In the event that an assessment district is not formed by July 1, 1989, the applicants will be forgiven all costs associated with engineering services related to the assessment district report and/or assessment spreads. The City may, at its option however, proceed with any portion of the aforementioned project on Indio and El Portal Streets and utilize the referenced engineering services at the applicants full expense.

The City Council expresses its willingness to contribute an amount equivalent to the estimated total planning processing, annexation and subdivision fees ($142,000.00) towards the landowners expenses in such an assessment district, if one proceeds. In the event that an assessment district is not formed by July 1, 1989, the City Council may utilize these fees, as well as the contribution by the applicant ($200,000.00) in any municipal manner it deems appropriate.

Section VII - Subdivision and Residential Unit Design Standards

All residential lots will commence north of the northern most property presently subdivided inland from El Portal and Indio. No lot or unit will encroach behind any of the inland Indio or El Portal units.

The blufftop park and trail areas will be dedicated to the City for maintenance and liability control.

Vehicular access to Pirates Cove (other than emergency vehicles) from El Portal/Indio will not be permitted.

Deed restrictions regarding key issues (i.e. precluding further subdivisions of any of the twenty-three lots, fire safety provisions, etc.), must be incorporated and recorded with each lot as it is created.

Landscape restrictions will be developed for each unit to reduce water demands.

All units will be located below the 200 ft. contour (relative to mean sea level).

Section VIII - Pirates Cove Recreational Area Considerations

The City Council will work with the County of San Luis Obispo and the applicant to resolve problems associated with the recreational area. To the extent feasible, the City will urge the County Planning Commission and the Board of Supervisors to implement solutions to the continuing nuisance and enforcement problems in the area as a part of any development of the remaining County portions.

An appropriate fencing material will be constructed along the northern limit of the City annexation.

The toe-of-bluff to mean high tide areas directly oceanward and adjoining the City annexation territory will be offered for dedication to a responsible public agency along with the balance of the recreational area (future parking lot, restrooms and beach). The City of Pismo Beach Corporate limits will cease at the toe of bluffs in this area.

Section IX - Water and Sewer Service

The applicants will transfer their contractual entitlement to ten (10) acre feet annually of Lopez Reservoir water supply to the City of Pismo Beach.

This supply, as well as supplemental City supplies as necessary, will be used to supply the maximum twenty-three (23) lots proposed within the City as well as a maximum of four (4) single family residences outside the City annexation territory, remaining in the County of San Luis Obispo. These County lots will be served with a City owned and maintained water main to be installed by the applicants/developers. Appropriate easements to the City of Pismo Beach will be a part of any City Tract Map processing for both City and County territories. The City of Pismo Beach may consider serving any future Pirates Cove restroom facility with City water distribution facilities, but all water resource must come from other than City supplies.

City sewer collection and treatment services will be extended to the annexed lots only. No City sewer services will be extended into the County territory or to the County lots.

UPON MOTION of Councilmember Morrow, seconded by Councilmember Hearn, the foregoing Resolution is hereby passed and adopted at a regular meeting of the City Council held this 11 day of January, 1988, on the following roll call vote, to wit:

AYES: Morrow, Hearn, Eldwayen, Dillon, Baker

NOES: None

ABSENT: None

ABSTAIN: None

Nebb Eldwayen, Mayor

ATTEST:

Cathy Simonich
Deputy City Clerk

APPROVED AS TO FORM:

A.J. Shaw, Jr.
City Attorney

# APPENDIX E

## PRE-ANNEXATION DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF PISMO BEACH AND SAN MIGUELITO ASSOCIATES RELATIVE TO THE DEVELOPMENT KNOWN AS THE ONTARIO RIDGE DEVELOPMENT

**(SUPERSEDED BY APPENDIX N)**

# APPENDIX F

# SUBDIVISION AND CONDITIONAL USE PERMIT CONDITIONS

STANDARD CONDITIONS, POLICIES AND SELECTED CODE REQUIREMENTS - CONDITIONAL USE PERMIT, ENVIRONMENTAL ASSESSMENT

Conditions as indicated below have been deemed to be of a substantive nature on the basis of public, planning staff and Planning Commission recommendations. These conditions cannot be altered without Planning approval.

A. CITY PLANNER CONDITIONS

1) The permit is granted for all the buildings, roadways, parking areas, landscaping, lighting and other features which shall be substantially as shown on the plans submitted and on file.

2) The applicant is granted two years for inauguration of this use and may be granted additional time extensions as prescribed hereunder. If the use is not being diligently pursued within two years after the approval date of this permit, this permit will automatically expire. the City Planner, however, may grant additional use inauguration periods authorized hereunder, provided (a) the application is made prior to the expiration of the initial two-year period, (b) there have been no changes of circumstances which would prevent the preservation of the integrity, character, utility or value of the property in the zone and general area in which the use is proposed to be located or will be detrimental to the health, safety or welfare.

3) Any minor or major modifications must receive the prior approval of the City of Pismo Beach; minor modifications may be approved by the City Planner, but major modifications require Planning Commission approval.

4) Individual units proposed for this site will require Planning Commission public hearing processing of a Conditional Use Permit and Coastal Permit.

5) Any residential dwelling unit shall be setback a minimum of the 100 year retreat rate plus 20 additional feet from the top of the bluff. Further setbacks may be warranted by site specific geologic conditions.

6) Low water consuming devices shall be required including, without limitation:

   a) Low flush water closets,

   b) Low volume shower heads,

   c) Automatic irrigation systems with automated controllers designed to reduce irrigated areas water supply,

   d) Other state of the art devices.

7) Individual archaeological surface surveys will be required on each project, and said survey with recommendations will be submitted to the Planning Commission with the application noted with condition A-4, above.

(City Council Approved 8-8-88)

8) In the event of the unforeseen encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading or excavation shall cease in the immediate area, and the find left untouched until a qualified professional archaeologist or paleontologist, whichever is appropriate, is contacted and called in to evaluate and make recommendations as to disposition, mitigation and/or salvage. The developer shall be liable for costs associated with the professional investigation.

9) All utility meters, transformers, etc., shall be screened in a manner which respects the building design and setback requirements.

10) All Specific Plan requirements and conditions, including the specific summary section Appendix A, shall be incorporated herein as if they were reproduced in their entirety herein.

11) The open space easement along Lot C of Tract 1618 will include City access for watertank access, fire control and access, and other rights as noted in the Specific Plan.

12) The blufftop fence along the public space shall be a maximum of 42" high, of a material and location determined by the Public Services Director. This fence shall be installed by the subdivider with the tract improvements.

13) The blufftop access trail and landscaping will be installed by the subdivider with the tract improvements.

14) All street tree plantings and all landscaping of the public property and the entry to the project at Indio will be approved by the Parks Commission prior to recordation of the Final Tract Map.

15) Construction access to the site during tract improvements shall be limited to the hours of 7 a.m. to dusk, Monday thru Friday. A secure gate will be maintained at the site access at the end of Indio Drive during construction and until the permanent gate is installed. At the completion of annexation, a permanent fence will be installed along the northwestern City/County boundary.

16) Final C C & R's for the tract shall be approved by the City Attorney. Those C C & R's will include at least the following:

a) Prohibiting further subdivision or development of more than one residential unit per each of the twenty-three (23) lots of Tract 1618;

b) Irrigated lawn landscaped areas per lot limited to 3,000 sq. ft.;

c) Prohibiting roof mounted antennae and satellite dishes anywhere on site or buildings;

d) All on-site construction, except landscaping plantings, limited to the defined "building-envelope";

e) Common homeowners association;

f) Security standards for construction;

g) Fire retardent building materials;

(City Council Approved 8-8-88)

h) Landscaping controls;

i) Other standards considered consistent with the Specific Plan.

17) All applicable requirements of any law or agency of the State, City of Pismo Beach and any other governmental entity at the time of construction shall be met. The duty of inquiry as to such requirements shall be upon the applicant.

18) All development of the site will be consistent with the Development Agreement dated August 8, 1988.

19) All EIR mitigation measures, as applicable, will be adherred to.

B. STANDARD PUBLIC WORKS CONDITIONS:

1) ON-SITE UTILITY LINES: All on-site utility extensions serving this project shall be placed underground in facilities approved by the Director of Public Services, City Engineer and Building Official.

2) GRADING: On- or off-site grading associated with this development will not be permitted until grading, drainage and erosion control plans are presented for approval by the Director of Public Services, City Engineer, and Building Official.

3) IMPROVEMENT PLANS: Improvement plans shall be submitted detailing the location, type and adequacy of:

a) water lines and facilities for domestic and fire flows:

b) sewer lines and facilities for sanitary collection systems;

c) right-of-way dedication and improvement of adjacent public streets per the Public Works Director;

d) traffic control signs, street symbols, curb and roadway striping and street signs;

e) low level street light facilities with voltage, spread of lighted area and spacing of standards noted;

f) storm drainage lines and facilities.

4) STANDARD DESIGN CRITERIA: All noted public works improvements shall be designed to the standards of the City of Pismo Beach, or in the absence thereof, to the standards of the County of San Luis Obispo. The City Engineer has all such standards on file at City Hall. The decision of the Director of Public Services shall be final regarding the specific standards that shall apply.

5) DUST AND EROSION CONTROL: All dust and erosion control shall be in conformance with the standards of the City of Pismo Beach, applicable Ordinances, and the City Engineer.

6) BONDING: Bonding shall be provided to the City of Pismo Beach in the form of a Performance Bond and a separate Labor and Materials Bond in amounts as stipulated by City Ordinance. These securities shall be provided as bonds, set-aside letters and/or irrevocable letters of credit in a format acceptable to the City Attorney. These bonds shall be expressly for the purpose of guaranteeing the installation of public or semi-public improvements required for the development. All required bonds shall be presented to the City as part of application for a final map (in the case of subdivisions) or as a part of application for Building/Grading Permits. Monument Bonds may also be required per the City Engineer or Director of Public Services.

7) GUARANTEE BOND/WARRANTY BOND: A Warranty/Guarantee Bond shall be provided to the City to be used to ensure that any and all public or semi-public improvements associated with the project are in proper working order/condition for a minimum period of one (1) year after a final inspection of the project, or after acceptance of the public improvements by the City Council of the City of Pismo Beach, whichever is applicable and whichever is later. Said bond will be in an amount equal to ten percent (10%) of the costs of the completed public or semi-public improvements. Said bond may be held for such additional period (beyond one year) as may be deemed appropriate by the Director of Public Services.

8) PERMITS: The following permit(s) shall be secured as noted:

a) An encroachment permit for all work within the public right-of-way shall be secured from the Public Services Department with the application for grading and/or building permits.

b) The developer shall be responsible for ensuring that Underground Service Alert (USA) is contacted for all work involving trenching and excavation.

c) A Building Permit.

9) FENCING: Perimeter walls or fencing will be required per the approval of the Public Services Director. Temporary construction fencing will be required for the perimeter of the project site.

10) AS-BUILT DRAWINGS: Mylar reproducible "as-built" drawings of the public or semi-public improvements shall able furnished to the City after completion of the project. These drawings shall reflect all improvements incorporated in the approved Improvement Plans for the project.

11) DRAINAGE: All individual lots shall be graded to drain to the street, or to a drainage facility approved by the City Engineer and Building Official.

12) The applicant shall provide necessary structures to carry surface water run-off from the site without impacting adjacent property or development. All drainage will be collected along Cave Landing Road and directed to the base of the bluffs in piping and with an energy dissipating discharge.

13) EASEMENTS: Utility, drainage and roadway/access easements shall be provided with the application for final map and prior to issuance of Building and/or Grading Permits.

(City Council Approved 8-8-88)

14) TRAFFIC CONTROL(S): During construction, it shall be the responsibility of the contractor to provide for safe traffic control in and around the site. This may include but not be limited to signs, flashing lights, barricades and flag persons as directed by the Building Official.

15) SPECIAL CONDITION -- SITE ACCESS: Should the applicant propose that flammable construction (i.e. framing) occur during the winter period (designated by City Ordinance as November 1 through and including March 31 - 5 months), provisions to ensure access on and around the site will minimally include that all street(s) improvements shall be completed prior to such flammable construction.

16) Public utility easements will be provided to the City per the City Engineer.

17) The blufftop parkway and public access will be contoured in such a way to direct drainage away from the top edge of the bluff, to collection facilities in Cave Landing Road.

C. LANDSCAPING CONDITIONS:

1) A landscaping plan and an automatic irrigation plan shall be required. Prior to the issuance of a Building Permit, the City Planner shall ensure compliance with all landscaping and irrigation plans approved by the Parks, Recreation and Beautification Commission.

2) Fifteen gallon parkway trees of a variety and possessing a root structure adaptable for use as parkway trees shall be planted on each lot, and be located in a manner which will not obstruct view for safe pedestrian or vehicular activity in order to achieve the same objectives as stated in Condition #1.

3) The developer shall protect and preserve existing trees to an extent practicable. The developer shall consult with the City Planner to achieve the following goals: eliminate crowding; eliminate dead, dying or diseased trees; protect root structures from grading; top trees for the safety or persons and property and the continued health of the remaining trees; provide sufficient irrigation, pruning, fertilization, weed control, pest and animal control and disease control to ensure continued health.

4) All landscaping and planter areas shall be continually maintained in good condition and shall be kept clean and weeded. Replacement of dead or dying plant material shall be accomplished in accordance with the provisions of Condition #1.

5) All irrigated lawn landscaping areas per each single family lot shall be limited to a maximum of 3,000 square feet. All other types of landscaping can be improved without limitation to area for drip systems, bubble irrigation systems, and the like.

D. FIRE DEPARTMENT CONDITIONS:

1. Address Numbers: UFC Sec. 10.208

   a. Numbers shall be easily seen and legible from the frontage road.

   b. All residential building address numbers to be a minimum of 4" in height.

   c. Numbers must be of a contrasting color to their background and visible at night.

   d. Submit address plans to the Fire Chief for approval.

2. Fire Hydrants: UFC Sec. 10.301(c)

   a. All fire hydrants shall conform to the Pismo Beach Water Distribution Systems Materials List.

   b. Each hydrant to have one 4-1/2" outlet and two 2-1/2" outlets. Wet barrel type.

   c. No rolled curbs will be allowed within 15' of a fire hydrant. Type "A" curb only, asphalt material.

   d. Hydrants to have a concrete pad approved by the Building Department.

   e. Fire Lane/Tow Away zones shall be posted every 300' the entire length of Cave Landing Road, except where a 28' width is provided for parking on one side of the street.

   f. Hydrants every 400' will be required along Cave Landing Road.

3. Waterlines and Hydrant Distribution: UFC Sec. 10.301(c)

   a. Prior to construction, plans for waterlines and hydrant locations shall be submitted to the Fire Department for approval.

   b. No flammable construction shall be allowed until required hydrants and waterlines are in and serviceable, and minimum fire flow and residual pressure is achieved as noted below.

   c. Water mains to be a minimum of 8 inches in size.

4. Fire Flow: UFC Sec. 10.301(c)

   a. All fire protection water must be gravity flow with adequate storage to meet domestic and required fire

   b. Minimum fire flow will be 1500 G.P.M. except however this minimum flow requirement may be reduced to 1,000 gallons per minute if all residential units are sprinkled with an NFPA13-D system.

   c. The minimum acceptable residual pressure shall be 20 psi.

5. Clearances: UFC 10.207(a)

   a. Driveways, common access roads and required fire lanes shall be constructed and maintained to accommodate Fire Department access.

   b. A minimum of 20 feet clear width required for all fire access. This pertains to the entire length of Cave Landing Road.

   c. A minimum of 13 feet, 6 inches overhead clearance.

   d. "No Parking" signs shall be posted along fire lanes to the satisfaction of the Fire Department every 300'.

6. Fire Sprinkler System: PBMC 15.12.050 B

   a. Provide an Automatic Fire Protection Sprinkler System for each residential unit unless 1500 gmp can be achieved..

   b. The system shall comply with NFPA 13-D Automatic Sprinkler Handbook and the Pismo Beach Fire Department.

   c. Two sets of plans and calculations required.

7. Access Roadways: UFC Sec. 10.208

   a. Access roads shall have all-weather driving surfaces capable of supporting fire apparatus weighing 40,000 lbs.

   b. Asphalt access lanes will be required in hillside areas or any area deemed necessary by the Fire Chief during inclimate weather periods.

   c. No flammable construction will occur prior to all-weather access being provided, and flammable construction may be stopped anytime these conditions are not met.

8. Utilities:

   a. If gas meters, electric utilities or any part of the fire protection water system are subject to vehicular damage, impact protection shall be provided.

9. Turnarounds: UFC Sec. 10.207(h)

   a. Two (2) cul de sacs are desirabale at Lots 1 and 10, however, in the event these cannot be provided, another type of turnaround for fire apparatus approved by the Fire Chief shall be constructed with the Tract improvements. If cul de saccs are provided, minimum radius will be 35'.

10. Miscellaneous:

a. A combination of irrigated green-breaks and/or fuel reduction or removal zones, equaling a minimum of 100' shall be provided behind any structures and the open space Lot C.

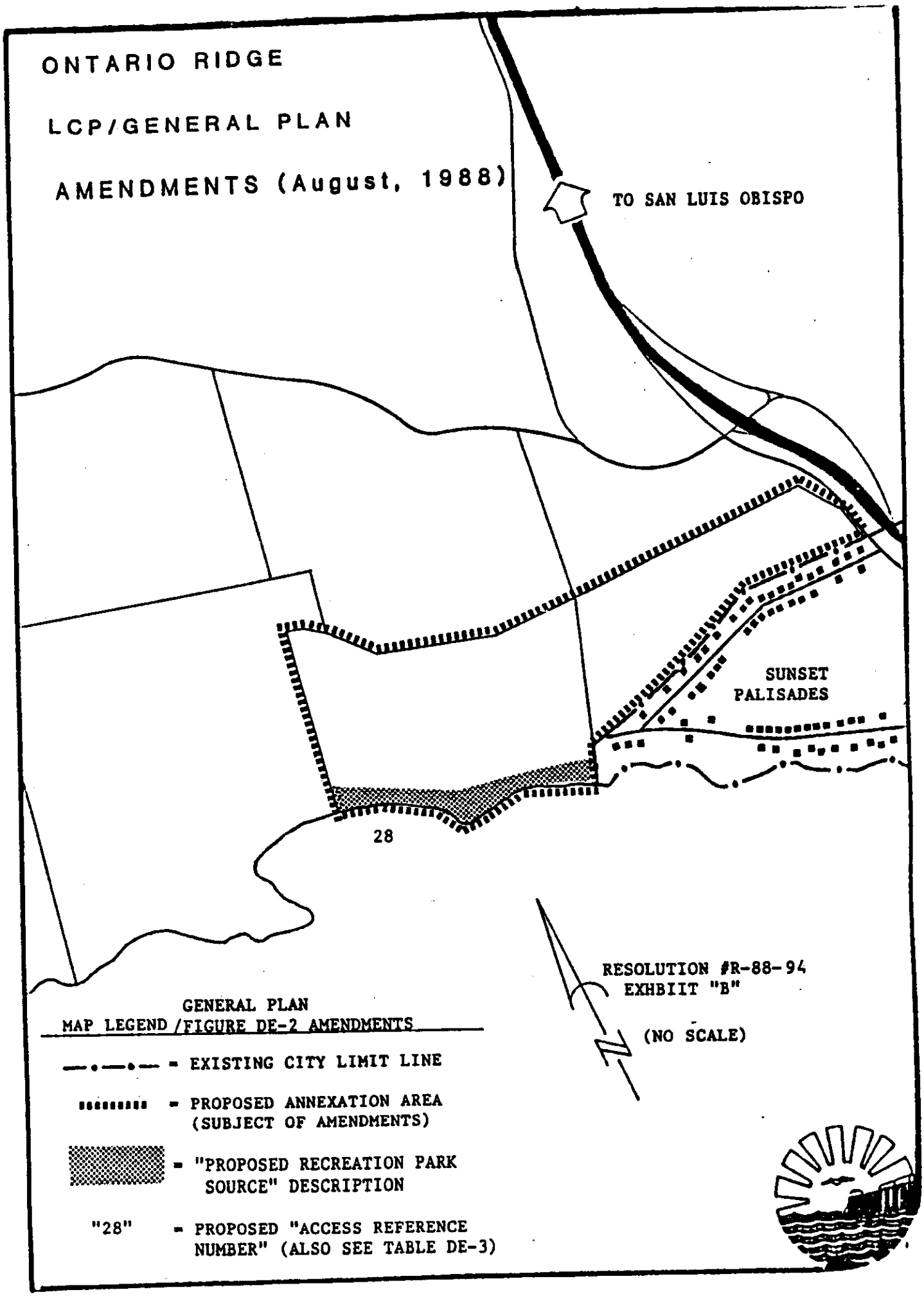
b. Bulb at entrance to gates shall be to cul de sac standards for radius.

c. The abandoned section of Cave Landing Road behind El Portal shall be maintained for emergency access and a firebreak.

d. All roofs shall be constructed of a class "A" fire rated material.

e. All structures shall be of a fire retardant material approved by the Fire Chief.

(City Council Approved 8-8-88)


ONTARIO RIDGE
LCP/GENERAL PLAN
AMENDMENTS (August, 1988)
TO SAN LUIS OBISPO
SUNSET
PALISADES
28
RESOLUTION #R-88-94
EXHBIIT "B"
(NO SCALE)
N
GENERAL PLAN
MAP LEGEND /FIGURE DE-2 AMENDMENTS
= EXISTING CITY LIMIT LINE
= PROPOSED ANNEXATION AREA (SUBJECT OF AMENDMENTS)
= "PROPOSED RECREATION PARK SOURCE" DESCRIPTION
"28" = PROPOSED "ACCESS REFERENCE NUMBER" (ALSO SEE TABLE DE-3)

# APPENDIX G

# SUMMARY OF FINDINGS

SECTION VI -- SUMMARY OF FINDINGS:

The following findings are presented for adoption as it relates to the series of LCP & General Plan amendments as well as the Zone Changes and the Tentative Tract Map and Specific Plan. Each section has been presented, again based upon the City's standard format for findings.

A. GENERAL PLAN/LOCAL COASTAL LAND USE PLAN AMENDMENTS:

1. Property commonly referred to as "Ontario Ridge/San Miguelito Partners" is presently designated within the City's Sphere of Influence and Sphere of Service as approved by the Local Agency Formation Commission for San Luis Obispo County.

2. The City's adopted General Plan/Local Coastal Program estimates annexation and subsequent development of the Ontario Ridge Area for the timeframe approximately 1990-1995.

3. The amendments proposed for the General Plan and Local Coastal Program Land Use Plan are consistent and compatible with the general conditions and standards for development in improvement of the areas located immediately south and southeast of the project site and the planning area referred to as the "Sunset Palisades".

B. ZONING ORDINANCE CHANGES:

1. Zoning Ordinance amendments, including the Zoning Map and Overlay Zones, are necessary to remain consistent with the amendments proposed for the Local Coastal Program and General Plan.

2. Amendments to the Local Coastal Program Implementation Measures are effected by the amendments to the Zoning Ordinance as proposed.

3. The proposed amendments to the Zoning Ordinance reflect standards consistent with the adjoining planning area referred to as the "Sunset Palisades".

C. FINDINGS FOR SPECIFIC PLAN/CONDITIONAL USE PERMIT APPROVAL (SUBJECT TO ULTIMATE GENERAL PLAN/LOCAL COASTAL PROGRAM AND ZONING CHANGES STATED HEREIN):

1. The proposed use is consistent with the General Plan/Local Coastal Program Land Use Plan, as proposed for amendment herein.

2. The proposed use is compatible with the nearby existing uses and is not detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed project.

3. The Specific Plan, as proposed, is consistent with the applicable provisions and mitigation measures of the County Certified EIR.

4. The proposed project is in conformance with the requirements of Zoning Ordinance #320, and as amended thereafter.

5. The site is physically suitable for the proposed development and is in keeping with the character of the surrounding neighborhood.

6. The proposed use, as designed, will not be detrimental to the orderly and harmonious development in the neighborhood.

7. The proposal will not impair the desirability of investment or occupation in the neighborhood.

8. The project shall comply with all laws and policies applicable at the time of use inauguration.

D. TENTATIVE TRACT MAP APPROVAL (SUBJECT TO ULTIMATE GENERAL PLAN/LOCAL COASTAL PROGRAM AND ZONING CHANGES STATED HEREIN):

Based upon the information set forth in the staff report, it is determined that this application, with the attached conditions, meets the requirements of Government Code Sections 66473.5, 66474, 66474.6 and 66478.31, et seq, in that:

1. The proposed map is consistent with the applicable general and specific plans.

2. The design and improvements of the proposed subdivision are consistent with applicable general and specific plans.

3. The site is physically suitable for the type of development proposed.

4. The site is physically suitable for the proposed density of development.

5. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

6. The design of the subdivision and the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.

7. There would be no discharge of waste from the proposed subdivision into an existing community sewer system in violation of existing water quality control requirements under Water Code Sections 13000 et seq.

8. The proposed subdivision is in conformity with the requirements of the Subdivision Ordinance and the Zoning Ordinance.

9. A supplemental Local Coastal Permit hearing will be required following annexation and LCP certification on the amendments contained herein prior to Final Tract Map processing.

E. ENVIRONMENTAL DETERMINATION:

1. Substantial changes from the originally proposed project have not been proposed that would require major revisions to the Environmental Impact Report certified by the County on May 6, 1986.

2. No substantial changes exist with respect to the circumstances under which the revised project is being proposed for annexation in part to the City, any changes of which will not require major revisions in the catalog of Environmental Impact Information or mitigation measures presented in this previously certified EIR.

3. No new information has been presented to the City that would suggest that the Environmental Impact Report reviewed and certified by the County was deficient in information that either was not known or could not have been known while the County was processing and certifying the EIR.

4. On July 7, 1988 the City of Pismo Beach distributed notices regarding the City's consideration of a previously certified EIR for the purposes of annexation and development of the Ontario Ridge project as referenced in this report, pursuant to section 15153 of the California Environmental Quality Act guidelines.

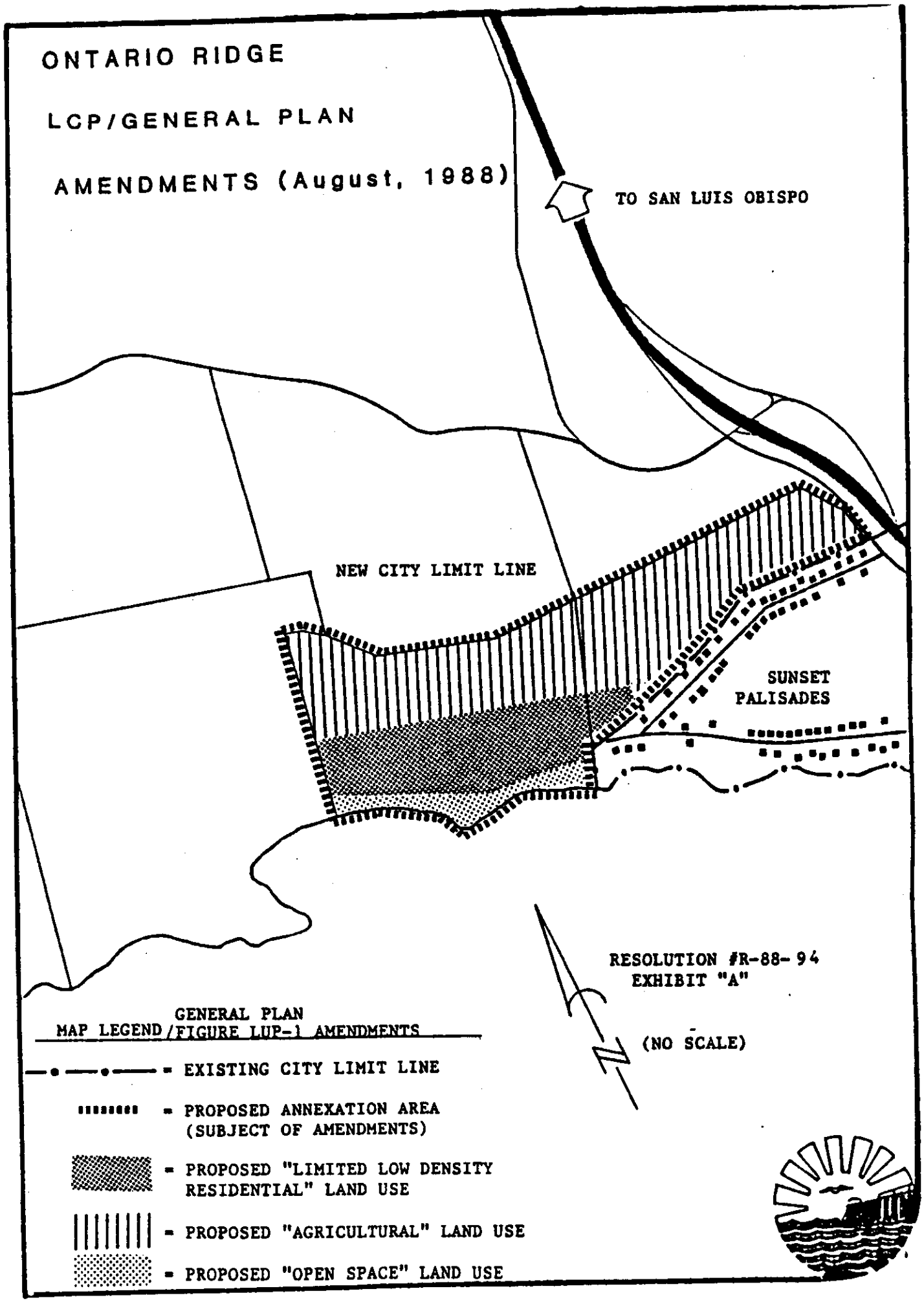
5. Notice was provided to the State Clearinghouse, as well as direct mailings to agencies that either responded to the scope of work under the Notice of Preparation of the County prepared EIR, or in fact the agencies and all entities that responded to the Draft EIR as it was going through the County certification process.

6. No responses were received from agencies affected pertaining to the use of the EIR by the City for the purposes stated herein.

7. A thirty (30) day response period as required by section 15087 under the CEQA guidelines was provided between July 7, 1988 and August 8, 1988 as it relates to the use of the previously certified EIR for this project.

