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Important Hearing Procedure Note:

This is a substantial issue only hearing. Public testimony will be taken only on the question whether the appeal raises a substantial issue. Generally and at the discretion of the Chair, testimony is limited to 3 minutes total per side. Please plan your testimony accordingly.

Appeal Filed:	11/5/2013
49 th Day:	12/24/2013
Staff:	D. Robinson - SC
Staff Report:	11/27/2013
Hearing Date:	12/11/2013

APPEAL STAFF REPORT SUBSTANTIAL ISSUE DETERMINATION

Appeal Number:	A-3-PSB-13-0251
Applicants:	Charlie and Terri Main
Appellants:	Sidney and Virginia Findley
Local Decision:	Approved by the Pismo Beach City Council on October 15, 2013 (Coastal Development Permit P13-000081).
Project Location:	220 Indio Drive, City of Pismo Beach (APN 010-201-003).
Project Description:	Construction of a new 4,190 square-foot two-story single-family residence, including an attached garage, on a vacant 7,500 square-foot parcel.
Staff Recommendation:	No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

The City of Pismo Beach approved a coastal development permit (CDP) to allow construction of a new 4,190 square-foot two-story single-family dwelling (SFD), including an attached garage, on an existing 7,500 square-foot vacant parcel, located at 220 Indio Drive in the City of Pismo Beach in San Luis Obispo County. The City-approved project is located inland from a row of houses and the public street, about 200 feet from coastal waters and constitutes infill residential development in an urbanized area of Pismo Beach. The Appellants contend that the City's

decision is inconsistent with the City of Pismo Beach's Local Coastal Program (LCP) with respect to protection of visual resources and community character, and that the Planning Commission did not conduct an architectural review. The Appellants also contend that the City-approved resolution for the project misstates what was said at the public hearing relating to the maximum tree height that is allowed on the lot. Lastly, the Appellants contend that the City of Pismo Beach deprived them of due process by limiting their time allowed to present at the local hearings to three minutes per person.

After reviewing the local record, Commission staff has concluded that the appeal does not raise a substantial issue with respect to the project's conformance with the City of Pismo Beach LCP.

For Appellants' contentions related to visual protections and community character, the City-approved two story residential dwelling meets all LCP development standards including lot coverage, mass/scale, setbacks, and height requirements. The design and earth-tone colors and finish materials are compatible with the style and design of many newer homes in the Sunset Palisades neighborhood, where the project is located. In addition, the project has been designed to add offsets and articulation that break up the mass of the home, add visual interest, and minimize visual impacts. Thus, the project will not adversely impact the character of the surrounding area. As Appellants contend, the LCP does include an architectural review requirement, but it was, in fact, undertaken by the Planning Commission. The Planning Commission reviewed the project's architectural design and found that the project is consistent with all applicable LCP land use policies and single-family dwelling design standards, including those that provide for visual protections and neighborhood compatibility.

In addition, the City-approved project includes conditions limiting the mature height of all trees to a maximum of 15 feet, which is the height of the approved house, as required by the City Council. Therefore, the Appellants' contention related to tree heights does not raise a substantial issue. Finally, the issue of a due process violation is one that Appellants must pursue in litigation against the City, as they do not claim an LCP inconsistency related to this contention. In fact, the LCP does not include a specific time requirement for public comment at a public hearing, and the Appellants were provided with an opportunity to speak for three minutes, as is described in the City's hearing procedures. Thus, even if the appeal contention related to this issue raised an LCP inconsistency, the City's actions did not conflict with any LCP requirements, so this contention does not raise a substantial issue of conformance with the LCP.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP conformance issue, and that the Commission decline to take jurisdiction over the CDP for this project. The single motion necessary to implement this recommendation is found on page 3 below.

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EXHIBITS

- Exhibit 1 – Project Location Map
- Exhibit 2 – Approved Project Plans
- Exhibit 3 – City’s Final Local Action Notice
- Exhibit 4 – Appeal of City of Pismo Beach’s CDP Decision

I. MOTION AND RESOLUTION

Staff recommends a **YES** vote on the following motion. Passage of this motion would result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission would not hear the application de novo and the local action would become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-3-PSB-13-0251 raises **no substantial issue** with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a **yes** vote.*

***Resolution:** The Commission finds that Appeal Number A-3-PSB-13-0251 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

II. FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. PROJECT LOCATION AND DESCRIPTION

The City of Pismo Beach approved project authorizes a new 4,190 square-foot single-family two story residence, including an attached garage, on an existing 7,500 square-foot previously developed but now vacant parcel, located at 220 Indio Drive (APN 010-201-003) in the City of Pismo Beach (see **Exhibit 1** for the project location map and **Exhibit 2** for the approved project plans). The subject parcel is zoned R-1 (Single-Family), is within the Sunset Palisades Planning Area A-2, and is subject to the HL-1 overlay zone (height limits of 15 feet).

Indio Drive is a public road which parallels the coast in this area of Pismo Beach. The project site is relatively flat and is located on the inland side of Indio Drive, about 200 feet from the ocean. The project site is located in a residential subdivision and is surrounded on all sides by other single-family residences.

B. CITY OF PISMO BEACH CDP APPROVAL

On August 27, 2013, the Pismo Beach Planning Commission approved a CDP for the proposed project. The Planning Commission's approval was appealed to the City Council by Sidney and Virginia Findley. On October 15, 2013, the Pismo Beach City Council upheld the Planning Commission's decision to approve the project subject to multiple conditions, and denied the Findley's appeal. The City Council's approval included revisions to the landscaping condition to reduce the maximum allowable mature height of trees on the site from 25 feet to 15 feet. The City's notice of final local action was received in the Coastal Commission's Central Coast District office on October 25, 2013 (**Exhibit 3**). The Coastal Commission's ten-working day appeal period for this action began on October 25, 2013 and concluded at 5 pm on November 8,

2013. One valid appeal of the City's CDP decision was received during the appeal period (see below and see **Exhibit 4**).

C. APPEAL PROCEDURES

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions in jurisdictions with certified LCPs. The following categories of local CDP decisions are appealable: (a) approval of CDPs for development that is located (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance, (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff, and (3) in a sensitive coastal resource area; or (b) for counties, approval of CDPs for development that is not designated as the principal permitted use under the LCP. In addition, any local action (approval or denial) on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development) or an energy facility is appealable to the Commission. This project is appealable because it is located within 300 feet of the coastal bluff.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo CDP hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations.¹ Under Section 30604(b), if the Commission conducts a de novo hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is not located between the first public road and the sea, and thus this additional finding need not be made in a de novo review in this case.

The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo CDP determination stage of an appeal.

¹ The term "substantial issue" is not defined in the Coastal Act or in its implementing regulations. In previous decisions on appeals, the Commission has generally been guided by the following factors in making substantial issue determinations: the degree of factual and legal support for the local government's decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government's decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of a local government's CDP decision by filing a petition for a writ of mandate pursuant to the Code of Civil Procedure, Section 1094.5. In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City does not raise a substantial issue with regard to the Appellants' contentions.

D. SUMMARY OF APPEAL CONTENTIONS

The Appellants contend that the City-approved project is inconsistent with the requirements of the City of Pismo Beach's Local Coastal Program (LCP) with respect to protection of visual resources and community character. Specifically, the Appellants contend that the approved project would violate applicable LCP policies because: 1) the approved home does not maintain coastal views and in fact will block several neighborhood views; 2) the approved structure is not compatible with the existing community due to its size, its box-like design (including a flat roof), and the fact that it is two stories when most homes, including the immediate neighbors in the area are one story (and non-flat roofed). The Appellants also contend that the Planning Commission failed to adequately perform an architectural review. The Appellants further contend that the revised landscaping condition regarding maximum tree height on the lot is not the same as that stated at the hearing. Lastly, the Appellants contend that the City of Pismo Beach deprived them of due process because the City only allowed them three minutes to present at the local hearings. Please see **Exhibit 4** for the full appeal document.

E. SUBSTANTIAL ISSUE DETERMINATION

Visual Resources and Community Character

In terms of visual resources and compatibility with community character, the Appellants specifically cite LCP land use policy LU-A-6, IP Chapter 17.069 (Architectural Review Overlay Zone), and single-family dwelling design standard Resolution 06-0048. While LU-A-6 is applicable, Resolution 06-0048 is not part of the City's certified LCP. Also, LCP Chapter 17.069 (including sections 17.069.010 and 17.069.020) is not applicable because this LCP chapter only applies to sites that, among other things, have slopes greater than 20%, are less than 5,000 sq. ft. in area, and are not zoned R-1 or R-2. In this case, the approved project site is relatively flat, is in excess of 5,000 sq. ft. in area, and is zoned R-1, and thus LCP Chapter 17.069 does not apply. Nevertheless, the City's LCP has a multitude of LCP design policies and standards (including an architectural review section) that are protective of visual resources and require that new development be visually compatible with the developed character of neighborhoods and adjacent areas. The LCP site design and visual resource policies applicable to the Appellant's visual and community character contentions include:

GP/LUP Principle P-7 Visual Quality is Important

The visual quality of the city's environment shall be preserved and enhanced for the aesthetic enjoyment of both residents and visitors and the economic well-being of the community. Development of neighborhoods, streets and individual properties should be pleasing to the eye, rich in variety, and harmonious with existing development. The feeling of being near the sea should be emphasized even when it is not visible. Designs reflective of a traditional California seaside community should be encouraged.

GP/LUP Policy D-2 Building and Site Design Criteria

a. Small Scale

New development should be designed to reflect the small scale image of the city rather than create large monolithic buildings. Apartment, condominium and hotel buildings should preferably be contained in several smaller massed buildings rather than one large building. Building mass and building surfaces such as roofs and

exterior wall shall be highly articulated to maintain a rich visual texture and an intimate building scale.

Maximum height, setback and site coverage standards to achieve the desired small scale character will be regulated by City ordinance. Except where specified otherwise by this Plan or further limited by the implementing ordinance, the maximum height standard for new buildings shall not be more than 25 feet above existing natural grade in Neighborhood Planning Areas A through J, and Q; and not more than 35 feet above existing natural grade in the remaining portions of the Coastal Zone. ...

c. Views

Views to the ocean, creeks, marsh and surrounding hills should be preserved and enhanced whenever possible. The feeling of being near the sea should be emphasized, even when it is not visible.

GP/ LUP Policy LU-A-6 Concept

Sunset Palisades, an area of existing homes with scattered vacant lots, shall be designated for Low Density Residential. The emphasis is on maintaining coastal views, open space and protecting the coastal bluff and intertidal habitat area. Infill development shall be compatible with the existing community.

GP/ LUP Policy LU-A-7 Height of Structures

a. El Portal Drive, Indio Drive

No structure shall exceed 15 feet in height when measured from the highest point of the site natural grade to the highest point of the structure; nor shall any such structure exceed 25 feet, in height, when measured from the highest point of the roof above the center of the building foot print to the elevation of the natural grade directly below that point.

IP Section 17.081 Height Limitations (HL) Overlay Zone

17.081.010 Purpose of Zone. *The Height Limitations (HL) Overlay Zone is intended to set special restrictions on maximum building heights in designated areas of the City in order to preserve access to extraordinary scenic views and vistas, as well as to preserve and maintain bulk and scale relationships for selected areas. These regulations are intended to preserve and protect the existing character of certain districts, according to stipulations established in the General Plan/ Local Coastal Program Land Use Plan.*

IP Section 17.081.020 Criteria and Standards.

HL-1: In all low density areas identified in the HL Overlay Zone Map, except the Central Sunset Palisades Planning Area, no structures shall exceed 15 feet in height when measured from the highest point on the roof to the highest point of the site grade, nor shall any such structure exceed 25 feet when measured from the highest point of the roof above the center of the building footprint at site grade.

IP Section 17.069.010 Purpose of Zone.

The architectural review (AR) overlay zone is intended to maintain and enhance the character, integrity and visual quality of designated planning areas, as well as the protection of significant public views and vistas from major public view corridors on city-designated scenic highways, public lands and water to and along the coast within the city's coastal plan/local coastal program land use plan. Due to the generality of this overlay zone, no map is provided.

IP Section 17.069.020. Criteria and Standards.

- A. All developments on lots of a size less than five thousand sq. ft. in area shall be subject to architectural review by the planning division staff.*
- B. All developments that exceed recommended total building area guidelines as identified in Section 17.102.090 shall require architectural review for compatibility with the site and adjacent area.*
- C. The community development department/planning division staff and planning commission shall review these developments to ensure the construction of appropriate size structures which are compatible with the adjacent structures and immediate neighborhood and visual quality of the planning area.*
- D. Development reviewed by the community development department shall not receive final approval or become final until ratified by action of the planning commission on the consent agenda, including the negative declaration.*
- E. All development on properties in excess of a fifteen percent slope located within the viewshed of Hwy. 1 and Price Canyon Road and all other developments on properties with slopes in excess of twenty percent shall be reviewed by the community development department and planning commission.*
- F. The community development department and the planning commission shall review all proposed homes adjacent to the rock outcrop at Boosinger Park to ensure that they enhance visual quality while minimizing alterations to the rock outcrops.*
- G. All developments on parcels zoned other than R-1 or R-2 shall require architectural review as a part of their local permit processing with the exception of additions of fifty percent or less of the existing building area for single family residential in a R-1, R-2 or R-3, R-R and R-4 zones and single-family residential development in C-1 zones. All actions taken under this overlay zone shall be consistent with the relevant goals, policies and programs of the general plan/local coastal program land use plan.*

IP Section 17.105.130 Architectural Review.

Drawings, sketches and site plans for applications required for Architectural Review under the provisions of Chapter 17.121 shall be considered in an endeavor to provide that the architectural and general appearance of such buildings or structures and grounds be in keeping with the character of the neighborhood and such as not to be detrimental to the orderly and harmonious development of the City, or to impair the desirability of investment or occupation in the neighborhood, and that the project is consistent with the goals, policies and programs of the Local Coastal Program Land Use Plan.

The Appellants contends that the City-approved residence does not maintain coastal views and, in fact, will block several neighborhood views. The Appellants contend that the design of the home is essentially “a large cube,” and provides no relief when viewed from the rear. In addition, the Appellants contend that the home is not compatible with the surrounding community because it dwarfs surrounding homes - the vast majority of which, the Appellants contend, are one story - and is unlike adjacent homes because it has a flat roof and most of the surrounding homes have a gable roof or hip roof. The Appellants further contend that the Planning Commission was required to conduct an architectural review for the project, and that the “boxlike structure should have merited some modifications to make it more compatible with surrounding structures.” Please see **Exhibit 4** for the Appellants’ contentions.

In general, the certified LCP directs new development to maintain the small scale image of the city and not create large monolithic buildings (General Plan / Land Use Plan Policy D-2). These same principals and standards also state that development should be visually pleasing, rich in variety, and reflective of a traditional California seaside community (GP Principle P-7). In order to achieve these goals, both general and specific policies were crafted to establish building and design standards and to ensure adequate architectural review of all proposals (GP/LUP policies P-7, D-2, and implementing ordinances 17.069.010, 17.105.130, 17.081.020). The planning area standards for the Sunset Palisades area further establish more specific guidelines for new development within the neighborhood planning area. Other areas of the LCP establish lot coverage allowance, maximum building area, minimum planting area, etc.

The Applicant is proposing one single-family two-story dwelling on a 7,500 square foot lot. The overall height of the structure is limited to no greater than 15 feet above the highest point on the lot, consistent with LCP height requirements.² The proposed project also conforms to LCP standards for minimum lot area, building area, lot coverage, setbacks, planting area, and floor area ratio.

