

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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**Th12b****RECORD PACKET COPY**

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Staff: K. Colin  
Staff report: 6/21/00  
Hearing date: 7/13/00  
Open & Cont: 4/10/00  
Substantial Issue: 6/15/00

## **STAFF REPORT: APPEAL DE NOVO**

**Appeal number** ..... **A-3-PSB-00-032, Limberg Second Story Addition**

**Applicants** ..... Mike Limberg (Agent: Rodney R. Levin Architects)

**Appellants** ..... Bruce McFarland

**Local government**..... City of Pismo Beach

**Local decision** ..... Approved with conditions (3/07/00)

**Project location**..... 99 Indio Drive, City of Pismo Beach, San Luis Obispo County (APN 010-141-043).

**Project description**..... Construct a 4,408 sq. ft. second story addition, removal of an existing side yard wall and construction of a new wall outside of City's right-of-way (ROW), construction of new lap swimming pool, and landscaping with associated irrigation structures.

**File documents** ..... City of Pismo Beach certified LCP; local permit file 99-0047; *Geologic Bluff Study, 99 Indio Drive, Shell Beach, California*, (April 16, 1999) by Earth Systems Consultants; *Addendum to Referenced Geologic Study*, (September 8, 1999) by Earth Systems Consultants; and Letter dated May 8, 2000 to CCC from Earth Systems Consultants.

**Staff recommendation**... **Approval with Conditions**

**Summary of Staff Recommendation**

Staff recommends that the Commission approve the Coastal Development Permit, subject to special conditions designed to prevent further accelerated bluff erosion and future shoreline protection structures, on the basis that as conditioned, the project is in conformance with the certified City of Pismo Beach Local Coastal Program (LCP).



**California Coastal Commission**  
**July 13, 2000 Meeting San Rafael**  
Staff: K. Colin Approved by: *C.F.L. 6/22/00*

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The City-approved project includes a 4,408 square foot second story addition to an existing single family dwelling upon an approximately 18,8400 square foot (0.43 acre) lot. At its closest point, the existing structure is fifteen feet from the bluff-top. Local approval includes the allowance of irrigation within the bluff-top setback. The Commission's staff geologist is in agreement that surface runoff is a major contributor to bluff erosion at this location, and that corrective measures are necessary. In addition, the Commission has found that it would be prudent to eliminate irrigation on the bluff top in order to reduce the risk of slumping and minimize retreat of the upper bluff. Given all this, staff recommends that, only as conditioned to prohibit irrigation at the property, can the proposed project be found consistent with the City of Pismo Beach certified LCP.

In addition, available geologic evidence and investigations indicate that the primary structure would not become endangered by bluff erosion within a one hundred (100) year time period. Therefore, staff recommends a condition requiring the recordation of a deed restriction stating an assumption of risk and waiver of future shoreline protection structures to bring the proposed project into consistency with the City of Pismo Beach certified LCP.

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### 1. Staff Recommendation on Coastal Development Permit

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below. Staff recommends a **YES** vote on the following motion:

*I move that the Commission approve Coastal Development Permit Number A-3-PSB-00-032 subject to the conditions below and that the Commission adopt the following resolution:*



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*Approval with Conditions. The Commission hereby grants a permit for the proposed development, as modified by the conditions below, on the grounds that the modified development will be in conformance with the provisions of the City of Pismo Beach certified Local Coastal Program (LCP), is consistent with the Public Access and Recreation policies of Chapter Three of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA).*

A yes vote would result in approval of the project as modified by the conditions below. The motion passes only by affirmative vote of a majority of the Commissioners present.

## **2. Conditions of Approval**

### **A. Standard Conditions**

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### **B. Special Conditions**

1. **Final Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit to the Executive Director for review and approval a revised landscaping plan that shows no irrigation at APN 010-141-043.
2. **Assumption of Risk/Shoreline Protection.** Prior to the issuance of the coastal development permit, the applicant as landowner shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide that:
  1. The applicant acknowledges and agrees that the site may be subject to hazards from waves,



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flooding, liquefaction, erosion, and wildfire.