# APPENDIX H

## ADOPTING RESOLUTION FOR AMENDMENT(S) TO LCP/GENERAL PLAN


ONTARIO RIDGE
LCP/GENERAL PLAN
AMENDMENTS (August, 1988)
TO SAN LUIS OBISPO
NEW CITY LIMIT LINE
SUNSET
PALISADES
RESOLUTION #R-88-94
EXHIBIT "A"
(NO SCALE)
GENERAL PLAN
MAP LEGEND/FIGURE LUP-1 AMENDMENTS
= EXISTING CITY LIMIT LINE
= PROPOSED ANNEXATION AREA (SUBJECT OF AMENDMENTS)
= PROPOSED "LIMITED LOW DENSITY RESIDENTIAL" LAND USE
= PROPOSED "AGRICULTURAL" LAND USE
= PROPOSED "OPEN SPACE" LAND USE

RESOLUTION NO. R-88-94

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH AMENDING THE GENERAL PLAN/LOCAL COASTAL PROGRAM LAND USE PLAN TO INCORPORATE STANDARDS FOR THE ANNEXATION TERRITORY COMMONLY REFERRED TO AS "ONTARIO RIDGE/SAN MIGUELITO PARTNERS"

WHEREAS, the City of Pismo Beach has studied the annexation and development of portions of the "Ontario Ridge" Project owned by the San Miguelito Partners over the last several years; and,

WHEREAS, amendment to the City's General Plan/Local Coastal Program Land Use Plan are required to effect the annexation of the territories; and,

WHEREAS, the City of Pismo Beach has adopted Resolution R-88-95, adopting and approving a Specific Plan and Development Agreement for the Annexation and Development of the "Ontario Ridge" Project and Ordinance 88-16, amending the Zoning Ordinance and Local Coastal Program implementation measures, subject to State Coastal Commission, Local Agency Formation Commission and County Board of Supervisors action confirming said annexation and development.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

Section I:

The City Council of the City of Pismo Beach hereby determines to amend the City's General Plan/Local Program Land Use Coastal Plan to include the annexation of the "Ontario Ridge Project".

Section II:

City 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. The proposed amendment is consistent with the California Coastal Act and shall take effect immediately upon Coastal Commission approval.

Section III:

The City Council hereby determines to amend the General Plan/Local Coastal Plan per modifications outlined in Section IV of this Resolution.

Section IV -- General Plan Amendments:

A. Figure LUP-1 of the General Plan is amended to reflect the revisions to land use designations and the City Limit demarcation as shown in part on exhibit "A" of this Resolution.

B. Page IV-111 of the General Plan is amended in part by adding to the second paragraph of section 2.6:

"Limited Low Density - maximum of 1 unit per acre"

C. Revise Table LUP-2, page IV-111 in part as noted:

"A Sunset Palisades 175 339 175 0. . .0"

D. Page IV-118, first paragraph is amended in part as noted:

add second sentence "Annexation and development of this site was authorized by adoption of a Specific Plan by Resolution R-88-95."

E. Page IV-119, add the following Policies and Programs:

POLICY SPA-6: Annexation and subsequent subdivision and development of the Ontario Hill/Ridge area shall be done under a Specific Plan for the property.

POLICY SPA-13: The Ontario Hill/Ridge annexation territory will be limited to single family, recreational, and open/space uses, and will be subject to Coastal Commission approval of appropriate amendments to the Local Coastal Program.

POLICY SPA-14: The Specific Plan for this site will include the following standards:

a. large lots, one acre minimum, residential sites;

b. open space easements above slopes of 30 percent and above the 200 foot contour;

c. public access provisions along the coastal bluff top;

d. fire green breaks and residential construction standards for fire suppression; and,

e. deed restrictions specifying standards to be imposed on development of the sites.

PROGRAM SPA 13: The City shall cooperate with the County of San Luis Obispo and the Coastal Commission, as well as any other responsible public agency, in the development and operation of the Pirates Cove/Mallagh Landing beach and bluff top recreational facilities and improvements. The City's participation shall be measured against the following objectives:

a. definition and delineation of parking and vehicular access areas limited to an approximate 100 space facility;

b. development of a verticle access facility (i.e. stairs, trails, etc.) to serve the beach;

c. development of a public restroom facility at or near the verticle access and parking facilities;

d. runoff control and revegetation of disturbed access areas; and,

e. day use facilities and operation.

F. Amend Tables DE-4 (page IV-29) in part as follows:

Add to table: "1-A, Ontario Ridge, Proposed Path, Proposed Unimproved Path, Needs Construction, Signs Needed, No Spaces Necessary, Public (or Easement)."

G. Amend Figure DE-2 as noted on Exhibit "B" of this Resolution.

H. Add Map No. 28 and description to Table DE-3 (page IV-24) as follows:

"28. A. Ontario Ridge Linear Access. Linear blufftop access, pedestrian pathway, bike trail, natural trail, implement with annexation of Ontario Ridge Project."

I. Add to Table DE-3, page IV-20, as noted:

"28. A, Linear blufftop access, undeveloped, all age groups, proposed landscaping, proposed public ownership."

J. Amend Figure EN-14 by adding Public Access designation (1b) to blufftop access area.

K. Amend Table EN-15, page III-120, in part as noted:

"Total Undeveloped Urban Land 688, 201, 789"

"Active Recreation Land 94, 0, 94"

"Undeveloped Open Space 284, 13, 277"

Section V:

The City Council finds that this amendment to the General Plan/Local Coastal Program will not have a significant adverse affect on the environment.

Section VI:

This Resolution shall be in effect upon City Council approval.

ON MOTION of Councilmember Baker, seconded by Councilmember Hearn, the foregoing Resolution is hereby passed and adopted this 8 day of August, 1988, by the following roll call vote, to wit:

AYES Baker, Hearn, Dillon, Morrow, Eldwayen

NOES: None

ABSTAIN: None

ABSENT: None

NEBB ELDWAYEN, Mayor

ATTEST:

SHARON JONES
CITY CLERK

APPROVED AS TO FORM:

A. J. SHAW, JR.
CITY ATTORNEY

I HEREBY CERTIFY THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION ORDINANCE NO. 88-44 ADOPTED BY THE CITY COUNCIL OF THE CITY OF PISMO BEACH AT A REGULAR MEETING THEREOF HELD ON THE 8th DAY Aug. 19 88.

Sharon Jones
CITY CLERK

R-ONTARI

WHEREAS, "EASEMENTS" over LOT B for public access to pedestrian and bicycle ingress and egress over said LOT B have been offered for dedication to the CITY by the DEVELOPER; and

WHEREAS, on August 8, 1988, the DEVELOPER and the the CITY entered into a "DEVELOPMENT AGREEMENT" to be implemented upon approval of annexation of the SITE to the CITY from the COUNTY, as described in the SPECIFIC PLAN and the TENTATIVE MAP, by the San Luis Obispo County Local Formation Commission ("LAFCO"), Coastal Commission ("COASTAL") approval of an amendment to the CITY Local Coastal Program (the "LCP") to include the SITE, and CITY approval of development permits for a minimum of twenty-three (23) residential lots and the two (2) open space lots as described above; and

WHEREAS, it is consistent with the LCP and the purposes and intent expressed by the State of California in the California Coastal Act (Public Resources Code §30000, et seq., hereafter the "COASTAL ACT"), that the public be given access to LOT B; and

WHEREAS, the CITY has applied to COASTAL for an amendment to its LCP to include the SITE upon the terms and conditions described in the application, the SPECIFIC PLAN, the TENTATIVE MAP and the DEVELOPMENT AGREEMENT; and

WHEREAS, on July 20, 1989, after a duly noticed hearing, LAFCO approved Annexation No. R-6-88 authhorizing annexation of the SITE to the CITY as proposed in the SPECIFIC PLAN, the DEVELOPMENT AGREEMENT, and the TENTATIVE MAP, (the "ANNEXATION") and authorized the CITY to initiate proceedings to annex the SITE (LAFCO Resolution No. 89-19); and

WHEREAS, on September 25, 1989, after a duly noticed public hearing, the COUNCIL accepted the ANNEXATION of the SITE to the CITY pursuant to Resolution No. 89-116; and

WHEREAS, COASTAL has scheduled a hearing for on, or about, November 14, 1989 to consider the CITY'S application for the amendment to the LCP necessary to allow the DEVELOPER to proceed with development of the SITE;

I. NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PISMO BEACH DECLARES AND FINDS THAT:

A. The foregoing recitals accurately set forth the relevant facts and events occurring with respect to the dedication and acceptance of the EASEMENTS, and all the documents referenced in this Resolution are hereby incorporated by this reference.

B. It is consistent with the intentions of the CITY, the COASTAL ACT, the SPECIFIC PLAN, the DEVELOPMENT AGREEMENT, and the TENTATIVE MAP that the CITY accept the offer of dedication made by the DEVELOPER for the EASEMENTS.

C. The best interests of the CITY and its residents, as well as the State of California and its residents, will be served by the acceptance of the EASEMENTS.

D. Upon completion of the ANNEXATION and approval of the application to amend the CITY LCP under the conditions and terms requested by the CITY, it will be appropriate and proper for the CITY to accept dedication of the EASEMENTS.

II. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PISMO BEACH THAT:

It is the intention of the CITY to accept dedication of the EASEMENTS upon completion of the ANNEXATION and approval of the amendment to its LCP upon the terms and conditions requested by the CITY, and in conjunction with approval and issuance of the entitlements necessary to the development of the SITE as proposed in the SPECIFIC PLAN, the DEVELOPMENT AGREEMENT and the TENTATIVE MAP.

III. NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF PISMO BEACH THAT:

The Director of Community Development is authorized to transmit a certified copy of this Resolution to the California Coastal Commission as soon as possible.

IV. The City Clerk shall certify the adoption of this Resolution.

UPON MOTION of Councilmember Foster, seconded by Councilmember Eldwayen, the foregoing Resolution is hereby passed and adopted at a regular meeting of the City Council held this 6th day of November, 1989 on the following roll call vote, to wit:

AYES: Foster, Eldwayen, Baker, Fiorentino

NAES: None

ABSENT: Morrow

ABSTAIN: None

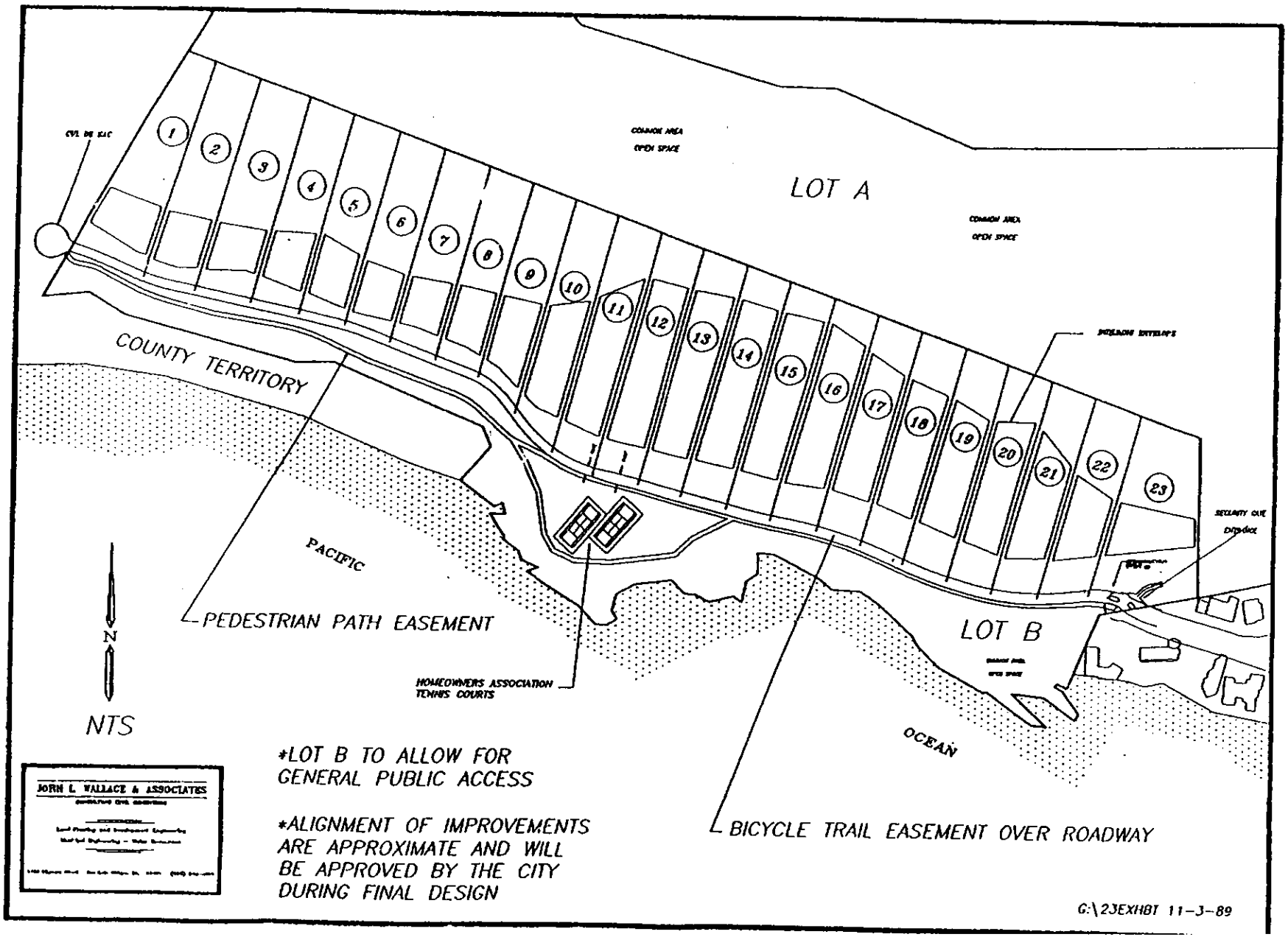
MIKE FIORENTINO, VICE MAYOR

ATTEST:

SHARON JONES, CITY CLERK

APPROVED AS TO FORM:

BY: _____
MARY REDUS GAYLE
for BURKE, WILLIAMS & SORENSEN,
SPECIAL COUNSEL


COMMON AREA
OPEN SPACE
LOT A
COMMON AREA
OPEN SPACE
1
2
3
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22
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COUNTY TERRITORY
PACIFIC
PEDESTRIAN PATH EASEMENT
HOMEOWNERS ASSOCIATION
TENNIS COURTS
LOT B
OCEAN
N
NTS
JOHN L. WALLACE & ASSOCIATES
*LOT B TO ALLOW FOR
GENERAL PUBLIC ACCESS
*ALIGNMENT OF IMPROVEMENTS
ARE APPROXIMATE AND WILL
BE APPROVED BY THE CITY
DURING FINAL DESIGN
BICYCLE TRAIL EASEMENT OVER ROADWAY
G:\23EXHBT 11-3-89

# APPENDIX I

## ADOPTING ORDINANCE FOR AMENDMENT(S) TO ZONING

ORDINANCE NO. 88-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH AMENDING CHAPTER 17 OF THE MUNICIPAL CODE (ZONING ORDINANCE ALSO BEING THE LOCAL COASTAL PROGRAM IMPLEMENTATION MEASURES) TO INCORPORATE STANDARDS FOR THE ANNEXATION TERRITORY COMMONLY REFERRED TO AS "ONTARIO RIDGE/SAN MIGUELITO PARTNERS"

WHEREAS, this parcel, designated as Assessors Parcel No 79-231-39 and 79-261-20, is presently vacant and designated by San Luis Obispo County Ordinance as "Residential Rural", commonly referred to as the "Ontario Ridge/San Miguelito Partners" project; and,

WHEREAS, the City of Pismo Beach has studied the annexation and development of portions of the "Ontario Ridge" Project owned by the San Miguelito Partners over the last several years; and,

WHEREAS, amendment to the City's General Plan/Local Coastal Program Land Use Plan are required to effect the annexation of the territories; and,

WHEREAS, the City of Pismo Beach City Council has determined to designate this area for Planned Residential Zoning (PR) ; and,

WHEREAS, the City of Pismo Beach has adopted Resolution R-88-95, adopting and approving a Specific Plan and Development Agreement for the Annexation and Development of the "Ontario Ridge" Project and Resolution R-88-94, amending the General Plan/Local Coastal Program Land Use Plan, subject to State Coastal Commission, Local Agency Formation Commission and County Board of Supervisors action confirming said annexation and development.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Pismo Beach as follows:

SECTION I:

The City Council of the City of Pismo Beach hereby determines to amend the City's Zoning Ordinances also being the Local Coastal Program implementation measures, and the City Zoning Map to reflect a PR - Planned Residential designation, and directs City staff to modify this map accordingly as outlined in Section II, which will be consistent with the General Plan/Local Coastal Program Land Use Plan and Specific Plan for this area.

SECTION II -- ZONING ORDINANCE CHANGES:

A. The Zoning Map is hereby amended in part, as reflected by exhibit "A" of this Ordinance, to extend a planned residential zoning over the entirety of the ninety-six (96) acre annexation territory.

B. Chapter 17.060 (the Archaeology-Historic Sites Overlay Zones (A)) is amended as reflected in exhibit "B" of this Ordinance to include an Archaeology-Historic Sites (A) Overlay Zone designation over the entirety of the ninety-six (96) acre annexation territory.

C. The Chapter 17.066 (Coastal Access (CA)) Overlay Zone Map is hereby amended as reflected in exhibit "C".

D. Section 17.066.020.19 is added as follows:

"19. The development of the "Ontario Ridge" Project shall include a public blufftop access paralleling the bluff edge. This shall be in the form of an easement or dedication to an appropriate public agency."

E. The Post-Local Coastal Program Certification Map shall be amended pursuant to Coastal Commission action pertaining to a determination on the "appeal zone" boundary over this property. Chapter 17.072 (the Coastal Appeal (CA) Overlay Zone) will be considered for revision accordingly.

F. The Overlay Zone map for Chapter 17.078 (the Hazards & Protection (H) Overlay Zone) shall be amended in part as noted on exhibit "D" of this Ordinance.

G. The Overlay Zone map for Chapter 17.087 (the Open Space (OS-2) Overlay Zone) shall be amended in part as noted on exhibit "E" of this Ordinance.

SECTION III:

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

SECTION IV:

The City Council hereby finds that this amendment will not have a significant adverse effect on the environment per a County certified EIR of 1986.

SECTION V:

This Ordinance shall be in full force and effect thirty (30) days after its passage, and 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:

1. The United States Post Office, Pismo Beach
2. The United States Post Office, Shell Beach
3. Pismo Beach City Hall

INTRODUCED at a regular meeting of the City Council held this 8 day of August, 1988, on motion of Councilmember Dillon, seconded by Councilmember Baker, and on the following roll call vote, to wit:

AYES: Baker, Dillon, Morrow, Hearn, Eldwayen

NOES: None

ABSENT: None

ABSTAIN: None

NEBB ELDWAYEN, Mayor

ATTEST:

SHARON JONES
City Clerk

APPROVED AS TO FORM:

A. J. SHAW, JR
City Attorney

PASSED AND ADOPTED at a regular meeting of the City Council held this 22nd day of August, 1988, on motion of Councilmember Morrow, seconded by Councilmember Hearn, and on the following roll call vote, to wit;

AYES: Councilmember, Morrow, Hearn, Baker, Dillon & Mayor Eldwayen

NOES: None

ABSENT: None

ABSTAIN: None

NEBB ELDWAYEN, Mayor

ATTEST:

SHARON JONES
City Clerk

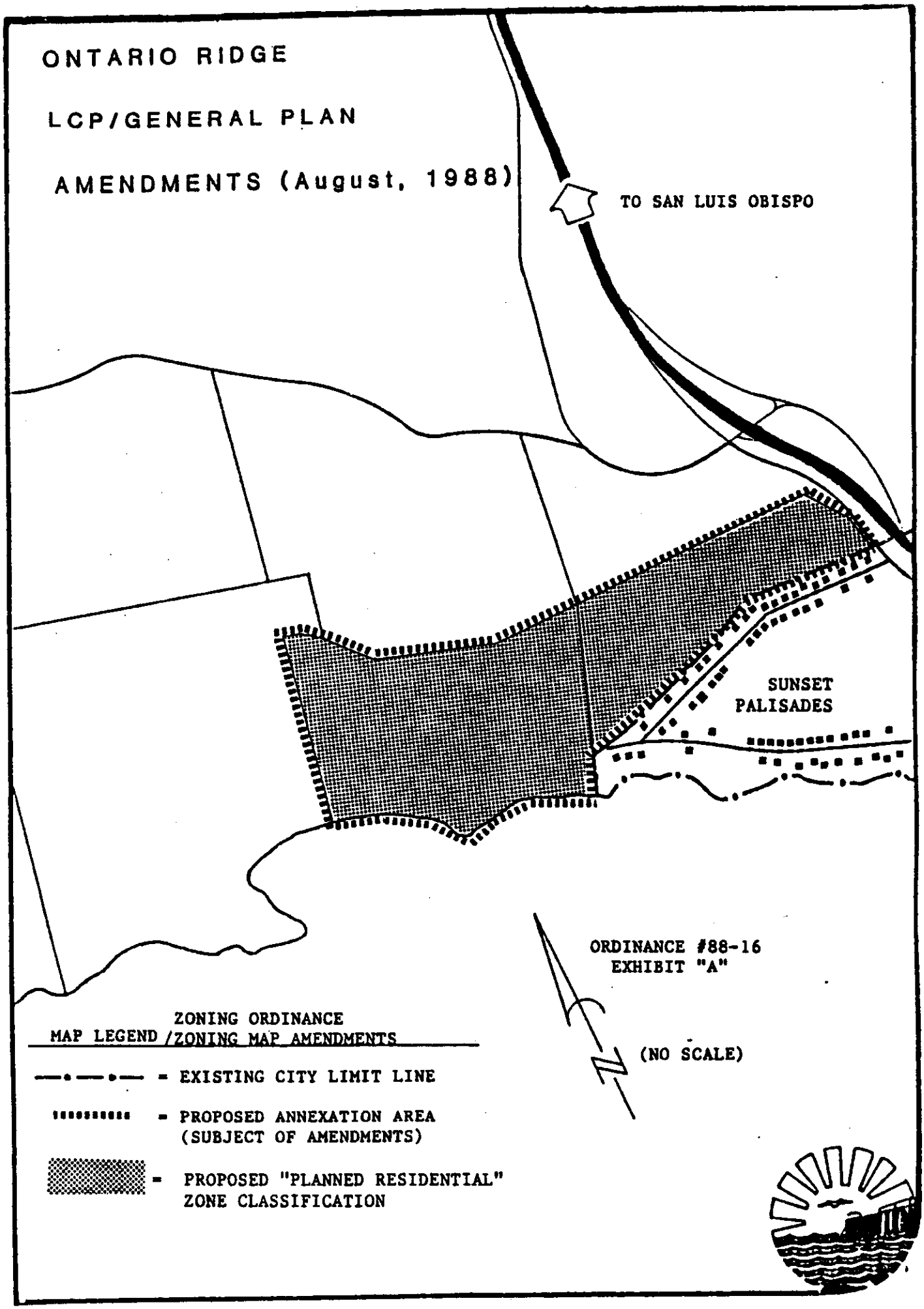
APPROVED AS TO FORM:

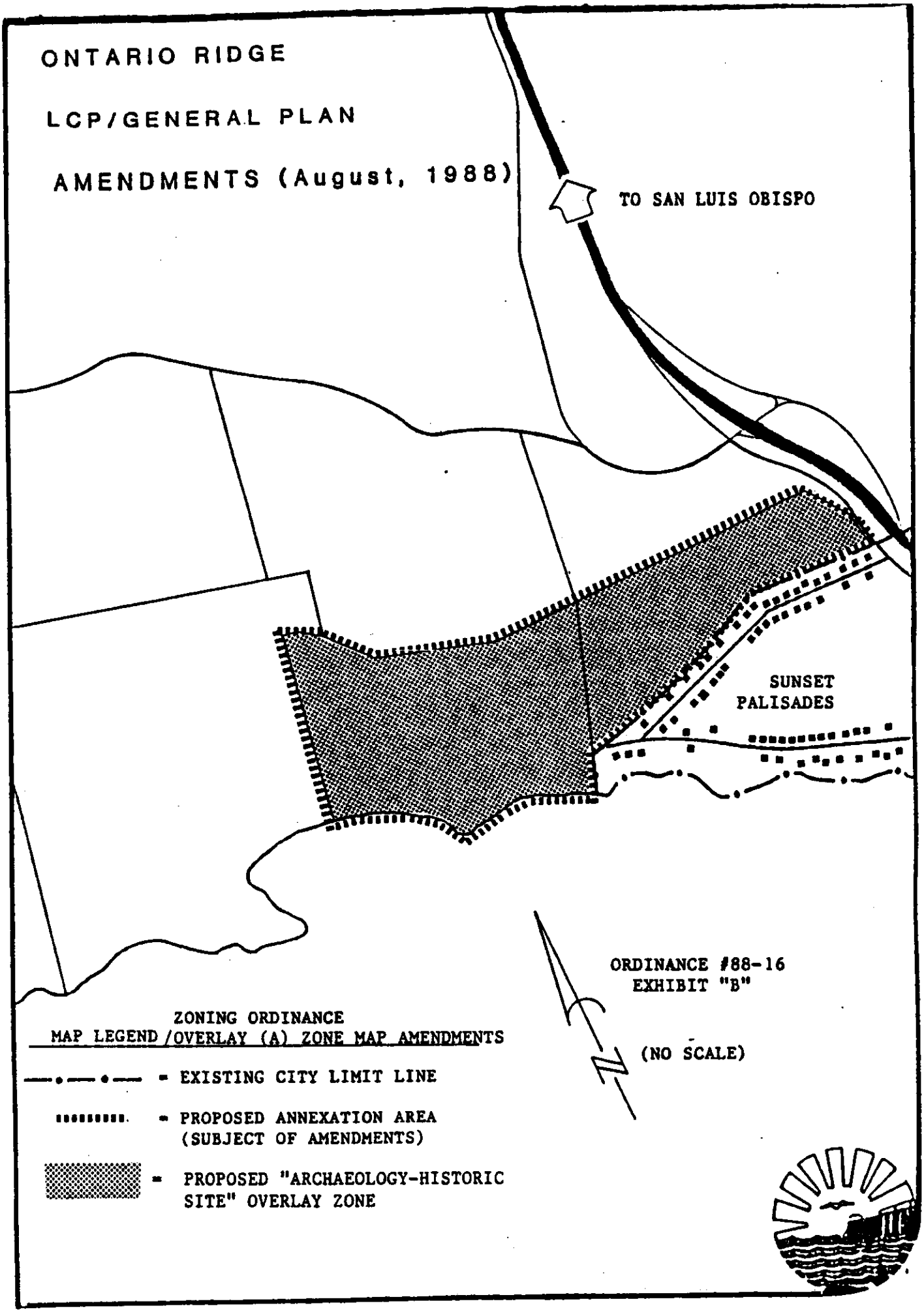
A. J. SHAW, JR.
City Attorney

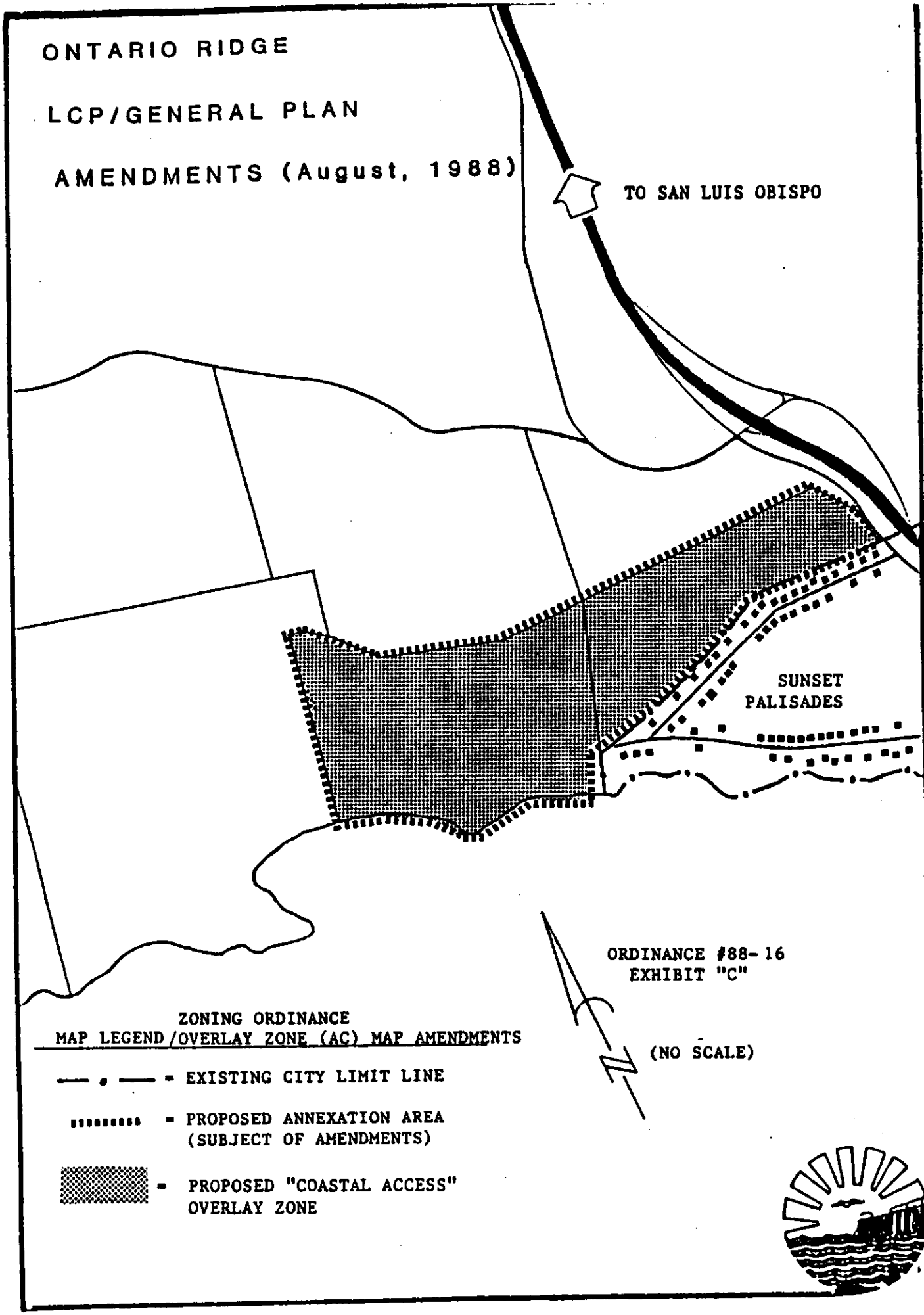
I HEREBY CERTIFY THE FOREGOING IS A TRUE AND CORRECT COPY OF ~~REGULATION~~ ORDINANCE NO. 88-16 ADOPTED BY THE CITY COUNCIL OF THE CITY OF PISMO BEACH AT A REGULAR MEETING THEREOF HELD ON THE 22nd DAY Aug. 19 88.