The City-approved project constitutes infill residential development in an urbanized area of Pismo Beach, and is located about 200 feet from coastal waters. In general, the Sunset Palisades planning area is a developed urban neighborhood containing an assortment of styles and sizes of homes ranging from older single story ranch style homes, split-levels, Spanish colonial revival, Mediterranean, and some with a mixture of these elements. Both one and two story homes are present in a variety of sizes and massing. The neighborhood lacks any defining architectural character or design and there are a number of dwellings that could individually be considered unique in their size, scale, or design. The design of the proposed residence includes numerous offsets, articulations, and a coloring scheme, all intended to add visual interest and break up mass. The project has been conditioned to require verification of lot coverage, maximum building area ratio, setbacks, and roof height by a licensed surveyor. Thus, the proposed design is

² Two policies in the City’s LCP provide height requirements. One, LCP policy LU-A-7a requires either that structures not exceed 15 feet in height when measured from the highest point of the site natural grade to the highest point of the structure; or that structures not exceed 25 feet in height when measured from the highest point of the roof above the center of the building footprint to the elevation of the natural grade directly below that point, whichever is more restrictive. The second, the HL-1 overlay zone requires structures not to exceed 15 feet in height when measured from the highest point on the lot. In both cases, the height of the City-approved project is consistent with these requirements.

in scale and compatible with other residences in the Sunset Palisades neighborhood and consistent with LCP design criteria.

Appellants are also concerned that the new residence will block private coastal views. In response to this contention, it is important to note that the City's LCP was certified as being consistent with and adequate to carryout Coastal Act policies designed to protect scenic and visual resources available to the general public. The certified LCP contains other development standards such as height requirements, yard setbacks, floor area ratios, etc., as a means to address private views. As mentioned in the findings above, the proposed new development is consistent with all LCP design and planning area standards. Thus, there is no substantial issue raised by these appeal contentions.

The Appellants also contend that the LCP requires an architectural review of the project and that the City failed to conduct one. The Planning Commission did conduct an architectural review, and there are findings in the Planning Commission's resolution for the project related to architectural consistency with the neighborhood (see page 15-16 of **Exhibit 3**)³. The Planning Commission reviewed the design components for this project for neighborhood compatibility and for compliance with the residential design policies noted in the Design Element of the LCP, and concluded that the project is appropriate in size so as to be compatible with the adjacent structure, is in keeping with the character of the neighborhood, is compatible with the visual quality and character of the surrounding area, and is compatible with the immediate neighborhood.

Lastly, the Appellants have raised an issue regarding Resolution 06-0048, which provides the City's *single-family dwelling design standards consistency* standards. However, these standards are not applicable in this case, as these standards are not part of the City's certified LCP.⁴ Even though these standards are only applicable to single-family dwellings outside of the coastal zone, the City appropriately found consistency with these single-family dwelling design standards for this project. The City identified consistency with the project's second floor massing, neighborhood character, and other design features, such as garages, façade articulation and roof articulation (see page 40 of **Exhibit 3**). Therefore, even though this is not a valid appeal contention, the City-approved project complies with the architectural review standards, including the single-family dwelling design standards.

In summary, the approved project is consistent with LCP design and specific planning area policies and standards protecting the scenic and visual character of the neighborhood. The LCP requires new development to be sited, designed, and landscaped to be visually compatible and integrated with the character of the surrounding neighborhoods or areas. In this case, the City-approved development is consistent with LCP design criteria and development standards, and it will integrate into the existing neighborhood residences without adverse impacts to the character

³ The chart in the City's staff report (B. Overlay Zones) incorrectly identifies the Chapter 17.069 Architectural review. As City of Pismo Beach Senior Planner Scot Graham notes, the site is relatively flat and zoned R-1, which would exempt it from Chapter 17.069. The reference should have been to the more generic architectural review, LCP section 17.105.130.

⁴ This Resolution is applicable to single-family dwellings outside of the coastal zone only.

of the surrounding area or the scenic coastal views currently available to the public. Therefore, the appeal does not raise a substantial issue regarding the project's conformance to the visual resource policies of the City of Pismo Beach certified LCP.

Other

Coastal Commission Objectives

The Coastal Act provides protections related to public views and public view corridors, and the City's LCP was certified as being consistent with and adequate to carry out Coastal Act policies designed to protect scenic and visual resources available to the general public. The Appellants contend that the approved project is not consistent with Coastal Commission objectives related to neighborhood compatibility (specifically, physical scale, second story development, and materials and finish), and visual compatibility (specifically design, landscaping, second story development, and minimizing visual intrusion). As described above, the project has been designed to complement the mix of older and newer residences and the changing nature of the Sunset Palisades area (from one to two-story residences). The project, including the second story, has appropriate articulation and numerous offsets to break up mass, and a coloring scheme (earth tones) all intended to provide visual and neighborhood compatibility. Thus, even though the Coastal Act is not the standard of review for this appeal, the project has appropriately met Coastal Act visual resource protection objectives.

Maximum Tree Height

The Appellants contend that the Resolution adopted by the City Council, which includes a modification to the landscaping condition approved by the Planning Commission, misstates the allowed maximum tree height on the lot, which stemmed from language from Councilmember Waage. However, Resolution R-2013-069 does include language prohibiting mature tree height from exceeding 15 feet as measured from the high point of the lot (see page 5 of Exhibit 3) and language related to an allowance to 25 feet was struck from the condition. The Appellants contend that, as stated at the hearing, 15 feet was an absolute height that trees on the site could obtain, and that it was not to be based on the high point of the lot. However, the approved resolution language limits the height of mature trees to 15 feet, and not to exceed the height of the home, which is 15 feet from the high point of the lot. Because the subject lot is essentially flat (and not sloped, where such a tree standard could dramatically affect the height of the trees from the viewpoint of Indio Drive, for example) the height of any mature trees on this lot will remain roughly at or below 15 feet. Thus, there is no substantial issue raised by this appeal contention.

Due Process

Finally, the Appellants contend that the City of Pismo Beach deprived them of due process because they were only allowed three minutes to present their appeal contentions at the City Council hearing. The Commission does not review local government hearings for compliance with due process – the Appellants may seek judicial review of the City's procedures. The Commission is limited to ensuring that the City complied with any LCP public hearing requirements. In this case, the LCP requires that the City hold public hearings for projects that require a CDP, which affords members of the public the opportunity to attend and make their views on a particular project known. The LCP does not specify time allotments that must be granted for those speaking at public hearings. In addition, the City's agendas include information

that comments by the public shall be limited to three minutes per person, unless additional time is granted by the Chair. Thus, the Appellants were informed of this time limitation before the hearing and a public hearing was held, as required by the LCP.

For the foregoing reasons, none of these appeal contentions above raises a substantial LCP conformance issue.

F. CONCLUSION

When considering a project that has been appealed to it, the Commission must first determine whether the project raises a substantial issue of LCP conformity, such that the Commission should assert jurisdiction over a de novo CDP for such development. The Commission has been guided in its decision of whether the issues raised in a given case are “substantial” by the following five factors: the degree of factual and legal support for the local government’s decision; the extent and scope of the development as approved or denied by the local government; the significance of the coastal resources affected by the decision; the precedential value of the local government’s decision for future interpretations of its LCP; and, whether the appeal raises only local issues as opposed to those of regional or statewide significance. In this case, these five factors, considered together, support a conclusion that this project does not raise a substantial issue of LCP conformance.

First, the facts support the City’s conclusion that, as conditioned, the approved residence would not have significant adverse impacts to visual or other coastal resources. The approved project is located on the inland side of Indio Drive and will not block any public views. Second, the approved project is consistent with the purpose of the zoning district and overlay zone, and complies with the LCP’s design and development standards for residential structures, including with respect to height, square footage, setbacks, and site coverage. The extent and scope of this project are thus consistent with the other single-family residences in this area, so this second factor weighs in favor of a finding of no substantial issue. Third, the development is located within a residential infill area and there are a number of other residential developments in the area of the City-approved development with similar designs. Thus, no significant coastal resources, including visual and community character, will be affected by this approval. Fourth, the Commission agrees with the City that the proposed project is consistent with the LCP, and fifth, the decisions made here are site and LCP-specific and therefore do not raise issues of regional or statewide significance.

Therefore, given that the evidence supports the City’s action and the City’s analysis did not result in the approval of a project with significant coastal resource impacts, the Commission finds the appeal does not raise a substantial issue of conformance with the LCP and thus the Commission declines to take jurisdiction over the CDP for this project.

EXHIBIT 4

Plans

INDIO RESIDENCE

SYMBOLS

1. 1/2" = 1' - 0"	1. 1/2" = 1' - 0"
2. 1/4" = 1' - 0"	2. 1/4" = 1' - 0"
3. 1/8" = 1' - 0"	3. 1/8" = 1' - 0"
4. 1/16" = 1' - 0"	4. 1/16" = 1' - 0"
5. 1/32" = 1' - 0"	5. 1/32" = 1' - 0"
6. 1/64" = 1' - 0"	6. 1/64" = 1' - 0"
7. 1/128" = 1' - 0"	7. 1/128" = 1' - 0"
8. 1/256" = 1' - 0"	8. 1/256" = 1' - 0"
9. 1/512" = 1' - 0"	9. 1/512" = 1' - 0"
10. 1/1024" = 1' - 0"	10. 1/1024" = 1' - 0"
11. 1/2048" = 1' - 0"	11. 1/2048" = 1' - 0"
12. 1/4096" = 1' - 0"	12. 1/4096" = 1' - 0"
13. 1/8192" = 1' - 0"	13. 1/8192" = 1' - 0"
14. 1/16384" = 1' - 0"	14. 1/16384" = 1' - 0"
15. 1/32768" = 1' - 0"	15. 1/32768" = 1' - 0"
16. 1/65536" = 1' - 0"	16. 1/65536" = 1' - 0"
17. 1/131072" = 1' - 0"	17. 1/131072" = 1' - 0"
18. 1/262144" = 1' - 0"	18. 1/262144" = 1' - 0"
19. 1/524288" = 1' - 0"	19. 1/524288" = 1' - 0"
20. 1/1048576" = 1' - 0"	20. 1/1048576" = 1' - 0"
21. 1/2097152" = 1' - 0"	21. 1/2097152" = 1' - 0"
22. 1/4194304" = 1' - 0"	22. 1/4194304" = 1' - 0"
23. 1/8388608" = 1' - 0"	23. 1/8388608" = 1' - 0"
24. 1/16777216" = 1' - 0"	24. 1/16777216" = 1' - 0"
25. 1/33554432" = 1' - 0"	25. 1/33554432" = 1' - 0"
26. 1/67108864" = 1' - 0"	26. 1/67108864" = 1' - 0"
27. 1/134217728" = 1' - 0"	27. 1/134217728" = 1' - 0"
28. 1/268435456" = 1' - 0"	28. 1/268435456" = 1' - 0"
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140. 1/1393796574908163946345982392040522582123776" = 1' - 0"	140. 1/13937965749081639



2 DIMENSIONAL PLAN KEYNOTES



DIMENSIONAL PLAN KEYNOTES	
	<p>HANDRAI NOTES</p> <p>Handrai is a type of stone used in the construction of the walls of the temple. It is a dark grey stone, about 10 cm in size, and is used in the construction of the walls of the temple. The stone is used in the construction of the walls of the temple, and is used in the construction of the walls of the temple.</p>

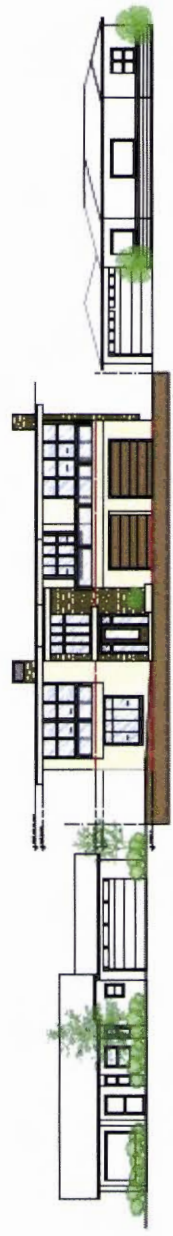




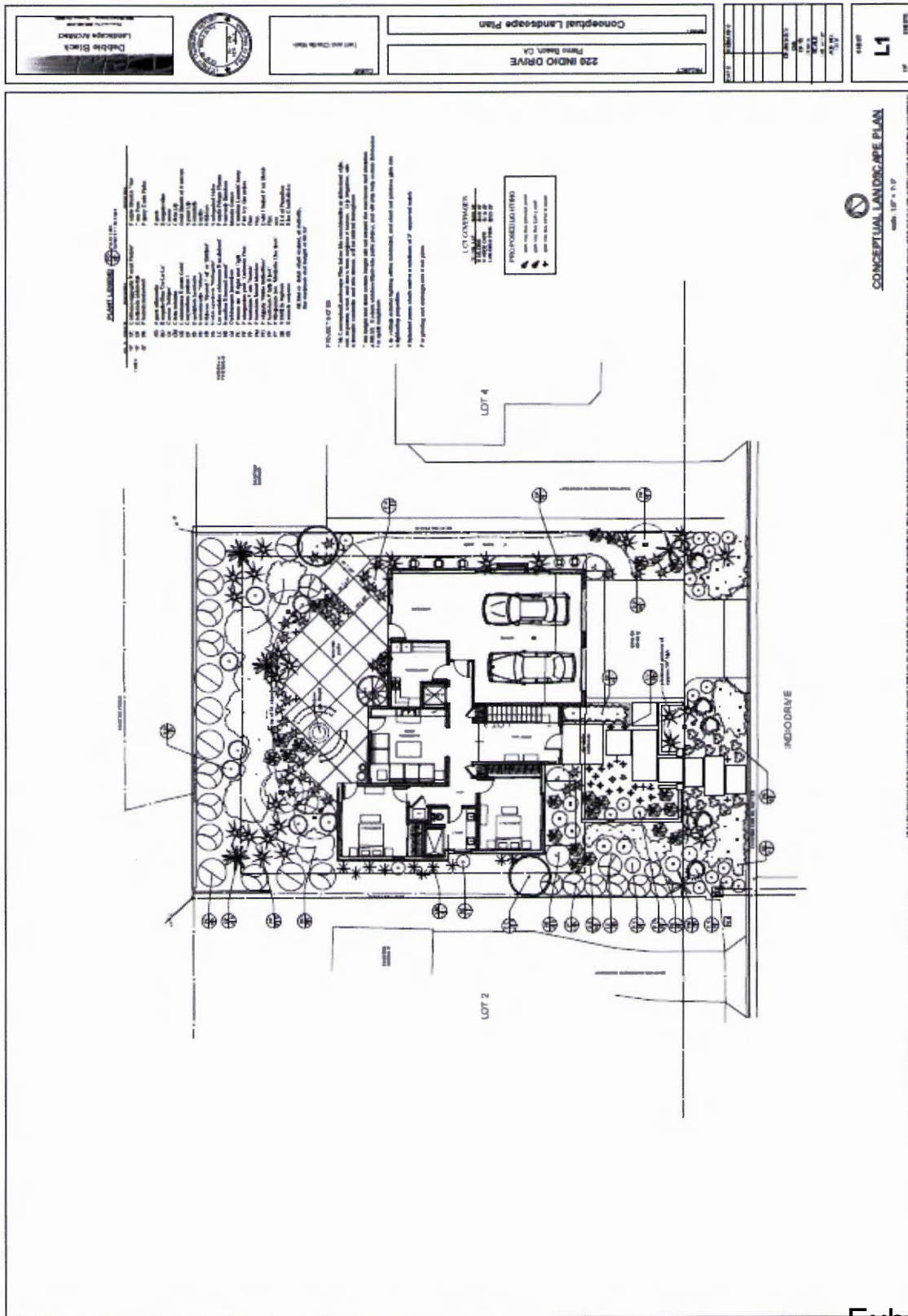
C NORTH ELEVATION
Scale 1/4" = 1'-0"



EAST ELEVATION



○ SOUTH ELEVATION WITH ADJOINING PROPERTIES
 NORTH 18° 15' E OF





The Indio Residence

City of Pismo Beach
Community Development Department



① Exterior Plaster Finish
Mfg: Sherwin Williams
Color: Universal Khaki SW6150

② Exterior Doors and Windows
Mfg: Fleetwood
Color: Dark Bronze Anodize

③ Exterior Paint Handrails
Mfg: Sherwin Williams
Color: Craft Paper SW6125

④ Stone Facade
Mfg: MSI International, Inc.
Type: Golden Honey

⑤ Wooden Stain Garage Door
Mfg: Armstrong
Color: Mountain Cedar

⑥ Concrete Driveway
⑦ Copper Flashing





FINAL LOCAL ACTION NOTICE

3-~~PSB~~-13-0787
REFERENCE #

APPEAL PERIOD

760 Mattie Road,

CITY OF PISMO BEACH
Community Development Department
760 Mattie Road, Pismo Beach, California 93449
(805) 773-4658 / Fax (805) 773-4684

10/25 - 11/8/13

October 21, 2013

CERTIFIED MAIL # 7013-0600-0001-4565-1911

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

ATTN: Daniel Robinson

RECEIVED

OCT 25 2013

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

Applicant Info:

Name: Game On WILL/MAIN
Address: 721 Greystone Place, San Luis Obispo, CA 93401
Telephone: (805) 458-6331
Project No: P13-000081
Site Address: 220 Indio - APN #010-201-~~030~~ 003
Project Summary: Construction of a new single-family residence with garage and decks.
Date of Action: 10/15/2013
Action: Approved
Attachments: CC Resolution
CC Meeting Minutes order
CC Staff Report - Includes: Planning Commission Resolution, Staff Report and Meeting Minutes
Appeal Status: Appealable

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



From the Office of the City Clerk

Elaina Cano
760 Mattie Road
Pismo Beach, CA 93449
(805) 773-7003

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

ATTN: Daniel Robinson

PISMO BEACH CITY COUNCIL - MINUTE ORDER

Date of Meeting: October 15, 2013

Council Members Present: Howell, Vardas, Waage, Higginbotham

Council Member Recused: Reiss

Council Members Absent: None

Subject: **AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A COASTAL DEVELOPMENT PERMIT FOR A PROPOSED TWO-STORY SINGLE-FAMILY HOUSE ON A VACANT LOT AT 220 INDIO DRIVE (ASSESSOR'S PARCEL NO 010-201-003) THE SITE IS LOCATED WITHIN THE COASTAL APPEAL ZONE. PROJECT NO. P13-000081. APPELLANT: SIDNEY AND VIRGINIA FINDLEY**

Staff Recommendation: Adopt a Resolution denying the appeal and upholding the Planning Commission's approval of this project.