2. The applicant acknowledges and agrees to assume the risks to the applicant and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development.
  3. The applicant unconditionally waives any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards.
  4. The applicant agrees to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards.
  5. The applicant agrees that any adverse effects to property caused by the permitted project shall be fully the responsibility of the landowner.
  6. The applicant shall not construct, now or in the future, any shoreline protective device(s) for the purpose of protecting the residential development approved pursuant to coastal development permit A-3-PSB-00-032 including, the second story addition and swimming pool. In the event that these structures are threatened with imminent damage or destruction from waves, erosion, storm conditions, or other natural hazards in the future and by acceptance of this permit, the applicant hereby waives any rights to construct such devices that may exist under Public Resources Code Section 30235.
  7. The applicant shall not irrigate, now or in the future, at APN 010-141-043.
  8. The document shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.
3. **City of Pismo Beach Conditions.** With the exception of Conditions 8(a) and 8(c) which are replaced by Special Condition 1 above, all conditions attached to the local approval of the project that are authorized under the City's general police power, rather than the Coastal Act, remain in effect. (City Council Decision on Application 99-0047; See Exhibit A).



### 3. Recommended Findings and Declarations

The Commission finds and declares as follows:

#### A. Project Background

##### Local Agency Approval & Commission Appeal

On January 11, 2000 the Planning Commission approved a coastal permit, architectural review, and landscape review, with conditions, for the construction of a 4,408 square-foot second story addition to the existing 4,370 square foot single family residence, located on a 18,840 square-foot lot (APN 010-141-049); removal of existing wall within City's right-of-way and construction of a new wall outside of City's right-of-way (ROW); construction of a swimming pool; and landscaping with associated irrigation devices. This decision by the Planning Commission was subsequently appealed to the City Council. On March 7, 2000 the City Council denied the appeal and upheld the Planning Commission's approval, with no changes to the Planning Commission's decision. (See Exhibit D for Local Findings and Conditions)

One valid appeal of the City Council's decision was filed with the Commission. This appeal was based upon three separate allegations. On June 15, 2000 the Commission found that substantial issue exists with regard to one contention raised in the appeal and continued, at the request of the applicant's representative, the de novo hearing pursuant to Coastal Commission Regulations (CCR) § 13073 (a).

##### Project Location & Setting

The project is located upon a bluff-top parcel at 99 Indio Drive, in the City of Pismo Beach, San Luis Obispo County. (See Exhibit A for regional location map) The property carries an R-1 zoning designation and in addition to the general policies of the LCP, also falls under those of the Sunset Palisades Planning Area. The site is bordered on the north and west by existing single family residences, on the east by a City linear bluff-top park, and the south by the Pacific Ocean. The existing residence sits atop the approximately twenty-five (25) feet high coastal bluff at this location. There is no vertical public beach access within the immediate vicinity and the closest access point appears to be up to one-half mile down coast.

The Sunset Palisades Planning Area is developed exclusively with single family residences. The majority of the lots within the planning area are developed, with very few remaining vacant. The LCP characterizes the Sunset Palisades area as, "an ocean oriented, low profile residential neighborhood with a backdrop of the coastal foothills." The LCP notes further that, "the base of the bluffs is an intertidal habitat, natural resource area, which should be protected. Public access to this sensitive area should be limited," and also that, "some residences along the bluffs have provided their own stairways to small beaches." LCP Policy LU-A-6 (Concept) for the planning area states:

*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 area. Infill development shall be compatible with the*



existing community.

### **Project Description & Permit History**

As discussed, the City approval allows the construction of a 4,408 square-foot second story addition to an existing 4,370 square foot single family residence, located on a 18,840 square-foot lot (APN 010-141-049); removal of existing wall within the City's ROW and construction of a new one outside of the ROW; construction of a new lap swimming pool; and landscaping with associated irrigation structures. (See Exhibit B for project plans)

Anecdotal evidence indicates that the existing house was constructed prior to Commission jurisdiction in 1972, and that the property was part of a parcel map subdivision in 1978. The City's staff report states that files for the house and subdivision were destroyed in a City flood several years ago. Staff has confirmed through observation of aerial photographs that the house was constructed sometime between 1970 and 1979. In any event, the exact dates of house construction and subdivision remain unknown. Also, it is unknown whether the existing gazebo, private stairway, and seawall were built with the benefit of permits, as the City has no files for these structures as well.