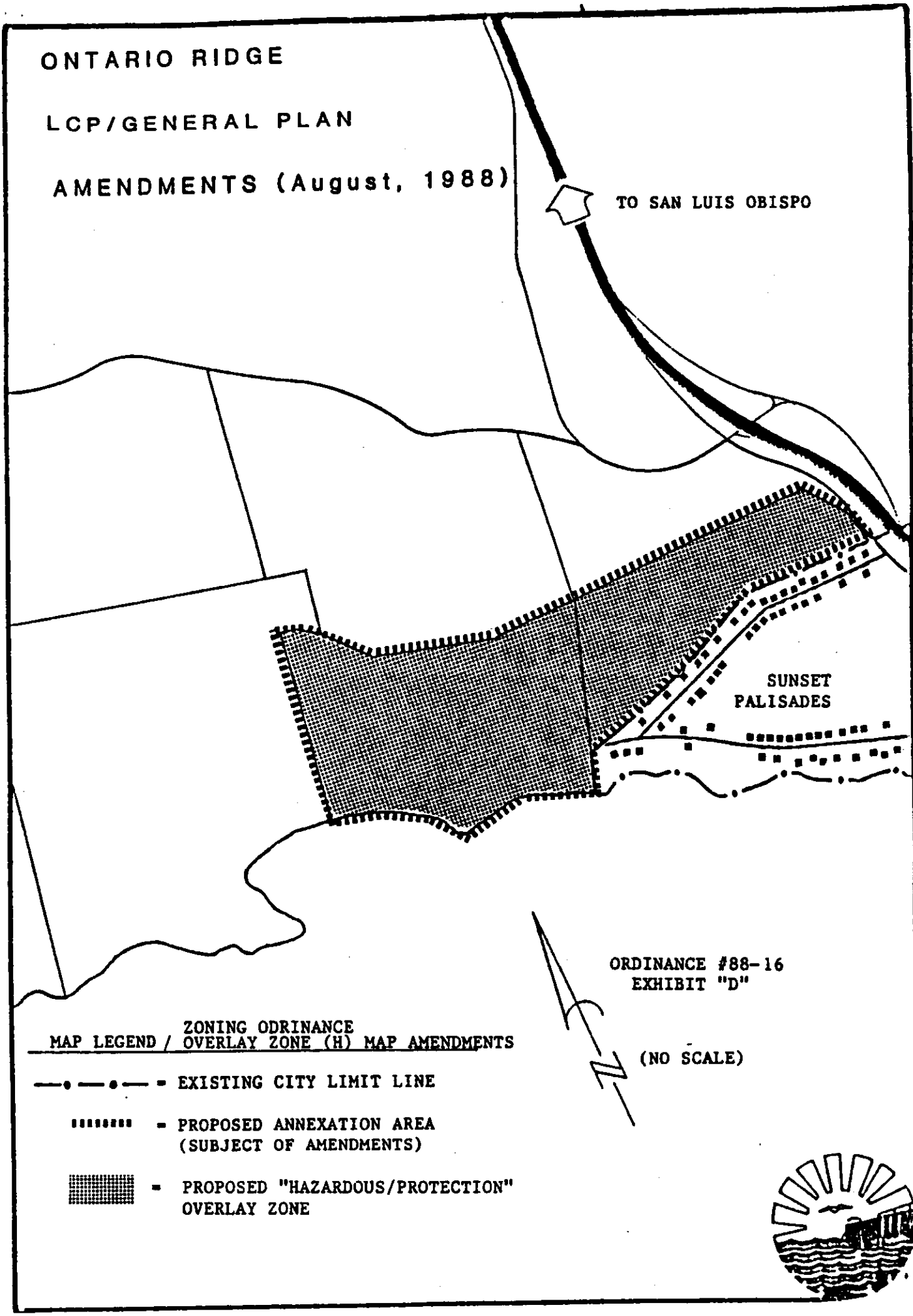
CITY CLERK

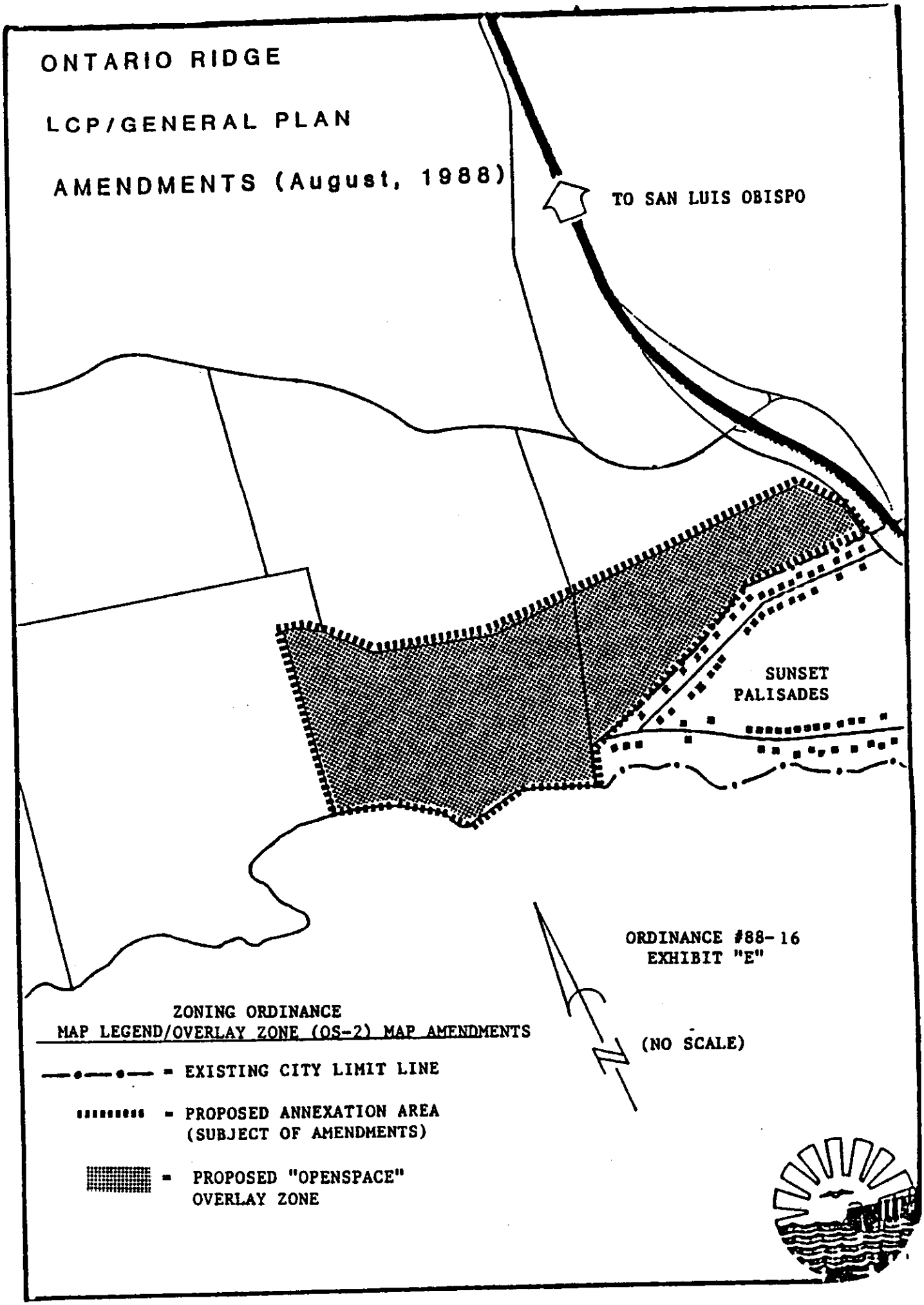
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ONTARIO RIDGE
LCP/GENERAL PLAN
AMENDMENTS (August, 1988)
TO SAN LUIS OBISPO
SUNSET
PALISADES
ORDINANCE #88-16
EXHIBIT "A"
N
(NO SCALE)
ZONING ORDINANCE
MAP LEGEND /ZONING MAP AMENDMENTS
= EXISTING CITY LIMIT LINE
= PROPOSED ANNEXATION AREA
(SUBJECT OF AMENDMENTS)
= PROPOSED "PLANNED RESIDENTIAL"
ZONE CLASSIFICATION


ONTARIO RIDGE
LCP/GENERAL PLAN
AMENDMENTS (August, 1988)
TO SAN LUIS OBISPO
SUNSET
PALISADES
ORDINANCE #88-16
EXHIBIT "B"
N
(NO SCALE)
ZONING ORDINANCE
MAP LEGEND /OVERLAY (A) ZONE MAP AMENDMENTS
= EXISTING CITY LIMIT LINE
= PROPOSED ANNEXATION AREA
(SUBJECT OF AMENDMENTS)
= PROPOSED "ARCHAEOLOGY-HISTORIC
SITE" OVERLAY ZONE


ONTARIO RIDGE
LCP/GENERAL PLAN
AMENDMENTS (August, 1988)
TO SAN LUIS OBISPO
SUNSET
PALISADES
ORDINANCE #88-16
EXHIBIT "C"
N
(NO SCALE)
ZONING ORDINANCE
MAP LEGEND/OVERLAY ZONE (AC) MAP AMENDMENTS
= EXISTING CITY LIMIT LINE
= PROPOSED ANNEXATION AREA
(SUBJECT OF AMENDMENTS)
= PROPOSED "COASTAL ACCESS"
OVERLAY ZONE


ONTARIO RIDGE
LCP/GENERAL PLAN
AMENDMENTS (August, 1988)
TO SAN LUIS OBISPO
SUNSET
PALISADES
ORDINANCE #88-16
EXHIBIT "D"
ZONING ODRINANCE
MAP LEGEND / OVERLAY ZONE (H) MAP AMENDMENTS
= EXISTING CITY LIMIT LINE
= PROPOSED ANNEXATION AREA
(SUBJECT OF AMENDMENTS)
= PROPOSED "HAZARDOUS/PROTECTION"
OVERLAY ZONE
N
(NO SCALE)


ONTARIO RIDGE
LCP/GENERAL PLAN
AMENDMENTS (August, 1988)
TO SAN LUIS OBISPO
SUNSET
PALISADES
ORDINANCE #88-16
EXHIBIT "E"
ZONING ORDINANCE
MAP LEGEND/OVERLAY ZONE (OS-2) MAP AMENDMENTS
= EXISTING CITY LIMIT LINE
= PROPOSED ANNEXATION AREA
(SUBJECT OF AMENDMENTS)
= PROPOSED "OPENSPACE"
OVERLAY ZONE
N
(NO SCALE)

# APPENDIX J

## ADOPTING RESOLUTION FOR ADOPTION OF SPECIFIC PLAN AND DEVELOPMENT AGREEMENT

RESOLUTION NO. R-88-95

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH ADOPTING A SPECIFIC PLAN AND DEVELOPMENT AGREEMENT FOR THE ANNEXATION AND DEVELOPMENT OF TERRITORY COMMONLY REFERRED TO AS "ONTARIO RIDGE/SAN MIGUELITO PARTNERS"

WHEREAS, the City of Pismo Beach has studied the annexation and development of portions of the "Ontario Ridge" project owned by the San Miguelito partners over the last several years; and,

WHEREAS, the City of Pismo Beach has adopted Resolution R-88-94, adopting and approving amendments to the Local Coastal Program and General Plan incorporating standards for the annexation and development of the Ontario Ridge project; and,

WHEREAS, the City of Pismo Beach has adopted Ordinance 88-18, amending the Zoning Ordinance and Local Coastal Program Implementation Measures for modification to these documents to permit the annexation and development of the Ontario Ridge Project; and,

WHEREAS, by adoption of this resolution the City is approving the Specific Plan and Development Agreement for the Ontario Ridge Annexation and Development Project, subject to the terms and conditions stated in these documents.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

Section I:

The City Council of the City of Pismo Beach hereby adopts the Specific Plan document for the Ontario Ridge Project, as incorporated herein by Exhibit A.

Section II:

The City Council of the City of Pismo Beach hereby adopts and approves that certain Development Agreement entitled "Pre-annexation Development Agreement By And Between The City Of Pismo Beach And San Miguelito Associates Relative To The Development Known As The Ontario Ridge", incorporated herein and attached as Exhibit B.

Section III:

The Development Agreement approved and adopted herein is consistent with the provisions of Government Code Section 65864, et. sec., as adopted by the California Legislature.

UPON MOTION of Councilmember Morrow, seconded by Councilmember Hearn, the foregoing Resolution is hereby passed and adopted at a regular meeting of the City Council held this 8th. day of August, 1988, on the following roll call vote, to wit:

AYES: Morrow, Hearn, Baker, Dillon, Eldwayen

NOES: None

ABSENT: None

ABSTAIN: None

NEBE ELDWAYEN, MAYOR

ATTEST:

SHARON JONES
CITY CLERK

APPROVED AS TO FORM:

A.J. SHAW, JR.
CITY ATTORNEY

I HEREBY CERTIFY THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION/ORDINANCE NO. 8515 ADOPTED BY THE CITY COUNCIL OF THE CITY OF PISMO BEACH AT A REG. MEETING THEREOF HELD ON THE 8th DAY Aug. 19 88.

CITY CLERK

ATTACH "SPECIFIC PLAN" HERE AS

EXHIBIT "A"

RESOLUTION R-88-95

ATTACH "DEVELOPMENT AGREEMENT" HERE AS

EXHIBIT "B"

RESOLUTION R-88-95

## APPENDIX K

## RESOLUTION NO. R-89-116

A RESOLUTION OF THE CITY COUNCIL OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH APPROVING AND ACCEPTING THE ANNEXATION OF A PORTION (CONSISTING OF 107 ACRES, MORE OR LESS) OF THE TERRITORY COMMONLY KNOWN AS ONTARIO RIDGE TO THE CITY OF PISMO BEACH FROM THE COUNTY OF SAN LUIS OBISPO, AUTHORIZING THE CITY STAFF TO PROCEED WITH APPLICATION FOR AMENDMENT TO THE LOCAL COASTAL PLAN AND PROCESSING DEVELOPMENT APPLICATIONS, AND AUTHORIZING THE VICE MAYOR TO EXECUTE THOSE DOCUMENTS NECESSARY TO SAID APPLICATIONS AND PROCESS

RESOLUTION NO. R-89-116

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH APPROVING AND ACCEPTING THE ANNEXATION OF A PORTION (CONSISTING OF 107 ACRES, MORE OR LESS) OF THE TERRITORY COMMONLY KNOWN AS ONTARIO RIDGE TO THE CITY OF PISMO BEACH FROM THE COUNTY OF SAN LUIS OBISPO, AUTHORIZING THE CITY STAFF TO PROCEED WITH APPLICATION FOR AMENDMENT TO THE LOCAL COASTAL PLAN AND PROCESSSING DEVELOPMENT APPLICATIONS, AND AUTHORIZING THE VICE MAYOR TO EXECUTE THOSE DOCUMENTS NECESSARY TO SAID APPLICATIONS AND PROCESS

RECITALS

WHEREAS, San Miguelito Partners, a California limited partnership (the "DEVELOPER"), holds title to a parcel of real property in the County of San Luis Obispo (the "COUNTY") containing 227 acres, more or less, located on the Pacific Ocean coast between the community of Avila Beach and the northern limits of the City of Pismo Beach (the "CITY"), which property is bordered on the north by steep foothills, on the south by the Pacific Ocean and a beach owned by the Port San Luis Harbor District, on the west by the Union Oil Company Tank Farm (the "TANK FARM"), and on the southeast by the Sunset Palisades neighborhood in the CITY, and which is commonly known as "ONTARIO RIDGE"; and

WHEREAS, beginning with events recited herein the CITY contemplated an annexation of only a portion of ONTARIO RIDGE, consisting of 107 acres, more or less, as described in Exhibit A attached hereto and incorporated herein by this reference (the "SITE"); and

WHEREAS, pursuant to an application by the DEVELOPER to the COUNTY for a General Plan Amendment for ONTARIO RIDGE (the "GPA"), the COUNTY caused to be prepared an Environmental Impact Report for the GPA and that Environmental Impact Report was approved by the COUNTY on May 6, 1986; and

WHEREAS, the aforedescribed Environmental Impact Report considered the environmental impacts of three alternatives for development of ONTARIO RIDGE; and

WHEREAS, on or about December 2, 1987, the COUNTY caused to be prepared an addendum to the aforedescribed Environmental Impact Report, entitled "Addendum Environmental Impact Report for Tract 1173, the Ontario Ridge Development Plan" (the "ADDENDUM") which addressed changes in the COUNTY GPA application and that Environmental Impact Report (said Environmental Impact Report and the ADDENDUM are hereinafter collectively referred to as the "EIR"); and

WHEREAS, sometime between 1987 and August, 1988, the DEVELOPER and the CITY began negotiations to annex the

SITE, which lies in the CITY'S existing sphere of influence and service, to the CITY pursuant to a specific plan and a development agreement conditioned upon such an annexation, COASTAL approval of an amendment to the CITY'S Local Coastal Program ("the CITY LCP"), and a minimum of twenty-three (23) residential lots; and

WHEREAS, on or about August 8, 1988, the CITY Council (the "COUNCIL") held a public hearing on annexation of the SITE, including amendment of its General Plan, the CITY LCP and zoning amendments, a specific plan for the SITE, a development agreement and tentative tract map applications; and

WHEREAS, the minutes for the COUNCIL meeting of August 8, 1988 (the "8/8 MINUTES") indicate that John Wallace, appearing on behalf of the DEVELOPER, urged the COUNCIL to approve the annexation as proposed and provide for private access rather than public access; and

WHEREAS, the 8/8 MINUTES also state that, on a 5-0 vote, the COUNCIL approved the EIR as previously certified by the COUNTY as adequate for the purposes of annexing and developing the SITE; and

WHEREAS, on August 8, 1988, the COUNCIL adopted the "Sunset Palisades/Ontario Ridge Specific Plan" (the "SPECIFIC PLAN") for residential development of twenty-three (23) lots on the SITE; and

WHEREAS, on August 8, 1988, the DEVELOPER and the the CITY entered into a "DEVELOPMENT AGREEMENT" to be implemented upon approval of the annexation as described in the SPECIFIC PLAN by the San Luis Obispo County Local Formation Commission ("LAFCO"), COASTAL approval of an amendment to the CITY LCP to include the SITE and CITY approval of development permits for a minimum of twenty-three (23) lots; and

WHEREAS, subsequently, after the CITY'S initial application was deemed inadequate, the DEVELOPER applied to LAFCO for approval of its application to annex the SITE to the CITY; and

WHEREAS, subsequently, the CITY applied to COASTAL for permission to amend the CITY LCP to include the SITE in the CITY LCP in the manner for the uses described in the SPECIFIC PLAN and the DEVELOPMENT AGREEMENT; and

WHEREAS, the DEVELOPER caused to be prepared an "Ontario Ridge Project Risk Analysis" (the "RISK ANALYSIS"), the purpose of which was to analyze the risk presented by the TANK FARM to residents of the SITE and members of the public who might be in the area of the SITE; and

WHEREAS, on April 26, 1989, pursuant to State law, LAFCO gave Notice of Public Hearing and Certification of Final Environmental Impact Report for San Miguelito Partners General Plan Amendment Recommended by Local Agency Formation Commission of the County of San Luis Obispo upon Sphere of Influence and Service Revision and Annexation of Ontario Ridge/San Miguelito Partners Project to the City of Pismo

Beach set for May 18, 1989 at 9 a.m. in the Board of Supervisor's chambers; and

WHEREAS, on May 18, 1989, LAFCO certified the EIR, approved the revision to the CITY'S sphere of influence and service, and authorized annexation of ONTARIO RIDGE, including an additional twenty-six (26) acres, to the CITY; and

WHEREAS, on June 5, 1989, COUNCIL adopted Reslution No. R-89-59 rejecting the annexation of ONTARIO RIDGE, including an additional twenty-six (26) acres, as approved by Resolution No. 89-15, adopted by LAFCO on May 19, 1989; and

WHEREAS, on June 5, 1989, pursuant to Government Code §56857, the DEVELOPER submitted to LAFCO a request for reconsideration of annexation of only the SITE; and

WHEREAS, on July 20, 1989, after a duly noticed hearing, LAFCO reconsidered the annexation; and

WHEREAS, at its July 20, 1989 hearing LAFCO approved the annexation of the SITE (the "ANNEXATION") to the CITY and authorized the CITY to initiate proceedings to annex the SITE (LAFCO Resolution No. 89-19, which specifically superseded LAFCO Resolution No. 89-15);

I. NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PISMO BEACH DECLARES AND FINDS THAT:

A. The foregoing recitals accurately set forth the relevant facts and events occurring with respect to the ANNEXATION of the SITE, and all the documents referenced in this Resolution are hereby incorporated by this reference.

B. The EIR (EIR No. 3-EA-88), along with findings related to environmental impacts, adopted by the CITY on August 8, 1988 adequately and properly addresses the environmental issues related to the ANNEXATION.

C. The reorganization being undertaken by this Resolution is an annexation for the purposes of providing orderly development of the SITE within the CITY which can provide the necessary services for such a development.

D. No written protests to the ANNEXATION have been received by the CITY.

E. The area being annexed to the CITY pursuant to this Resolution is uninhabited and unimproved.

F. The ANNEXATION being undertaken by this Resolution is undertaken pursuant to Division 3, Part 4 of the California Government Code, §56000, et seq. (The Cortese-Knox Local Reorganization Act of 1985).

G. The SITE which comprises portions of Assessors Parcel Numbers 76-231-039, 76-231-038 and 76-261-020 will be subject to a tax assessed pursuant to the 1972 Water Quality Bond issued by the CITY.

H. When annexed, the regular assessment rolls of the County of San Luis Obispo will be used for the purposes of assessments.

I. The ANNEXATION to the CITY is appropriate and proper.

II. NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PISMO BEACH THAT:

A. Its certification of the EIR (EIR No. 3-EA-88). is reaffirmed

B. The ANNEXATION, as described in Exhibit A and as approved by LAFCO in Resolution 89-19 adopted July 20, 1989 is approved and accepted.

III. NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF PISMO BEACH THAT:

A. The CITY Staff is authorized to proceed with those steps necessary to process the CITY's application to the Coastal Commission for amendment to the CITY LCP Plan to permit development of the ANNEXATION pursuant to the terms and conditions of the DEVELOPMENT AGREEMENT and the SPECIFIC PLAN and the Vice Mayor is authorized to execute those documents necessary to said application.

B. The CITY Staff is authorized to work with the DEVELOPER to accomplish those matters necessary to the application of the DEVELOPER for the permits and approvals required by the CITY for the development of the SITE.

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IV. The City Clerk shall certify the adoption of this Resolution.

UPON MOTION of Councilmember Baker, seconded by Councilmember Foster, the foregoing Resolution is hereby passed and adopted at a regular meeting of the City Council held this 11th day of September, 1989 on the following roll call vote, to wit:

AYES: Councilmembers Baker, Foster, Eldwayen & Fiorentino

NAES: None

ABSENT: Mayor Morrow

ABSTAIN: None

MIKE FIORENTINO, VICE MAYOR

ATTEST:

SHARON JONES, CITY CLERK

APPROVED AS TO FORM:

BY: MARY REDDS GAYLE
for BURKE, WILLIAMS & SORENSEN,
SPECIAL COUNSEL

EXHIBIT A

All that portion of Lot 43, Lot 44 and the unnumbered lot, being labeled as "Schwartz Harford & Co", of the subdivision of the Rancho San Miguelito, in the County of San Luis Obispo, State of California, according to the map filed for record May 5, 1882 in Book A of Maps at page 38 in the office of the County Recorder of said County and a portion of Lot 4 of Rancho El Pismo and San Miguelito in said County , as shown on the map filed for record in Book A of Maps at page 157 in said office, described as follows.

Beginning at a point on the easterly line of said Lot 44, said point being designated as point "P" and marked with a 3/4" Iron Pipe tagged "RCE 6923", as shown on the Record of Survey map filed in Book 16 of Licensed Surveys at page 92 in said County Recorders Office, thence along the northerly line of the land surveyed on said Record of Survey the following Courses;

south 67° 38' 23" east 205.19 feet;
south 40° 51' 10" east 562.90 feet;
south 73° 37' 19" east 480.01 feet;
south 89° 09' 53" east 124.15 feet;
south 67° 05' 36" east 331.73 feet; thence leaving said northerly line the following courses;

south 83° 36' 33" east 449.84 feet;
south 77° 48' 28" east 214.91 feet;
north 67° 09' 03" east 278.10 feet;
south 87° 12' 12" east 865.07 feet;
north 81° 41' 39" east 467.04 feet to a point on said northerly line; said point being designated as point "P" on said Record of Survey, thence along said northerly line the following courses;

south 88° 27' 51" east 195.13 feet;
south 58° 19' 02" east 116.71 feet to a point on the westerly right of way of State Highway 101, from which a point 495.00 left of Left Lane Station 408+00 bears south 6° 26' 17" east 83.00 feet, as shown on the right of way map 05-SLO-101 Post Mile R 21.1 Sheet 18 of 32; thence leaving said line of Lot 4, north 74° 51' 05" east 938.51 feet to a point on the easterly right of way of said State Highway 101, being 397.38 feet right of Right Lane Station 408+12.81 as shown on said right of way map; thence along said easterly right of way the following courses;

south 19° 55' 53" west 302.13 feet;
south 00° 19' 45" east 196.76 feet;
south 33° 36' 29" east 351.97 feet to the existing City Limit line of the City of Pismo Beach; thence leaving said easterly right of way and along said City Limit line north 89° 02' 36" west 668.38 feet to a point on the westerly right of way of said highway said point being 274.26 feet left of Left Lane station 402+67.37 and said point being on the northerly line of Tract No. 57 as shown on the Map filed in Book 5 of Maps at page 76 in said County Recorders Office; thence along said northerly line

north 89° 02' 36" west 956.43 feet;
south 70° 15' 45" west 1,258.31 feet;
south 79° 17' 47" west 425.28 feet; to the northwesterly corner of said Tract No. 57 thence continuing along said Tract Boundary and City Limit line

south 23° 20' 46" west 180.55 feet; to the Mean High Tide of the Pacific Ocean, thence leaving said Tract Boundary and City Limit line the following courses along said Mean High Tide.

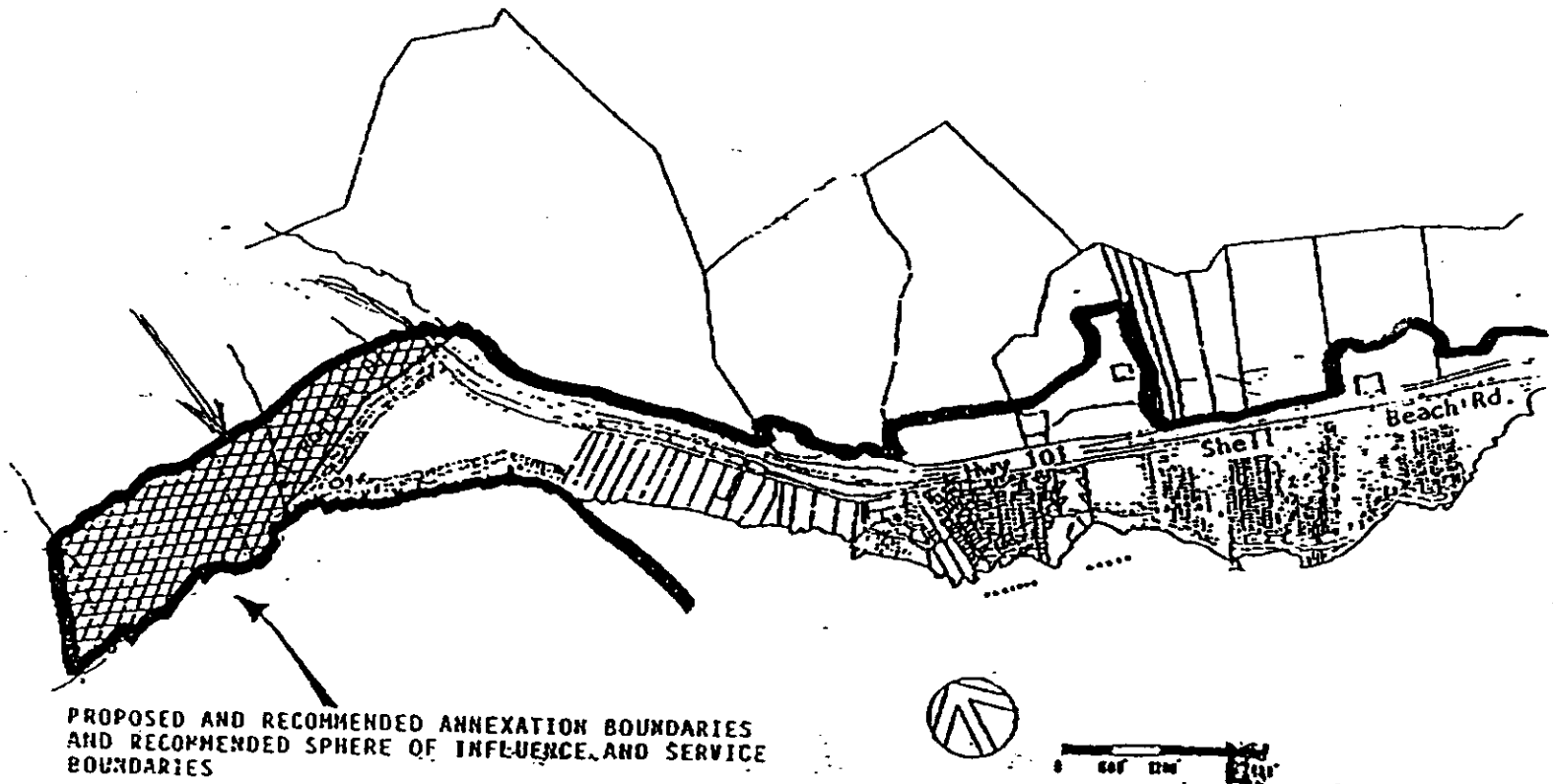
north 62° 00' 53" west 24.36 feet;
south 53° 07' 48" west 10.00 feet;
south 62° 14' 29" east 21.47 feet;
south 36° 52' 13" east 65.00 feet;
south 32° 44' 07" west 16.64 feet;
north 54° 50' 45" west 86.84 feet;
north 84° 17' 22" west 70.35 feet;
south 46° 10' 09" east 103.97 feet;
north 84° 38' 39" west 32.14 feet;
north 55° 18' 17" west 126.49 feet;
south 84° 17' 22" west 10.05 feet;
north 61° 08' 40" west 111.89 feet;
north 45° 36' 58" west 65.76 feet;
north 29° 28' 33" west 26.42 feet;
north 48° 05' 39" west 104.80 feet;
north 57° 15' 53" west 49.93 feet;
north 87° 16' 25" west 63.07 feet;
north 51° 06' 56" west 39.82 feet;
north 61° 48' 18" west 110.06 feet;
north 85° 36' 05" west 39.12 feet;
south 01° 14' 43" east 46.01 feet;
south 56° 18' 36" west 32.45 feet;
south 12° 15' 53" west 47.07 feet;
north 56° 18' 36" west 21.63 feet;
south 76° 27' 51" west 55.54 feet;
north 62° 42' 02" west 34.89 feet;
north 85° 14' 11" west 24.08 feet;
north 45° 00' 00" west 42.43 feet;
south 89° 22' 03" west 86.58 feet;
south 61° 46' 58" west 46.53 feet;

south 15° 07' 26" west 38.33 feet;
south 32° 16' 32" east 22.47 feet;
south 58° 14' 26" west 24.70 feet;
north 87° 52' 44" west 27.02 feet;
north 45° 00' 00" west 59.40 feet;
north 59° 26' 39" west 96.38 feet;
north 53° 23' 35" west 43.60 feet;
north 73° 04' 21" east 24.04 feet;
north 62° 49' 08" west 41.59 feet;
north 15° 31' 27" west 18.68 feet;
north 53° 07' 48" west 45.00 feet;
north 23° 11' 55" east 7.62 feet;
north 34° 45' 21" west 59.64 feet;

to a point at the toe of the existing Bluff, thence along said toe of bluff the following courses;
south 88° 24' 32" east 36.01 feet;
north 13° 29' 45" west 25.71 feet;
south 68° 11' 55" west 21.54 feet;
north 54° 03' 28" west 98.81 feet;
thence leaving said toe of bluff;
north 42° 01' 33" east 104.50 feet;
north 24° 31' 41" west 48.38 feet;
north 67° 44' 45" west 367.01 feet;
south 88° 59' 37" west 91.22 feet;
north 75° 25' 53" west 393.96 feet;
north 59° 54' 23" west 94.87 feet;
south 84° 25' 02" west 165.59 feet;
north 30° 00' 30" east 1,337.55 feet to the Point of Beginning.