Motion: Motion made by Mayor Pro Tem Waage; seconded by Council Member Vardas to adopt Resolution No. R-2013-069 denying the appeal and upholding the Planning Commission's approval of this project, as amended.

Motion passed 4:0:1 by a roll-call vote.

CERTIFICATION

I, Elaina Cano, C.M.C., City Clerk of the City of Pismo Beach, California, do hereby certify that the foregoing is the true and exact motion made by the Pismo Beach City Council and passed at their regular meeting of October 15, 2013.

Dated: October 22, 2013



Elaina Cano, C.M.C.
City Clerk
City of Pismo Beach

RESOLUTION NO. R-2013-069

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH DENYING AN APPEAL AND UPHOLDING THE AUGUST 27, 2013 PLANNING COMMISSION APPROVAL OF A COASTAL DEVELOPMENT PERMIT FOR CONSTRUCTION OF A NEW TWO-STORY HOME AT 220 INDIO DRIVE PROJECT NO. P13-000081 APN: 010-201-003

WHEREAS, Charlie and Terri Main, Applicants, submitted an application to the City of Pismo Beach for approval of a Coastal Development Permit for the construction of a new residence on a vacant lot located at 220 Indio; and

WHEREAS, On August 27, 2013, the Pismo Beach Planning Commission held a duly noticed public hearing at which all interested persons were given the opportunity to be heard and where the Planning Commission approved Project P13-000081; and

WHEREAS, On September 6, 2013, Sidney and Virginia Findley filed an appeal of the Planning Commission's approval of this project; and

WHEREAS, on October 15, 2013, the City Council held a duly noticed public hearing at which the appeal and all relevant information concerning the project were considered and all interested persons were given the opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pismo Beach hereby denies the appeal and upholds the August 27, 2013, Planning Commission approval of Coastal Development Permit P13-000081 with the following findings:

Findings Denying Appeal and Upholding the Planning Commission's Approval of the Coastal Development Permit

- 1) The Coastal Development Permit for Project P13-000081 was approved in a manner consistent with the City's General Plan and Local Coastal Program and 1983 Zoning Code.
- 2) The Planning Commission appropriately enforced the three (3) minute public comment time limit, which is not arbitrary, for a public hearing agenda item as noted on its published agenda.
- 3) The project meets all zoning development codes and general plan policies regarding site development standards in relation to the location and design of the rear of the structure.

The City Council does hereby deny the appeal, upholding the Planning Commission August 27, 2013, approval subject to the following amendment to Planning condition of approval A-3 of Resolution PC-R-2013-023:

3. LANDSCAPING AND IRRIGATION PLANS. Landscaping and irrigation plans encompassing the entire site shall be submitted by the project applicant to the City for review and approval by the project planner. Detailed calculations shall be provided on the face of the plan indicating the provision of a minimum of 20% landscape area with no greater than 10% provided as lawn area. The Plans shall be consistent with Chapter 15.48 of the City Of Pismo Beach Municipal Code. The landscape plan shall include the following provisions:

- a. Use of low-water-using irrigation systems. Drip irrigation shall be used where feasible.
- b. Landscape Design Plan (including plant list)
- c. Irrigation Design Plan
- d. Tree list, including mature height of all trees not to exceed **25 15** feet in height **as measured from the high point of the lot.** All proposed trees shall be maintained such that they do not exceed the ~~25-foot approved~~ height **of the home.**
- e. Any fencing proposed within the front yard shall not exceed 42 inches.

UPON MOTION OF Mayor Pro Tem Waage seconded by Council Member Vardas the foregoing resolution was adopted by the City Council of the City of Pismo Beach this 15th day of October 2013, by the following roll call vote:

AYES:	4	Council Members:	Waage, Vardas, Howell, Higginbotham
NOES:	0		
ABSENT:	0		
RECUSED:	1	Council Member:	Reiss

Approved:

Attest:


Shelly Higginbotham
Mayor


Elaina Cano, CMC
City Clerk



PISMO BEACH COUNCIL AGENDA REPORT

SUBJECT/TITLE:

AN APPEAL OF THE PLANNING COMMISSION'S APPROVAL OF A COASTAL DEVELOPMENT PERMIT FOR A PROPOSED TWO-STORY SINGLE-FAMILY HOUSE ON A VACANT LOT AT 220 INDIO DRIVE (ASSESSOR'S PARCEL NO 010-201-003) THE SITE IS LOCATED WITHIN THE COASTAL APPEAL ZONE. PROJECT NO. P13-000081.

APPELLANT: SIDNEY AND VIRGINIA FINDLEY

RECOMMENDATION: Adopt a **Resolution** denying the appeal and upholding the Planning Commission's approval of this project.

EXECUTIVE SUMMARY:

The City Council is considering an appeal of the Planning Commission's approval of a Coastal Development Permit application for a new two-story single-family dwelling on a vacant lot at 220 Indio Drive. Approval of the Coastal Development Permit application was granted by the Planning Commission at its meeting on August 27, 2013.

An appeal of the Planning Commission's decision was filed by Sidney and Virginia Findley on September 6, 2013. The appeal raises several issues including the amount of time afforded members of the public to comment on the project (three minutes) and a claim that there was a staff error in the application of the rear yard set back requirement for the house.

BACKGROUND:

The Planning Commission (PC), on August 27, 2013, approved a Coastal Development Permit for the construction of a single-family residence on a vacant lot located at 220 Indio Drive (see PC resolution provided in Attachment 3 and PC staff report provided in Attachment 6).

The project site is 7,500 square feet in area and is zoned for a single-family residential structure. The structure lies within the HL-1 overlay zone. This zoning designation means the structure cannot exceed 15 feet in height when measured from the highest point on the lot. The proposal is for a 4,190 square foot two-story residence with an attached garage. The proposed home complies with all site standards such as setbacks, height limit, lot coverage and parking requirements.

An appeal of the project was filed with the City Clerk's office on September 6, 2013, by Sidney and Virginia Findley. The appeal is included with this agenda report as Attachment 2.

APPEAL DISCUSSION:

The following analysis will address the appellant's two issues. The appellant's comments are noted first and then they are followed by staff's response.

Appeal Point 1

"Planning Commission denied due process in limiting appellant to three minutes to the project when staff and Commission have unlimited time to endorse the project."

Staff Response

The published Planning Commission agenda includes a description of how public comment is to be taken on all public hearing items. Allowable public comment time for items on the public hearing agenda is as follows: **"Comments by the public shall be limited to three (3) minutes for each person; unless additional time is granted by the Chair."** This description was listed under item 6 of the August 27, 2013 Planning Commission Agenda, which was made available to the public on Friday, August 23, 2013, and which is included in this agenda report as Attachment 6.

The Planning Commission three (3) minute public comment period mirrors the same three (3) minute comment period utilized by the City Council and is further defined in Municipal Code Section 2.04.230.A. Specifically, section 2.04.230.A of the Municipal code outlines procedures for addressing the City Council. This section reads:

2.04.230. Addressing the Council.

*A. Manner of Addressing the Council. Each person desiring to address the council shall step to the microphone designated for public testimony, state their name and address for the record, state the subject they wish to discuss, state whom they are representing if they represent an organization or other individuals, and **unless further time is granted by the mayor or a majority vote of the council, shall limit their remarks to three minutes.** All remarks shall be addressed to the council as a whole and not to any member thereof. No question shall be asked a Council Member or a member of the city staff without the permission of the presiding officer.*

Appeal Point 2

"Staff and Commission erred by concluding the rear of the structure meets code."

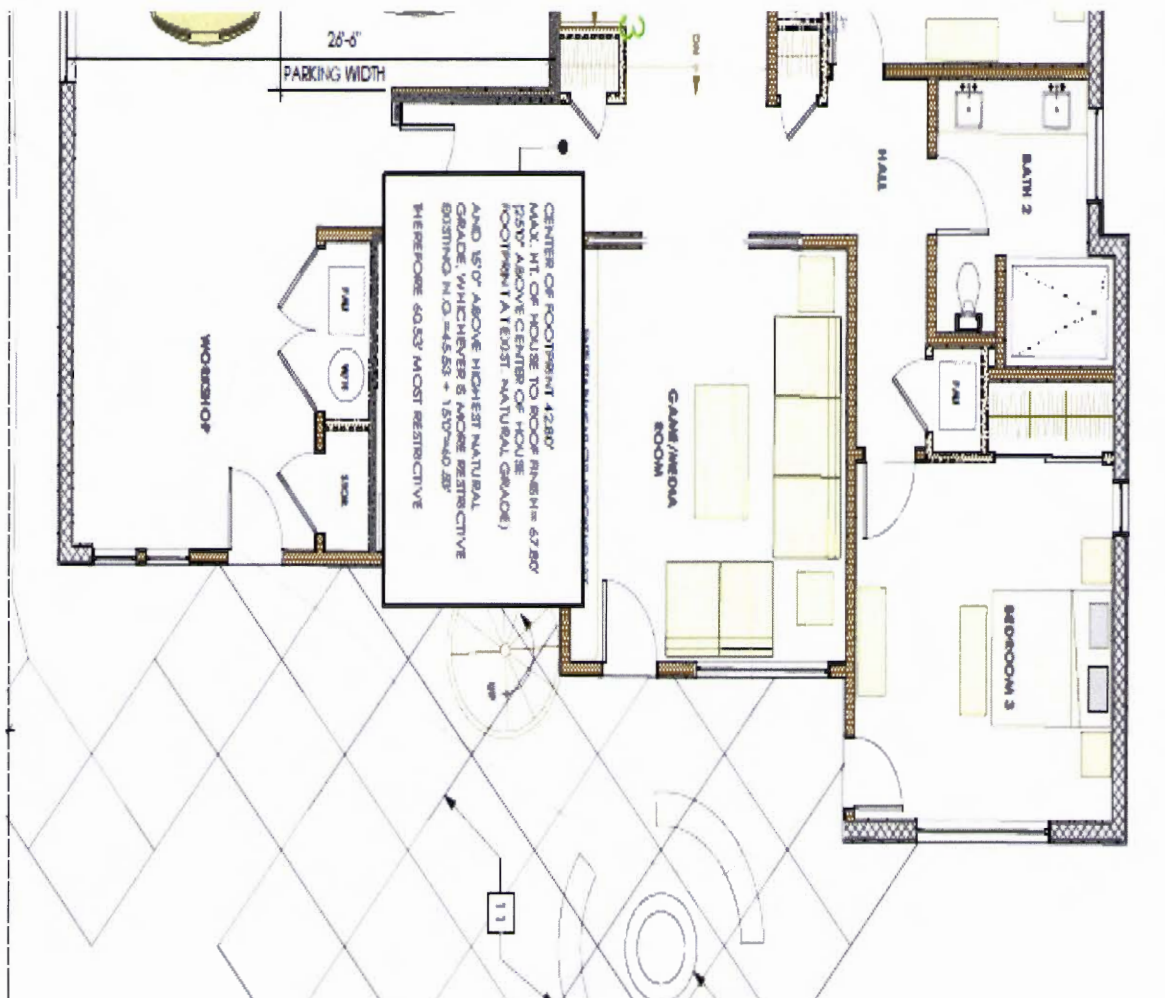
Staff Response

The statement is vague and does not specify the alleged error, nor does it identify any specific issue with regard to the design, location, or setback of the rear portion of the home. Given that the appellant does not identify any specific issue, policy or code discrepancy it is difficult to adequately address the appellant's comment, other than to note that staff and the Planning Commission found that the project was in compliance with all development standards pursuant to the 1983 Zoning Ordinance and all pertinent

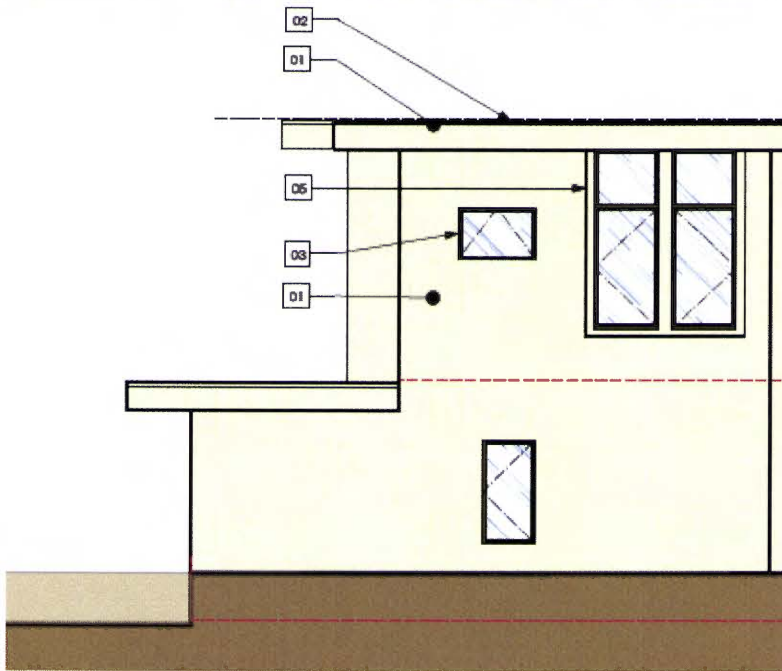
General Plan policies. The setback from the rear property line of the home was approved at 29'6", which exceeds the minimum 10' rear yard setback called for by the Zoning Code. The appellant could be referring to the size, mass, or design of the rear building elevation.

The design of the rear portion of the building is articulated both vertically and horizontally. The articulation can be seen in the floor plan where three separate wall planes are shown at the rear elevation. The articulation can also be seen along both the right and left rear building elevation drawings. The following are a partial floor plan plus the left and right rear building elevations that show the variation in wall planes.