## **B. De Novo Review**

### **1. Accelerated Bluff Erosion**

LCP policy S-3 (Bluff Setbacks) sets forth standards for measuring safe bluff-top setbacks, and restricts the ability of structures to influence the geologic stability of a site. LCP policy S-3 states,

***LUP Policy S-3 (Bluff Set-Backs)** All structures shall be set back a safe distance from the top of the bluff in order to retain the structures for a minimum of 100 years, and to neither create nor contribute significantly to erosion, geologic instability or destruction of the site or require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

*For development on single family residential lots subdivided prior to January 23, 1981, the minimum bluff setback shall be 25 feet from the top of the bluff (blufftop is defined as the point at which the slope begins to change from near horizontal to more vertical). A geologic investigation may be required at the discretion of the City Engineer, and a greater setback may be applied as the geologic study would warrant.*

*For all other development, a geologic study shall be required for any development proposed.*

As discussed above, the project is located upon a bluff-top parcel. The existing residence is non-conforming due to inadequate setbacks. At its closest it is approximately 15 feet from the bluff edge. However, an existing seawall currently protects the approximate southern half of the parcels bluff boundary, while a small promontory constitutes the northern half. A September 8, 1999 geologic report by Earth Systems Consultants established an erosion rate of 1-inch per year for the promontory, which equates to a 100-year erosion setback of approximately eight (8) feet, while recommending a minimum



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setback from the top of bluff at 25-feet. (See Exhibit C for Geologic Map & Bluff Photograph)

As stated in the April 16, 1999 geologic report accomplished for the project, the terrace deposits are eroding at a faster rate than the underlying bedrock. Evidence presented by the applicant's geologist confirms that wave run-up has not caused significant erosion in the past. A May 8, 2000 letter from Earth Systems Consultants speaks to this point and states,

*[...] it is not likely that sea wave run-up has caused a significant erosional impact on the terrace deposits. If sea wave run-up did play a major role in eroding the terrace deposits, the bluff face, where the terrace deposits are exposed, would have a near vertical slope angle and a bedrock bench would be present. These geologic features are indicative that the terrace deposits are eroding at a faster rate than the underlying bedrock. However, uncontrolled surface water runoff and saturated soils have caused the top of the bluff to erode at a faster rate than the underlying bedrock. This is evident by the flatter slope angle of the terrace deposits when compared to the slope angle of the bedrock.*

Commission staff, including the staff geologist, observed evidence of this first hand during a site visit of April 24, 2000, during which time two existing slump failures and current seepage out of the bluff profile were observed. Uncontrolled surface run-off and saturated soils from large rain fall events have caused the top of bluff to erode at a faster rate than the underlying bedrock, and will continue to do so in the absence of corrective measures. The Commission's staff geologist is in agreement that surface runoff is a major contributor to bluff erosion at this location, and furthermore that corrective measures are necessary. As indicated in the applicant's geologic report, there has been very limited retreat of the bluff edge over the last 20 years, and this retreat has been at approximately the same rate as the retreat rate of 1 inch per year reported for the bedrock underlying the site. However, poorly consolidated marine terrace deposits such as those making up the upper 13-15 feet of the bluff typically will erode until they form a slope of 30-35 degrees. At this site they are at a much steeper angle and accordingly are probably unstable or only marginally stable. If the terrace deposits were to erode to a 30 degree angle, the bluff edge would retreat to a point approximately 26 feet landward of the edge defined by the bedrock, or approximately 20 feet landward of the present bluff edge. If the 8 feet of retreat expected for the underlying bedrock is added, the total bluff edge retreat could be as much as 28 feet, which would undermine the structure. This worst-case scenario is likely to occur if surface and groundwater infiltration are not controlled. The proposed grading to divert runoff from the bluff top will greatly reduce instability of the upper bluff and decrease the amount of retreat. The Commission finds, however, that the allowance of irrigation at this site is inconsistent with LCP policy S-3.

The City's approval of the project includes provisions that: (1) no turf (i.e. grass) is to allowed along the bluff-top or around the pool, (2) only low water irrigation systems shall be installed in the bluff top area, (3) grading of the rear bluff top area of the parcel to direct surface runoff away from the bluff face, (4) installation of subsurface perforated piping to collect percolated surface runoff and route to a sump pump for drainage to the street, and (5) measures to ensure that draining of the new lap pool does not increase erosion. The Commission's staff geologist concurs that these measures are appropriate and necessary to slow the erosion rate at this site, with the exception of the City's approval of irrigation at this location.