Containing 107 acres more or less.

# The City Of PISMO BEACH




PROPOSED AND RECOMMENDED ANNEXATION BOUNDARIES AND RECOMMENDED SPHERE OF INFLUENCE AND SERVICE BOUNDARIES

## APPENDIX L

## RESOLUTION NO. 89-120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH DECLARING ITS INTENTION WITH RESPECT TO THE CITY'S ACCEPTANCE OF EASEMENTS FOR PEDESTRIAN AND BICYCLE INGRESS AND EGRESS OVER AND ACROSS LOT B OF THAT PORTION, CONSISTING OF 107 ACRES, OF A CERTAIN PARCEL OF REAL PROPERTY COMMONLY KNOWN AS ONTARIO RIDGE WHICH WAS RECENTLY APPROVED BY THE CITY AND SAN LUIS OBISPO COUNTY LOCAL AGENCY FORMATION COMMISSION FOR ANNEXATION TO THE CITY OF PISMO BEACH, AND AUTHORIZING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO TRANSMIT SAID RESOLUTION TO THE CALIFORNIA COASTAL COMMISSION.

RESOLUTION NO. R-89-120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH DECLARING ITS INTENTION WITH RESPECT TO THE CITY'S ACCEPTANCE OF EASEMENTS FOR PEDESTRIAN AND BICYCLE INGRESS AND EGRESS OVER AND ACROSS LOT B OF THAT PORTION, CONSISTING OF 107 ACRES, OF A CERTAIN PARCEL OF REAL PROPERTY COMMONLY KNOWN AS ONTARIO RIDGE WHICH WAS RECENTLY APPROVED BY THE CITY AND SAN LUIS OBISPO COUNTY LOCAL AGENCY FORMATION COMMISSION FOR ANNEXATION TO THE CITY OF PISMO BEACH, AND AUTHORIZING THE DIRECTOR OF COMMUNITY DEVELOPMENT TO TRANSMIT SAID RESOLUTION TO THE CALIFORNIA COASTAL COMMISSION

RECITALS

WHEREAS, San Miguelito Partners, a California limited partnership (the "DEVELOPER"), holds title to that certain parcel of real property recently approved for annexation from the County of San Luis Obispo (the "COUNTY") to the City of Pismo Beach and containing 107 acres (the "SITE"); and

WHEREAS, the SITE lies south of Highway 101 on the Pacific Ocean coast at the western limit of the City of Pismo Beach (the "CITY"), and is bordered on the north by steep foothills, on the south by the Pacific Ocean, on the west by approximately 100 additional acres in the COUNTY which are also owned by the DEVELOPER, and on the southeast by the Sunset Palisades neighborhood in the CITY, which SITE, together with the 100 acres to the west of it, is commonly known as "ONTARIO RIDGE"; and

WHEREAS, on August 8, 1988, the City Council of the CITY (the "COUNCIL") certified the Environmental Impact Report, as amended, for development of the SITE, adopted the "Sunset Palisades/Ontario Ridge Specific Plan" (the "SPECIFIC PLAN"), amended the CITY'S General Plan designation for the Site to low density residential, prezoned the SITE for planned residential and approved Tentative Tract Map No. 1173 for the SITE to include subdivision of the parcel into twenty-five lots of which twenty-three (23) will be residential lots, one (1) lot consisting of 9.1 acres, more or less, will be an open space bluff lot adjacent to the ocean held in fee by the residential lot owners and maintained by an homeowners' association, over which the DEVELOPER has offered dedication of certain public access easements as described herein ("LOT B"), and one (1) lot consisting of 59.5 acres, more or less, lying on the steep foothills along Highway 101 which will be owned in fee by the owners of the residential lots, maintained by the homeowners association and placed in permanent open space ("LOT C"); and

## APPENDIX M

## RESOLUTION NO. 90-07

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH APPROVING MINOR MODIFICATIONS TO VESTING TENTATIVE TRACT MAP NO. 1618 AND THE SPECIFIC PLAN FOR THE ONTARIO RIDGE PROPERTY, APPROVING THE REVISED VESTING TENTATIVE TRACT MAP NO. 1618 AND THE REVISED SPECIFIC PLAN, AND AUTHORIZING THE FILING OF A NOTICE OF DETERMINATION FOR PREVIOUSLY APPROVED ENVIRONMENTAL IMPACT REPORT.

RESOLUTION NO. 90-7

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH APPROVING MINOR MODIFICATIONS TO VESTING TENTATIVE TRACT MAP NO. 1618 AND THE SPECIFIC PLAN FOR THE ONTARIO RIDGE PROPERTY, APPROVING THE REVISED VESTING TENTATIVE TRACT MAP NO. 1618 AND THE REVISED SPECIFIC PLAN, AND AUTHORIZING THE FILING OF A NOTICE OF DETERMINATION FOR PREVIOUSLY APPROVED ENVIRONMENTAL IMPACT REPORT

THE CITY COUNCIL OF THE CITY OF PISMO BEACH DOES HEREBY RESOLVE AND FINDS AS FOLLOWS:

WHEREAS, the City of Pismo Beach had previously approved Vesting Tentative Tract Map No. 1618 (the "Tract Map") and a Specific Plan for the area consisting of approximately 107 acres adjacent to the westerly City boundary and commonly known as "Ontario Ridge", subject only to annexation of Ontario Ridge to the City and approval of an amendment to the City's General Plan/Local Coastal Land Use Plan (the "General Plan/LCP"); and

WHEREAS, Ontario Ridge was annexed to the City after approval by the San Luis Obispo County Local Agency Formation Commission ("LAFCO") and said annexation was certified on October 20, 1989; and

WHEREAS, the California Coastal Commission ("Coastal") considered the application of the City for amendment to its General Plan/LCP on December 15, 1989 and certified Major Amendment No. 1-89 subject to the City's adoption of certain revisions to the Tract Map and the Specific Plan; and

WHEREAS, the Planning Commission of the City of Pismo Beach has studied the revisions imposed by Coastal (the "Modifications") at its December 15, 1989 certification of Major Amendment No. 1-89 to the General Plan/LCP; and

WHEREAS, the Planning Commission of the City of Pismo Beach held a public hearing on January 16, 1990 at 6:30 p.m. in the City Council Chamber and adopted its Resolution No. 90-2 recommending that the City Council adopt the Modifications in substantially the same form as that considered and approved by the Planning Commission; and

WHEREAS, the City Council of the City of Pismo Beach held a public hearing on January 22, 1990 at 1 p.m. in the City Council Chambers to consider the recommendation of the Planning Commission, the Modifications and related matters.

NOW, THEREFORE, THE CITY COUNCIL, based upon information it has obtained and information obtained on its behalf and the testimony presented at the pubic hearing does FIND, DETERMINE AND RESOLVE, as follows:

SECTION I.:

The City Council of the City of Pismo Beach hereby finds that the Modifications are minor and do not substantially alter the intentions of the City in its adoption of the Specific Plan and the Tract Map, or the policies and goals of the City with respect to its General Plan/LCP, development of Ontario Ridge or any other policies and goals of the City; and

SECTION II.:

The City Council of the City of Pismo Beach hereby finds that the previously certified Environmental Impact Report No. ED 84-152 and the Addendum thereto (hereafter, the "EIR") are adequate for the purposes of amending the Specific Plan and the Tract Map and that the Modifications will not have a significant adverse impact upon the environment.

Section III.:

The City Council of the City of Pismo Beach hereby determines to amend the Tract Map, which revised map is shown in Exhibit "A" attached hereto and incorporated herein by this reference (hereafter, "Revised Vesting Tentative Tract Map No. 1618") and does hereby approve and adopt the Revised Vesting Tentative Tract Map No. 1618.

Section IV.:

The City Council of the City of Pismo Beach hereby determines to amend the Specific Plan for Ontario Ridge in the manner shown in the "Revised Specific Plan" attached hereto and incorporated herein by this reference as Exhibit "B", and does hereby approve and adopt the Revised Specific Plan.

SECTION V.:

The City Council of the City of Pismo Beach hereby determines that the EIR is adequate for the purposes of the Modifications and authorizes the filing of a Notice Determination of Conformity with Previously Certified Environmental Impact Report No. ED 84-152 and the Addendum thereto.

SECTION VI.:

This Resolution shall be in effect immediately upon City Council approval.

SECTION VII.:

The City Clerk shall certify the adoption of this Resolution.

MIKE FIORENTINO, VICE MAYOR

/////////
/////////

ATTEST:

CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution, consisting of three (3) pages and two (2) exhibits, was duly adopted by the City Council of the City of Pismo Beach, upon motion made by Councilmember Baker and seconded by Councilmember Foster, at a regular meeting thereof, held on the 22nd day of January, 1990, by the following roll call vote of the Council:

AYES: COUNCILMEMBERS BAKER, FOSTER and VICE MAYOR FIORENTINO

NOES: COUNCILMEMBER ELDWAYNE

ABSENT: MAYOR MORROW

ABSTENTIONS: NONE

SHARON JONES, CITY CLERK

APPROVED AS TO FORM ONLY:

MARY REDUS GAYLE OF
BURKE, WILLIAMS & SORENSEN,
SPECIAL COUNSEL

# APPENDIX N
# ORDINANCE NO. 90-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH APPROVING MINOR MODIFICATIONS TO THE CITY'S GENERAL PLAN/LOCAL COASTAL LAND USE PLAN AND THE PRE-ANNEXATION DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY AND SAN MIGUELITO ASSOCIATES WITH RESPECT TO THE ONTARIO RIDGE PROPERTY, AND AUTHORIZING THE FILING OF A NOTICE OF DETERMINATION FOR PREVIOUSLY APPROVED ENVIRONMENTAL IMPACT REPORT.

ORDINANCE NO. 90-2

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH APPROVING MINOR MODIFICATIONS TO THE CITY'S GENERAL PLAN/ LOCAL COASTAL LAND USE PLAN AND THE PRE-ANNEXATION DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY AND SAN MIGUELITO ASSOCIATES WITH RESPECT TO THE ONTARIO RIDGE PROPERTY, AND AUTHORIZING THE FILING OF A NOTICE OF DETERMINATION FOR PREVIOUSLY APPROVED ENVIRONMENTAL IMPACT REPORT

THE CITY COUNCIL OF THE CITY OF PISMO BEACH DOES HEREBY ORDAIN AND FINDS AS FOLLOWS:

WHEREAS, the City of Pismo Beach had previously approved amendments to City's General Plan/Local Coastal Land Use Plan (the "General Plan/LCP") and had entered into a "Pre-Annexation Development Agreement" by and between the City and San Miguelito Associates, for the area consisting of approximately 107 acres adjacent to the westerly City boundary and commonly known as "Ontario Ridge", subject only to annexation of Ontario Ridge to the City and approval of an amendment to the "General Plan/LCP"; and

WHEREAS, Ontario Ridge was annexed to the City after approval by the San Luis Obispo County Local Agency Formation Commission ("LAFCO") and said annexation was certified on October 20, 1989; and

WHEREAS, the California Coastal Commission ("Coastal") considered the application of the City for amendment to its General Plan/LCP on December 15, 1989 and certified Major Amendment No. 1-89 subject to the City's adoption of certain revisions to the Pre-Annexation Development Agreement and the application, as submitted, for amendment to the General Plan/LCP; and

WHEREAS, the Planning Commission of the City of Pismo Beach has studied the revisions imposed by Coastal (the "Modifications") at its December 15, 1989 certification of Major Amendment No. 1-89 to the General Plan/LCP; and

WHEREAS, the Planning Commission of the City of Pismo Beach held a public hearing on January 16, 1990 at 6:30 p.m. in the City Council Chamber and adopted its Resolution No. 90-2 recommending that the City Council adopt the Modifications in substantially the same form as that considered and approved by the Planning Commission; and

WHEREAS, the City Council of the City of Pismo Beach held a public hearing on January 22, 1990 at 1 p.m. in the City Council Chambers to consider the recommendation of the Planning Commission, the Modifications and related matters.

NOW, THEREFORE, THE CITY COUNCIL, based upon information it has obtained and information obtained on its behalf and the testimony presented at the pubic hearing does FIND, DETERMINE AND ORDAIN, as follows:

SECTION I.:

The City Council of the City of Pismo Beach hereby finds that the Modifications are minor and do not substantially alter the intentions of the City in its adoption of the previous amendments to the General Plan/LCP and the Pre-Annexation Development Agreement, or the policies and goals of the City with respect to its General Plan/LCP, development of Ontario Ridge or any other policies and goals of the City; and

SECTION II.:

The City Council of the City of Pismo Beach hereby finds that the previously certified Environmental Impact Report No. ED 84-152 and the Addendum thereto (hereafter, the "EIR") are adequate for the purposes of further modifications to the General Plan/LCP and the Pre-Annexation Development Agreement and that the Modifications will not have a significant adverse impact upon the environment; and

SECTION III.:

The City Council having adopted its Resolution No. 90-7 immediately proceeding the introduction of this Ordinance at its meeting on January 22, 1990, which Resolution approved and adopted Revised Vesting Tentative Tract Map No. 1618 and a Revised Specific Plan for Ontario Ridge.

Section IV.:

The City Council of the City of Pismo Beach hereby determines to amend the General Plan/LCP in accordance with the revisions shown in Exhibit "A" attached hereto and incorporated herein by this reference (hereafter, "Revised General Plan/LCP") and does hereby approve and adopt the Revised General Plan/LCP.

Section V.:

The City Council of the City of Pismo Beach hereby determines to amend the Pre-Annexation Development Agreement for Ontario Ridge in the manner shown in the "Development Agreement" attached hereto and incorporated herein by this reference as Exhibit "B", and hereby authorizes the Vice Mayor to execute the Development Agreement on behalf of the City upon adoption of this Ordinance.

SECTION VI.:

The City Council of the City of Pismo Beach hereby determines that the EIR is adequate for the purposes of the Modifications and authorizes the filing of a Notice Determination of Conformity with Previously Certified Environmental Impact Report No. ED 84-152 and the Addendum thereto.

SECTION VII. This ordinance shall be in full force and effect thirty (30) days after its passage, and before the expiration of fifteen (15) days after the passing of this Ordifnance, 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:

1. The United States Post Office, Pismo Beach

2. The United States Post Office, Shell Beach

3. Pismo Beach City Hall

SECTION VIII.:

The City Clerk shall certify the adoption of this Ordinance.

MIKE FIORENTINO, VICE MAYOR

ATTEST:

CITY CLERK

I HEREBY CERTIFY that the foregoing Ordinance, consisting of four (4) pages and two (2) exhibits, was duly introduced by the City Council of the City of Pismo Beach, upon motion made by Councilmember Foster and seconded by Councilmember Baker, at a regular meeting thereof, held on the 22nd day of January, 1990, by the following roll call vote of the Council:

AYES: COUNCILMEMBERS BAKER, FOSTER and VICE MAYOR FIORENTINO

NOES: COUNCILMEMBER ELDWAYEN

ABSENT: MAYOR MORROW

ABSTENTIONS: NONE

SHARON JONES, CITY CLERK

I HEREBY CERTIFY that the foregoing Ordinance, consisting of four (4) pages and two (2) exhibits, was duly adopted by the City Council of the City of Pismo Beach, upon motion made by Councilmember Foster and seconded by Councilmember Baker, at a regular meeting thereof, held on the 12th day of February, 1990, by the following roll call vote of the Council:

AYES: COUNCILMEMBERS FOSTER, BAKER AND VICE-MAYOR FIORENTINO

NOES: COUNCILMEMBERS ELDWAYEN

ABSENT: MAYOR MORROW

ABSTENTIONS: NONE

SHARON JONES, CITY CLERK

APPROVED AS TO FORM ONLY:

MARY REDUS GAYLE OF
BURKE, WILLIAMS & SORENSEN,
SPECIAL COUNSEL

EXHIBIT "A"
ORDINANCE NO. 90-2; Adopted February 12, 1990

THE FOLLOWING AMENDMENTS ARE MADE TO THE LANGUAGE PREVIOUSLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF PISMO BEACH, PURSUANT TO RESOLUTION NO. R-88-94, ADOPTED AUGUST 8, 1988, WHEREBY THE CITY COUNCIL AMENDED THE CITY GENERAL PLAN/LCP TO INCLUDE THE ONTARIO RIDGE AREA SUBJECT TO ITS ANNEXATION TO THE CITY OF PISMO BEACH.

The General Plan/LCP is amended by adding 97 acres of the Ontario Ridge Annexation as a subsection of the Sunset Palisades Planning Area to the following Figures and Tables in the General Plan/LCP, as previously amended, all as shown on the attached drawings which are labeled with the same numbers as the Figure and Table numbers shown below and by adding to, or amending the text of the previously approved amendments to the General Plan/LCP for the Ontario Ridge annexation area as indicated below. The following paragraph numbers conform to the modifications as numbered and approved by the California Coastal Commission in certifying Major Amendment NO. 1-89 on December 15, 1989. In all other respects, those amendments approved by Resolution No. R-88-94 remain in full force and effect as though fully incorporated herein.

1. Fig. GP-1, "Location of Pismo Beach".
Fig. GP-2, "Neighborhood Planning Areas".
Fig. EN-1, "Slope Map".
Fig. EN-2, "Physiographic Sections".
Fig. EN-3, "Surface Hydrology Map".
Fig. EN-4, "Geology Map".
Fig. EN-6, "General Soils Map".
Fig. EN-7, "Critical Hazards Map".

2. Fig. EN-11, "Designated Significant Natural Resource Areas", is amended by adding Ontario Ridge for the following categories:

Shoreline areas from the toe of bluff, including the ocean.

Foothill Area Boundary including all hills above the 200 foot contour.

Environmentally Sensitive Habitat Areas for the areas of Western peregrine falcon foraging habitat as designated, reviewed and approved by the Department of Fish and Game, live oak woodland and Black-flowered figwort (Scrophularia atrata) as shown in the 1985 EIR, Figure 11; Visual Resources as mapped on Figure EN-17 of the General Plan/LCP, as amended by paragraph 10 below and according to Figure 19 of the 1985 EIR.

3. Fig. EN-12, "Biotic Communities", is amended by adding the Ontario Ridge annexation to the following categories:

North Coastal Shrub
Intertidal Zone Communities

4. Page III-96, "Natural Resources Characteristics", is amended by adding the following txt after the "Freeway Foothills" section of the General Plan/LCP:

"Ontario Ridge

The Ontario Ridge annexation area is a narrow marine terrace characterized by the ridge, which rises steeply to a summit of some 730 feet. A portion of the Ontario Ridge remains in the unincorporated area of the County of San Luis Obispo and includes the Pirates Cove/Mallagh Landing Beach. Most, but not all of the ridgeline is located within the City limits and the City's Sphere of Influence. The area annexed comprises approximately 97 acres vegetated primarily with Northern Coastal Scrub, and supports at least two special species, the peregrine falcon and the Black-flower figwort (Scrophularia atrata). The northwestern corner of the annexed area consists of grassland which is part of the critical foraging habitat for the Federally and State listed Endangered peregrine falcon. The peregrine falcon is known to nest approximately half a mile away on the isolated cliffs in the County territory. Much of the peregrine falcon's foraging habitat has been lost to development, which makes preservation of the grassland open space for foraging vital to its survival. The Black-flower figwort is a Candidate for listing by the U. S. Fish and Wildlife Service (Candidate 2), and is found approximately along the 225-foot contour in the central portion of the site."

5. Fig. EN-13, "Shoreline Conditions" is amended by adding the Ontario Ridge annexation area for the category "Future Development Critical".

6. Table EN-15, "Acreage Summary", is amended to correct acreage summaries consistent with Major Amendment No. 1-89.

7. Fig. EN-14, "Open Space Plan", is amended by adding the Ontario Ridge annexation area to the following categories:

General Open Space:
1b - Public Access
1c - Environmentally Sensitive (Habitat and Views)

Undeveloped Land:
2b - Inappropriate for Development

Potential Hazard Areas:
3a - Over 30% Slope
3c - Cliff Erosion and Hazard

Open Space on Private Land:
4b - Easements
4e - Agricultural/Grazing

The specific areas of each category noted above shall be consistent with Major Amendment No. 1-89 in the following respects:

"Open Space Lot A": Categories 1c, 2b, 3a and 4e.

"Open Space Lot B": Categories 1b, 3c, 4b and 4e.

8. Figure EN-15, "Visual Problems and Opportunities", is amended by adding the Ontario Ridge annexation area for the following categories:

Panoramic View (from and to the site)
Glimpsed View
Shoreline Cliffs
Beach Access

9. Fig. EN-16, "Landscape Improvement Plan", is amended to add the Ontario Ridge annexation area to include the following new category:

"8. Area needs landscape with drought resistant plants native to the Central Coast area."

10. Fig. EN-17, "Visual Resources", is amended to add the Ontario Ridge annexation area for the following categories:

View Points
Panoramic Views
Important View Area
Proposed Vista Points (Lot B)

11. Fig. DE-1, "Archeological Resources", is amended by adding the Ontario Ridge annexation area as delineated on the archeological maps on file with the City of Pismo Beach and the County of San Luis Obispo.

12. Fig. DE-2, "Access and Recreation Plan and Proposals", is amended by adding the Ontario ridge annexation area to the category labeled "Trails".

13. Table DE-4, "Access Plan Program", is amended by adding the Ontario Ridge annexation area to the categories noted as "Provide Spaces", "Trash Cans" and "Benches", and by deleting the category "No Spaces Necessary".

14. Fig. DE-6, "Bikeways Plan", is amended by adding the Ontario Ridge annexation area to show the bikeway generally along and parallel to Cave Landing Road as shown on Revised Vesting Tentative Tract Map No. 1618; to be improved by the Applicant to the standards required in the City's General Plan/LCP as certified prior to Major Amendment No. 1-89.

15. Fig. LUP-1, "Land Use Map", is amended by adding the Ontario ridge annexation area designating the upper slope area (Lot A) as Open Space Land Use.

16. Page IV-118, the first paragraph, is amended to delete the date of the previous resolution (1/23/81) and to insert "Council Adopted by Resolution No. 90-13 which was adopted by the City Council of the City of Pismo Beach on February 12, 1990, pursuant to California Coastal Commission Major Amendment No. 1-89, as certified.

17. Page IV-119, "Policies and Programs for the Sunset Palisades Planning Area, is amended and revised as follows:

> Policy SPA 13 is changed to Policy SPA 6 and shall read as follows: "The Ontario Ridge annexation area shall be limited to single family, recreational, and open/space uses, and shall be subject to the conditions and terms of California Coastal Commission Major Amendment No. 1-89, as certified."

Policy SPA 14 is changed to Policy SPA 7 and shall be revised to read as follows:

> "No development, including the processing of the final tract map, shall take place in the Ontario Ridge area until such time as the revised Specific Plan for this site has been reviewed and ratified by the California Coastal Commission to include all of the following provisions and standards, and all required public access and recreational management and maintenance provisions for the areas under the City's jurisdiction, including the transfer of appropriate easements or other property interests have been assured through the recordation of documents or other means of conveyance or legal assurance, reviewed and approved consistent with Public Resources Code §30530 as implemented by California Administrative Code §13574. Public access and suppport facilities as required by the Coastal Commission with respect to Open Space parcels in Major Amendment No. 1-89 shall be constructed and made abailable for public use concurrent with other subdivision improvements. The revised Specific Plan for this site includes the following standards:
>
> a. On Lot A (the slope area landward of the residential lots), permanent open space created by deed restrictions covering all areas with slopes of over 30% and all areas above the 200 foot contour line and which prohibit public access to Lot A, restrict uses to agricultural grazing as provided in Programs SPA 14 and 15, below, and prohibit the erection of any structure on Lot A;
>
> b. On Lot B (the bluff area seaward of the residential lots), public access provisions along the coastal bluff top as provided in the revised Specific Plan, including public access for passive recreational use of of the blufftop portions of Lot B, provision of a bikeway constructed to LCP standards by the property owner, at the property owner's sole cost, and construction by the property owner, at the property owner's sole expense, of an improved public pedestrian walkway built to LCP

standards and paralleling the coast. Both the pedestrian walkway and the bikeway shall run the entire length of the Ontario Ridge annexation area to the westerly City limits. Both the pedestrian walkway and the bikeway shall be signed to either current California Department of Transportation or certified LCP standards;

c. Landscaping on all lots, shall to the maximum extent feasible be to the standards for fire suppression consistent with the native and drought resistant revegetation and landscaping provisions of the LCP and the revised Specific Plan;

d. All facilities shall be designed and all management measures shall be included as is necessary to protect Native American cultural values, natural resources, scenic resources and historical resources of the Ontario Ridge area and the surrounding area. To the maximum extent feasible, the Lot B facilities shall serve persons with handicaps."

Program SPA-13 is amended to revise the language following the words "recrational facilities and improvements" in lines 5 and 6 and before the words "The City's participation" in line 6 of the language as amended in Resolution No. R-88-94 to add the following:

"The City shall manage and maintain the public areas of Lot B, including the pedestrian trail, but excluding the public bikeway to LCP standards. The City shall manage and the homeowners of the Ontario Ridge shall maintain the public bikeway subject to the City's right to compel maintenance thereof in accordance with LCP standards as shall be provided in the dedication of easements for Lot B.

Program SPA-14 is added to the General Plan/LCP following Program SPA-13 as revised above, as follows:

Program SPA-14: "The grazing of cattle on Lot A shall be limited to that part of the year when grass is actively growing in the area to be grazed provided, however, that at such time as the grass turns "brown" the cattle shall either be removed from the grazing area, or supplementary feed shall be provided in quantities adequate to ensure that overgrazing does not occur. This provision shall be implemented by a deed restriction to be included with the other restrictions placed on Lot A and by covenants, conditions and restrictions recorded as provided in the revised Specific Plan."

Program SPA-15 is added to the General Plan/LCP following Program SPA-14 as added above, as follows:

"Program SPA-15: The keeping of horses on Lot A shall be prohibited unless a paddock is provided

and maintained for each horse, or group of horses, allowed on Lot A with sod-type vegetated buffers adjacent to the down-slope and side-slope limits of the paddock area within which a horse, or group of horses, is kept. The buffer shall be at least 10 feet wide along the side slopes and 20 feet wide at the down-slope boundary. This provsiosn shall be implemented by a deed restriction to be included with the other restrictions placed on Lot A by and covenants, conditions and restrictions recorded as provided in the revised Specific Plan."

RECORDING REQUESTED BY AND
AFTER RECORDING, MAIL TO:

SAN MIGUELITO ASSOCIATES
c/o John L. Wallace & Associates
1458 Higuera Street
San Luis Obispo, CA 93401

DEVELOPMENT AGREEMENT
BY AND BETWEEN
CITY OF PISMO BEACH AND
SAN MIGUELITO ASSOCIATES
RELATIVE TO THE DEVELOPMENT KNOWN AS
THE ONTARIO RIDGE DEVELOPMENT

This Development Agreement (the "Agreement") is made and entered into as of this 22nd day of January, 1990, by and between the CITY OF PISMO BEACH, a political subdivision of the State of California whose address is 1000 Bello Avenue, Pismo Beach, California 93449 (hereinafter "City") and SAN MIGUELITO ASSOCIATES, whose address is c/o John L. Wallace and Associates, 1458 Higuera Street, San Luis Obispo, California 93401 (hereinafter "Owner"), pursuant to the authority of Sections 65864 through 65869.5 of the California Government Code.

RECITALS:

A. To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risks of development, the Legislature of the State of California adopted Sections 65864 et seq. of the Government Code which authorize cities, including the City of Pismo Beach, and an applicant for a development project to enter into a development agreement, establishing certain development rights and obligations for the property which is the subject of a development project application or applications.

B. Owner owns approximately 97 acres of real property previously in the unincorporated area of the County of San Luis Obispo (hereinafter, the "County") contiguous to the City described in Exhibit "A" which is attached hereto and incorporated herein by this reference, and commonly known as "Ontario Ridge" and referred to herein as the "subject property." Owner also owns an additional approximately 131 acres of land adjacent to the subject property which remains in the unincorporated area of the



MRS/APP0201FF -

BARNARD CO.
FEB 16 1990
IRVINE, CA

County ("Owner's adjacent property"), as depicted in Exhibit "A-1" which is attached hereto and incorporated herein by this reference." Except as provided in Paragraphs 9, 10 and 11, this Agreement shall be applicable only to the subject property and not to Owner's adjacent property.

C. On January 11, 1988, the CITY Council adopted Resolution No. R-88-02 setting forth the terms and conditions under which the City was willing to accept annexation and approve subsequent development of the subject property by Owner. A true and correct copy of said resolution is attached hereto and incorporated herein as Exhibit "B".

D. On January 11, 1988, the City's Council also adopted Resolution No. R-88-03 authorizing formal application for annexation of the subject property, as well as preparation of an appropriate specific plan and a pre-zoning ordinance to carry out the development as shown in Exhibit "A" to said resolution. A true and correct copy of said resolution is attached hereto and incorporated herein as Exhibit "C".

E. On August 8, 1988, the City's Council and the Owner entered into a "Pre-Annexation Development Agreement Relative to the Development Known as Ontario Ridge Development" (hereinafter referred to as the "Earlier Agreement") in which the parties set forth the conditions, respective obligations and schedules for development of the subject property pursuant to the the proposed Specific Plan which development was to take place subsequent to the annexation of the subject property to the City and approval of an amendment to the City's Local Coastal Plan (the "LCP") to incorporate the development standards for the subject property.