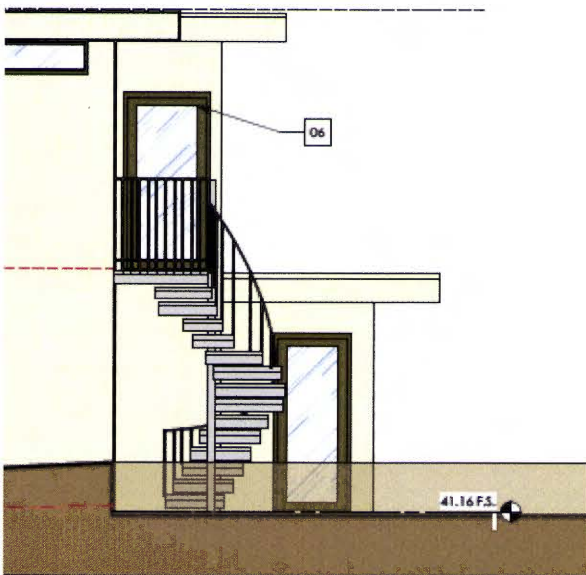
Site Plan/Floor Plan at Rear of Home Showing Three Wall Planes



Left Rear Building Elevation Showing Step Back of Second Floor



Right Rear Elevation Showing Second-Floor Step Back and Three Wall Planes



STAFF RECOMMENDATION

The two issues noted in the appeal concern the three (3) minute limitation placed on public comment and an undefined issue regarding "code" compliance related to the setback of the proposed house to the rear property line.

The three (3) minute public comment period is clearly stated on the Planning Commission agenda, which is accepted by the Commission at the beginning of each meeting. The three (3) minute comment period mirrors that utilized by the City Council. This is not an arbitrary time limit, applies to all speakers and is intended to allow meetings to be run efficiently, plus allow time for all interested parties to speak to an issue during a meeting.

As for the claimed error regarding the rear of the building, it is unclear what the appellant is referring to here. That being said, the proposed house exceeds the ten foot (10') minimum rear yard setback requirement by over nineteen (19') feet and thus meets the rear yard setback requirement. The design of the rear elevation includes significant articulation of form, both horizontally and vertically, through the use of three separate wall planes and through the incorporation of a second floor step back at the rear left corner of the residence.

Based on the information provided above, staff is recommending that the City Council adopt the Resolution provided in Attachment 1, denying the appeal, upholding the Planning Commission decision, and approving the project.

FISCAL IMPACT: Other than associated administrative costs for processing the appeal, there is no fiscal impact anticipated.

OPTIONS:

1. Uphold the appeal and direct staff to return with a revised resolution reflecting City Council direction.
2. Refer the project back to the applicant to incorporate design changes identified by the City Council and continue the item to a date certain.

ATTACHMENTS:

- | | |
|---------------------------------|--|
| 1) Resolution | 6) PC Staff Report With Plans 08/27/13 |
| 2) Appeal Letter | |
| 3) Planning Resolution 08/27/13 | |
| 4) PC Draft Minutes 08/27/13 | |
| 5) PC Published Agenda 08/27/13 | |

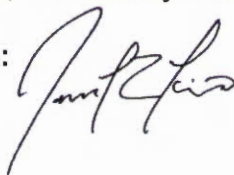
Prepared by: Garrett Norman, Project Planner

Meeting Date: October 15, 2013

Reviewed by: Scot Graham, Senior Planner and Carolyn Johnson, Planning Manager

Approved by: Jon Biggs, Community Development Director

City Manager Approval:



RESOLUTION NO. R-2013-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH DENYING AN APPEAL AND UPHOLDING THE AUGUST 27, 2013, PLANNING COMMISSION APPROVAL OF A COASTAL DEVELOPMENT PERMIT FOR CONSTRUCTION OF A NEW TWO-STORY HOME AT 220 INDIO DRIVE PROJECT NO. P13-000081 APN: 010-201-003

WHEREAS, Charlie and Terri Main, Applicants, submitted an application to the City of Pismo Beach for approval of a Coastal Development Permit for the construction of a new residence on a vacant lot located at 220 Indio; and

WHEREAS, on August 27, 2013, the Pismo Beach Planning Commission held a duly noticed public hearing at which all interested persons were given the opportunity to be heard and where the Planning Commission approved Project P13-000081; and

WHEREAS, on September 6, 2013, Sidney and Virginia Findley filed an appeal of the Planning Commission's approval of this project; and

WHEREAS, on October 15, 2013, the City Council held a duly noticed public hearing at which the appeal and all relevant information concerning the project were considered and all interested persons were given the opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pismo Beach hereby denies the appeal and upholds the August 27, 2013, Planning Commission approval of Coastal Development Permit P13-000081 with the following findings:

Findings Denying Appeal and Upholding the Planning Commission's Approval of the Coastal Development Permit

- 1) The Coastal Development Permit for Project P13-000081 was approved in a manner consistent with the City's General Plan and Local Coastal Program and 1983 Zoning Code.
- 2) The Planning Commission appropriately enforced the three (3) minute public comment time limit, which is not arbitrary, for a public hearing agenda item as noted on its published agenda.
- 3) The project meets all zoning development codes and general plan policies regarding site development standards in relation to the location and design of the rear of the structure.

UPON MOTION OF Council Member _____ seconded by Council Member _____ the foregoing resolution was adopted by the City Council of the City of Pismo Beach this 15th day of October 2013, by the following roll call vote:

ATTACHMENT 1

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

Approved:

Attest:

Shelly Higginbotham
Mayor

Elaina Cano, CMC
City Clerk

Appeal Letter



CITY OF PISMO BEACH
CITY CLERK'S OFFICE

RECEIVED

City of Pismo Beach
Attention: City Clerk
760 Mattie Road
Pismo Beach, CA 93449
805-773-4657 Fax: 805-773-7006

APPEAL OF A PLANNING COMMISSION DECISION

*Appeals must be filed in the Office of the City Clerk within 10 working days of the Planning Commission decision.
See Attached for Information About Appealing a Planning Commission Decision.*

Person Filing Appeal:

Sidney B. Findley & Virginia L. Findley

Print Name

276 Brisa Court

Phone 805-748-6867

Address

Pismo Beach, CA 93449

City/State/Zip Code

220 Indio Drive, Pismo Beach

Project Address/Parcel Number

P13-000081

Project Name

*What permits are being appealed:

Coastal development permit; any and all actions and building permits

granted by the Planning Commission and the Pismo Beach building department.

*List all applicable case numbers(s): P13-000081

Date Heard at Planning Commission: 08/27/2013

Date Appeal Filed: _____

Cause for Appeal: (Please be specific; attach additional sheets if necessary, reference any inconsistency with specific city statutes; the General Plan/Local Coastal Plan and Zoning Ordinance is available for review):

1. Planning Commission denied due process in limiting appellant to three minutes to the project when staff and Commission have unlimited time to endorse the project.
2. Staff and Commission erred by concluding the rear of the structure meets code

ATTACHMENT 2

Community Development Director

Pismo Beach, CA Municipal Code

Chapter 16.60 APPEALS

16.60.010 Notices of appeals.

Appeals may be made from any decision or determination or requirement of the planning commission or the city engineer by any person aggrieved by filing a notice thereof in writing with the city clerk within ten working days after such decision or determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which his appeal is based. (Ord. 299 § 1, 1982)

16.60.020 Report of the city clerk to the planning commission and city engineer.

The city clerk shall report the filing of such notice to the planning commission and the city engineer. A written report shall be submitted to the council by one whose decision, determination or requirement is being appealed not later than the date set for hearing such appeal. (Ord. 299 § 1, 1982)

16.60.030 Action on appeals.

Upon the filing of an appeal, the council shall set the matter for a hearing. Such hearing shall be held within thirty days after the date of filing the appeal. Upon the conclusion of the hearing, the council shall, within ten days, declare its findings based upon the testimony and documents before it. The council may overrule or modify the decision, determination or requirement appealed from and enter any such orders as are in harmony with the spirit and purposes of this chapter. (Ord. 299 § 1, 1982)

ADD IN SECTIONS 17 124 130 160

**Planning Commission Resolution 08/27/2013
220 Indio**

RESOLUTION NO: PC-R-2013-023

**A Resolution of the Planning Commission of the City of Pismo Beach
Approving Project No. P13-000081 for
Demolition of an Existing residence and Construction of a New 4,190 Square Foot
Single-Family Residence at 220 Indio Drive; APN: 010-201-003**

WHEREAS, Charlie and Terri Main ("Applicants") has submitted an application to the City of Pismo Beach for a Coastal Development and Architectural Review Permit for the construction of a new two story 4,190 square foot single-family residence; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 27, 2013 at which all interested persons were given the opportunity to be heard; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Pismo Beach, California as follows:

**A. FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY
ACT (CEQA)**

1. The project consists of the construction of a new 4,190 square foot single-family residence.
2. There are no site constraints or other factors that would create the potential for significant environmental impacts as a result of the construction of a new single-family residence.
3. The construction of a new 4,190 square foot single-family residence is exempt from CEQA in accordance with section 15303 of the CEQA Guidelines, exempting construction of one single family residence where all infrastructure is present.

**B. FINDINGS FOR APPROVAL OF THE COASTAL DEVELOPMENT PERMIT
AND ARCHITECTURAL REVIEW PERMIT:**

1. The project improvements comply with the public access and public recreation policies of Chapter 3 (commencing with Section 30220) of the California Coastal Act of 1976.
2. The construction of a new 4,190 square foot single-family residence is appropriate in size so as to be compatible with the adjacent structures.
3. The architectural and general appearance of the new single-family residence is in keeping with the character of the neighborhood.
4. The proposed new residence is compatible with the visual quality and character of the surrounding area and is compatible with the immediate neighborhood.

ATTACHMENT 3

5. The construction of a new 4,190 square foot single-family residence is consistent with the General Plan/Local Coastal Plan Land Use Plan Single-Family Low Density Residential category

6. The construction of a new 4,190 square foot single-family residence is compatible with the nearby existing uses and will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the surrounding area of the proposed project.

7. The construction of a new 4,190 square foot single-family residence will not be detrimental to the orderly development of improvements in the surrounding area, and will not be detrimental to the orderly and harmonious development of the City.

8. The construction of a new 4,190 square foot single-family residence will not impair the desirability of investment or occupation in the neighborhood.

The Planning Commission does hereby approve the Coastal Development Permit subject to the Conditions attached as Exhibit A.

UPON MOTION of Commissioner White seconded by Commissioner Jewell the foregoing Resolution is hereby approved and adopted the 27th day of August, 2013, by the following vote, to wit:

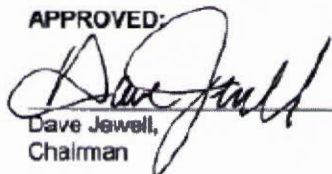
AYES: COMMISSIONERS: Shurson, Woodhouse, Hamrick, Jewell, White

NOES: COMMISSIONERS: None

ABSTAIN: COMMISSIONERS: None

ABSENT: COMMISSIONERS: None

APPROVED:


Dave Jewell,
Chairman

ATTEST:


Elsa Perez, CMC
Secretary to the Planning Commission

EXHIBIT A to Resolution No: PC-R-2013-023

**PERMIT NO. P13-000081, CDP / ARP
PLANNING COMMISSION MEETING OF August 27, 2013
220 Indio Drive, APN: 010-201-003**

The conditions imposed on this project shall affect the title and possession of the real property that is the subject of this permit and shall run with the real property or any portion thereof. All the terms, covenants, conditions, and restrictions herein imposed and made available to the applicant shall be binding upon and inure to the benefit of the owner (applicant, developer), his or her heirs, administrators, executors, successors and assigns. Upon any sale, division or lease of real property, all the conditions of this permit shall apply separately to each portion of the real property and the owner (applicant, developer) and/or possessor of any such portion shall succeed to and be bound by the obligations imposed on owner (applicant, developer) by this permit.

AUTHORIZATION: Subject to the conditions stated below, approval of Permit P13-000081 grants planning permits for construction of a new two-story 4,190 square foot single-family residence, as shown on the approved plans with City of Pismo Beach stamp of August 27, 2013. Approval is granted only for the construction and use as herein stated; any proposed changes shall require approval of amendments to these permits by the City of Pismo Beach.

Standard conditions, policies and selected code requirements applicable to a new single-family residence, as adopted by the Planning Commission are by this reference included as conditions of this permit. Such standard conditions will be attached to this permit when signed by the applicant. Special project conditions are listed on Exhibit A of this permit. The applicant agrees to comply with all City standard conditions and conditions specific to the project.

EFFECTIVE DATE: This permit shall become effective upon the passage of 20 days following the receipt of notice of this action by the California Coastal Commission, provided that an appeal has not been filed to the City Council within 10 working days or that an appeal has not been filed to the Coastal Commission within the above 20 days. The filing of an appeal shall stay the effective date until an action is taken on the appeal.

EXPIRATION DATE: The applicant is granted two years for inauguration (i.e. building permits issued and construction begun) of this permit. The permits will expire on August 27, 2015 unless inaugurated prior to that date. Time extensions are permitted pursuant to Zoning Code Section 17.121.160 (2).

ACCEPTANCE OF PERMIT AND CONDITIONS: The property owner and the applicant (if different) shall sign these Conditions within ten (10) working days of receipt; the permit is not valid until signed by the property owner and applicant.

ATTACHMENT 3

COMPLIANCE AGREEMENT: I have read and understood, and I will comply with 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. The duty of inquiry as to such requirements shall be my responsibility. I agree to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the project; or my failure to comply with conditions of approval. This agreement shall be binding on all successors and assigns.

**I HAVE READ AND UNDERSTOOD, AND I WILL COMPLY
WITH ALL ATTACHED STATED CONDITIONS OF THIS PERMIT**
Approved by the Planning Commission on August 27, 2013.

Applicant

Date

Property Owner

Date

ATTACHMENT 3

**CONDITIONS, POLICIES AND SELECTED CODE REQUIREMENTS FOR
PROJECT # P13-000081
220 Indio Drive, APN # 010-201-003**

Conditions as indicated below have been deemed to be of a substantive nature on the basis of the Planning Commission's decision. These conditions cannot be altered without Planning Commission approval.

A. PRIOR TO ISSUANCE OF A BUILDING PERMIT:

BUILDING DIVISION:

1. **BUILDING PERMIT APPLICATION.** To apply for building permits submit five (5) sets of construction plans **ALONG WITH FIVE (5) COPIES OF THE CONDITIONS OF APPROVAL NOTING HOW EACH CONDITION HAS BEEN SATISFIED** to the Building Division.

PLANNING DIVISION:

1. **COMPLIANCE WITH PLANNING COMMISSION APPROVAL.** Prior to the issuance of a building permit, the Project Planner shall confirm that the construction plot plan and building elevations are in compliance with the Planning Commission's approval and these conditions. Project shall comply with these standards:

Item	Approved
Lot area	7,500 sq. ft.
Max bldg height	15' from high point at 60.53' elevation.
Max lot coverage	2,548 sq. ft. (34%)
Max Building Area Ratio	4,190 sq.ft.
Planting Area	3,633 sq.ft. (48%)
Minimum front yard setback	20'
Minimum side yard setback	7.5'
Minimum rear yard setback	29.5'
Garage Setback	20'
Minimum parking spaces	2 spaces within a garage
Minimum parking space size	21.87'x26.5'

ATTACHMENT 3

2. COLORS AND MATERIALS. Colors and materials shall be as approved by the Planning Commission or revised to the approval of the Community Development Department Planning Division.
3. LANDSCAPING AND IRRIGATION PLANS. Landscaping and irrigation plans encompassing the entire site shall be submitted by the project applicant to the City for review and approval by the project planner. Detailed calculations shall be provided on the face of the plan indicating the provision of a minimum of 20% landscape area with no greater than 10% provided as lawn area. The Plans shall be consistent with Chapter 15.48 of the City Of Pismo Beach Municipal Code. The landscape plan shall include the following provisions:
 - a. Use of low-water-using irrigation systems. Drip irrigation shall be used where feasible.
 - b. Landscape Design Plan (including plant list)
 - c. Irrigation Design Plan
 - d. Tree list, including mature height of all trees not to exceed 25 feet in height. All proposed trees shall be maintained such that they do not exceed the 25 foot approved height.
 - e. Any fencing proposed within the front yard shall not
4. ARCHAEOLOGY. The applicant shall contract for archaeological monitoring services to take place during all demolition and excavation activities. Signed contracts for monitoring services shall be provided to the Planning Division prior to issuance of a building or demolition permit.

BUILDING DIVISION:

1. The Title sheet of the plans shall include:
 - a. Street address, lot, block, track and Assessor Parcel Number.
 - b. Description of use.
 - c. Type of construction.
 - d. Height of the building.
 - e. Floor area of the building(s).
 - f. Vicinity map.

All construction will conform to the 2010 California Building Code (CBC), 2010 California Residential Code (CRC), 2010 California Fire Code (IFC), 2010 California Mechanical Code (CMC), 2010 California Plumbing Code (CPC), 2010 California Electrical Code (CEC), 2010 California Energy Code, 2010 California Green Code (CGBC), and Accessibility Standards where applicable and all City codes as they apply to this project.

(Code adoption dates are subject to change. The code adoption year is established by application date of plans submitted to the Building Division for plan review.)

ATTACHMENT 3

2. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business & Professions Code, except when otherwise approved by the Chief Building Official.
3. The owner shall designate on the building permit application a registered design professional who shall act as the Registered Design Professional in Responsible Charge. The Registered Design Professional in Responsible Charge shall be responsible for reviewing and coordinating submittal documents prepared by others including phased and staggered submittal items, for compatibility with design of the building.
4. The owner shall comply with the City's Structural Observation Program. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer of record or architect responsible for the structural design, to perform structural observation as defined in Section 220. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies that, to the best of the structural observer's knowledge, have not been resolved.
5. The owner shall comply with the City's Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code. All Special Inspectors shall first be approved by the Building Official to work in the jurisdiction. All field reports shall be provided to the City Building Inspector when requested at specified increments in order for the construction to proceed. All final reports from Special Inspectors shall be provided to the Building Official when they are complete and prior to final inspection.
6. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
7. Projects shall comply with current City and State water conservation regulations.
8. Deferred submittals are not allowed, i.e. fire sprinkler plans and calculations, spiral staircases, and truss calculations.
9. A soils investigation performed by a qualified professional shall be required for this project. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability; details shall be provided.
10. Site retaining walls require a separate building permit. Please provide a separate soils report and engineering calculations for the site walls at the time of permit application.
11. Fire sprinklers, shall be required by City Codes.

FEES REQUIRED FROM VARIOUS DEPARTMENTS:

12. The applicant shall be responsible for the payment of all applicable development and building fees including the following:
 - a. All applicable development impact fees pursuant to Ordinance 93-01 and Resolutions 93-12 and 93-33.
 - b. Water system improvement charge.
 - c. Water meter hook-up charge.
 - d. Sewer public facilities fee.
 - e. Park development and improvement fee.
 - f. School impact fees pursuant to the requirements of the applicable school district.
 - g. Building and construction and plan check fees: building fee, plan check fee, grading and paving fee, plumbing, electrical/mechanical fee, sewer connection fee, Lopez assessment, Strong motion instrumentation, encroachment fee, and other fees such as subdivision plan check and inspection fees. (Additional plan check fees are due when they are accrued).
 - h. Other special fees:
 - i. Assessment district charges.
 - j. Other potential fees.
 - k. Any other applicable fees.
 - a. Other special fees:
 - i. Assessment district charges.
 - b. Other potential fees
 - i. Any other applicable fees

ENGINEERING DIVISION:

1. Engineering standard conditions (notes): Shall be placed on the plans at time of submittal. A copy may be obtained through the Engineering Department.
2. Project improvements shall be designed and constructed in accordance with City standards and specifications and in accordance with all applicable City Ordinances. The decision of the City Engineer shall be final regarding the specific standards that shall apply.
3. Appropriate City standards shall be referred to on the plans and shall be included on a detail sheet within the plan set.
4. The applicant will be responsible for obtaining an encroachment permit for all work within a public right of way.
5. The City Engineering Division shall approve any landscaping or irrigation within a public right of way or otherwise to be maintained by the City.

ATTACHMENT 3

6. The applicant shall provide a current title report to the Engineering Division.
7. Driveways and driveway approaches shall be located and constructed per City of Pismo Beach standards. Profiles shall be provided for all interior driveways.
8. A Preliminary Soils and/or Geology Report providing technical specifications for grading of the site shall be prepared by a Geotechnical Engineer.
9. All grading and drainage improvements shall be designed and constructed in accordance with the City Grading Ordinance and subject to approval by the City Engineer.
10. The project shall conform to the City's Storm Water Discharge Ordinance.
11. In order for the proposed development to maintain conformance with the City's Regional Stormwater Permit, implementation of Low Impact Development (LID) source control, site design, and stormwater treatment onsite or at a joint stormwater treatment facility shall be required. The stormwater design shall be submitted for review and approval by the City Engineer and shall provide mitigation for post development runoff versus pre-development runoff.
12. Calculations and/or a drainage report must be submitted with the plans.
13. Landscape and irrigation plans for the public right-of-way shall be incorporated into the improvement plans and shall require approval by the Streets Division Supervisor and the Community Development Department.
14. No Building Permits will be issued without prior approval of the Engineering Division and an approved erosion and sediment control plan and construction schedule. Erosion control measures shall be in place and approved by the Engineering Division prior to the start of construction.
15. An Erosion and Drainage Control Plan shall be submitted in accordance with the City Grading Ordinance. The plan shall reflect "Best Management Practices" as proposed in the California Regional Water Quality Control Board Erosion and Sediment Control Field Manual, and shall include both temporary measures (to be used during construction, and until permanent measures are completed/established) and permanent measures. Plan shall include both source control and perimeter containment measures. All Drainage and Erosion Control Measures shall be designed and/or sized by a qualified professional.

16. Sewer System Requirements

- a. Applicant is required to show the existing location of the Sewer Main in the street and location of the sewer lateral, if existing, on the plans. If no lateral exists or existing lateral is in poor condition, then applicant is responsible for all costs, materials and labor for the installation of a new lateral. If existing sewer lateral is to be utilized, the applicant must have a video inspection performed of the sewer lateral to confirm the condition and material of the lateral and provide the Public Works department with a copy of the video for review. Show size and type of all sewer lines.

17. Water System Requirements

- a. Applicant is required to show the existing location of the Water Main in the street and location of the existing water lateral, if existing, on the plans. The size of the proposed lateral and proposed water meter shall be shown on the plans. If existing lateral is inadequate for the proposed water meter, then applicant is responsible for all costs, materials and labor for the installation of a new water lateral. Show size and type of all water lines.

B. CONDITIONS TO BE MET DURING CONSTRUCTION:

BUILDING DIVISION:

1. SITE MAINTENANCE. During construction, the site shall be maintained so as to not infringe on neighboring property, such as debris and dust.
2. ARCHAEOLOGICAL MATERIALS. In the event unforeseen archaeological resources are unearthed during any construction activities, all grading and or excavation shall cease in the immediate area and the find left untouched. The Building Official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, Native American, or paleontologist, whichever is appropriate. The qualified professional shall evaluate the find and make reservations related to the preservation or disposition of artifacts in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the Building Official shall notify to county coroner. If human remains are found to be of ancient age and of archaeological and spiritual significance, the Building Official shall notify the Native American Heritage Commission. The developer shall be liable for costs associated with the professional investigation.
3. Certification of compliance with the soils report shall be submitted to the Building Division prior to foundation approvals. A final report certifying compliance with the soils report or grading plans shall be submitted to the Building Division prior to final approvals.

ATTACHMENT 3

4. A licensed surveyor or engineer shall verify pad elevations, setbacks, prior to foundation inspection, and roof elevations, prior to roof sheeting inspection, when determined necessary by the Planning Department.

ENGINEERING DIVISION:

1. Owner and/or owner's contractor are to take precaution against damaging road surfaces. Note: The existing street sections adjacent the property may be substandard and may be subject to damage by heavy loading/equipment during construction. The owner is responsible for protection against and/or repair of, at owner's expense, any/all damage incurred during and/or due to construction.
2. Encroachment Permits are required prior to any/all work in the public right of way. City Streets are to remain open to through traffic at all times. A traffic control plan shall be submitted to the Engineering Division for approval prior to detours or rerouting of traffic. Excavation within the streets shall be covered or backfilled and paved prior to the end of work each day. No temporary or long term parking, storage, or disposal of construction equipment or materials within the right-of-way shall occur without prior issuance of an encroachment permit.
3. Erosion and Drainage control features are to be available to be placed in the event of rain or other erosive action to prevent any sediment or refuse from leaving the site. Erosion control devices shall be installed and in place following daily construction activities. The applicant shall notify the Engineering Division of any changes in construction which will require additional erosion control measures.

C. CONDITIONS TO BE MET PRIOR TO REQUEST FOR A FRAMING INSPECTION:

PLANNING DIVISION:

1. ROOF HEIGHT. Prior to requesting a framing inspection, a licensed surveyor shall measure and certify the height of the building including anticipated finishing materials. Height to be certified as shown on approved plans.

D. CONDITIONS TO BE MET PRIOR TO FINAL INSPECTION AND ISSUANCE OF CERTIFICATE OF OCCUPANCY:

BUILDING DIVISION:

1. Prior to building division final approval all required inspections from the other various divisions must have been completed and verified by a city inspector. All required final inspection approvals must be obtained from the various departments and documented on the permit card.

ATTACHMENT 3

E. CONDITIONS SUBJECT TO ONGOING COMPLIANCE:

1. SINGLE FAMILY USE RESTRICTION - Uses of the subject property shall be limited to the uses listed in Chapter 17.018 of the Zoning Code (Single Family Residential). Said Chapter and Section 17.006.0400 limit the use of the property to no more than one (1) dwelling unit. No portion of the premises may be rented as a separate living quarters. A Lodging House, as defined by Section 17.006.0655, shall not be permitted.
2. HOLD HARMLESS. The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.
3. ROOF-MOUNTED EQUIPMENT. All roof-mounted air conditioning or heating equipment, vents or ducts shall be screened from view in a manner approved by the Project Planner.
4. COMPLIANCE WITH APPLICABLE LAWS. 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.

The property owner and the applicant (if different) shall sign these Conditions of Approval within ten (10) working days of receipt; the permit is not valid until signed by the property owner and applicant.

- END -

"Draft"
Minutes
City of Pismo Beach
Planning Commission Meeting
Tuesday, August 27, 2013

Call to Order: **Chairman Jewell** called to order the Regular meeting of the Planning Commission held in the Council Chamber at 760 Mattie Road, Pismo Beach, CA 93449 at 6:30 p.m.

1. Roll Call & Pledge of Allegiance:

Present: Chairman David Jewell
Vice Chairman Eric Woodhouse
Commissioner Warren Hamrick
Commissioner Kate Shurson
Commissioner DJ White

Staff Present: Community Development Director Jon Biggs, Senior Planner Scot Graham, Associate Engineer Chad Stoehr, Project Planner Garrett Norman and Minutes Clerk Claudia Hartman.

2. Acceptance of Agenda:

Community Development Director Biggs said the agenda listed approval of the June 25, 2013. The Planning Commission had requested the minutes for the June 11, 2013 be brought back for approval. That item should be pulled from the agenda.

Vice Chairman Woodhouse moved to accept the Agenda as corrected. **Commissioner Hamrick** seconded the motion. The motion was approved by voice vote (5-0).

3. Approval of Meeting Minutes:

3.A. June 25, 2013 (continued from July 23, 2013)

This item was pulled from the agenda.

3.B. July 9, 2013

Commissioner White moved to approve the Minutes dated July 9, 2013 as written. **Commissioner Shurson** seconded the motion. The motion was approved by voice vote (5-0).

3.C. July 23, 2013

Commissioner Shurson moved to approve the Minutes dated July 23, 2013 as written. **Commissioner Hamrick** seconded the motion. The motion was approved by voice vote (3-0-Commissioner White and Vice Chairman Woodhouse abstaining).

4. **Public Comments:**

None.

5. **Consent Calendar:**

5.A. 111 Park Place, Applicant: Zachary Knapp, Project No. P13-000080

Coastal Development Permit for an 88 sq. ft. office addition to an existing single-family residence. The site is located in the PR (Planned Residential) Zone of the Spindrift Planning Area. APN: 010-221-035. The project is located in the Coastal Appeal Zone.

Chairman Jewell opened the public hearing.

Chairman Jewell closed the public hearing.

Commissioner Shurson moved to approve the Consent Calendar. **Commissioner Hamrick** seconded the motion.

The motion was approved by roll call vote as follows:

Chairman David Jewell	Yes
Vice Chairman Eric Woodhouse	Yes
Commissioner Warren Hamrick	Yes
Commissioner Kate Shurson	Yes
Commissioner DJ White	Yes

6. **Public Hearing Agenda:**

6.A. 220 Indio Drive, Applicant: Charlie and Terri Main, Project No. P13-000081

A Coastal Development Permit for the construction of a new 4,190 sq. ft. two story residence (including garage). The site is located within the R-1 (Single-Family) Zone of the Sunset Palisades Planning Area A-2 within the Coastal Appeal Zone. APN: 010-201-003.

Project Planner Norman gave the staff report. Staff has received correspondence from adjacent property owners concerned about the height of the project, potential view blockages due to the size of the structure and the small side yard setbacks. They also expressed concerns that the size and architecture were not compatible with the surrounding homes in the neighborhood.

ATTACHMENT 4

Chairman Jewell asked for the City's view ordinance.

Project Planner Norman said the City did not have an ordinance for private views. The view ordinance the City did have was strictly for public right-of-ways.

Chairman Jewell opened the public hearing.

Laura Gough, Studio 2G Architects, architect for the project, came forward to speak. She thought this was a very nice project. She and the owners worked together to optimize the use of the site while being attentive to the design and its impacts on the property. The setbacks were not at the minimum. The house only covered a third of the lot as opposed to the allowable up to 55%. Per code the applicant was allowed to build up to 5,200 sq. ft. on the site. The owners made a cognizant decision not to do this. They have met the height restrictions by sinking the house into the site 2.5 ft. which lessened the scale of the project. The plate heights were 8 ft. on the first floor and 9 ft. on the second floor which were not extreme heights. This project was compatible with the neighborhood as there were multiple two-story homes in the vicinity.

Terri Main, applicant, came forward to speak. When they started with the design they wanted to build something that was reflective of what was found in Shell Beach and they were very cognizant of doing something that would fit in well with the neighborhood. They took pictures of many existing two-story homes and gave those pictures to Laura Gough. These were the basis for her design.

Jane Rice, 280 Brisa Court, Pismo Beach, came forward to speak. She and her husband purchased their home in 1986. At that time there was a one-story house on the lot behind them on Indio Drive. They had a nice view of the ocean from their patio and they have enjoyed it for 27 years. If they allowed a two-story home to be erected on the lot at 220 Indio Drive she would lose all of her ocean view which was a big reason they came to Pismo Beach.

Sid Findley, 276 Brisa Court, Pismo Beach, came forward to speak. His home was immediately behind 220 Indio Drive. He did not have anything against new neighbors. He hoped he and the applicants would be good neighbors. But if this was a spec home he hoped the applicants would have some consideration for the people who would be living there after the applicants were gone. The staff report noted 4 or 5 two-story homes on Indio Drive. He said the ratio of one-story homes to two-story homes on Indio Drive was about a 6-1 ratio. He wanted to bring that to the Planning Commission's attention. He was not sure why they were here if everything was a done deal. Staff has approved it and said it met all the requirements. He hoped it was not locked in stone otherwise a hearing would not be necessary. So the Planning Commission must have some discretion in their decision making powers and when the Planning Commission exercised that discretion he would like them to consider the following items. For the homes where he and his neighbor lived the City was very insistent that the homes not exceed 15.5 ft. Apparently 15.5 ft. was a good limit for most other places but not along Indio Drive. His objection was to the size

ATTACHMENT 4

and siting of the home; 4,190 sq. ft. was large. He did not care if it was 4,190 sq. ft. as long as it was not a two-story home or if a portion of it was modified so that he and his neighbors were not impacted as much. It was really a massive structure for the neighborhood.

Alice Killgore, 283 Brisa Court, Pismo Beach, passed and did not speak.

Laura Gough, Studio 2G Architects, architect for the project, came forward to speak. She said they have addressed everything that they as the designers have been trying to do with the project. She stressed that this house was very compact. It was not a McMansion. There was a huge backyard setback. They tried to do good architecture out there.

Chairman Jewell closed the public hearing.

Commissioner Hamrick said he walked this street all the time so he was very familiar with the houses on Indo Drive. He looked over the staff report and did not see anything that disallowed this project as proposed. When he looked at the rendering presented to them this evening he saw a two-story house three doors down and another two-story house two doors down. He thought this trend of two-story houses was what the neighborhood was going to need to expect. He was sympathetic about the loss of the views because he would not want his view impacted by a house. But the applicants knew the rules when they purchased this property so he thought they should be allowed to adhere to those rules. He would support his project.