F. Concurrently with the execution of the Earlier Agreement, the City approved a specific plan and pre-zoning ordinance for the subject property. That specific plan has been revised and approved by the City Council pursuant to Resolution No 90-07 as of January 22, 1990 (the revised specific plan is hereinafter referred to as the "Revised Specific Plan"), and the parties to this Agreement agree that the Revised Specific Plan will be applicable to the development of the subject property. The Revised Specific Plan and the the pre-zoning ordinance are incorporated herein by this reference.

G. On July 20, 1989, the San Luis Obispo County Local Agency Formation Commission (hereinafter "LAFCO")



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approved, by Resolution No. 89-19, the annexation of the subject property to the City and pre-zoning of the subject property consistent with the City's pre-zoning ordinance; i.e., low density residential. Certification of the annexation was completed on October 20, 1989.

H. On December 15, 1989, the California Coastal Commission (hereinafter "Coastal") approved the City's application for Major Amendment No. 1-89 to the LCP to include the subject property, subject to certain terms and conditions which have been incorporated in the Revised Specific Plan, the revised vesting tentative tract map and the City's General Plan/LCP as revised by Major Amendment No. 1-89 and have been approved and recommended to the City's Council by the City's Planning Commission (Resolution 90-2, adopted January 16, 1990) and approved and adopted by the City's Council pursuant to Resolution 90-07 and Ordinance 90-02 on January 22, 1990 concurrently with execution of this Agreement.

I. The planned development for the subject property set forth in the vesting tentative tract map and the Revised Specific Plan (hereinafter referred to as the "project") will provide for orderly growth and development of the area and is consistent with the City's General Plan/LCP, as revised by Major Amendment No. 1-89 to the LCP, the Revised Specific Plan, the pre-zoning ordinance, the revised vesting tentative tract map and the City's planning goals and objectives.

THE PARTIES THEREFORE AGREE AS FOLLOWS:

1. AGREEMENT APPLIES TO SUBJECT PROPERTY. This Agreement shall apply to all portions of the subject property.

2. SUPERCESSION OF PRE-ANNEXATION AGREEMENT. The parties hereby agree that this Agreement, upon, and only upon, its execution by both City and Owner, its approval by Coastal and certification by Coastal of Major Amendment No. 1-89, supercedes and replaces in its entirety the Earlier Agreement reached between the parties.

3. TERM OF THE AGREEMENT. The "Term" of this Agreement shall commence as of January 22, 1990, the "effective date", and shall extend for a period of fifteen (15) years thereafter, unless said term is extended by circumstances described in Paragraph 6 or 19 of this Agreement or by mutual consent of the parties. This Agreement will become operative only when this Agreement has

been approved by Coastal, Major Amendment No. 1-89 is certified by Coastal and this Agreement has been executed by both the City and Owner.

4. CITY REGULATIONS APPLY AS OF AUGUST 8, 1988. During the Term of this Agreement, and except as modified, amended, revoked or terminated as provided herein, the permitted uses of the subject property, the density and intended use, the maximum height and size of proposed buildings, provisions for reservation or dedication of land for public purposes and for construction, installation and extension of public improvements, and other terms and conditions of development applicable to the subject property shall be limited to those set forth in, or incorporated in, or determined under the provisions of this Agreement, including the pre-zoning ordinance, the Revised Specific Plan, the revised vesting tentative tract map and Major Amendment No. 1-89, and as provided by the applicable ordinances, rules, regulations, general and specific plans, environmental considerations and design criteria and official policies of the City which were in force and effect as of August 8, 1988.

5. APPLICATION OF NEW OR MODIFIED RULES. During the Term of this Agreement, City may apply only such new or modified rules, regulations, ordinances, laws, general or specific plans, community plans, and official policies which are not in conflict with those in effect on August 8, 1988. This section, however, shall not preclude the application to the development of the subject property of changes in City laws, regulations, plans or policies, the terms of which are specifically mandated and required by changes in State or Federal laws or regulations. In the event that such changes in State or federal laws prevent or preclude compliance with one or more provisions of this Agreement in implementation of the project, the parties shall take those actions authorized by Paragraphs 6 and 19 of this Agreement. This Section 5 shall not be construed to limit the authority or obligation of the City to hold necessary public hearings or to limit the discretion of City or any of its officers or officials with regard to rules, regulations, ordinances, laws and entitlements of use which require the exercise of discretion by City or any of its officers or officials, provided that subsequent discretionary actions shall not prevent development of the subject property for the uses and to the density and intensity of development set forth in the Revised Specific Plan, the City's General Plan/LCP as revised by Major Amendment No. 1-89, the pre-zoning ordinance and the revised vesting tentative tract map. Any land reserved for open

space uses pursuant to this Agreement, the Revised Specific Plan, the pre-zoning ordinance, the City's General Plan/LCP as revised by Major Amendment No. 1-89, and the revised vesting tentative tract map shall remain as open space uses in perpetuity, even after expiration of the Term of this Agreement, unless a change in such use is mutually agreed upon by and between the City and the Owner.

6. MODIFICATION OF AGREEMENT FOR RULES OF OTHER JURISDICTIONS In the event that State or Federal laws or the action or regulations of any governmental entity (other than City) having jurisdiction over the subject property or the project, taken or enacted after the effective date of this Agreement prevent or preclude compliance with one or more provisions of this Agreement, or require changes in plans, maps or permits approved by City, the parties agree that the provisions of this Agreement shall be modified, extended or suspended as may be necessary to comply with such State or Federal laws or regulations or the action or regulations of any other governmental entity having jurisdiction over the subject property or the project. Each party agrees to extend to the other its prompt and reasonable cooperation in so modifying this Agreement or approved plans, as required by this Section 6.

7. OWNER'S OBLIGATION FOR PAYMENT OF FEES. Standard fees established by the City for annexation, Planning Department processing, subdivision, tract improvement inspection fees or other applicable fees and deposits shall be levied against the project pursuant to City fee schedules and City ordinance procedures applicable on August 8, 1980. The parties agree that such standard fees are as follows:

| | |
|---|---|
| Planning Department Processing (payable during City Planning process) | $ 8,500.00 |
| Annexation Fees (payable after completion of annexation) | |
| Public Facilities Charge | 21,000.00 |
| Water System Improvement | 45,000.00 |
| Subdivision Fees (Twenty-Three (23) Lots) (payable at time of recordation of final map) | |
| Water | 34,500.00 |
| Sewer | 10,580.00 |
| Plan Check and Inspection | 22,500.00 |
| TOTAL | $142,080.00 |

8. FORMATION AND FUNDING OF ASSESSMENT DISTRICT. City and Owner shall cooperate in the formation and funding of an assessment district for street, curb, gutter, improvements and utility undergrounding along El Portal and Indio Streets (hereinafter the, "Assessment District") as provided in this Paragraph 8.

a. City shall take a lead role in the processing and formation of the Assessment District. In addition, City shall contribute the sum referenced in Paragraph 7 above (One Hundred Forty-Two Thousand and Eighty Dollars ($142,080)) toward the El Portal and Indio Streets landowners' assessment expenses, payable upon certification of formation of such Assessment District and upon receipt of the above-mentioned sum from the Owner.

b. Owner shall make a contribution of Two Hundred Thousand Dollars ($200,000) toward the Assessment District. Such contribution, in the form of cash or a certificate of deposit assigned to the City or a City approved letter of credit shall be posted by Owner immediately upon certification by Coastal of Major Amendment No. 1-89. Such security shall be converted to cash and deposited with the Assessment District at the time the formation of the Assessment District is certified.

c. In the event the Assessment District is not formed, the Two Hundred Thousand Dollars ($200,000) shall be used by the City to make improvements to El Portal and/or Indio Streets which will enhance the current access to the project. Such street improvements on El Portal and Indio shall be initiated by the City so that they can be completed no later than twenty-four (24) months following certification by Coastal of Major Amendment No. 1-89.

d. In addition to Owner's cash contribution to the Assessment District, Owner shall provide engineering services for the design, formation proceedings and construction management and inspection of the Assessment District project. Such engineering services shall commence immediately upon certification of Major Amendment No. 1-89 by Coastal. The City has already had presentation of a petition by sixty percent (60%) or more of land owners to be assessed requesting formation of the Assessment District. In the event that an Assessment District is not formed within eighteen (18) months of ratification of Major Amendment No. 1-89 by Coastal. Owner will be relieved of any obligation to provide any further engineering services.

9. COOPERATION REGARDING ACCEPTANCE OF DEDICATION IN COUNTY AREA. City and Owner will work with the County, the Coastal Conservancy, or any other agencies authorized to effectuate acceptance of, dedication of property for public use and to manage said property to accept and manage the offer of dedication made by Owner and described below in Section 11 with respect to public areas on Owner's adjacent property.

10. COOPERATION TO ELIMINATE PROBLEMS IN COUNTY AREA. The City and Owner will continue to urge the County and/or other public agencies to implement solutions to the continuing nuisance and enforcement problems in the area as a part of any future development of Owner's adjacent property and the area to be offered for dedication by Owner in the Owner's adjacent property.

MODIFICATION A.53

11. OFFER TO DEDICATE LAND ON OWNER'S ADJACENT PARCEL. Prior to, or concurrently with, recordation of the final tract map for the subject property, Owner shall make an offer of, and record said offer of, dedication in fee simple or by easement, irrevocable for a period of twenty-one (21) years, for that area of Owner's adjacent parcel commonly known as the Pirates' Cove Beach from the toe of the bluff to the mean high tide areas (hereinafter, the "Beach") together with sufficient property including the informal parking lot on the Owner's adjacent property (hereinafter, the "Parking Lot") and a twenty-five (25) foot access trail from the Parking Lot to the Beach (hereinafter, the "Trail"). The Beach, the Parking Lot and the Trail are collectively referred to hereafter as the "County Area Dedication". The County Area Dedication shall include substantially that same area shown in Exhibit "D" attached hereto and incorporated herein by this reference. The offer for the County Area Dedication shall be for the purpose of providing Beach access to and from the Coastal bluffs, passive recreational opportunities, and parking for the general public.

A.54

12. OFFER OF DEDICATION FOR ROAD EASEMENT. Prior to, or concurrently with, recordation of the final tract map for the subject property, Owner shall make an offer of, and record said offer of, dedication of an easement in perpetuity, irrevocable for a period of twenty-one (21) years, over that portion of Cave Landing Road, or its equivalent as described in the final tract map, within the subject property (the "Road Dedication"). The City shall have the sole discretion with regard to acceptance of the Road Dedication.

13. TRANSFER OF OWNER'S WATER RIGHTS. Concurrently with recordation of any final map on the subject property, Owner will transfer its contractual entitlement to ten (10) acre feet annually of Lopez Reservoir water supply to the City. This supply, as well as supplemental City water supplies, as necessary, will be used by City to supply the twenty-three (23) residential lots on the subject property within the City as well as a maximum of four (4) single family residences on Owner's adjacent property remaining in the County (hereinafter, the "County lots"). Owner shall be entitled during the Term of this Agreement to obtain will-serve letters from the City and to use a water main which shall be constructed from the City limits to the Owner's adjacent property by Owner, at Owner's sole cost, and which shall be offered for dedication to the City to serve the County lots. Appropriate easements for water lines will be granted to the City as a part of the tract map process for the subject property in the City. City may consider providing water serving lines for any future Pirates' Cove public restroom facility which may be constructed in the County Area Dedication using City water distribution facilities, but all water for such service shall be provided to the City by the County or other appropriate water agency. City sewer collection and treatment services will be extended to all of the annexed lots within the subject property only. No sewer service will be extended to the County lots or the County Area Dedication or any other part of Owner's adjacent property which remains in unincorporated areas of the County.

14. NO OTHER DEDICATIONS OR RESERVATIONS CONTEMPLATED. Other than as specified in this Agreement, the pre-zoning ordinance, the revised vesting tentative tract map and the Revised Specific Plan and the documents incorporated therein, as of the effective date of this Agreement, the City does not contemplate the necessity for additional reservation or dedication of portions of the subject property for public purposes.

15. NO REDUCTION IN RESIDENTIAL LOTS. The parties agree that there shall in no event be allowed a reduction of Owner's entitlement below a total of twenty-three (23) residential lots on the subject property. It is further understood and agreed by the parties that entitlement to twenty-three (23) residential lots shall include future entitlement for construction of one (1) residence on each such lot in compliance with the City planning policies and standards as they existed on August 8, 1988. Excepting only the water rights granted to Owner by Section 13, above, this entitlement does not include any right granted to Owner for

any development of any nature or sort whatsoever on Owner's adjacent property in the County.

16. AMENDING THIS AGREEMENT. This Agreement may be amended in writing from time to time by mutual consent of the parties hereto and in accordance with the provisions of Government Code Section 65866, provided that:

a. Such amendment shall be subject to providing notice of intention to amend pursuant to Government Code Sections 65868 and 65867, and further provided that no public hearing shall be required before the City may approve any amendment to this Agreement which does not relate to the Term, permitted uses, density or intensity of use, height or size of buildings, provisions for reservation of land, conditions, terms, restrictions and requirements relating to subsequent discretionary actions, or any conditions or covenants relating to the use of the subject property, unless such a hearing is otherwise required by law; and

b. No amendment to this Agreement shall be required for any non-substantial deviations from the approved pre-zoning ordinance, the revised tentative tract map, the Revised Specific Plan or the General Plan/LCP as revised by Major Amendment No. 1-89, as determined by agreement of the City's Planning Director and the Owner, with respect to the location of lots, buildings, streets and other physical facilities;

17. ANNUAL REVIEW OF GOOD FAITH, SUBSTANTIAL PERFORMANCE. No less than every twelve (12) months during the Term of this Agreement, the City Council shall review the extent of Owner's good faith, substantial compliance with the terms of this Agreement. Such periodic review shall be limited in scope to compliance with the terms of this Agreement pursuant to California Government Code Section 65865.1. Written notice of the time and date of such annual review shall be given to the Owner at least thirty (30) days prior to such review and shall include the statement that, upon a finding by the City Council that the Owner has not in good faith substantially complied with the terms of this Agreement, the noticed review may result in amendment or termination of this Agreement. A finding by City of good faith, substantial compliance by Owner with the terms of the Agreement, or a lack of finding to the contrary, shall conclusively be deemed good faith, substantial compliance up to and including the date of said review. City shall deposit in the mail to Owner a copy of all staff reports and, to the extent practicable, related

exhibits concerning contract performance at least ten (10) calendar days prior to any such periodic review. Owner shall be permitted an opportunity to present oral or written testimony prior to, or at the time of the review by the City's Council, regarding its performance under this Agreement. If the matter is referred by the City's Council to the City's Planning Commission for review and recommendation, Owner shall be entitled to notice of the hearing before the Planning Commission and to present testimony to the Planning Commission in the same manner and on the same schedule as that afforded it above for hearing before the City's Council.

18. NOTICES. Formal written notices, demands, correspondence and communications between City and Owner shall be sufficiently given if dispatched by prepaid first-class mail, certified, return receipt requested, to the addresses provided hereinabove or to such other persons and addresses as either party may from time to time designate to the other party.

19. EXCUSED EVENTS OF DELAYED PERFORMANCE. Performance by either party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, acts of God, governmental restrictions imposed or mandated by any governmental entity (other than City) having jurisdiction of the subject property or the project, enactment of conflicting State or Federal laws or regulations, new or supplementary environmental regulations, litigation, or similar bases for excused performance (hereinafter, an "Excused Event"). An extension of time for such cause shall be granted in writing by the party whose performance was not delayed by such an Excused Event for the period of time during which there existed an Excused Event, or longer as may be mutually agreed upon by the parties. In the event that both parties were delayed in performance by an Excused Event, they shall execute a written agreement as to the time by which they agree performance has been extended by virtue of the delay occasioned by the Excused Event.

20. Default, Remedies, Termination.

a. The parties agree that unless this Agreement is terminated pursuant to the provisions of this Agreement, this Agreement shall be enforceable by either party hereto notwithstanding any change hereafter in any applicable general plan, specific plan, master plan, zoning ordinance, subdivision ordinance or building regulation

adopted by City, which change purportedly alters or amends the rules, regulations and policies applicable to the development of the subject property as of the August 8, 1988, as provided by Government Code Section 65866.

b. Subject to extensions of time by mutual consent in writing, and subject to the provisions of Paragraphs 6 and 19, failure or delay by either party to perform any term or provision of this Agreement shall constitute a default. In the event of alleged default or breach of any term or condition of this Agreement, the party alleging such default or breach shall, within thirty (30) days of discovery of the alleged default or breach, give the other party notice in writing specifying the nature of the alleged default or breach and the manner in which said default may be satisfactorily cured. The written notice shall specify the manner in which the default may be cured, if possible, and shall state the time during which the allegedly defaulting or breach party will be allowed to effectuate a cure of the default or breach, which period shall be not less than thirty (30) days. During the period of time allowed for cure by the charged party, and any subsequent period of time during which the charged party diligently attempts to cure the default, the party charged shall not be considered in default for purposes of termination or institution of legal proceedings by the charging party.

c. After dispatch of the written notice required by subparagraph b, above, and expiration of the cure period permitted therein, either party to this Agreement, at its option, may institute legal proceedings pursuant to this Agreement or give notice of intent to terminate the Agreement pursuant to California Government Code Section 65868 and the appropriate regulations of the City which implement said Government Code section.

d. Following notice of intent to terminate given by either party to the other, the matter shall be scheduled for consideration and review by the City's Council within thirty (30) days of such notice, in the manner set forth in Government Code Sections 65865, 65867 and 65868 and the appropriate City regulations implementing said Government Code Sections.

e. Following consideration of the evidence presented in said review before the City's Council, either party alleging the default by the other party may give written notice of termination of this Agreement to the other party.

f. Evidence of default may also arise in the course of a regularly scheduled periodic review of this Agreement pursuant to Government Code Section 65865.1. If either party determines that the other party is in default following the completion of the normal scheduled periodic review, said party may give written notice of intent to terminate this Agreement as set forth in this section, specifying in said notice the alleged nature of the default, and potential actions to cure said default where appropriate. If the alleged default is not cured within the time limits set forth above in subparagraph b, or if the defaulting party waives its right to cure such alleged default, this Agreement may be deemed terminated at the option of the non-defaulting party.

g. In addition to any other rights or remedies either party may have at law or equity, either party may institute legal action to cure, correct or remedy any default, to enforce any covenant or agreement herein, or to enjoin any threatened or attempted violation in the manner set forth in this Section 20.

h. The foregoing notwithstanding, it is agreed and understood by and between the parties to this Agreement that the party alleging default or breach may not terminate this Agreement or institute legal proceedings against the party charged, (1) without having given the written notice required by this Section 20, (2) within the period allowed by the written notice for the charged party to cure the alleged default or breach, or (3) within any period in which the charged party is making a good faith, substantial effort to cure the alleged breach or default.

21. CONSTRUCTION OF THIS AGREEMENT. This Agreement shall be construed and enforced in accordance with the laws of the State of California.

22. ATTORNEYS' FEES AND COSTS. Should any legal action be brought by either party for breach of this Agreement or to enforce any provision herein, the prevailing party of such action shall be entitled to reasonable attorney's fees, court costs and such other costs as may be fixed by a Court of competent jurisdiction.

23. COOPERATION IN DEFENSE AGAINST THIRD PARTIES. In the event of any legal action instituted by a third party or other governmental entity or official, other than by City or Owner, challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending said action.

24. SUCCESSORS AND ASSIGNS. This Agreement shall bind and inure to the benefit of the parties, their successors and assigns. Owner shall specifically have the right to sell, assign, or transfer this Agreement, in whole or in part, with all its rights, title and interests herein to any person, firm or corporation at any time during the term of this Agreement, provided that the rights contained herein shall pertain only to the subject property, except as otherwise provided herein and related to Owner's adjacent property. Otherwise, no third party shall have or acquire any right whatsoever under this Agreement.

25. DUPLICATE ORIGINALS. This Agreement is executed in two (2) duplicate originals, each of which is deemed to be an original.

26. ENTIRE AGREEMENT This Agreement constitutes the entire understanding and agreement of the parties and each party acknowledges that it has not relied upon (a) any prior representations of the other - written or oral, or (b) any prior document, agreement or entitlement not specifically referenced herein or in the General Plan/LCP, as revised, the Revised Specific Plan, the pre-zoning ordinance, or the tentative tract map, as revised, in entering into this Agreement.

27. CAPTIONS, HEADINGS, NUMBERING, GENDER AND NUMBER. The captions, headings and numbering of the sections herein are for matter of convenience only and should not be construed to alter or amend the plain meaning of the text. The gender and number used shall be construed to include other genders or numbers as appropriate to the text in which said number or gender is used.

This Agreement, consisting of fourteen (14) pages of text including the following signature page has been executed by the parties noted below as of January 22, 1990 and, in addition, includes all exhibits and incorporates all documents referenced herein.

CITY:
CITY OF PISMO BEACH

By: _____
Mike Fiorentino, Vice Mayor



MRS/APPROVALS -

ATTEST:

I hereby certify that this Agreement was approved by the City Council for the City of Pismo Beach by adoption of Ordinance No. 90-02, introduced January 22, 1990, and upon the following vote of the City Council.

AYES: COUNCILMEMBERS FOSTER, BAKER AND VICE MAYOR FIORENTINO

NOES: COUNCILMEMBER ELDWAYEN

ABSENT: MAYOR MORROW

ABSTENTIONS: 0

Sharon Jones
SHARON JONES, CITY CLERK

OWNER:
SAN MIGUELITO ASSOCIATES

By: Stephen N. Barnard 2/17/90
Stephen N. Barnard
General Partner

(ATTACH PARTNERSHIP ACKNOWLEDGEMENT)

Ordinance No. 90-02 was given second reading and adoption on February 12, 1990, upon the following vote of the City Council:

AYES: COUNCILMEMBERS FOSTER, BAKER AND VICE MAYOR FIORENTINO

NOES: COUNCILMEMBER ELDWAYEN

ABSENT: MAYOR MORROW

ABSTENTIONS: 0



[illegible] -

STATE OF CALIFORNIA )
COUNTY OF Orange ) ss.

On this the 17th day of February, 1990 before me, the undersigned, a Notary Public in and for said State, personally appeared Stephen N. Barnard, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as a General Partner of partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

APPENDIX O
RESOLUTION NO. 90-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH APPROVING AND ADOPTING MINOR MODIFICATIONS TO THE CITY'S GENERAL PLAN/LOCAL COASTAL LAND USE PLAN WITH RESPECT TO THE ONTARIO RIDGE PROPERTY.

RESOLUTION NO. 90-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH APPROVING AND ADOPTING MINOR MODIFICATIONS TO THE CITY'S GENERAL PLAN/ LOCAL COASTAL LAND USE PLAN WITH RESPECT TO THE ONTARIO RIDGE PROPERTY

THE CITY COUNCIL OF THE CITY OF PISMO BEACH DOES HEREBY RESOLVE AND FIND AS FOLLOWS:

WHEREAS, the City of Pismo Beach had previously approved amendments to City's General Plan/Local Coastal Land Use Plan (the "General Plan/LCP"), adopted a Specific Plan and Tentative Tract Map No. 1618, and had entered into a "Pre-Annexation Development Agreement" by and between the City and San Miguelito Associates, all pertaining to the area consisting of approximately 107 acres adjacent to the westerly City boundary and commonly known as "Ontario Ridge", which approvals and documents were subject only to annexation of Ontario Ridge to the City and Coastal Commission approval of an amendment to the "General Plan/LCP"; and

WHEREAS, Ontario Ridge was annexed to the City after approval by the San Luis Obispo County Local Agency Formation Commission ("LAFCO") and said annexation was certified on October 20, 1989; and

WHEREAS, the California Coastal Commission ("Coastal") considered the application of the City for amendment to its General Plan/LCP on December 15, 1989 and certified Major Amendment No. 1-89 subject to the City's adoption of certain revisions to the Pre-Annexation Development Agreement, the Specific Plan and the application for amendment to the General Plan/LCP, as originally submitted; and

WHEREAS, the Planning Commission of the City of Pismo Beach held a public hearing on January 16, 1990 at 6:30 p.m. in the City Council Chamber and adopted its Resolution No. 90-2 recommending that the City Council adopt the Modifications and amend the General Plan/LCP in substantially the same form as that considered and approved by the Planning Commission; and

WHEREAS, the City Council of the City of Pismo Beach held a public hearing on January 22, 1990 at 1 p.m. in the City Council Chambers to consider the recommendation of the Planning Commission, the Modifications as they pertain to amendment of the General Plan/LCP and related matters; and

WHEREAS, the City Council of the City of Pismo Beach at its public hearing January 22, 1990 found that the previously certified Environmental Impact Report No. ED 84-152 and the Addendum thereto (hereafter, the "EIR") are adequate for the purposes of further modifications to the General Plan/LCP and that the Modifications will not have a significant adverse impact upon the environment and

authorized the filing of a Notice of Determination which was filed on January 24, 1990; and

WHEREAS, the City Council of the City of Pismo Beach at its public hearing on January 22, 1990 adopted its Resolution No. 90-7 which approved and adopted Revised Vesting Tentative Tract Map No. 1618 and a Revised Specific Plan for Ontario Ridge and introduced Ordinance No. 90-2 related to the Development Agreement by and between the City and San Miguelito Partners; and

WHEREAS, the City Council of the City of Pismo Beach has on this date, February 12, 1990, adopted Ordinance No. 90-2.

NOW, THEREFORE, THE CITY COUNCIL, based upon information it has obtained and information obtained on its behalf and the testimony presented at the pubic hearing does FIND, DETERMINE AND RESOLVE as follows:

SECTION I.:

The City Council of the City of Pismo Beach hereby finds that the Modifications are minor and do not substantially alter the intentions of the City in its adoption of the previous amendments to the General Plan/LCP or the policies and goals of the City with respect to its General Plan/LCP, development of Ontario Ridge or any other policies and goals of the City; and

SECTION II.:

The City Council of the City of Pismo Beach hereby amends the General Plan/LCP in accordance with the revisions shown in Exhibit "A" attached hereto and incorporated herein by this reference (hereafter, "Revised General Plan/LCP") and does hereby approve and adopt the Revised General Plan/LCP in conformity with the Modifications and Major Amendment No. 89-1, as certified by Coastal.

Section III:

The City Council of the City of Pismo Beach hereby authorizes the Vice Mayor to execute this Resolution on behalf of the City.

SECTION IV:

This Resolution shall be in effect immediately upon City Council approval.

SECTION VI:

The City Clerk shall certify the adoption of this Resolution.

Executed this 12 th day of February, 1990 on behalf of the City of Pismo Beach, California.

Mike Fiorentino

MIKE FIORENTINO, VICE MAYOR

ATTEST:

CITY CLERK

I HEREBY CERTIFY that the foregoing Resolution, consisting of three (3) pages and one (1) exhibit, was duly adopted by the City Council of the City of Pismo Beach, upon motion made by Councilmember Fiorentino, and seconded by Councilmember Foster, at a regular meeting thereof, held on the 12th day of February, 1990, by the following roll call vote of the Council:

AYES: COUNCILMEMBERS FIORENTINO, FOSTER AND VICE MAYOR FIORENTINO

NOES: COUNCILMEMBER ELDWAYEN

ABSENT: MAYOR MORROW

ABSTENTIONS: NONE

SHARON JONES, CITY CLERK

APPROVED AS TO FORM ONLY:

MARY WEDUS GAYLE OF
BURKE, WILLIAMS & SORENSEN,
SPECIAL COUNSEL

EXHIBIT "A"
RESOLUTION NO. 90-13

THE FOLLOWING AMENDMENTS ARE MADE TO THE LANGUAGE PREVIOUSLY ADOPTED BY THE CITY COUNCIL OF THE CITY OF PISMO BEACH, PURSUANT TO RESOLUTION NO. R-88-94, ADOPTED AUGUST 8, 1988, WHEREBY THE CITY COUNCIL AMENDED THE CITY GENERAL PLAN/LCP TO INCLUDE THE ONTARIO RIDGE AREA SUBJECT TO ITS ANNEXATION TO THE CITY OF PISMO BEACH.

The General Plan/LCP is amended by adding 97 acres of the Ontario Ridge Annexation as a subsection of the Sunset Palisades Planning Area to the following Figures and Tables in the General Plan/LCP, as previously amended, all as shown on the attached drawings which are labeled with the same numbers as the Figure and Table numbers shown below and by adding to, or amending the text of the previously approved amendments to the General Plan/LCP for the Ontario Ridge annexation area as indicated below. The following paragraph numbers conform to the modifications as numbered and approved by the California Coastal Commission in certifying Major Amendment NO. 1-89 on December 15, 1989. In all other respects, those amendments approved by Resolution No. R-88-94 remain in full force and effect as though fully incorporated herein.

1. Fig. GP-1, "Location of Pismo Beach".
Fig. GP-2, "Neighborhood Planning Areas".
Fig. EN-1, "Slope Map".
Fig. EN-2, "Physiographic Sections".
Fig. EN-3, "Surface Hydrology Map".
Fig. EN-4, "Geology Map".
Fig. EN-6, "General Soils Map".
Fig. EN-7, "Critical Hazards Map".

2. Fig. EN-11, "Designated Significant Natural Resource Areas", is amended by adding Ontario Ridge for the following categories:

Shoreline areas from the toe of bluff, including the ocean.

Foothill Area Boundary including all hills above the 200 foot contour.

Environmentally Sensitive Habitat Areas for the areas of Western peregrine falcon foraging habitat as designated, reviewed and approved by the Department of Fish and Game, live oak woodland and Black-flowered figwort (Scrophularia atrata) as shown in the 1985 EIR, Figure 11; Visual Resources as mapped on Figure EN-17 of the General Plan/LCP, as amended by paragraph 10 below and according to Figure 19 of the 1985 EIR.

3. Fig. EN-12, "Biotic Communities", is amended by adding the Ontario Ridge annexation to the following categories:

North Coastal Shrub
Intertidal Zone Communities

4. Page III-96, "Natural Resources Characteristics", is amended by adding the following txt after the "Freeway Foothills" section of the General Plan/LCP:

"Ontario Ridge

The Ontario Ridge annexation area is a narrow marine terrace characterized by the ridge, which rises steeply to a summit of some 730 feet. A portion of the Ontario Ridge remains in the unincorporated area of the County of San Luis Obispo and includes the Pirates Cove/Mallagh Landing Beach. Most, but not all of the ridgeline is located within the City limits and the City's Sphere of Influence. The area annexed comprises approximately 97 acres vegetated primarily with Northern Coastal Scrub, and supports at least two special species, the peregrine falcon and the Black-flower figwort (Scrophularia atrata). The northwestern corner of the annexed area consists of grassland which is part of the critical foraging habitat for the Federally and State listed Endangered peregrine falcon. The peregrine falcon is known to nest approximately half a mile away on the isolated cliffs in the County territory. Much of the peregrine falcon's foraging habitat has been lost to development, which makes preservation of the grassland open space for foraging vital to its survival. The Black-flower figwort is a Candidate for listing by the U. S. Fish and Wildlife Service (Candidate 2), and is found approximately along the 225-foot contour in the central portion of the site."