Commissioner White said he echoed that sentiment 100%. The staff report showed Complies in every single category. This was the guideline the Planning Commission had to follow. He was sympathetic to those neighbors who were losing their ocean views. He had a vacant lot in front of his house and was aware that at some point in the future someone would build a house there and he would lose a significant portion of his ocean view. That was just the reality of living behind a parcel. He liked the design of the house and felt it fit in with the neighborhood. He did not think it was too big. He was in favor of the project.

Commissioner Shurson asked if the height limit of 15 ft. changed in 1983.

Senior Planner Graham said this was in the HL1 Height Overlay Zone which was 15 ft. from the high point of the lot and 25 ft. from the center of the building footprint. The tract behind it was in a different overlay zone. They had established pad grades and the height was 15 ft. from the pad grade.

Vice Chairman Woodhouse said he agreed with what was already said. The Rice family has been there since 1986. He asked if the height limit for Indio Drive changed since then.

Senior Planner Graham said no.

ATTACHMENT 4

Vice Chairman Woodhouse said so the Rice family and other neighbors should have known that there was a risk of losing their view. He was sorry. He understood that people loved the ocean view but he did not think the Planning Commission could take into account private views for every project that came up and this project did meet all the criteria the City has set for this area.

Chairman Jewell said unfortunately the City did not have a private view shed ordinance. The City's building codes and zoning codes allowed for certain heights and certain envelopes for building on lots. To answer Mr. Findley's question this project was before the Planning Commission because it was in the Coastal Appeal Zone. Anything built in the Coastal Appeal Zone had to come before the Planning Commission even though a project might meet all the building and zoning code criteria. The applicant was not asking for anything outside of the City's criteria. He was sympathetic to the loss of ocean view. He had a home in Morro Bay and lost 85% of his view to a new home on the lot behind him. Morro Bay, like Pismo Beach, did not have a private view ordinance. He supported this project.

Commissioner White moved to adopt the resolution approving Project No. P13-000081 as conditioned. **Chairman Jewell** seconded the motion.

The motion was approved by roll call vote as follows:

Chairman David Jewell	Yes
Vice Chairman Eric Woodhouse	Yes
Commissioner Warren Hamrick	Yes
Commissioner Kate Shurson	Yes
Commissioner DJ White	Yes

7. Commissioner Comments:

Chairman Jewell said he had been approached by several members of the community about the remodeling of nonconforming structures in the Shell Beach commercial and downtown commercial areas and the corresponding parking issues. He asked if the Planning Commissioners were interested in bringing this subject back as a Business Item for discussion. He provided the Planning Commissioners and staff with a copy of a memo on this topic.

Community Development Director Biggs asked if Chairman Jewell was requesting that the processes outlined in the memo be brought back for discussion.

Chairman Jewell said yes. The memo was about 10 years old. He would like to get a feel for where the City was on this subject.

Commissioner Hamrick asked if these processes had been memorialized anywhere in the City code or had any precedent been set on other projects as the result of the memo.

ATTACHMENT 4

Senior Planner Graham said he did not think so. They have used it as a guideline but they never had a finalized discussion with the Planning Commission. The only policy they did adhere to was the 50% policy for additions to nonconforming single-family structures or structures located in the wrong zones.

Commissioner Hamrick said as he read the memo they were talking about the 50% rule.

Senior Planner Graham said it was but there was a larger discussion about applicability in other zones and commercial buildings. It was not only a sq. footage number but an evaluation number. They never completed that process.

Community Development Director Biggs said staff could provide the actual zoning regulations so they had the actual nonconforming language.

Chairman Jewell said there were several commercial structures for sale on Shell Beach Road. Those interested in purchasing those properties were asking questions about what they could do with the properties. It would also affect the downtown as they were looking at the downtown planning.

Community Development Director Biggs said staff could provide this memo plus copies of the nonconforming zoning regulations and get feedback from the Planning Commission. Based on that feedback staff could write up some policy for the Planning Commission to consider.

Chairman Jewell asked if it could be agendized in the next 90 days.

Community Development Director Biggs said yes.

Commissioner Shurson said they would be talking about in-lieu parking fees.

Chairman Jewell said they would all like to see those changed. This topic came up a lot and it was very confusing.

Senior Planner Graham said there were a lot of properties that did not have any parking, especially on Shell Beach Road and in the downtown. So the nonconforming issue popped up regularly. It was a good time to talk about it.

Commissioner White asked about the status of the in-lieu parking fees. He would like to see them lowered. He thought this was a critical element in development along Shell Beach Road and the downtown core. If they could bring the fees down to a realistic level there would be a lot more interest in developing/improving properties.

Commissioner Hamrick said it would be a good idea to get comments and opinions from the Shell Beach Improvement Group on the memo.

ATTACHMENT 4

Community Development Director Biggs said the City would be taking this topic up when they discussed the downtown vision effort.

The Planning Commissioners were in agreement that this was a good topic to bring back for discussion.

8. Director Comments:

Community Development Director Biggs said there was a signature gathering effort for a referendum on the City Council's approval of the General Plan update for Planning Area R in Price Canyon. The City Clerk has certified that a sufficient number of signatures were gathered to have the City Council consider putting a referendum on the ballot. At their first meeting in September the City Council would be taking up the question of whether or not to put the referendum before the citizens of Pismo Beach on an election or rescinding their action to approve those General Plan updates.

Commissioner Shurson asked if the City Council had to take one of the two actions.

Community Development Director Biggs said those were the only two actions that he knew of that were available to the City Council.

9. Adjournment:

Chairman Jewell adjourned the meeting at p.m. 7:13

Respectfully Submitted,

Claudia Hartman
Minutes Clerk

Planning Commission Agenda August 27, 2013

**There will be a Regular Meeting of the Planning Commission
Tuesday, August 27, 2013 at 6:30 PM
In the Pismo Beach Council Chamber,
760 Mattie Road, Pismo Beach, CA**

AGENDA

1. Roll Call and Pledge of Allegiance:

2. Acceptance of Agenda: Not including items that require Public Notice, the Planning Commission may act upon any item(s) not appearing on the posted agenda if a two-thirds vote of the full Commission determines a need to take immediate action and that the need for action came to the attention of the Commission after the Agenda was posted. Copies of the agenda are available for the public near the southwesterly entry door to the City Council Chambers.

3. Approval of Meeting Minutes:

4. Public Comments: Public comments are welcome on matters not appearing on the Public Hearing or Consent agenda but are within the City's jurisdiction.

- ❖ Be aware that State law prohibits the Commission from making any decision on issues not on the agenda.
- ❖ Slanderous, profane or personal remarks are not permitted.
- ❖ Please limit your comments to 3 minutes and direct your comments to the entire Planning Commission.
- ❖ In response to your comments, the Planning Commission Chair or presiding Commission Member may direct City staff to assist you after the meeting or place your issue on a future Planning Commission agenda.

For purposes of meeting recording, at all times please use the microphone. If you wish to comment on **Consent or Public Hearing Agenda** items, instructions are noted below.

ATTACHMENT 5

5. Consent Calendar: All items recommended for approval on the Consent Calendar will be announced by the Planning Commission Chair (the Chair). Items on the consent calendar are routine in nature and are recommended for Planning Commission approval with the conditions specified in each project staff report. The Chair will open the public hearing and invite public comments. If the applicant, a member of the public, or a Planning Commissioner wishes to discuss a listed item they will ask the Commission to remove the item from the Consent calendar. Items removed will be reviewed in the order that they are listed on the Consent Calendar following approval of the balance of the consent calendar. Speakers will be required to fill out a speaker card and adhere to the **Public Comments** guidelines noted above. If there are no public comments or requests for item removal, the Planning Commission Chair will close the Consent Calendar and a vote will be taken. There will be no further discussion of these items by the Planning Commission once a vote for approval has taken place. Any Consent Calendar approval may be appealed to the City Council within 10 working days of the commission's action.

5.A. 111 Park Place, Applicant: Zachary Knapp, Project No: P13-000080

Coastal Development Permit for an 88 square foot office addition to an existing single family residence. The site is located in the PR (Planned Residential) Zone of the Spindrift Planning area. APN: 010-221-035. The project is located in the Coastal Appeal Zone.

Recommendation: Adopt resolution approving the project.

Planner: Scot Graham, Senior Planner

6. Public Hearing Agenda:

The Planning Commission chair will announce each item followed by an oral staff report. The Chair will then open the public hearing and invite public Comments. The first public speaker for each item will be the project applicant or their authorized agent. The amount of time made available to the project applicant is generally 3-5 minutes.

Comments by the public shall be limited to three (3) minutes for each person; unless additional time is granted by the Chair. Following comments by the public, the applicant may be asked to provide additional information. After the chair closes the public hearing, the Commission will discuss the proposal. Action on the project will be by Commission motion and a second, followed by a roll call vote. Planning Commission action on any item may be appealed to the City Council within 10 working days of the Commission action.

6.A. 220 Indio Drive, Applicant: Charlie and Terri Main, Project No: P13-000081

A Coastal Development Permit for the construction of a new 4,190 square foot two story residence (including garage). The site is located within the R-1 (Single Family) Zone of the Sunset Palisades Planning Area A-2 within the Coastal Appeal Zone.

APN: 010-201-003.

Recommendation: Review and approve the project with adoption of the attached Resolution.

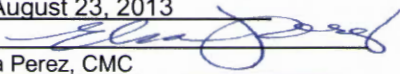
Planner: Scot Graham, Senior Planner and Garrett Norman, Project Planner

ATTACHMENT 5

7. **Commissioner Comments:**

8. **Director Comments:**

9. **Adjournment:** 10:00pm

Date & Time of Posting	
Date: <u>August 23, 2013</u>	Time: <u>5: 00 pm.</u>
By:  Elsa Perez, CMC	Title: <u>Secretary to the Planning Commission</u>

Planning Commission Staff Report
August 27, 2013



**PISMO BEACH PLANNING COMMISSION AGENDA
REPORT**

SUBJECT: 220 Indio Drive, **Applicant:** Charlie and Terri Main, **Project No.** P13-000081. A Coastal Development Permit for the construction of a new 4,190 square foot two story residence (including garage). The site is located within the R-1 (Single Family) Zone of the Sunset Palisades Planning Area A-2 within the Coastal Appeal Zone. APN: 010-201-003.

RECOMMENDATION:

Review and approve the project with adoption of the attached Resolution.

EXECUTIVE SUMMARY:

Charlie and Terri Main's 220 Indio Drive proposal is for the construction of a two story residence on a vacant lot in Sunset Palisades Planning Area A-2. A modern architectural style is proposed with two cantilevered balconies extending from the living room and master bedroom. The exterior walls would be painted a khaki color with a darker tanned trim on the window and door frames. A golden honey colored stone material surrounding the front entry way and two chimneys would add color and texture to the home's façade.

Correspondence from adjacent property owners with concerns to potential view blockage can be found on Exhibit 3. City policies do not specifically protect private views. View protection policies are limited to the public right of ways (i.e. streets and sidewalks).

The project is consistent with the architectural features of the surrounding neighborhood and complies with all city development standards and policies.

Prepared by: Garrett Norman, Project Planner **Meeting Date:** August 27, 2013

Reviewed by: Scot Graham, Senior Planner & Carolyn Johnson, Planning Manager

Approved by: Jon Biggs, Community Development Director

Exhibits:

- | | |
|--|---------------------------------|
| 1. GP/LCP, Overlays, Development Standards | 3. Correspondence from Neighbor |
| 2. Resolution | 4. Plans |

Exhibit 1

GP/LCP, Overlay Zoning Issues, Development Standards Chart**Project No.** P13-000081, **Address:** 220 Indio Drive**APNS:** 010-201-003, **Planning Area:** A-2 Sunset Palisades

A. GENERAL PLAN/LOCAL COASTAL PLAN POLICIES			
Number	General Plan Policy	Related Condition	Issue
LU-A-6	Sunset Palisades, an area of existing homes with scattered vacant lots, shall be designated for Low Density Residential. The emphasis is on maintaining coastal views, open space and protecting the coastal bluffs and intertidal habitat area. Infill development shall be compatible with the existing community.	None	None. The project design is consistent with this policy. See Table D, Maximum building height, for Zoning Code height limitations that carry out Policy LU-A-6.
LU-A-7 (a)	El Portal Drive, Indio Drive No structure shall exceed 15 in height when measured from the highest point of the site natural grade to the highest point of the structure; Nor shall any structure exceed 25 feet, in height, when measured from the highest point of the roof above the center of the building footprint to the elevation of the natural grade directly below that point.	B-2	None. The design meets the requirement of Policy LU-A-7(a). The proposed house is designed not to exceed 15' from the high point of the lot.

ATTACHMENT 6

B. OVERLAY ZONES			
Number	Overlay Zone	Related Conditions	Issue
17.072	Coastal Appeal (CA) Project approvals in this zone can be appealed to the Coastal Commission in limited circumstances. All projects within the zone require review by the Planning Commission.	None	None. The project proposal is being reviewed by Planning Commission. The Commission's decision can be appealed to the City Council. Because of the proposal location, a Council decision can be appealed to the California Coastal Commission.
17.063	Archaeology and Historic Sites (A) Requires archaeological surface survey for all sites in this zone; additional study or mitigation may be required depending on results of survey	Planning Condition A-4	Potential. An archaeological reconnaissance was conducted by C.A. Singer & Associates, Inc., on August 9, 1993. No particular architectural or historical significance has been found, however caution shall be exercised when excavation takes place.
17.069	Architectural Review (AR) Architectural review is required of certain types of projects and of all projects in zones other than R-1 and R-2.	None	None. Planning Commission conducts architectural review.
17.078.050	Hazards and Protection (H) Blufftop standards: requires 25' setback minimum from top of bluff, requires new structures to be set back a sufficient distance to protect the structure from erosion for at least 100 years.	None	None. This site is not directly located on the bluff top.

ATTACHMENT 6

C. SINGLE-FAMILY DWELLING DESIGN STANDARDS CONSISTENCY (RESOLUTION 06-0048) ¹		
Title	Criteria	Complies?
A. Second floor massing	To avoid “boxy” structures that have unrelieved exterior wall plans extending in height for two or more stories, and to promote vertical articulation of wall planes, the second floor living area shall be set back from the ground floor building footprint on the street sides of the house as much as determined by the review authority to be feasible.	Yes. The front elevation exterior wall is broken by a cantilevered balcony and roof overhangs extending from the first and second story.
B. Neighborhood character.	In order to attain compatibility with the existing scale and character of the surrounding neighborhood, the development of new single-family dwellings and the alteration of existing dwellings shall include design features or elements that are similar or complementary to nearby homes, including building form and mass, exterior materials, roof form and style, and window shape and style.	Yes. The proposed single-family home makes use of similar colors and materials as those found in surrounding homes.
C. Design features.	1. Garages. Required parking for single-family dwellings shall be enclosed within a garage; carports shall be prohibited. Roll-up or similar types of garage doors shall be required to maximize parking area on the driveway apron and to avoid the obstruction of sidewalks by parked vehicles.	Yes. A two-car garage is proposed with two single entry garage doors.
	2. Façade articulation. Long expanses of uninterrupted exterior wall plans should be avoided. Exterior wall planes should be relieved by: the provision of off-sets in wall plans; placement of windows; incorporation of porches, balconies, trellises, or decks; incorporation of trim, ornamentation or architectural detailing appropriate to the building style; use of varied textures and colors; and the use of other design accents to soften the architecture.	Yes. The design incorporates design elements that include off sets in the wall planes, inclusion of windows and awning features to help break up the front elevation. The rear elevation also includes offsets from the first and second story wall planes.

¹ note: the figures related to these guidelines can be found in the Resolution **06-0048**.

	<p>3. Roof articulation. Long expanses of uninterrupted roof plans should be avoided. Roof heights, planes, and lines should be varied. Traditional roof forms, especially gable and hip designs, should be used unless infeasible. Roof features including dormers and clerestories are encouraged. If flat or low-slope roof forms are proposed, special care should be taken to ensure compatibility with, and minimize shading of, adjacent structures.</p>	<p>Yes. The roof is a flat, but overhangs over the vertical articulation of the exterior walls to add depth. The roof design is similar to the adjacent residence located on the left.</p>
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D. DEVELOPMENT STANDARDS CONSISTENCY CHART				
Item	Permitted/ Required	Code Section	Proposed	Complies?
Lot area	5,000 sq. ft. min.	17.102.060	7,500 square feet.	Yes
Max bldg height	<p>25' above natural grade at center of building footprint.</p> <p>HL-1 Overlay Zone: 15' from the highest point of the roof to the highest point on the site grade.</p> <p>45.53' + 15.0 = 60.53' max</p>	<p>17.102.010</p> <p>17.081.020</p>	15' from high point at a 60.53' elevation.	Yes
Max lot coverage	55% Allowed: 4,125 square feet	17.102.080	2,548 square feet (34%).	Yes
Max Building Area Ratio	86% of the first 2700 sq.ft. of lot area plus 60% of the remainder. Allowed: 5,202 square feet.	17.105.135	4,190 square feet.	Yes
Planting Area	20% of lot size 1,500 square feet minimum.	17.102.095	3,633 square feet (48%).	Yes

D. DEVELOPMENT STANDARDS CONSISTENCY CHART

Item	Permitted/ Required	Code Section	Proposed	Complies?
2nd/1st floor ratio	2 nd floor not to exceed 80% of 1 st floor. 1 st floor = 2,356 sf x .80 = 1,884.8 sf. max 2 nd floor = 1,834 sf.	17.102.080	1,834 sq. ft. or 77.8%.	Yes
Minimum front yard setback	20% of depth, no less than 10', no more than 20. required.	17.102.020	20'	Yes
Minimum side yard setback	10% lot width; min. 4'; max. 5 required	17.102.030.1	7.5' for right and left	Yes
Minimum rear yard setback	10% lot depth; min. 5'; max 10'.	17.102.040	29.5'	Yes
Garage Setback	20% of lot depth	17.108.030(A)(6)	20'	Yes
Minimum parking spaces	2 spaces within a garage for lot	17.108.020, 17.108.030 b	2 spaces within a garage. 1 within carport.	Yes
Minimum parking space size	10' x 20' clear of any obstructions	17.108.030	21.87'x26.5'	Yes
Encroac- hments into setbacks	Uncovered cantilevered balconies no more than 20% of required front yard setback. Covered cantilevered balconies may not extend into required front yard setback.	17.102.150.E 17.102.150.F	Required front yard setback = 20'@ 20% = 4' allowed uncovered cantilevered deck. Proposal: 3.9' uncovered cantilevered deck.	Yes

Exhibit 2

PC Resolution

Note: See PC Finalized Resolution provided in Attachment 4.

Exhibit 3
Correspondence from Neighbor

Sidney B. Findley
Virginia L. Findley
1772 Quail Circle
San Luis Obispo, CA 93405-6387
805.543.2027
sidfindley@gmail.com

RECEIVED

JUN - 7 2013

City of Pismo Beach
Community Development Department

June 5, 2013

City of Pismo Beach
Attn: Planning & Building Department
Permits section
760 Mattie Road
Pismo Beach, CA 93449

Re: 220 Indio Drive

Dear Sir/Madam:

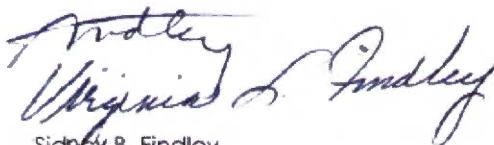
We, as owners of an adjacent property at 276 Brisa Court, Pismo Beach, CA wish to notify the City of Pismo Beach, that we object to any building plans for 220 Indio Drive which will block or diminish our view corridor.

After the Kimball house was demolished and new home plans were developed, and filed with the city, we were never notified. We subsequently discovered that the proposed plans were approved and would block a substantial portion of our view. With regard to that plan, we would like to know the current status.

We would like all notifications to be mailed to 1772 Quail Circle, San Luis Obispo, CA 93405 if:

- o The previously approved plan is moving forward;
- o There is a new or revised plan submitted to the city;
- o There are any hearings scheduled; and,
- o There are any other actions in regard to future plans for the lot at 220 Indio Drive, Shell Beach, CA

Regards,



Sidney B. Findley
Virginia L. Findley

EXHIBIT 4

Plans

INDIO RESIDENCE

220 N. HOUSTON DRIVE
INDIO, CA 92201

DATE: 11.10.10

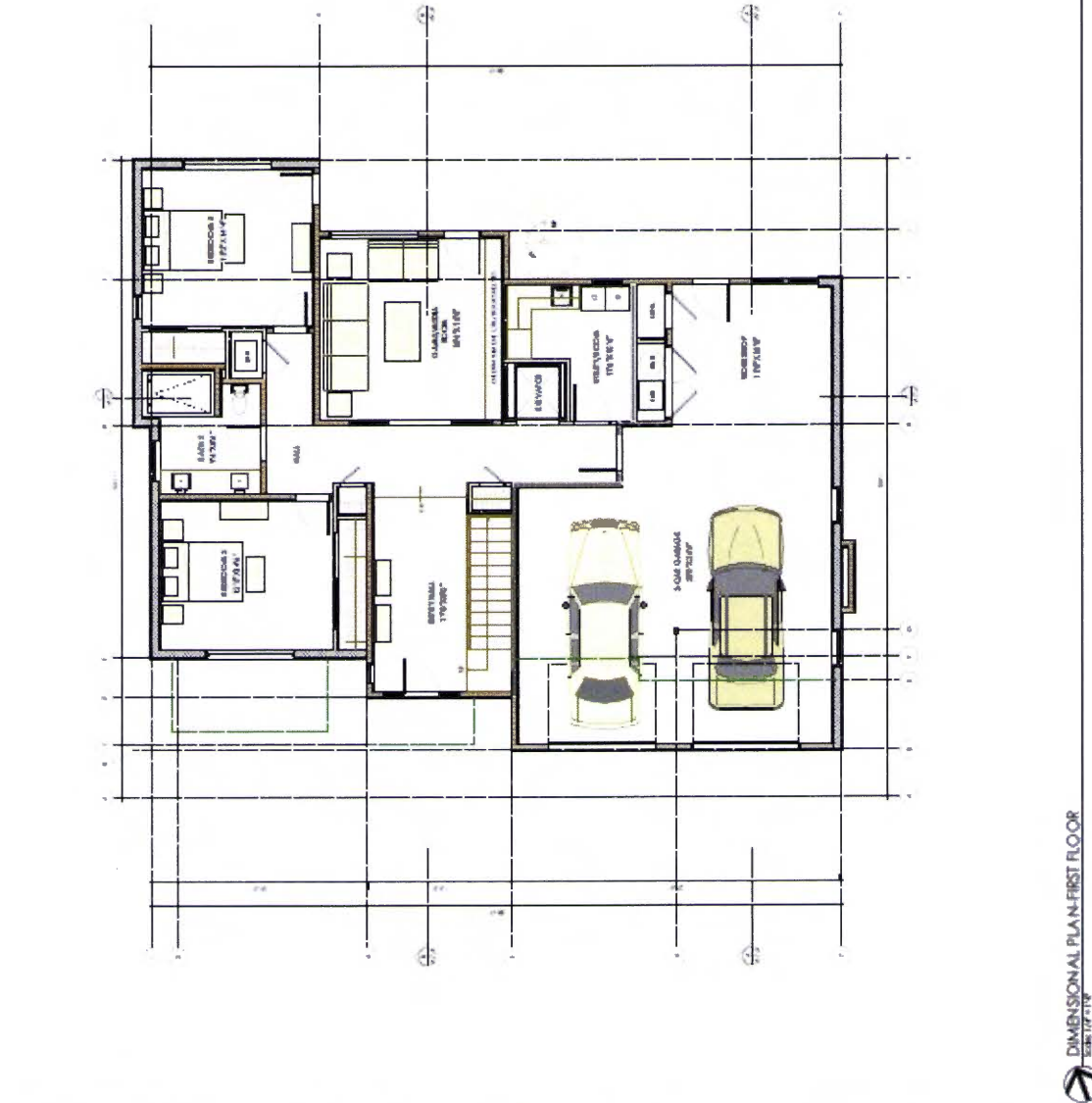
SCALE: 1"=10'

PROJECT: INDIO RESIDENCE

DESIGNER: 2G

INDIO RESIDENCE

<p>ABBREVIATIONS</p> <p>1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.</p>	<p>PROJECT TEAM</p> <p>OWNER: [Name] ARCHITECT: [Name] ENGINEER: [Name] GENERAL CONTRACTOR: [Name]</p>	<p>PROJECT INFO</p> <p>PROJECT NAME: [Name] PROJECT ADDRESS: [Address] PROJECT CITY: [City] PROJECT STATE: [State] PROJECT ZIP: [ZIP]</p>	<p>SHEET INDEX</p> <p>SHEET NO. [Number] SHEET TITLE [Title] SHEET DATE [Date]</p>	<p>GENERAL NOTES</p> <p>1. [Note 1] 2. [Note 2] 3. [Note 3] 4. [Note 4] 5. [Note 5] 6. [Note 6] 7. [Note 7] 8. [Note 8] 9. [Note 9] 10. [Note 10]</p>	<p>DEFERRED SUBMITTALS</p> <p>1. [Note 1] 2. [Note 2] 3. [Note 3] 4. [Note 4] 5. [Note 5] 6. [Note 6] 7. [Note 7] 8. [Note 8] 9. [Note 9] 10. [Note 10]</p>	<p>SPECIAL INSPECTION REQUIREMENTS</p> <p>1. [Note 1] 2. [Note 2] 3. [Note 3] 4. [Note 4] 5. [Note 5] 6. [Note 6] 7. [Note 7] 8. [Note 8] 9. [Note 9] 10. [Note 10]</p>	<p>SCHEDULE OF CHANGES</p> <p>1. [Note 1] 2. [Note 2] 3. [Note 3] 4. [Note 4] 5. [Note 5] 6. [Note 6] 7. [Note 7] 8. [Note 8] 9. [Note 9] 10. [Note 10]</p>	<p>AGENCIES AND UTILITIES - CITY OF PISMO</p> <p>1. [Note 1] 2. [Note 2] 3. [Note 3] 4. [Note 4] 5. [Note 5] 6. [Note 6] 7. [Note 7] 8. [Note 8] 9. [Note 9] 10. [Note 10]</p>	<p>INDIO RESIDENCE</p> <p>220 N. HOUSTON DRIVE INDIO, CA 92201</p>
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<p>3. SYMBOLS</p> <p>1. 1/4" = 1'-0"</p> <p>2. 1/8" = 1'-0"</p> <p>3. 1/16" = 1'-0"</p> <p>4. 1/32" = 1'-0"</p> <p>5. 1/64" = 1'-0"</p> <p>6. 1/128" = 1'-0"</p> <p>7. 1/256" = 1'-0"</p> <p>8. 1/512" = 1'-0"</p> <p>9. 1/1024" = 1'-0"</p> <p>10. 1/2048" = 1'-0"</p> <p>11. 1/4096" = 1'-0"</p> <p>12. 1/8192" = 1'-0"</p> <p>13. 1/16384" = 1'-0"</p> <p>14. 1/32768" = 1'-0"</p> <p>15. 1/65536" = 1'-0"</p> <p>16. 1/131072" = 1'-0"</p> <p>17. 1/262144" = 1'-0"</p> <p>18. 1/524288" = 1'-0"</p> <p>19. 1/1048576" = 1'-0"</p> <p>20. 1/2097152" = 1'-0"</p> <p>21. 1/4194304" = 1'-0"</p> <p>22. 1/8388608" = 1'-0"</p> <p>23. 1/16777216" = 1'-0"</p> <p>24. 1/33554432" = 1'-0"</p> <p>25. 1/67108864" = 1'-0"</p> <p>26. 1/134217728" = 1'-0"</p> <p>27. 1/268435456" = 1'-0"</p> <p>28. 1/536870912" = 1'-0"</p> <p>29. 1/1073741824" = 1'-0"</p> <p>30. 1/2147483648" = 1'-0"</p> <p>31. 1/4294967296" = 1'-0"</p> <p>32. 1/8589934592" = 1'-0"</p> <p>33. 1/17179869184" = 1'-0"</p> <p>34. 1/34359738368" = 1'-0"</p> <p>35. 1/68719476736" = 1'-0"</p> <p>36. 1/137438953472" = 1'-0"</p> <p>37. 1/274877906944" = 1'-0"</p> <p>38. 1/549755813888" = 1'-0"</p> <p>39. 1/1099511627776" = 1'-0"</p> <p>40. 1/2199023255552" = 1'-0"</p> <p>41. 1/4398046511104" = 1'-0"</p> <p>42. 1/8796093022208" = 1'-0"</p> <p>43. 1/17592186044416" = 1'-0"</p> <p>44. 1/35184372088832" = 1'-0"</p> <p>45. 1/70368744177664" = 1'-0"</p> <p>46. 1/140737488355328" = 1'-0"</p> <p>47. 1/281474976710656" = 1'-0"</p> <p>48. 1/562949953421312" = 1'-0"</p> <p>49. 1/1125899906842624" = 1'-0"</p> <p>50. 1/2251799813685248" = 1'-0"</p> <p>51. 1/4503599627370496" = 1'-0"</p> <p>52. 1/9007199254740992" = 1'-0"</p> <p>53. 1/18014398509481984" = 1'-0"</p> <p>54. 1/36028797018963968" = 1'-0"</p> <p>55. 1/72057594037927936" = 1'-0"</p> <p>56. 1/144115188075855872" = 1'-0"</p> <p>57. 1/288230376151711744" = 1'-0"</p> <p>58. 1/576460752303423488" = 1'-0"</p> <p>59. 1/1152921504606846976" = 1'-0"</p> <p>60. 1/2305843009213693952" = 1'-0"</p> <p>61. 1/4611686018427387904" = 1'-0"</p> <p>62. 1/9223372036854775808" = 1'-0"</p> <p>63. 1/18446744073709551616" = 1'-0"</p> <p>64. 1/36893488147419103232" = 1'-0"</p> <p>65. 1/73786976294838206464" = 1'-0"</p> <p>66. 1/147573952589676412928" = 1'-0"</p> <p>67. 1/295147905179352825856" = 1'-0"</p> <p>68. 1/590295810358705651712" = 1'-0"</p> <p>69. 1/1180591620717411303424" = 1'-0"</p> <p>70. 1/2361183241434822606848" = 1'-0"</p> <p>71. 1/4722366482869645213696" = 1'-0"</p> <p>72. 1/9444732965739290427392" = 1'-0"</p> <p>73. 1/18889465931478580854784" = 1'-0"</p> <p>74. 1/37778931862957161709568" = 1'-0"</p> <p>75. 1/75557863725914323419136" = 1'-0"</p> <p>76. 1/151115727451828646838272" = 1'-0"</p> <p>77. 1/302231454903657293676544" = 1'-0"</p> <p>78. 1/604462909807314587353088" = 1'-0"</p> <p>79. 1/1208925819614629174706176" = 1'-0"</p> <p>80. 1/2417851639229258349412352" = 1'-0"</p> <p>81. 1/4835703278458516698824704" = 1'-0"</p> <p>82. 1/9671406556917033397649408" = 1'-0"</p> <p>83. 1/19342813113834066795298816" = 1'-0"</p> <p>84. 1/38685626227668133590597632" = 1'-0"</p> <p>85. 1/77371252455336267181195264" = 1'-0"</p> <p>86. 1/154742504910672534362390528" = 1'-0"</p> <p>87. 1/309485009821345068724781056" = 1'-0"</p> <p>88. 1/618970019642690137449562112" = 1'-0"</p> <p>89. 1/1237940039285380274899124224" = 1'-0"</p> <p>90. 1/2475880078570760549798248448" = 1'-0"</p> <p>91. 1/4951760157141521099596496896" = 1'-0"</p> <p>92. 1/9903520314283042199192993792" = 1'-0"</p> <p>93. 1/19807040628566084398385987584" = 1'-0"</p> <p>94. 1/39614081257132168796771975168" = 1'-0"</p> <p>95. 1/79228162514264337593543950336" = 1'-0"</p> <p>96. 1/158456325028528675187087900672" = 1'-0"</p> <p>97. 1/316912650057057350374175801344" = 1'-0"</p> <p>98. 1/633825300114114700748351602688" = 1'-0"</p> <p>99. 1/1267650600228229401496703205376" = 1'-0"</p> <p>100. 1/2535301200456458802993406410752" = 1'-0"</p> <p>101. 1/5070602400912917605986812821504" = 1'-0"</p> <p>102. 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1/1329227995784915872903807060280344576" = 1'-0"</p> <p>120. 1/2658455991569831745807614120560689152" = 1'-0"</p> <p>121. 1/5316911983139663491615228241121378304" = 1'-0"</p> <p>122. 1/10633823966279326983230456482242756608" = 1'-0"</p> <p>123. 1/21267647932558653966460912964485513216" = 1'-0"</p> <p>124. 1/42535295865117307932921825928971026432" = 1'-0"</p> <p>125. 1/85070591730234615865843651857942052864" = 1'-0"</p> <p>126. 1/170141183460469231731687303715884105728" = 1'-0"</p> <p>127. 1/340282366920938463463374607431768211456" = 1'-0"</p> <p>128. 1/680564733841876926926749214863536422912" = 1'-0"</p> <p>129. 1/1361129467683753853853498429727072845824" = 1'-0"</p> <p>130. 1/2722258935367507707706996859454145691648" = 1'-0"</p> <p>131. 1/5444517870735015415413993718908291383296" = 1'-0"</p> <p>132. 1/10889035741470030830827987437816582766592" = 1'-0"</p> <p>133. 1/21778071482940061661655974875633165533184" = 1'-0"</p> <p>134. 1/43556142965880123323311949751266331066368" = 1'-0"</p> <p>135. 1/87112285931760246646623899502532662132736" = 1'-0"</p> <p>136. 1/174224571863520493293247799005065324265472" = 1'-0"</p> <p>137. 1/348449143727040986586495598010130648530944" = 1'-0"</p> <p>138. 1/696898287454081973172991196020261297061888" = 1'-0"</p> <p>139. 1/1393796574908163946345982392040522594123776" = 1'-0"</p> <p>140. 1/2787593149816327892691964784081045188247552" = 1'-0"</p> <p>141. 1/5575186299632655785383929568162090376495104" = 1'-0"</p> <p>142. 1/11150372599265311570767859136324180752990208" = 1'-0"</p> <p>143. 1/22300745198530623141535718272648361505980416" = 1'-0"</p> <p>144. 1/44601490397061246283071436545296723011960832" = 1'-0"</p> <p>145. 1/89202980794122492566142873090593446023921664" = 1'-0"</p> <p>146. 1/1784059615882449851322857461811868920478432" = 1'-0"</p> <p>147. 1/3568119231764899702645714923623737840956864" = 1'-0"</p> <p>148. 1/7136238463529799405291429847247475681913728" = 1'-0"</p> <p>149. 1/14272476927059598810582859694494951363827456" = 1'-0"</p> <p>150. 1/28544953854119197621165719388989902727654912" = 1'-0"</p> <p>151. 1/57089907708238395242331438777979805455309824" = 1'-0"</p> <p>152. 1/114179815416476790484662877555959610910619648" = 1'-0"</p> <p>153. 1/228359630832953580969325755111919221821239296" = 1'-0"</p> <p>154. 1/456719261665907161938651510223838443642478592" = 1'-0"</p> <p>155. 1/913438523331814323877303020447676887284957184" = 1'-0"</p> <p>156. 1/1826877046663628647754606040895353774569914368" = 1'-0"</p> <p>157. 1/3653754093327257295509212081790707549139828736" = 1'-0"</p> <p>158. 1/7307508186654514591018424163581415098279657472" = 1'-0"</p> <p>159. 1/14615016373309029182036848327162830196559314944" = 1'-0"</p> <p>160. 1/29230032746618058364073696654325660393118629888" = 1'-0"</p> <p>161. 1/58460065493236116728147393308651320786237259776" = 1'-0"</p> <p>162. 1/116920130986472233456294786617302641572474519552" = 1'-0"</p> <p>163. 1/233840261972944466912589573234605283144949039104" = 1'-0"</p> <p>164. 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1'-0"</p> <p>190. 1/31385508676933403819178947116038332080511754704322035712" = 1'-0"</p> <p>191. 1/62771017353866807638357894232076664161023509408644071424" = 1'-0"</p> <p>192. 1/125542034707733615276715788464153328322047018817288142848" = 1'-0"</p> <p>193. 1/251084069415467230553431576928306656644094037634576285696" = 1'-0"</p> <p>194. 1/502168138830934461106863153856613313288188075269152571392" = 1'-0"</p> <p>195. 1/1004336277661868922213726313713226626576376150538305142784" = 1'-0"</p> <p>196. 1/2008672555323737844427452627426453253152752301076610285568" = 1'-0"</p> <p>197. 1/4017345110647475688854905254852906506305504602153220571136" = 1'-0"</p> <p>198. 1/8034690221294951377709810509705813012611009204306441142272" = 1'-0"</p> <p>199. 1/16069380442589902755419621019411626025222018408612882284544" = 1'-0"</p> <p>200. 1/32138760885179805510839242038823252050444036817225764569088" = 1'-0"</p> <p>201. 1/64277521770359611021678484077646504100888073634451529138176" = 1'-0"</p> <p>202. 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1/539198933407012795893340304961618085472742501594549172940736299008" = 1'-0"</p> <p>225. 1/1078397866814025591786680609923236170945485003189098345881472598016" =</p>