5. Fig. EN-13, "Shoreline Conditions" is amended by adding the Ontario Ridge annexation area for the category "Future Development Critical".

6. Table EN-15, "Acreage Summary", is amended to correct acreage summaries consistent with Major Amendment No. 1-89.

7. Fig. EN-14, "Open Space Plan", is amended by adding the Ontario Ridge annexation area to the following categories:

General Open Space:
1b - Public Access
1c - Environmentally Sensitive (Habitat and Views)

Undeveloped Land:
2b - Inappropriate for Development

Potential Hazard Areas:
3a - Over 30% Slope
3c - Cliff Erosion and Hazard

Open Space on Private Land:
4b - Easements
4e - Agricultural/Grazing

The specific areas of each category noted above shall be consistent with Major Amendment No. 1-89 in the following respects:

"Open Space Lot A": Categories 1c, 2b, 3a and 4e.

"Open Space Lot B": Categories 1b, 3c, 4b and 4e.

8. Figure EN-15, "Visual Problems and Opportunities", is amended by adding the Ontario Ridge annexation area for the following categories:

Panoramic View (from and to the site)
Glimpsed View
Shoreline Cliffs
Beach Access

9. Fig. EN-16, "Landscape Improvement Plan", is amended to add the Ontario Ridge annexation area to include the following new category:

"8. Area needs landscape with drought resistant plants native to the Central Coast area."

10. Fig. EN-17, "Visual Resources", is amended to add the Ontario Ridge annexation area for the following categories:

View Points
Panoramic Views
Important View Area
Proposed Vista Points (Lot B)

11. Fig. DE-1, "Archeological Resources", is amended by adding the Ontario Ridge annexation area as delineated on the archeological maps on file with the City of Pismo Beach and the County of San Luis Obispo.

12. Fig. DE-2, "Access and Recreation Plan and Proposals", is amended by adding the Ontario ridge annexation area to the category labeled "Trails".

13. Table DE-4, "Access Plan Program", is amended by adding the Ontario Ridge annexation area to the categories noted as "Provide Spaces", "Trash Cans" and "Benches", and by deleting the category "No Spaces Necessary".

14. Fig. DE-6, "Bikeways Plan", is amended by adding the Ontario Ridge annexation area to show the bikeway generally along and parallel to Cave Landing Road as shown on Revised Vesting Tentative Tract Map No. 1618; to be improved by the Applicant to the standards required in the City's General Plan/LCP as certified prior to Major Amendment No. 1-89.

15. Fig. LUP-1, "Land Use Map", is amended by adding the Ontario ridge annexation area designating the upper slope area (Lot A) as Open Space Land Use.

standards and paralleling the coast. Both the pedestrian walkway and the bikeway shall run the entire length of the Ontario Ridge annexation area to the westerly City limits. Both the pedestrian walkway and the bikeway shall be signed to either current California Department of Transportation or certified LCP standards;

c. Landscaping on all lots, shall to the maximum extent feasible be to the standards for fire suppression consistent with the native and drought resistant revegetation and landscaping provisions of the LCP and the revised Specific Plan;

d. All facilities shall be designed and all management measures shall be included as is necessary to protect Native American cultural values, natural resources, scenic resources and historical resources of the Ontario Ridge area and the surrounding area. To the maximum extent feasible, the Lot B facilities shall serve persons with handicaps."

Program SPA-13 is amended to revise the language following the words "recrational facilities and improvements" in lines 5 and 6 and before the words "The City's participation" in line 6 of the language as amended in Resolution No. R-88-94 to add the following:

"The City shall manage and maintain the public areas of Lot B, including the pedestrian trail, but excluding the public bikeway to LCP standards. The City shall manage and the homeowners of the Ontario Ridge shall maintain the public bikeway subject to the City's right to compel maintenance thereof in accordance with LCP standards as shall be provided in the dedication of easements for Lot B.

Program SPA-14 is added to the General Plan/LCP following Program SPA-13 as revised above, as follows:

Program SPA-14: "The grazing of cattle on Lot A shall be limited to that part of the year when grass is actively growing in the area to be grazed provided, however, that at such time as the grass turns "brown" the cattle shall either be removed from the grazing area, or supplementary feed shall be provided in quantities adequate to ensure that overgrazing does not occur. This provision shall be implemented by a deed restriction to be included with the other restrictions placed on Lot A and by covenants, conditions and restrictions recorded as provided in the revised Specific Plan."

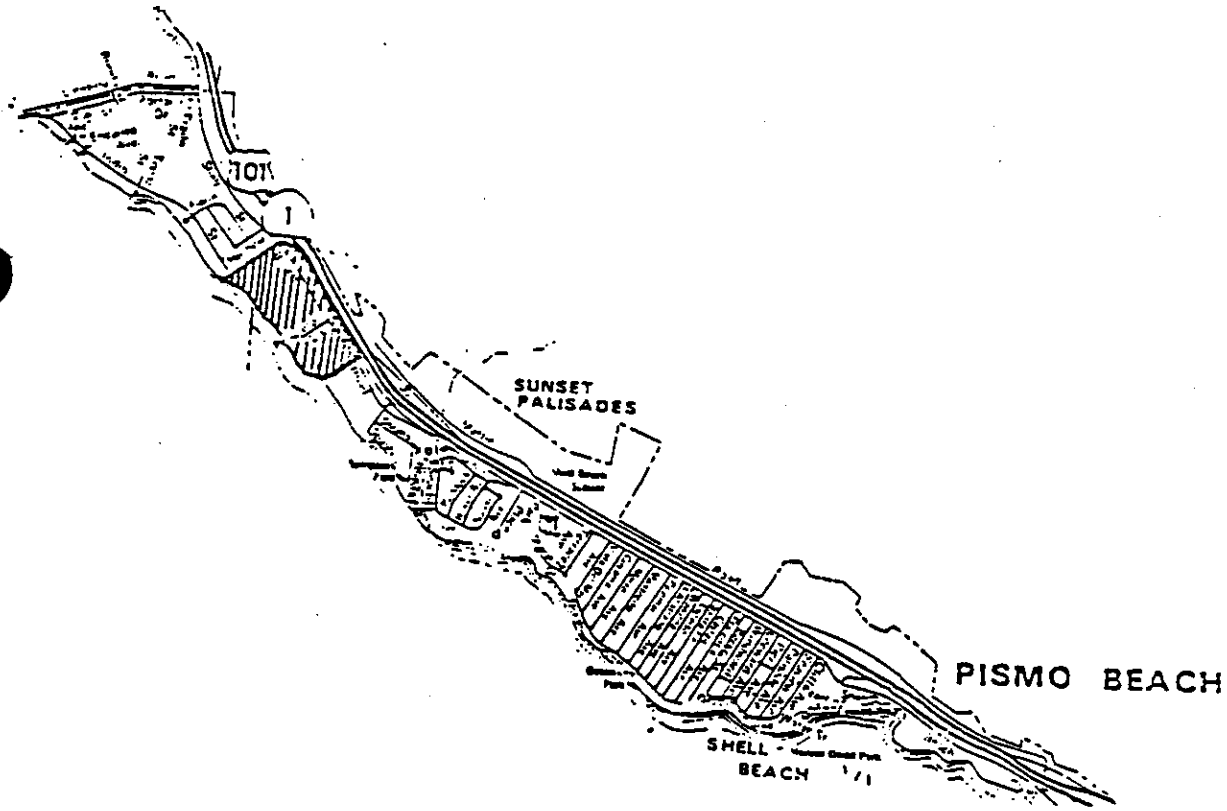
Program SPA-15 is added to the General Plan/LCP following Program SPA-14 as added above, as follows:

"Program SPA-15: The keeping of horses on Lot A shall be prohibited unless a paddock is provided

and maintained for each horse, or group of horses, allowed on Lot A with sod-type vegetated buffers adjacent to the down-slope and side-slope limits of the paddock area within which a horse, or group of horses, is kept. The buffer shall be at least 10 feet wide along the side slopes and 20 feet wide at the down-slope boundary. This provision shall be implemented by a deed restriction to be included with the other restrictions placed on Lot A by and covenants, conditions and restrictions recorded as provided in the revised Specific Plan."

# SOUTH PALISADES

# SPECIFIC PLAN



# SOUTH PALISADES SPECIFIC PLAN

ADOPTED

FEBRUARY 3, 1986 — RESOLUTION NO. R-86-16

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REVISED

July 14, 1986 — RESOLUTION NO. R-86-101

July 28, 1986 — ORDINANCE NO. 86-14

September 12 1988 — RESOLUTION R-88-103

## 1. Description/Location

The South Palisades Planning Area consists of 21 parcels, including 11 which are very long and narrow (Fig. 1). Although there are six residences, one of which has four additional apartments; the 48± acre area is predominantly undeveloped, and at times used for temporary grazing.

The western boundary of the planning area consists of the ocean bluff tops which range in height from 40-50 feet at the north end to 80 feet at the south end. Although the bluff area is under private ownership, San Luis Obispo County has an easement from the toe of the bluff to the mean high tide line. This Planning area is bounded on the north by the Sunset Palisades neighborhood, which consists of low-density, single-family homes. The southerly boundary is a large barranca and the North Spyglass Planning area, which is (being) developed with hotels and large motels. US Highway 101 is the easterly boundary.

## 2. Purpose

This 48 acre area is currently subdivided into primarily long, narrow 2 to 4 acre lots, which do not lend themselves easily to the quality development that this prime coastal area deserves. This specific plan has been prepared to facilitate a co-ordinated approach to development which will maximize the potential of the area, while at the same time recognizing the pertinent environmental constraints, and integrating the policies of the City's General Plan/Local Coastal Plan and Zoning Ordinance.

This document is intended to be a "working" Specific Plan; as such it is a synopsis of the Draft Plan prepared by The Morro Group which is acknowledged and accepted as a background report. In all cases where the adopted specific plan differs from the background report, the former shall prevail.

## 3. Land Use Plan Concepts

This area has been designated by the Local Coastal Plan for limited medium density (7 dwelling units/acre maximum) residential development. The area between Shell Beach Road and Highway 101 is designated as a Density Transfer Zone, so that this portion of the land can be used for open space/recreational activities and the units which could normally be built in this area can be located west of Shell Beach Road. A 100-foot wide strip along the bluff top shall be retained as open space for a public access and recreational area in addition to a 100-year bluff retreat setback.

Clustering concepts in the medium density area are desirable and encouraged. By clustering, developments can be designed for better solar access, larger open spaces and preservation of views. Clustering the housing can also minimize impacts to a sensitive resource such as soils, vegetation and bluff stability.

Common recreation facilities within the developments should be part of the design of the area as well as inclusion of individual open space. A bluff top park for walking and sightseeing will also be established and can overlap into the 100 year bluff retreat area.

It is desirable to design the individual housing cluster developments so that they harmonize with the other developments within the area. The projects need not be the same architectural design. It is preferable that the developments be different but compliment each other. Similar building materials such as tile roofs, wood or stucco exteriors, could be used throughout the entire Planning Area in order to provide continuity. Uniform site planning techniques become key to the success of this approval.

## 4. Overlay Zones

A number of zoning overlay zones apply to the South Palisades Planning Area. These overlay zones establish development standards and contain special criteria which must be considered when preparing a development plan for this area. These criteria are described in detail in the Zoning Ordinance and Background Report for this specific plan. The pertinent overlays include: A (Archaeology - Historic Sites), AC (Coastal Access); AR (Architectural Review), CA (Coastal Appeal), F (Floodplain), H (Hazards & Protection), HL (Height Limitation), N (Noise), OS-2 (Open Space), P (Public or Visitor Parking), TD (Transfer Density) and V (View Considerations).

## 5. Environmental Status

The EIR prepared by Walker Planning and Associates (WPA) and the review in the background report prepared by The Morro Group should meet requirements for an EIR for any development in the Planning Area which is consistent with the development provisions in this Specific Plan. Section 65453(b) of the Government Codes specifies that "No environmental impact report or negative declaration need be filed pursuant to Division 13 (commencing with Section 21000) of the Public Resources Code for any residential project, including any land subdivision or zoning change, which is undertaken pursuant to and in conformity with a specific plan for which an environmental impact report has been certified under such provisions after January 1, 1985." The WPA report complies with this requirement.

However, special environmental studies may be requested by the City for specific areas or issues. These studies can become addendas to the Specific Plan.

## 6. Recreational Facilities

### A. Phasing of Recreational Facilities

Each portion of the parks and open space areas will be developed incrementally as each property is developed. As a standard condition of each development, applicants will be requested to develop their portion of the park. However, due to the high cost of public improvements such as

public stairways, bus stop shelters, and pay phones, all properties will be made responsible for paying an in-lieu fee. This fee, which is addressed in the General Plan-Local Coastal Plan, should be based upon the total cost of the stairways and other improvements, and each developer would pay fees based upon the number of units being developed.

If there are unfinished sections of the park due to postponed development of any parcels, the City may desire to establish an assessment district to develop the intervening park area and later charge the developer upon development of that parcel. The site of the existing home within the required park area will probably remain until the owner initiates further development of this property. At that time, the existing home and bungalows should be either moved outside of the setback area or removed from the property.

B. Ownership and Maintenance

(1) Ownership

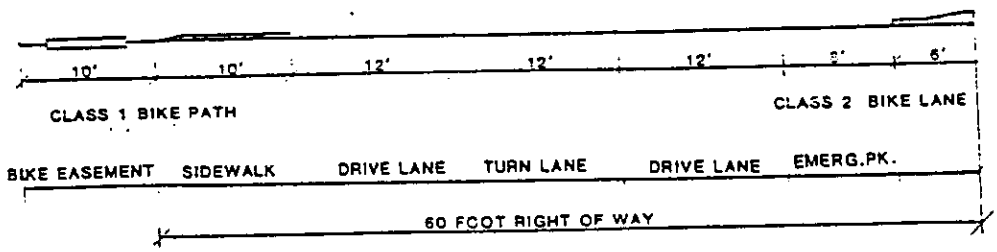
The ownership of recreational areas fall into two categories: public and private. In general, most of the public areas will likely be under the ownership of either the City or the State of California. In some instances, it may be more appropriate for private ownership with provisions for easements for public usage in a manner similar to the Downtown beachfront boardwalk. The residents recreational facilities will be privately owned.

The following park areas will be owned by the public unless there are adequate easements assuring public usage.

Bluff Top Park: This area would be most properly owned and maintained by the State of California since a high percentage of its usage will be by tourists from all over the State. However, if it is determined that the State will inadequately maintain this area, it should then be owned by the City of Pismo Beach.

Beach: The General Plan-Local Coastal Plan requires that the State Department of Parks and Recreation accept ownership of all beach areas. If the State fails to accept the beach area, the City should then assume ownership.

Shell Beach Road Bike Trail: A 10 foot wide easement shall be dedicated, and a Class 1 bike trail constructed along the ocean side of the Shell Beach Road right-of-way. This easement should be consistent with the easement along the Sunset Palisades Planning Area to the north. A 6-8 foot wide Class 2 bike trail shall be constructed on the freeway side of Shell Beach Road.



(2) Maintenance

The maintenance of all publicly owned park areas should be conducted by the City of Pisom Beach or by the entity owning the park, either the City or the State of California. Park areas which are privately owned with overlying easements for public usage shall be maintained by a homeowners association unless the City accepts the maintenance responsibility.

Since the facility will be used by tourists as well as residents, a joint maintenance program between the agency owning it and the homeowners association may be preferable. The individual property owners may wish to retain the property in private ownership since it is adjacent to their developments and of major benefit to the homeowners. The decision for ownership should be made as a part of, or an addendum to, this Specific Plan. In any event, the individual property owners will be responsible for developing their portions of the bluff top park and dedicating the property to the appropriate agency if not held in private ownership.

## 7. Landscaping

The landscaping element of the South Palisades Specific Plan provides guidance for both public and private landscaping programs (See Figure 5). In general, the programs for private green space design are intended to coordinate landscaping design between different properties, enhance the design of the projects and to protect and enhance the views from the freeway. The program for the public parkways and parks provide guidance to both the developers and the City in appropriate landscape design.

## 8. Specific Plan Development Requirements

The South Palisades Specific Plan comprises one entire Planning Area of the General Plan-Local Coastal Plan. The Zoning Ordinance and the General Plan-Local Coastal Plan provide some of the criteria for development of the South Palisades. The Specific Plan provides the remaining guidelines and standards for the South Palisades. Figure 2 shows the Specific Plan Generalized Land Use Map and Figure 6 shows the Development Plan.

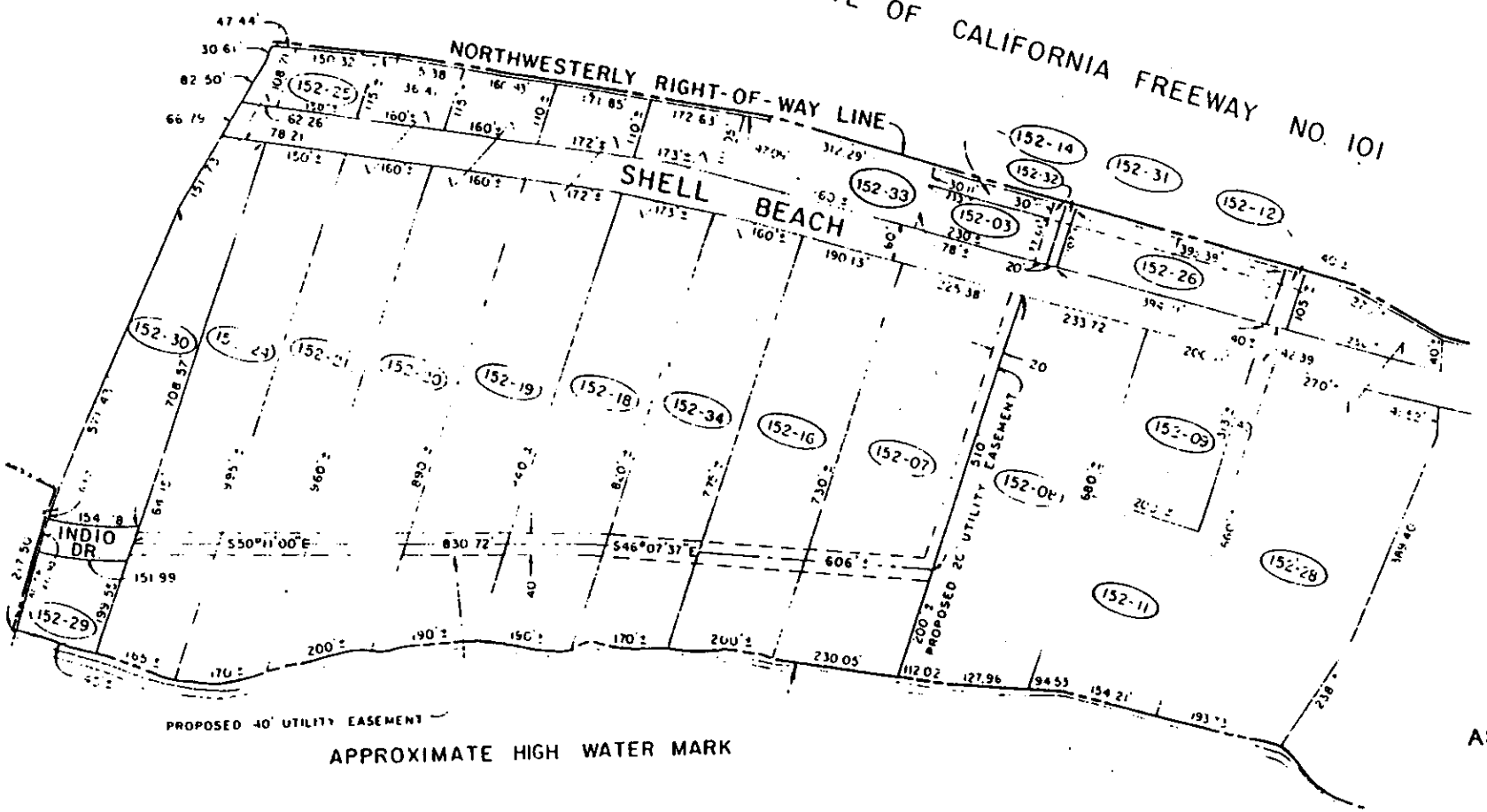
### A. Consistency with General Plan-Local Coastal Plan and Zoning Ordinance, Etc.

A-1 Any development in the Specific Plan area shall be consistent with the adopted General Plan-Local Coastal Program Land Use Plan.

A-2 Development of all properties shall meet the requirements and standards of the Specific Plan. Any deviations from these standards shall require an amendment to the Specific Plan.

A-3 The development shall comply with the City's Growth Management Ordinance.

NOTE: ALL PARCELS SHOWN ARE IN ASSESSORS MAP BOOK NUMBER 10




ASSESSORS PARCEL MA

Figure

## B. Public Facilities and Utilities

B-1 The loop street pattern shall be constructed as required by the General Plan-Local Coastal Plan and as stipulated as a mitigation measure of the Environmental Impact Report.

B-2 The loop road system shall be designed in conformance with City standards and shall allow for public access to the linear park area along the bluff top and City park easement. The loop system shall provide for bicycle trails which shall connect with the bluff top trail along the City park easement.

B-3 Public utilities shall be installed undergrounded throughout the project. This work shall be completed either by each individual developer or as a part of an assessment district.

B-4 As a part of the Project Development Plans work, it will be necessary for the Developer to prepare legal descriptions for easements that will be required for the installation of water mains, sewer lines and right-of-way dedication for the loop roads and the cul-de-sac.

B-5 The schematic circulation, water, sewer, utility, drainage and subdivision plans contained within this Specific Plan are based on preliminary survey and engineering. In all instances, more precise plans will be required consistent with the schematic concepts of this Specific Plan. (See Figures 7, 8, 9 and 10)

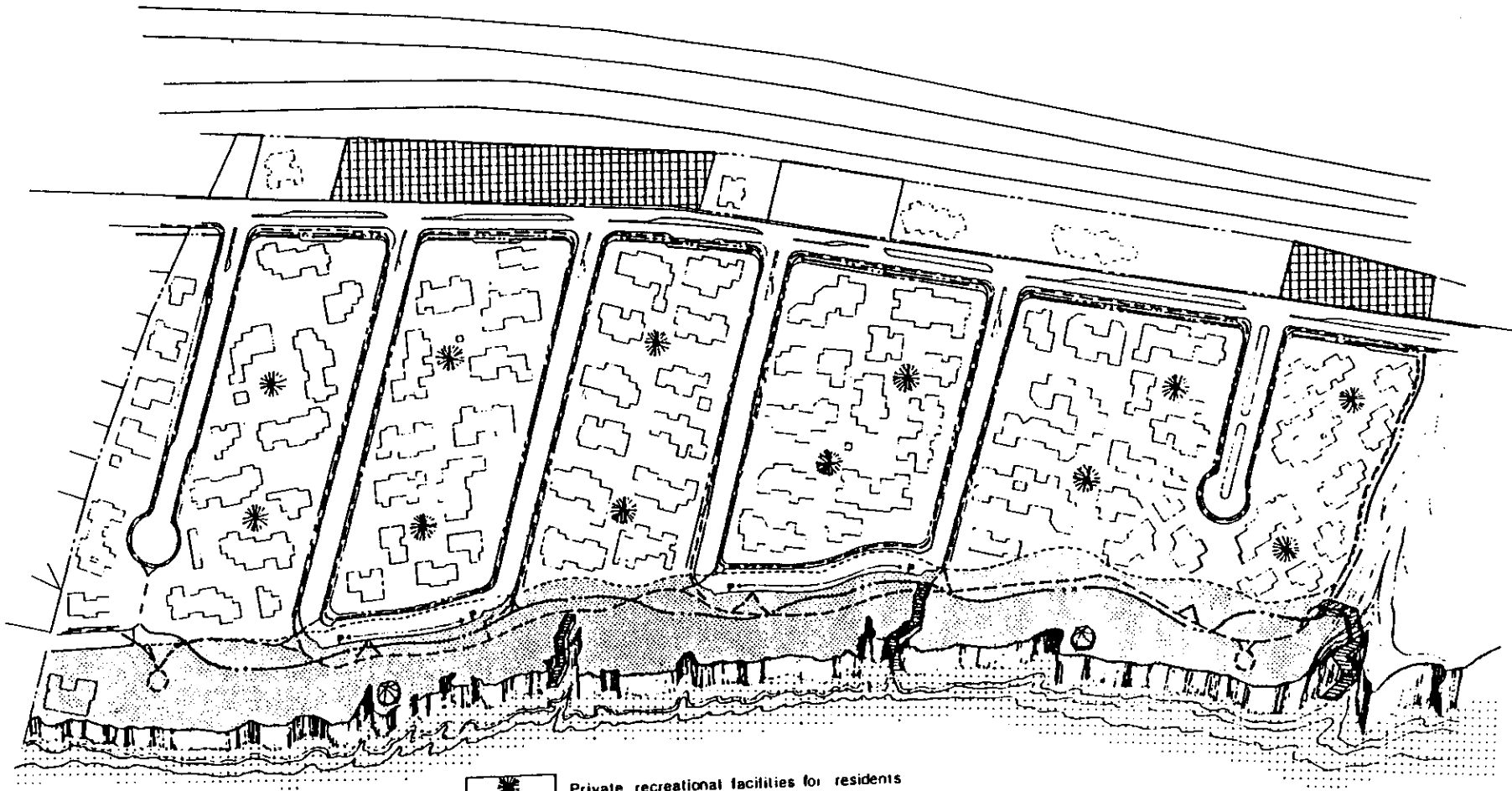
B-6 The 8-inch water lines shall be installed. They shall follow the loop road system and connect with the 12-inch line in Shell Beach Road and with the 8-inch line along the bluff. Individual development plans will specify unit water line configuration. The water plan is shown on the Water Plan Map. Figure 8.

B-7 The 8-inch sewer lines should follow the loop road system and will gravity flow into the 8-inch line along the bluff as labeled "Alternate 1", on the Sewer Map, Figure 9. The existing sewer main lines will be extended to connect the entire planning area. Individual development plans will specify unit sewer line connections.

B-8 The Addie Street Pump Station may be required to be upgraded prior to development unless waived by the City.

B-9 Storm water drainage will follow the loop streets as specified on the Drainage Plan Map, Figure 10. Of importance is that drainage lines will be sized to carry 25-year flood flows from the developments to the bluff edge. Lines will be designed to carry the water over the edge of the bluffs and to the base of the bluffs with proper disperson devices to reduce erosion impacts. Individual developments will specify drainage and the connection with the major drainage system.

B-10 All lots shall have positive drainage to the street.