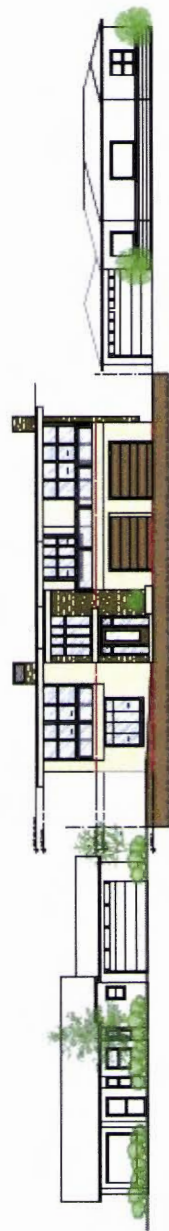
DIENSTBEREIK PLANARENTERIES



WEST ELEVATION

[illegible]





SOUTH ELEVATION WITH ADJOINING PROPERTIES
 1/8" = 1'-0"



The Indio Residence

City of Pismo Beach
Community Development Department



- ① Exterior Plaster Finish
Mfg: Sherwin Williams
Color: Universal Khaki SW6150
- ② Exterior Doors and Windows
Mfg: Fleetwood
Color: Dark Bronze Anmodaz

- ③ Exterior Paint Handrails
Mfg: Sherwin Williams
Color: Craft Paper SW6125
- ④ Stone Facade
Mfg: MiniInternational, Inc.
Type: Golden Honey

- ⑤ Wooden Stain Garage Door
Mfg: Armstrong
Color: Mountain Cedar
- ⑥ Concrete Driveway
- ⑦ Copper Flashing



CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE

725 FRONT STREET, SUITE 300

SANTA CRUZ, CA 95060-4508

VOICE (831) 427-4863 FAX (831) 427-4877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT****Please Review Attached Appeal Information Sheet Prior To Completing This Form.****SECTION I. Appellant(s)**

Name: Sidney B. & Virginia L. Findley
Mailing Address: 276 Brisa Court
City: Pismo Beach Zip Code: 93449 Phone: 805-748-6867

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Pismo Beach
2. Brief description of development being appealed:
Two-Story Single-Family House at 220 Indio Drive (APN. 010-201-003)
3. Development's location (street address, assessor's parcel no., cross street, etc.):
220 Indio Drive, Pismo Beach, CA. APN
4. Description of decision being appealed (check one.):
☐ Approval; no special conditions
☒ Approval with special conditions:
☐ Denial

RECEIVED

NOV 05 2013

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-PSB-13-0251
DATE FILED: 11/5/2013
DISTRICT: Central Coast

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

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

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

6. Date of local government's decision: October 15, 2013
7. Local government's file number (if any): P13-000081

SECTION III. Identification of Other Interested Persons

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

a. Name and mailing address of permit applicant:

Charlie & Terri Main Address Unknown

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

- (1) Sidney B. & Virginia L. Findley 276 Brisa Court, Pismo Beach, CA 93449

(2) Bob & Jane Rice 280 Brisa Court, Pismo Beach, CA 93449

(3) Jerome Ehrling 272 Brisa Court, Pismo Beach, CA 93449

(4) Tim Crawford 270 Brisa Court, Pismo Beach, CA 93449

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SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

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

1. The City of Pismo Beach deprived project appellants of due process.

- (a) Appellant was limited to three (3) minutes to present opposition to the proposed development.
- (b) While three minutes may be sufficient for general comments to a governmental agency unrelated to a specific project, it is insufficient to discuss the issues presented by the builder and planning department.
 - (1) put into context, the builder and planners had unlimited time to prepare their plan;
 - (2) the planning department had months to prepare a staff report which spanned 28 pages;
 - (3) planning staff had unlimited time to present their oral staff report to the planning commission;
 - (4) planning commission members had unlimited time to comment on the project.

Only appellant was limited to three minutes and deprived of sufficient time to make a reasoned and thorough presentation.

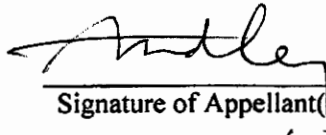
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Continued as Appendix A

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SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent

Date: 10/30/13

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

Section VI. Agent Authorization

I/We hereby
authorize _____

to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date: _____

Appendix A

2. The actions of the Pismo Beach City Council and Planning Commission are contrary to the General Plan, Land Use Element and Local Coastal Plan.

- (a) The approvals do not comply with plan item LU-A-6 which provides as follows:

"Sunset Palisades, an area of existing homes with scattered vacant lots, shall be designated for Low Density Residential. The emphasis is on maintaining coastal views, open space and protecting the coastal bluffs and intertidal habitat area. Infill development shall be compatible with the existing community."

- (1) The proposed home does not maintain coastal views. To the contrary, it will block several neighborhood views. The proposed home is 4100+sf; it is essentially a large cube. There is no visual relief when viewed from the rear.
- (2) The structure is not compatible with the existing community. By its size, this structure dwarfs surrounding homes. Contrary to the staff report, the structure's flat roof is unlike the adjacent homes, which have a gable roof and hip roof. Additionally, the vast majority of homes on Indio drive are one story as are 100% of the homes in the Sunset Palisades tract immediately adjacent to the project.

3. The Planning Commission failed to adequately perform an architectural review.

- (a) Pursuant to Section 17.069, the Planning Commission is required to conduct an architectural review. That review was not conducted in a meaningful way, if at all.
- (b) The massive boxlike structure should have merited some modifications to make it more compatible with surrounding structures. The Planning Commission would not consider any changes recommended by appellant which would have ameliorated the fortress like view from the rear and 'rubber stamped' recommendations of the builder. The City Council or

Planning Commission did not consider moving the second story patios to the side of the house, thus lowering the profile on each side and preserving a view corridor for neighbors.

4. The project is not compatible with the neighborhood.

- (a) Design standard Resolution 06-0048, Section C "Design Features" (Agenda Item 7.A-Attachment 6) requires compatibility with existing scale and character of surrounding neighborhood. Design should compliment surrounding dwellings including form and mass, exterior material, roof form and style.
- (b) The staff report finds that the project has similar colors and materials as surrounding homes. There is no finding as to roof form, style, scale. In other words, if color and material are the only criteria, a large box of wood and stucco, painted earth tones would appear to qualify. The law requires more.
- (c) Roof articulation standard is not met.
 - (1) Design standards requires that gable or hip roof should be used unless infeasible. Nothing in the record demonstrates that a gable or hip roof was infeasible for this home. The evidence suggests that the builder merely wanted to construct the largest structure possible, and could only do so by building a flat roof incompatible with the neighborhood.
 - (2) "If flat or low-slope roof forms are proposed, special care should be taken to ensure compatibility with, and minimize shading of, adjacent structures". Staff incorrectly concluded that the flat roof was similar to an adjacent structure. The home to the North has a gable roof. The home to the South has a hip roof.

5. The project is not consistent with Coastal Commission objectives.

- (a) In the past, the California Coastal Commission has promoted policies that among others state:
 - (1) *The development will not be incompatible with the established physical scale of the area;*

- (2) Visual Compatibility. All new development shall be sited, designed and landscaped to be visually compatible and integrated with the character of surrounding neighborhoods or area;
 - (3) All second story development located in significant public viewsheds (including adjacent to shoreline fronting roads, public accessways, parks, beaches, trails, natural areas, etc.) shall be sited and designed so that it does not cantilever toward, loom over, or otherwise adversely impact such significant public viewsheds and community character;
 - (4) The design of permitted structures shall minimize visual intrusion, and shall incorporate materials and finishes which harmonize with the character of the area
- (b) Appellant submits that this project is incompatible with the neighborhood; does not protect views; is not consistent with community character; is a substantial visual intrusion.

6. Pismo Beach City Council Resolution R-2013-069 misstates the language of the motion as it relates to tree height.

- (a) The resolution signed by the Mayor after hearing is incorrect as it incorporates language not included in the motion of Councilman Waage. The resolution signed by the Mayor Higginbotham is read as follows:

"3. LANDSCAPING AND IRRIGATION PLANS. Landscaping and irrigation plans encompassing the entire site shall be submitted by the project applicant to the City for review and approval by the project planner. Detailed calculations shall be provided on the face of the plan indicating the provision of a minimum of 20% landscape area with no greater than 10% provided as lawn area. The Plans shall be consistent with Chapter 15.48 of the City Of Pismo Beach Municipal Code. The landscape plan shall include the following provisions:

- a. Use of low-water-using irrigation systems. Drip irrigation shall be used where feasible.
- b. Landscape Design Plan (including plant list)
- c. Irrigation Design Plan
- d. Tree list, including mature height of all trees not to exceed 15 feet in height as measured from the high point of the lot. All proposed trees shall be maintained such that they do not exceed the 25 foot approved height of the home.
- e. Any fencing proposed within the front yard shall not exceed 42 inches."

- (b) The verbatim motion by Councilman Waage was as follows:

Mr. Waage: "Madam mayor I move we adopt a resolution of the City Council, the City of Pismo beach denying an appeal and upholding the August 27, 2013 planning commission approval of the coastal development permit for construction of a new two-story home at 220 Indio Drive, project number P 13-000081 APN 010-201003, but with the added condition on the mature landscape height of 15 feet rather than 25 feet."

Mr. Vardas: "I'll second the motion, then discussion. So, you know, I understand the appellant's concerns, but I think you know there's a precedent being set, there's a number of houses that have been rebuilt, there are lots that have been redevelop that are larger homes that tried to further utilize the land values of the area and are two story and that this project is not out of line with that trend and that situation."

Mayor Higginbotham: I agree, the neighborhood is changing.

- (c) As the verbatim transcript shows, the motion provided an absolute limit of 15 feet tree height regardless of location on the lot (a video of the hearing is available on the Pismo Beach web site and the motion begins at 1:35:00).
- (1) 15 feet was stated in the motion as an absolute number, not 15 feet above the high point of the lot as the resolution incorrectly states.
 - (2) 15 feet was stated in the motion as an absolute number and not the 25 foot house height limit as the resolution incorrectly states.

7. Requested Relief:

- (a) Grant the appeal and remand the matter to the Planning Commission with direction to:
- (1) Conduct a hearing which does not deny due process;
 - (2) Conduct an architectural review;
 - (3) Reconsider compliance with the General Plan, Planning Department design standards and the Local Coastal Plan.

- (4) Comply with adopted coastal policies regarding neighborhood compatibility and preservation of views; and/or
- (b) Remand to the City Council to correct the resolution so as to correctly reflect the language of the motion and/or the same relief requested of the Planning Commission.
- (c) Order design changes consistent with neighborhood compatibility; modified roof design; modified roof profile consistent with maintaining neighborhood view corridors.