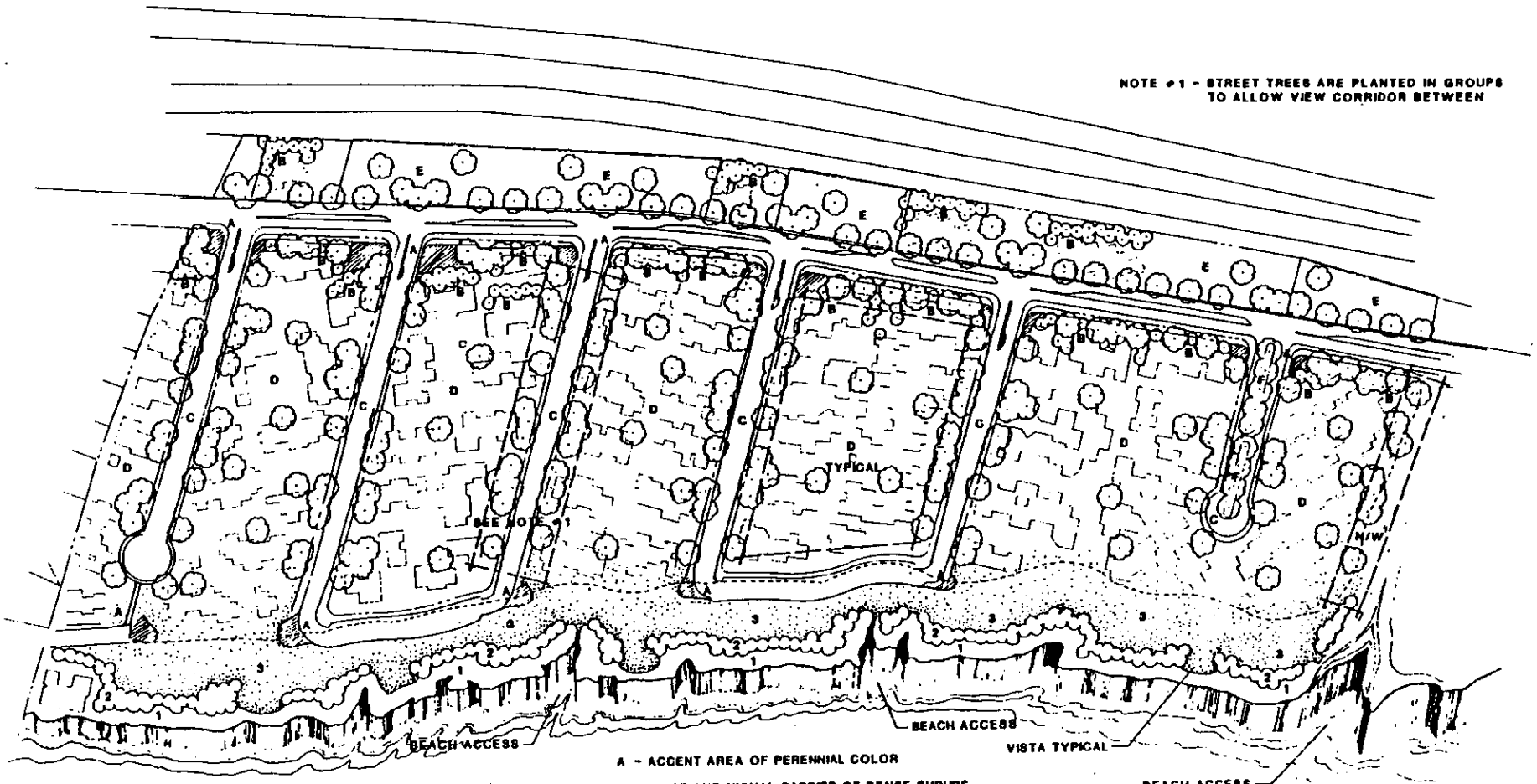


Private recreational facilities for residents
Passive public recreation bluff top park per LCP
Passive and Active public beach recreation area
Viewpoints / Gazabo
Major bike trails
Major pedestrian trails
Potential mini public park and tourist information booth

Adopted 2-3-86

Public and Private Recreation Plan

**Figure 4**




BLUFF TOP PARK ZONES

1 - NON-IRRIGATED NATIVE COVER

2 - BUFFER AREA OF LOW SHRUBS

3 - IRRIGATED TURF AND LIMITED DROUGHT TOLERANT GROUND COVER

A - ACCENT AREA OF PERENNIAL COLOR

B - NOISE AND VISUAL BARRIER OF DENSE SHRUBS

C - STREET PLANTING PRIMARILY TREES AND TURF

D - INTERIOR PLANTING OF TREES, ORNAMENTAL SHRUBS AND TURF

E - OPEN SPACE OF TREES, SHRUBS AND NATIVE COVER

F - EXISTING TREES

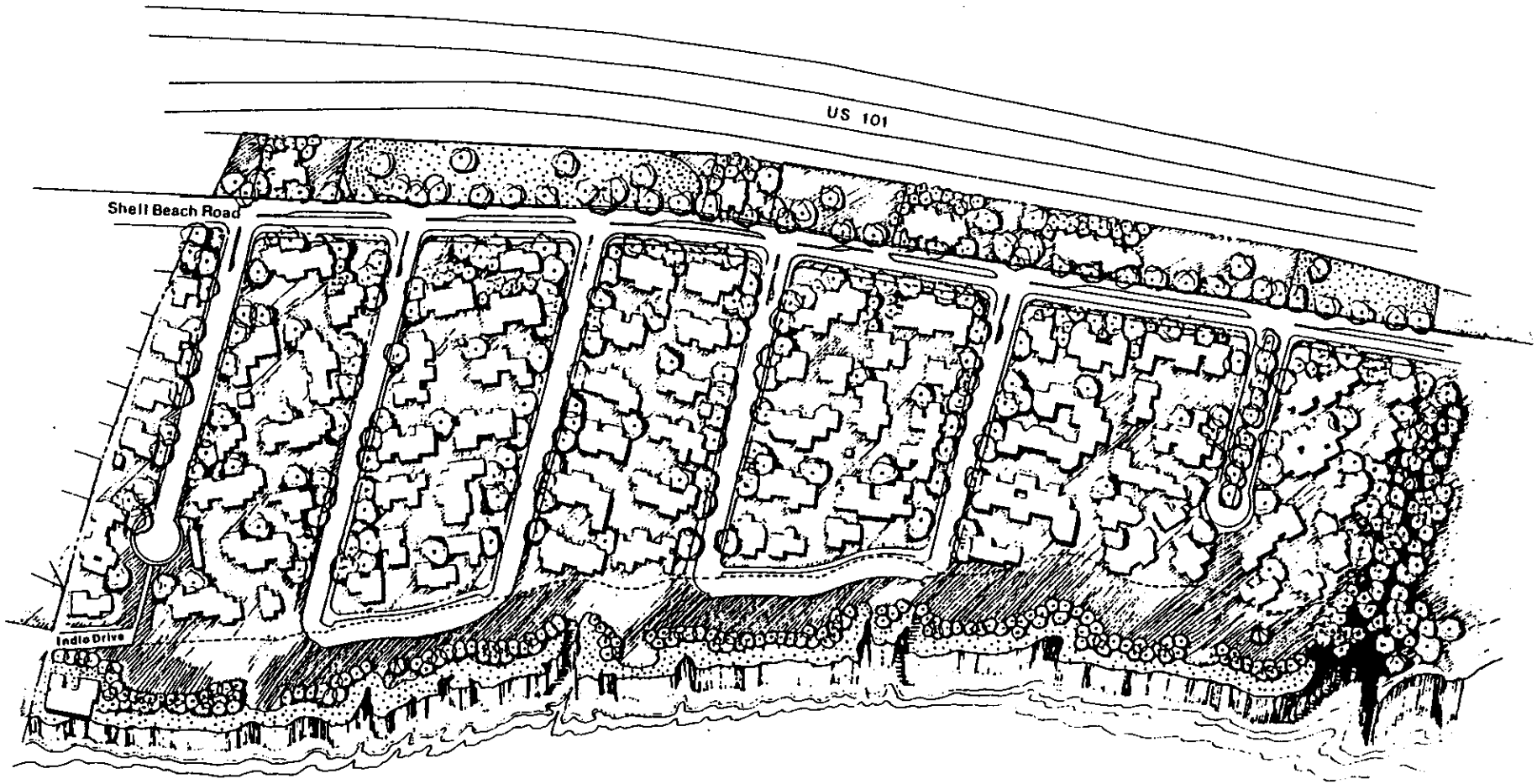
N/W - "NATURE WALK" FOR PEDESTRIAN ACCESS TO BLUFF TOP PARK

Adopted 3-3-86

## Landscape Plan Schematic

PREPARED BY J. ROULLARD

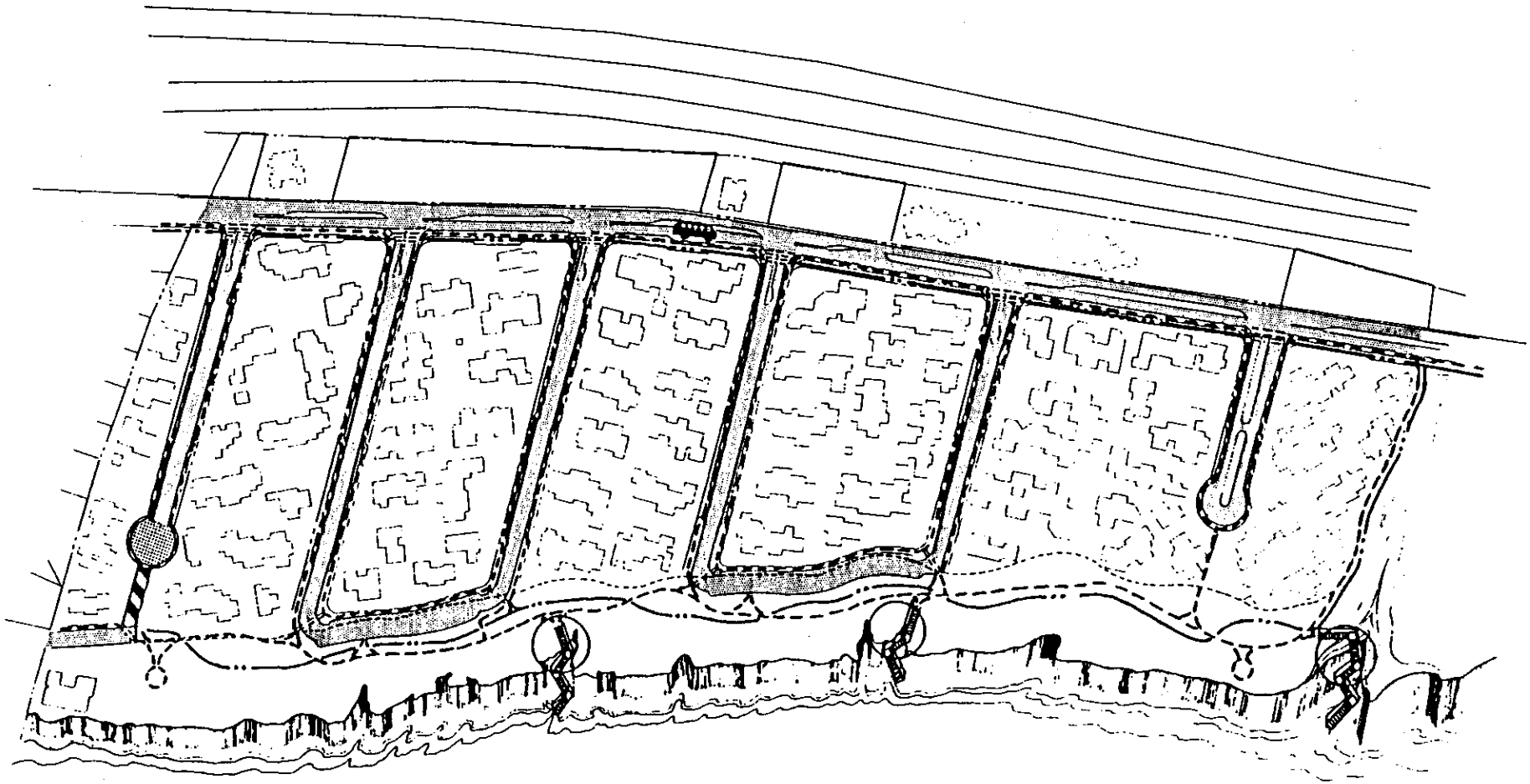
**Figure 5**




Schematic Development Plan

**Adopted 2-3-86**

**Figure 6**



Street System

Pedestrian Way

Bicycle Path

Major Activity Node

Street Crossings

Bus Stop

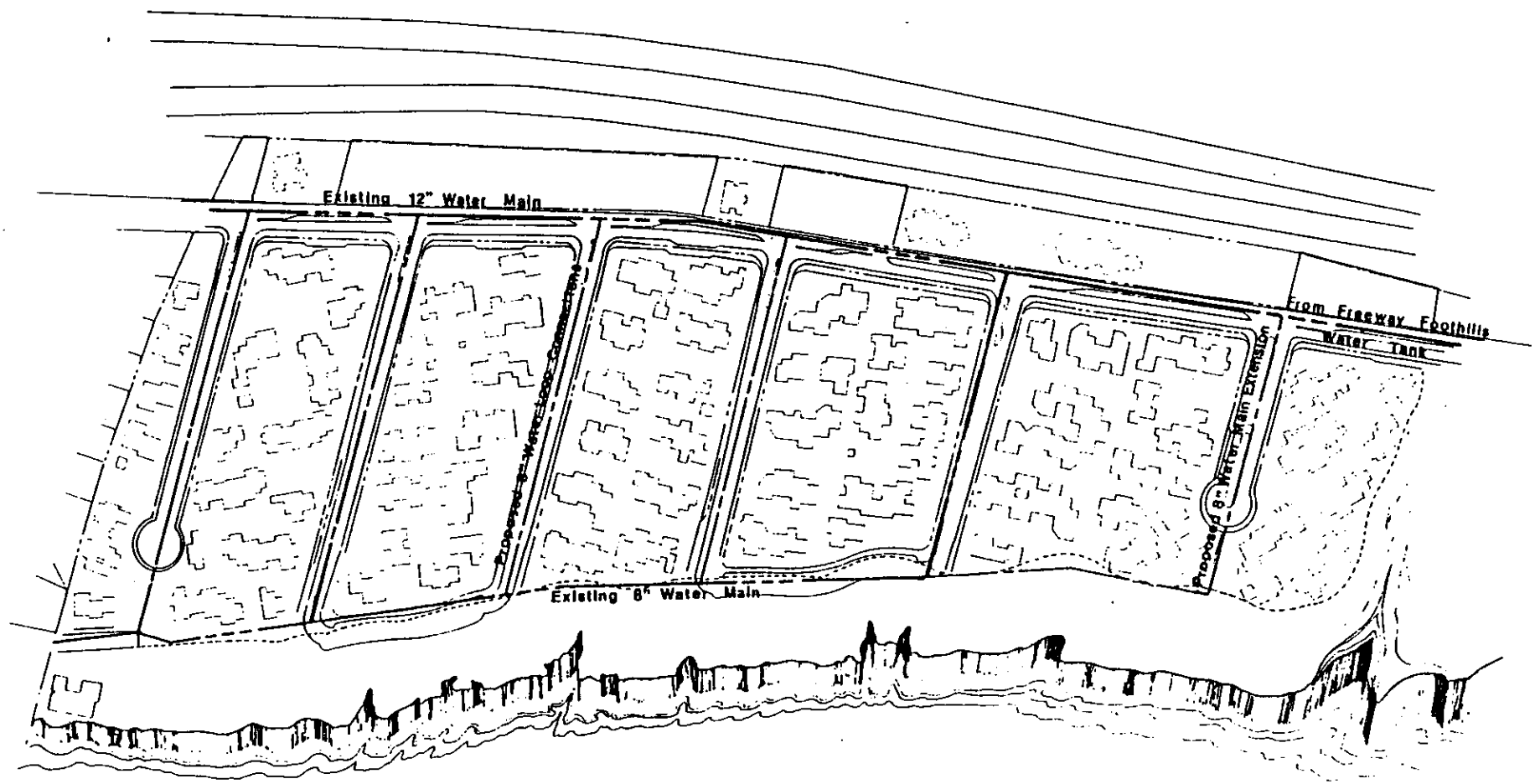
Stairs To Beach

Emergency Access/ Pedestrian Way

Transportation System Plan

**Adopted 2-3-86**

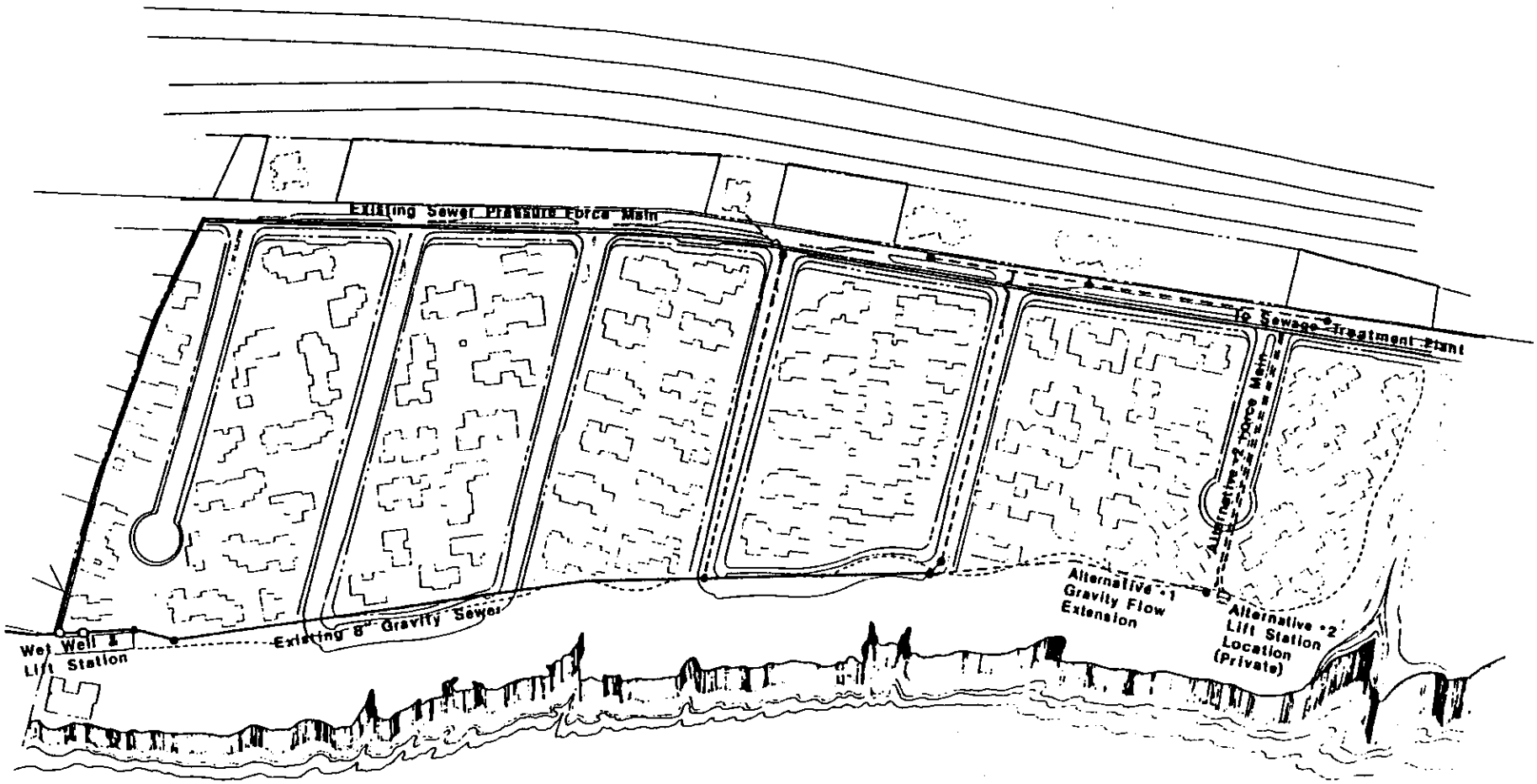
**Figure 7**




Water System Schematic Plan

**Adopted 2-3-86**

**Figure 8**




Sewer System Schematic Plan

**Adopted 2-3-68**

**Figure 9**

B-11 Structures should have gutters and down-spouts with runoff conveyed to the street in non-erosive devices (e.g. right-lines, drives, etc.).

B-12 Drainage and erosion control facilities shall be designed within all properties of the development and shall comply with the Grading and Erosion Control Ordinance.

B-13 All areas disturbed by grading shall be planted with temporary, or in the case of finished slopes, permanent erosion retardant vegetation. Native species shall be planted wherever feasible. Such plantings shall be accomplished under a plan prepared and submitted by a licensed landscape architect and shall consist of seeding, mulching, fertilization, and irrigation adequate to provide 90 percent coverage within 90 days of the time of planting. Planting shall be repeated if the required level of coverage is not established within the time period stipulated above. This requirement shall apply to all disturbed soils, including stockpiles, and to all building pads and road cuts.

B-14 Fire hydrants will be necessary throughout the development. The location and number of hydrants will be determined by the Fire Chief.

B-15 Individual developments may donate a contribution to offset the cost of new school facilities if an overcrowding situation occurs (based upon the determination of the City of Pismo Beach).

B-16 The Union Oil pipeline right-of-way should be relocated to the public open space and utility (water and sewer lines) rights-of-way if feasible. If the pipeline right-of-way cannot be relocated, a safety buffer along the existing right-of-way should be provided.

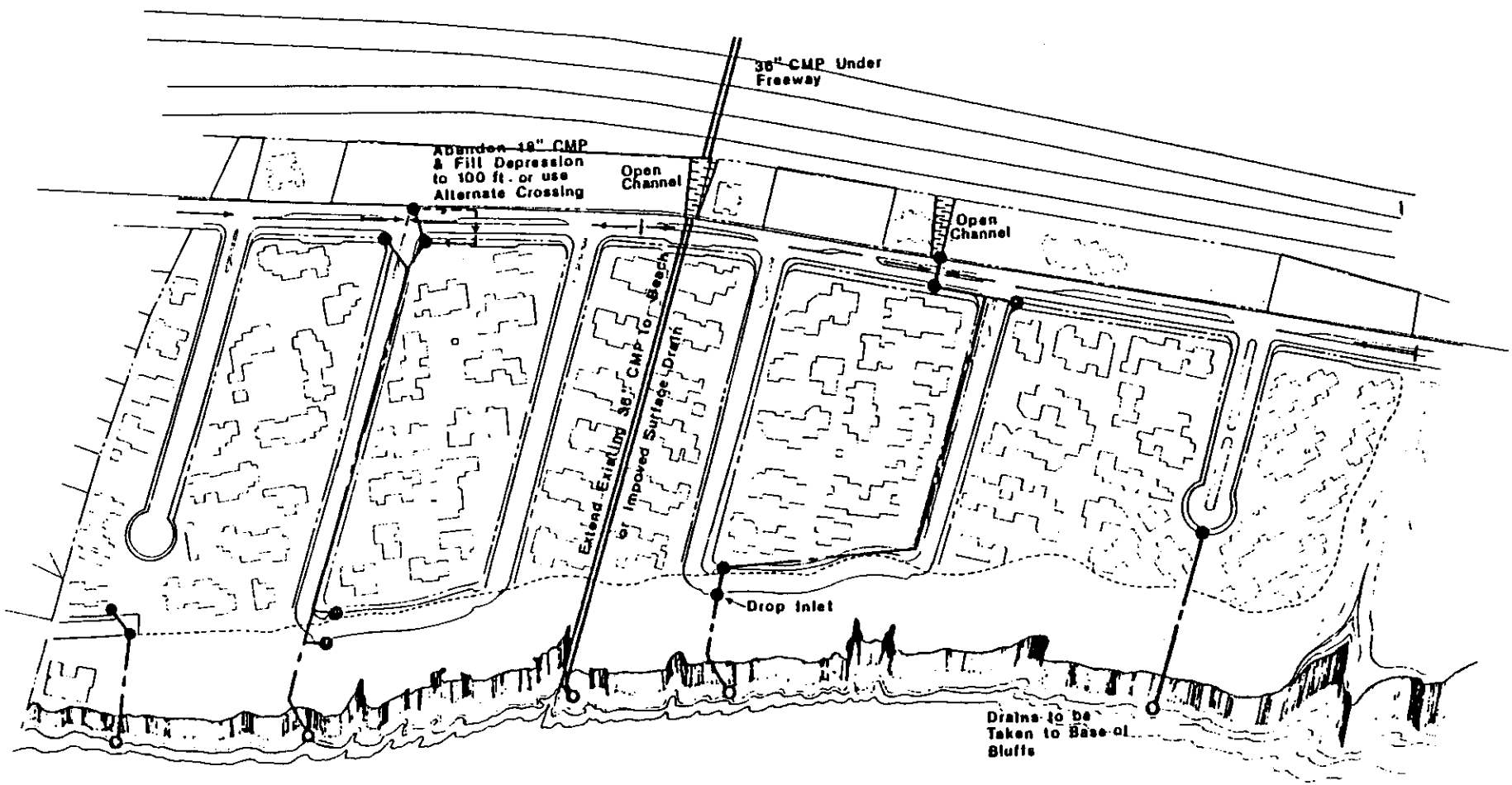
## C. Housing

C-1 Housing density transfers and density bonuses shall be consistent with City regulations.

## D. Transportation Systems

D-1 Shell Beach Road shall be widened to 44 feet (curb to curb) to accommodate the projected traffic as part of Phase 1 of each property development. All public roads (e.g., loop streets) shall be 40 feet wide (curb to curb) in a 52 foot right-of-way, with two 6 foot wide utility and sidewalk easements (Figure 11) sidewalks shall be at least 4'0" wide. Light standards, fire hydrants, etc., shall be kept out of sidewalk.

D-2 Each phase shall be designed with temporary turn-arounds on the loop roads and temporary emergency access roads as deemed necessary by the Fire Chief.

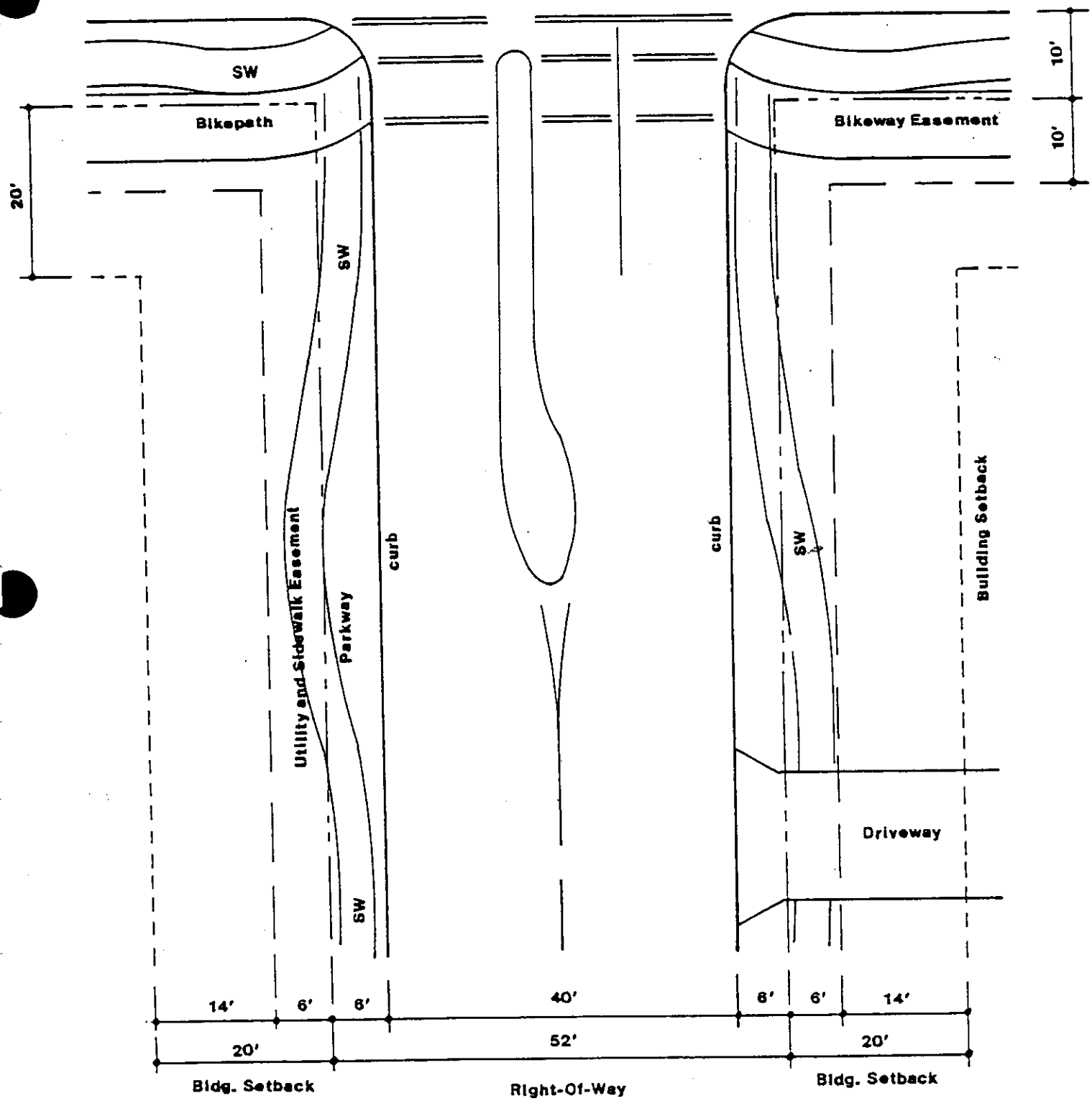



Drainage System Schematic Plan

**Adopted 2-3-68**

**Figure 10**

SHELL BEACH ROAD



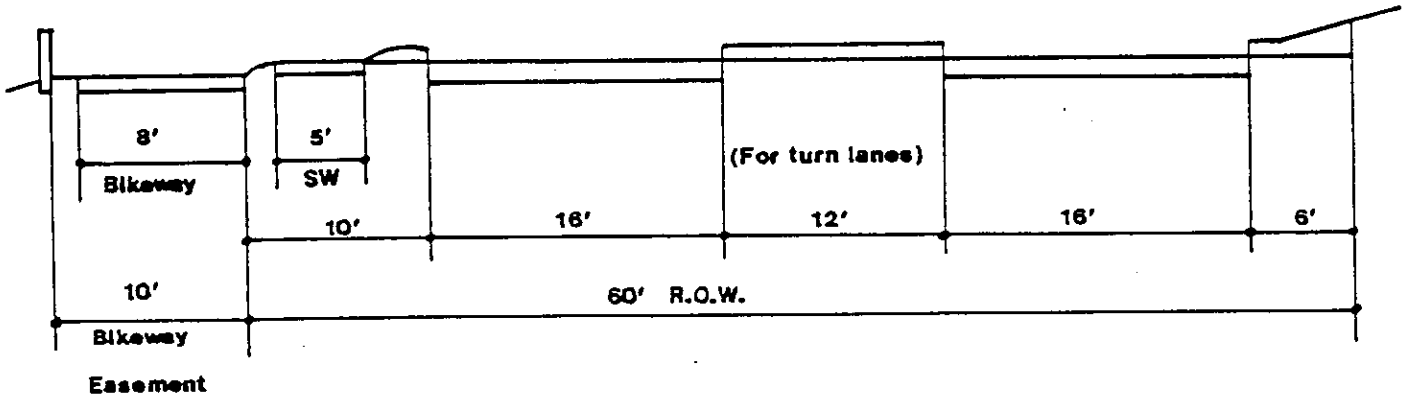

SOUTH PALISADES SPECIFIC PLAN

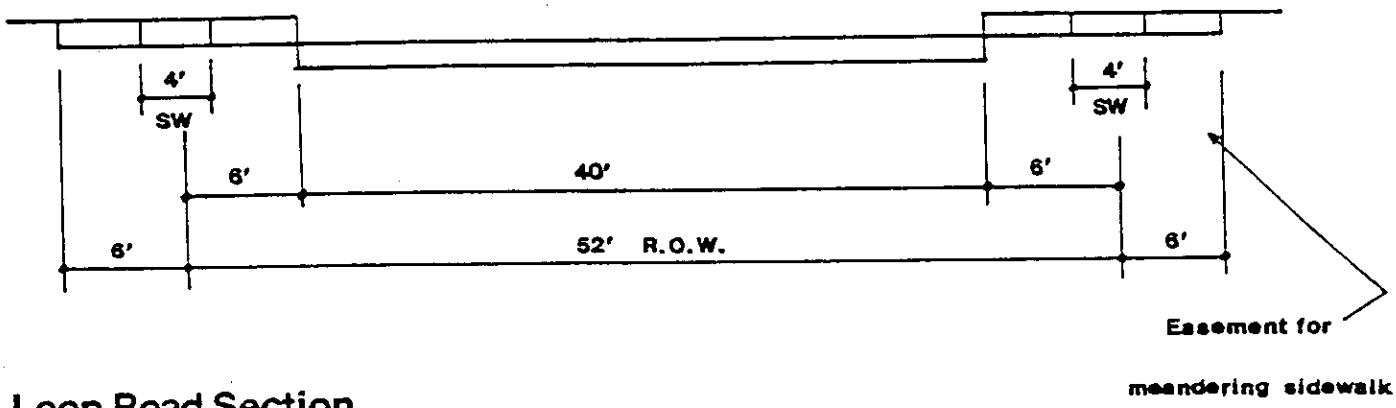
Loop-Road Schematic Design

Adopted 2—3—86

Figure 11

## Shell Beach Road Section



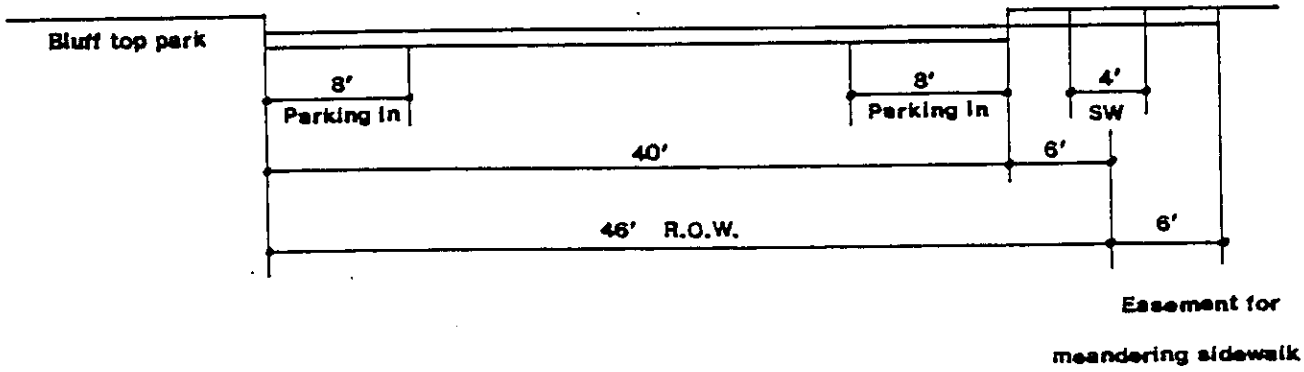




## Loop Road Section

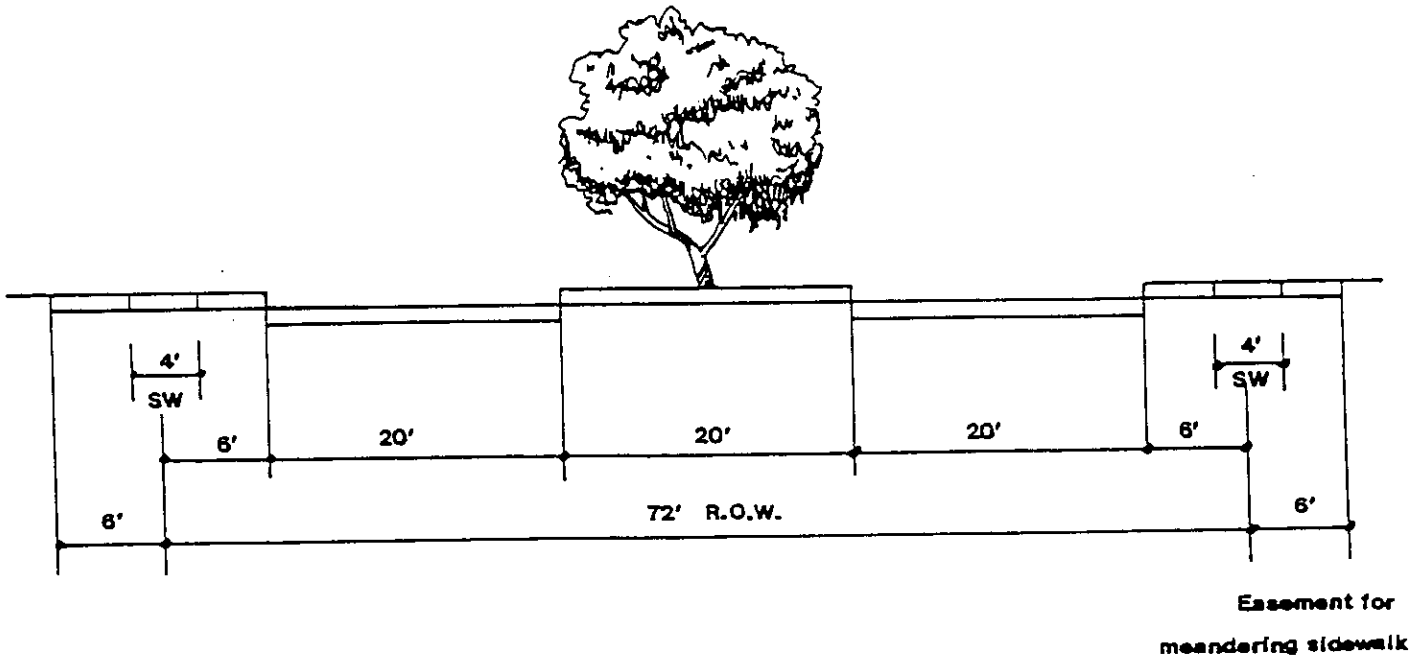
# SOUTH PALISADES
# SPECIFIC PLAN STREET CROSS-SECTIONS

**Figure 12**

## Loop Road Section Adjacent to Bluff Top Park




## South Cul-de-sac Section




# SOUTH PALISADES
# SPECIFIC PLAN STREET CROSS -SECTIONS

**Figure 13**

D-3 Interior walkways as well as the adjacent parkway walkway along all roadways shall be of meandering design.

D-4 Bus shelters, bus stops and signs shall be incorporated into the development proposal. Prior to, or along with the approval of the first development, the City shall establish an "in lieu of" fee to distribute the cost of public improvements (such as street widening across the front of single family or open space parcels, bus shelters, pay phone on Shell Beach Road, stairways to the beach, etc.) which are a shared benefit and therefore are not properly assigned to just a few developments.

D-5 All garages shall have automatic garage door openers unless they are located 20 or more feet from a sidewalk or private street.

D-6 Parking should be limited on the loop streets and prohibited on Shell Beach Road. Turn pockets shall be provided on Shell Beach Road and the loop streets. On-street parking shall be prohibited on half-streets.

D-7 Each development shall have its own private street or driveway system consistent with the major loop street system. All private two-way driveways shall be 24 feet in width with standard concrete curbs.

D-8 Standard off-street parking shall be provided for each development consistent with the standards established in the Zoning Regulations.

D-9 One parking space per each unit shall be a covered space.

D-10 Parking backing onto the loop streets is prohibited.

D-11 No private driveways shall have access to Shell Beach Road except for developable properties located between Shell Beach Road and U.S. Highway 101.

D-12 All parking and driveways shall be generously landscaped.

D-13 The general City standards for cul-de-sac turn-arounds, street grades and drainage will be followed.

D-14 A Class 1 bike path shall be provided along the bluff top park as required in the General Plan-Local Coastal Plan.

D-15 The South Palisades bike trail system shall connect with existing off-street bike paths in the Sunset Palisades and North Spyglass areas. The system shall also link with the bluff top park. The trail shall be hard surface with an 8-foot minimum width and a 10-foot minimum width in the bluff top park.

D-16 At intersections, bike and pedestrian trails shall be delineated clearly with a consistent and highly noticeable paving material or stripping.

D-17 Bike and pedestrian trails shall be signed for maximum safety.

D-18 Sidewalks shall be provided along all parkways. The minimum width shall be 4 feet. A bluff top pedestrian trail shall be 6 to 8 feet wide.

D-19 Handicapped curb cuts shall be provided at all locations where crossings are expected.

D-20 Pedestrian trails should be made of durable materials such as brick, asphalt or other hard surfaces.

D-21 Pedestrian trails within residential developments should have a minimum width of 4 feet and should interconnect between developments as much as possible.

D-22 Individual developments may be required to pay a $500 per unit fee for roadway improvements such as any improvements required to the freeway ramps.

D-23 Loop streets shall have one name with a north and south designation.

**E. Open Space, Landscaping and Recreation**

E-1 Public access either separately or in combination with the Windmark Development shall be provided at the barranca in order to provide better access to the sandy beach at the base of the bluffs. The State Department of Parks and Recreation should accept the offer to dedicate this access and parking area should it be offered as part of the future development plans.

E-2 A minimum of 60 percent of each of the existing parcels within the Planning Area shall be retained in open space.

E-3 Areas designated as open space in the General Plan-Local Coastal Plan shall be rezoned to either OS-1 or OS-R prior to recordation of any Tract Map or approval of any building permits. These areas shall be dedicated as open space by easement.

E-4 Landscaping and automatic irrigation plans designed by a registered Landscape Architect shall be required for all properties in the development.

E-5 Each development having frontage on the beach and bluff tops shall dedicate and improve, per the standards of the South Palisades Specific Plan, the bluff top park, beach and estimated 100-year bluff erosion area.

E-6 The bluff top parks (Figure 5) shall comprise three landscape zones as follows:

Zone 1 - A 25 foot wide area closest to bluff edge shall be planted with non-irrigated native cover (although City approved

temporary irrigation may be necessary until the landscaping is established).

Zone 2 - A 15 foot wide area shall be planted with low shrubs to form an informal deterrent or buffer between play areas and the bluff top. This will require limited irrigation.

Zone 3 - The remainder of the bluff top shall be planted with a hardy irrigated turf used for high use play area. However, limited use of drought tolerant ground cover may be appropriate in select areas.

E-7 Park area maintenance may be shared by adjoining homeowner associations.

E-8 The barranca on the south end of the Planning Area should be left in its natural state. Other trees within the South Palisades should be protected where feasible. Some of the larger old eucalyptus trees may be removed where they may pose a hazard to homes or vehicles. They should be replaced by new trees chosen for more open foliage when development occurs.

E-9 Tree selection should be limited to tall open foliage trees or low growing trees in order to avoid view blockage from U.S. Highway 101.

E-10 Landscaping in areas adjacent to the freeway should be limited to primarily trees, shrubs and native cover except where active recreational uses are desired. Trees must be very carefully chosen and located so as to not block coastal views. The vegetation should be planted in a manner which would provide a physchological noise buffer between the sensitive residential areas and the noisy freeway.

E-11 Landscaping in private development areas shall be designed to flow from one property to the next in order to achieve a visual continuity in the Planning Area.

E-12 When a structure exists within required open space and bluff setback areas, it will be permitted to remain until development of the parcel upon which that building is situated is developed. At that time, the building shall be either moved out of the open space area or removed entirely.

E-13 Fences and solid walls are to be allowed only along Shell Beach Road and around limited private open space areas of individual units. Common open space shall meet the standards of the Zoning Ordinance and General Plan-Local Coastal Plan and said common areas will be designed to flow from one development into the next.

E-14 No solid walls shall be allowed along the edges of the loop street parkways.

E-15 Parkways and median islands shall be planted with the same landscaping as used in development areas.

E-16 Walls and fences between and around developments are discouraged; however, when permitted they should be the same or similar design throughout the project, and compatible with those of neighboring developments. Walls along Shell Beach Road should match those in the Sunset Palisades area. Wrought iron fences, rather than solid walls or fences should be used along the bluff area.

## F. Environmental Protection

F-1 Any development must include appropriate mitigation measures described in the certified Environmental Impact Report prepared for the Sunset Palisades/Spyglass area and any supplements and addendums unless the City Council has specifically deleted the mitigation measure on the basis of overriding concerns.

F-2 No vegetation shall be removed from the edge of the bluffs inland for a distance of 25 feet or from the steep bluff slopes. The bluff edge zone shall be left in natural vegetation or be planted with non-irrigated, natural vegetation when possible. Exposed cut slopes and fill areas shall immediately be revegetated.

F-3 The barranca on the southern boundary of the Planning Area shall be left in its natural state. Where landscaping is necessary or desirable, natural vegetation shall be used consistent with riparian area characteristics.

F-4 An acoustical engineer shall prepare a plan for noise mitigation measures to be instituted in the project design.

F-5 Any development between Shell Beach Road and U.S. Highway 101 shall incorporate interior and exterior noise alternatives to reduce noise to acceptable levels of 45 dBA for the interior and 60 dBA for the exterior.

F-6 It is recommended that no windows face onto U.S. Highway 101 in developments between Shell Beach Road and U.S. Highway 101.

F-7 Accepted earthquake construction standards shall be used.

F-8 Standard construction practices consistent with soils characteristics should be used. Soils testing should be conducted as necessary or required.

F-9 An Archaeological surface reconnaissance is required for each development proposal. These studies will be an addenda to the Specific Plan. The results of these investigations shall guide the Planning Commission in its review of specific development proposals. The results of the Commission review shall prevail and shall take the form of project findings and/or conditions to be complied with.

G. Energy

G-1 Buildings shall be oriented to achieve optimum solar accessibility. Design should include as many south facing windows as possible with properly designed overhangs.

G-2 Additional insulation and weather stripping is encouraged. All hot water pipes should be insulated wherever possible.

G-3 Drought tolerant landscaping should be utilized.

G-4 Water conserving equipment should be chosen for faucets, toilets, showers and other water equipment.

H. Other Development Guidelines

H-1 All buildings shall be designed to be consistent with the "traditional seaside" architectural theme.

H-2 All buildings within common loop street areas shall be oriented to harmonize with neighboring residential development

H-3 Flat roofs shall be discouraged throughout the planning area except for the 2.3 acre parcel closest to Hermosa Drive.

H-4 Overviews and view corridors shall be maintained by the limitation of building heights, building setbacks and vegetation restrictions established in the Specific Plan.

H-5 All roofs shall be constructed with Class A non-combustible roofing material. Similar/compatible roofing shall be used throughout the planning area.

H-6 Siting of buildings must include careful consideration of intervening open spaces so as to maintain an open and uncongested appearance.

H-7 The maximum number of residential units shall not exceed a density of seven units for developable acre.

H-8 The properties located between Shell Beach Road and U.S. Highway 101 shall be encouraged to be left in open space with density transfers to the ocean side of Shell Beach Road.

H-9 All development between Shell Beach Road and U.S. Highway 101 shall be kept well below the level of the freeway and in no case will flat roofs be permitted. Additional open space and landscape buffers will be required for residential development on these parcels.

H-11 Multiple access points shall be provided in each development for police and emergency vehicles. These access points can be limited to emergency access and can incorporate innovative designs such as use of ecobricks and landscaping, etc.

H-12 All collector roads (loop or cul-de-sac) shall be public, all roads through the interior of the projects shall be private, all private roads shall be subject to police enforcement to ensure that fire lanes continually remain open.

H-13 Signing shall be in accordance with a sign program approved as a part of any development proposal. Signing shall be generally restrained, limited in size and number so as to identify rather than advertise the development. Similar signing with respect to overall design and materials is encouraged so as to promote the sense of community for this area.

H-14 The Homeowners Associations shall maintain all on-site common areas, including roads, driveways, on-site drainage facilities, greenbelts and recreational facilities. The Homeowners Associations shall also be responsible for maintenance of all adjacent walkways, including irrigation, trimming and cleaning as specified within this Specific Plan. No development will be permitted without a Homeowners Association.

## I. General Regulations

This Specific Plan, the Zoning Ordinance and the General Plan-Local Coastal Zoning Plan contain detailed regulations for the development of South Palisades. The table below summarizes several of the more important criteria for development.

Development (Def.): The construction of a new residence; or the reconstruction of an existing structure which (1) substantially extends its life, or (2) enlarges its size more than 10% beyond its area at the time of adoption of this plan.

DEVELOPMENT STANDARDS

| DESIGN ELEMENT | DEVELOPMENT STANDARD |
|---|---|
| Maximum Building Height: | |
| - First row of buildings nearest bluff top park | 15 feet |
| - Buildings located between Shell Beach Road and Freeway | Below nearest freeway lane elevation |
| - Remaining Planning Area | 25 feet |
| Minimum Building Setbacks: | |

| DESIGN ELEMENT | DEVELOPMENT STANDARD |
|---|---|
| - From Public rights-of-way | 20 feet |
| - From Property lines | Min. 1/2 bldg. height (measured to the top plate) |
| - Between Principal Buildings | Average Building height |
| Maximum Exterior Noise Acceptable | 60 dBA |
| Minimum off-street private parking | Per Current Zoning Ordinance |
| Maximum Density based on developable property area | 7 units per gross acre minus the unbuildable areas |
| Minimum Lot Size: | 6,000 sq. ft.: single family<br>25,000 sq. ft.: condominiums<br>As approved by City Council: Townhouse/PUD |
| Maximum lot coverage excluding streets, park dedication and unbuildable areas | 40 percent |
| Minimum open space excluding streets; park dedication, and unbuildable areas | 60 percent |
| Maximum total building area | 60 percent |
| Minimum planting area | 40 percent |
| Maximum wall height | 42 inches in all setback areas. 72 inches for small private enclosures. 60 inches around swimming pools. |
| Architectural Extensions | Limited to criteria in Section 17.102.150. |
| Slope Criteria | See regulations of Hazards and Protection Overlay Zone, Section 17.078, and the Grading and Erosion Control Ordinance. |
| Noise Criteria | |
| Maximum Interior Noise Acceptable | 45 dBA |

This table provides the general criteria. It is recommended that the Zoning Ordinance of the City of Pismo Beach be consulted for precise development criteria.

## 10. Administration

This Specific Plan and any subsequent amendments may be adopted by the City Council by Resolution following hearings as prescribed by State Law and City Policy.

The Planning Commission shall be authorized to issue Conditional Use Permits, Development Permits, Coastal Permits, etc., for development proposals which conform to the standards of the Specific Plan.

The Planning Commisison may grant a use permit and approve projects which do not conform to the standards of this plan when it has been clearly shown that the proposed project is better than could otherwise be developed; provided, however, that any change is consistent with the Local Coastal Plan and underlying zoning.

The City Planner shall be authorized to approve minor modifications for previously approved developments, which conform to the provisions of this plan.

RESOLUTION NO. R-86-101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH AMENDING THE GENERAL PLAN/LOCAL COASTAL PLAN TO CHANGE THE STREET PATTERN AS SHOWN ON FIGURES DE-5 AND LUP-1

WHEREAS, In 1979 & 1980 Walker Planning Associates did prepare an Environmental Impact Report for the Sunset Palisades/Spyglass Planning areas, and

WHEREAS, In 1981 the Council amended the General Plan and adopted a Local Coastal Plan which incorporated the recommended street pattern for the South Palisades Planning area.

WHEREAS, the Planning Commission and City Council did hold public hearings on October 8, and November 19, 1985, January 6, and February 3, June 17 and July 14, 1986, and did find the following:

(1) That El Portal, Encanto and Hermosa Avenues provide adequate access to the Sunset Palisades areas.

(2) That extending Indio Drive into the South Palisades area will increase the traffic impacts on the Sunset Palisades neighborhood without benefiting the South Palisades area.

(3) That adequate coastal access will be provided utilizing the loop street system as described in the South Palisades Specific Plan.

NOW, THEREFORE, be it resolved by the City Council of the City of Pismo Beach that Figure DE-5 and LUP-1 of the General Plan are hereby amended to delete the public roadway connection between Indio Drive and the northerly street in the South Palisades area, retaining, however, the emergency connection and public pedestrian and bikeway paths, as shown on Exhibits A & B attached.

UPON MOTION OF Councilmember Carter seconded by Councilmember Dillon, the foregoing Resolution is hereby passed and adopted at a regular meeting of the City Council held this 14th day of July, 1986, and on the following roll call vote to wit:

AYES: Councilmembers Carter, Dillon, Hubbard, Eldwayen.

NOES: Councilmemoer Hearn.

ABSTAIN: None.

ABSENT: None.

Nebb Eldwayen
Mayor

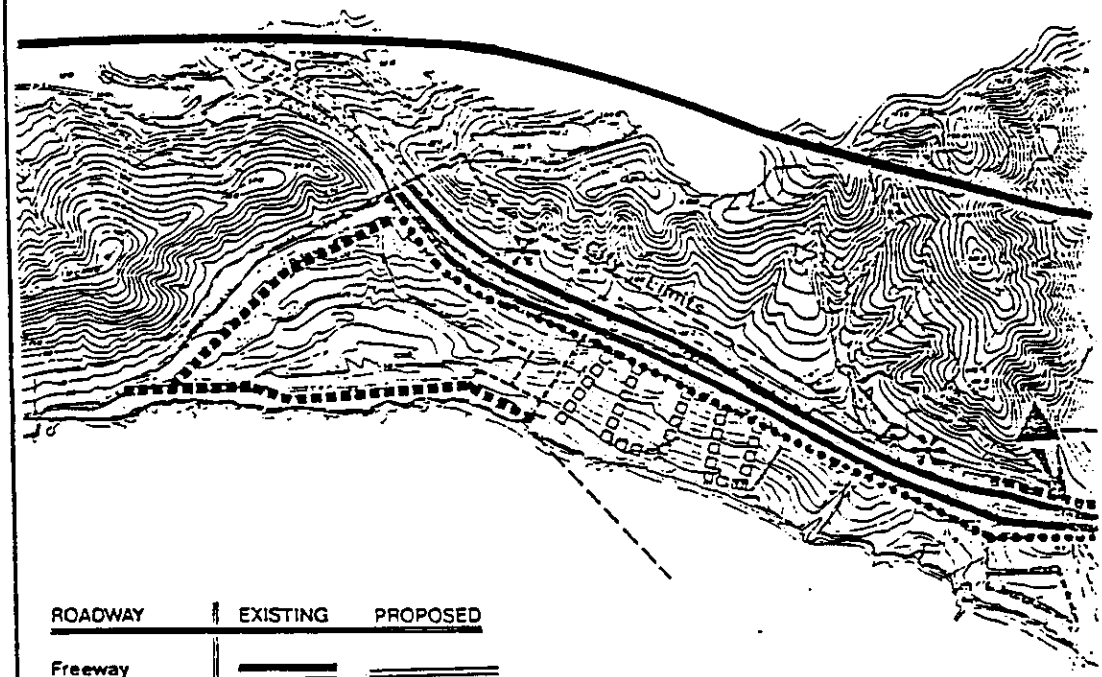
ATTEST:

Terry A. Briscoe
City Clerk

APPROVED AS TO FORM:

A. J. Shaw
City Attorney

# The City Of PISMO BEACH



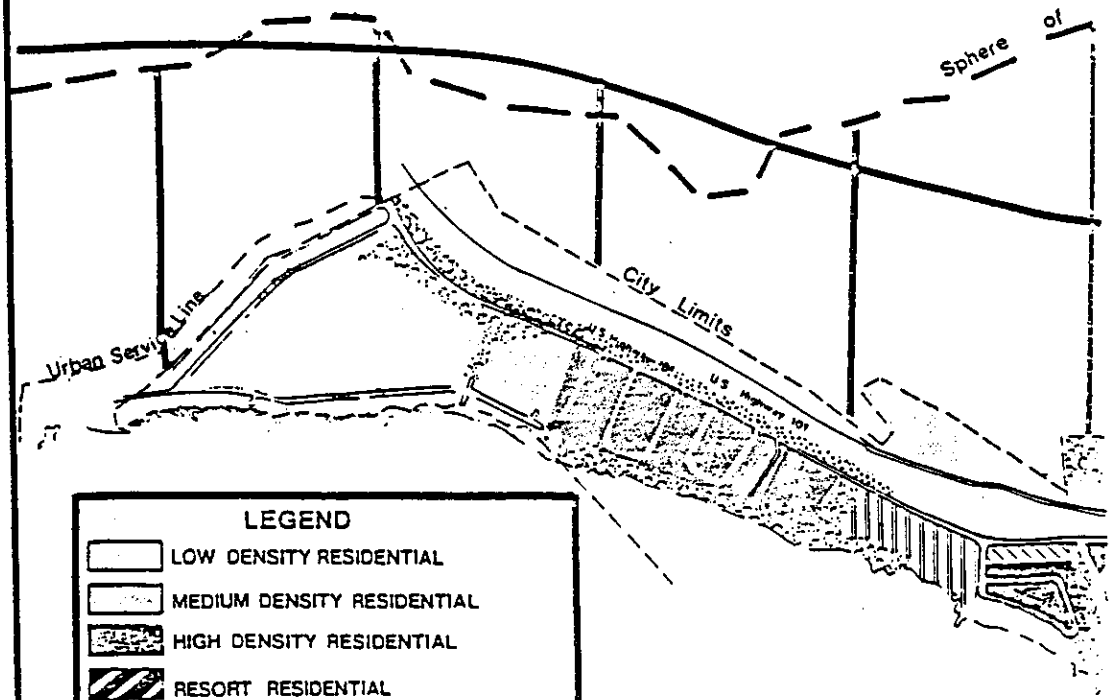
| ROADWAY | EXISTING | PROPOSED |
|---|---|---|
| Freeway | | |
| Arterial | | |
| Collector | | |
| Local | | |
| Scenic Highway | | |
| Interchange | | |

EXHIBIT A

FIGURE DE-5

PREPARED 1980

# The City Of PISMO BEACH




LEGEND

- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- RESORT RESIDENTIAL
- MEDIUM DENSITY BONUS / OPEN SPACE
- MOBILE HOME PARK
- RESORT COMMERCIAL
- COMMERCIAL
- PUBLIC / SEMI-PUBLIC
- OPEN SPACE
- ROADS
- URBAN RESERVE
- INDUSTRIAL
- AGRICULTURE

EXHIBIT B

FIGURE LUP-1

ORDINANCE NO. 86-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH ESTABLISHING A PRO RATA FEE FOR THE DISTRIBUTION OF COST ASSOCIATED WITH THE PREPARATION OF THE SOUTH PALISADES SPECIFIC PLAN AND FOR THE CONSTRUCTION OF PUBLIC FACILITIES SUCH AS STAIRWAYS TO THE BEACH, PAY PHONES, ETC.

WHEREAS, the City Council did on February 3, 1986,determine that Mr. Stu Baker of Bayridge Engineering should be reimbursed, by the developers of the other properties in this area, for the cost ($10,327.15) incurred in preparation of the Specific Plan for the South Palisades area; and

WHEREAS, the City Council of the City of Pismo Beach did on February 3, 1986 adopt a Resolution R-86-16 establishing a Specific Plan for the South Palisades Planning area; and

WHEREAS, the Specific Plan (Item O-4) provides that the City shall establish an "In lieu of" fee to distribute the cost of public improvements such as street widening across the front of single family or open space parcels, pay phone on Shell Beach Road, stairways to the beach, etc., since these are shared benefits and therefore not properly assigned to just a few developments; and

WHEREAS, it has been estimated that there are approximately 34.3 acres of developable land in the Planning area which will result in the ultimate development of 240 units in this area;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pismo Beach as follows:

Section 1:

A subdivider or developer shall pay to the City,prior to City Council approval of a Final Map or prior to issuance of Building Permits, whichever occurs first, an amount equal to $43.03 times the maximum number of units permitted on the site, to help defray the cost of preparing the South Palisades Specific Plan. The City shall forward said amount of Mr. Stu Baker, of Bayridge Engineering, or his successor in interest. It shall be the responsibility of Mr. Baker or his successor in interest to provide the Finance Department with a current mailing address. The City shall have no obligation other than to mail one letter to the latest name and address provided by Mr. Baker or his successor in interest. The provisions of this section shall expire on December 31, 2001.

Section 2:

The City estimates that it will cost approximately $345,750.00 to construct the following:

Stairways to the Beach (2 at $160,000 each). . . . . $320,000

Pay phone installation (2 @ $2,000 ea.). . . . . $ 4,000

| | |
|---|---|
| Widening of Shell Beach Road (2,120 lineal feet of frontage x 10 ft. width x $1.25 sq. ft.) . . . . . | $ 26,500 |
| SUBTOTAL. . . . . | $230,500 |
| Inflation and Contingencies (@ 50% of estimate). . . . . | $115,250 |
| Total | $345,750 |

A subdivider or developer shall pay prior to recordation of a Final Map or issuance of Building Permits, whichever occurs first, to the City an amount equal to $1,440.63 times the maximum number of units permitted on the site to help defray the cost of the above listed public improvements.

At such time as sufficient funds are collected, or as otherwise deemed necessary, the City shall construct said improvements either independently or along with the adjoining development.

Section 3: No Accrued Interest

No interest shall be paid or accrue on any funds subject to such refund. Refunds shall be made only if, after all public facilities are installed, excess funds have been collected.

Section 4: Effective Date

This ordinance takes effect 30 days from and after the date of its passage, and within 15 days of its adoption, this ordinance shall be posted in three public places within the City of Pismo Beach, to wit:

1. United States Post Office, Pismo Beach
2. United States Post Office, Shell Beach
3. City Hall

INTRODUCED at a regular meeting of the City Council held this 14th day of July, 1986, on motion of Councilmember Hubbard, seconded by Councilmember Hearn, and on the following roll call vote, to wit:

AYES: Councilmembers Hubbard, Hearn, Carter, Eldwayen.

NOES: Councilmember Dillon.

ABSTAIN: None.

ABSENT: None.

Nebb Eldwayen
Mayor

ATTEST:

Terry A. Briscoe
City Clerk

PASSED AND ADOPTED at a regular meeting of the City Council held this 28th day of July, 1986, on motion of Councilmember Hubbard, seconded by Councilmember Dillon, and on the following roll call vote, to wit:

AYES: Hubbard, Dillon, Carter, Hearn, Eldwayen.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Nebb Eldwayen
Mayor

ATTEST:

Terry K. Briscoe
City Clerk

APPROVED AS TO FORM:

A.J. Shaw, Jr.
City Attorney

RESOLUTION NO. 88-103

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH AMENDING THE SOUTH PALISADES SPECIFIC PLAN AS IT RELATES TO WATER ALLOCATION PRIORITIES AND POLICIES, AS APPLICABLE TO THE SOUTH PALISADES PLANNING AREA

WHEREAS, on February 3, 1986 by Resolution R-86-16, the City Council of the City of Pismo Beach adopted the South Palisades Specific Plan; and

WHEREAS, since the adoption of that Plan, the City has continually reviewed and analyzed it's ongoing water supplies, in particular limits of extending those supplies to new developments; and,

WHEREAS, the most recent City Council policies with regard to City water supply and distribution of presently available supplies is evidenced by Resolution R-88-66; and,

WHEREAS, said Resolution R-88-66 provided a reservation of supplies that would be made available to projects within the South Palisades Planning Area in an amount equivalent to 15.2 acre feet of water consumption annually; and,

WHEREAS, the City Council policies recognize that if the 15.2 acre feet were to be developed as condominium projects, the number of potential units of maximum density would equal 50 condominium units, (on the basis of 0.3 acre feet per condominium unit per year average consumption); and,

WHEREAS, the City Council has recognized that in their policy Resolutions the estimate for single family consumption per unit is 0.4 acre feet per year, which equates to 38 single family residential units of potential maximum density; and,

WHEREAS, the City Council has directed the Planning Commission in it's policies to prepare a recommendation for allocation of up to 15.2 acre feet of water per year in annual consumption to the remaining undeveloped properties that do not have present water commitments from the City in the South Palisades Planning Area; and,

WHEREAS, on August 16, 1988, the Planning Commission held a public hearing and formulated a recommendation for City Council review.

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

SECTION 1: AMENDMENTS TO SOUTH PALISADES SPECIFIC PLAN

Page 6 of the Specific Plan, section 8, sub-section a, sub-section a-3 shall be amended as follows: "The development shall comply with the City's Growth Management Ordinance. Insofar as allocations of limited water supplies consistent with City policy Resolution R-88-66, the following distribution of water supply reservation shall be made for projects within the South Palisades Planning Area:

| Assessor's Parcel Number | Acres | Percent of Total | Prorated Water Supply (acre feet) |
|---|---|---|---|
| 10-141-71 | 0.375 | 1.46% | 0.22* acre feet |
| 10-152-28 | 3.870 | 15.03% | 2.28 |
| 10-152-08, 09, 31, 32 | 4.700 | 18.25 | 2.77 |
| 10-152-03, 07, 14 | 3.810 | 14.79 | 2.25 |
| 10-152-16 | 2.950 | 11.45 | 1.74 |
| 10-152-18 | 3.180 | 12.26 | 1.88 |
| 10-152-19, 20 | 6.870 | 26.67 | 4.05 |
| Totals | 25.755 acres | 100.00 percent | 15.19 acre feet |

* because this is less than a single unit of density, at least one single family unit on-site, or one unit of condominium density for transfer to another lot will be allowed for APN # 10-141-71"

ON MOTION of Councilmember Hearn, seconded by Councilmember Dillon, the foregoing Resolution is hereby passed and adopted this 12th day of September, 1988, by the following roll call vote, to wit:

AYES Councilmembers Hearn, Dillon, Baker and Morrow

NOES: Mayor Eldwayen

ABSTAIN: None

ABSENT: None

NEBB ELDWAYEN, Mayor

ATTEST:

SHARON JONES
CITY CLERK

APPROVED AS TO FORM:

A. J. SHAW, JR.
CITY ATTORNEY

r-sthpal