Given the above facts, the Commission finds that the proposed project is inconsistent with LCP policy S-3 because it allows irrigation along the bluff top in a situation where bluff erosion is already exacerbated by surface runoff. As mentioned, LCP policy S-3 requires that, "All structures shall [...] neither create nor contribute significantly to erosion, geologic instability or destruction of the site or require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs." Prior to the project's appeal to the City Council, Commission staff expressed specific concerns about this component of the project in a letter to the City dated February 4, 2000. In short, this correspondence notes the Commission's practice to date has generally been to prohibit irrigation within forty (40) feet of the bluff-top edge. The applicant's parcel is on average approximately forty (40) feet wide when measured from the bluff-top edge. Given the potential for increased bluff instability at this location, the Commission finds that all feasible measures should be employed in order to reduce the probability of future endangerment to the property owner, and the likelihood that additional shoreline protection structures would be proposed at a future date. While the City's approval includes some measures to address erosion of the bluff, the Commission finds that the allowance of irrigation at this site would be counterproductive to their success and inconsistent with the requirements of LCP policy S-3.

Therefore, since the allowance of irrigation at this property would constitute a significant contribution to erosion and geologic instability, the Commission finds that only by modifying the project to include the prohibition of irrigation at the property will it be consistent with the aforementioned LCP policy.

## **2. Future Shoreline Armoring**

The following LCP standards and policies applicable to this project require the following in regards to the prevention of future shoreline armoring.

***LUP Policy S-3 (Bluff Set-Backs)** All structures shall be set back a safe distance from the top of the bluff in order to retain the structures for a minimum of 100 years, and to neither create nor contribute significantly to erosion, geologic instability or destruction of the site or require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

*For development on single family residential lots subdivided prior to January 23, 1981, the minimum bluff setback shall be 25 feet from the top of the bluff (blufftop is defined as the point at which the slope begins to change from near horizontal to more vertical). A geologic investigation may be required at the discretion of the City Engineer, and a greater setback may be applied as the geologic study would warrant.*

*For all other development, a geologic study shall be required for any development proposed.*

***IP Section 17.078.060 (5) (Shoreline Protection Criteria and Standards)** New development shall not be permitted where it is determined that shoreline protection will be necessary for protection of the new structures now or in the future based on a 100 year geologic projection.*





The applicant has presented evidence indicating that once proposed erosion control measures are put into place, that primary structures located on the property would not become endangered by bluff erosion within a one-hundred (100) year time period. As stated in the LCP policies above, new development is not permitted in circumstances where shoreline protection would be necessary now or in the future based on a 100-year geologic projection. Therefore, since the applicant has submitted evidence that primary structures will not become endangered by bluff erosion for at least one hundred (100) years, the Commission finds that it must also impose a condition prohibiting the future construction of additional shoreline protection structures. In this way, the requirements of LCP will be fulfilled by the assurance that the proposed development will not create a need for additional shoreline structures at a later date.

Therefore, only by modifying the project to include the prohibition of irrigation on the property and an assumption of risk/waiver of future shoreline protection structures, will it be consistent with the aforementioned LCP policies. Accordingly, the Commission finds that only through the implementation of proposed special conditions one (1), (2), and (3), can the proposed project be found consistent with the LCP. This approval requires the submittal of revised landscaping plans showing no irrigation on the property, and also the recordation of a deed restriction detailing the assumption of risk and the waiver of future rights to construct shoreline protection structures at this location to protect the development being approved by this action (see Special Conditions 1, 2, and 3).

**The Commission finds that only as modified by Special Condition 1, 2, and 3 of this approval can the proposed project be considered consistent with the safety, visual resource, land use, and conservation policies of the certified LCP.**

### **3. Public Recreation and Access**

As mentioned, the project site is located upon a bluff top parcel, at the northern end of Pismo Beach. Small pocket sandy beaches, interspersed rocky intertidal habitats, are typical in this part of the City. Adjacent to the applicant's parcel is an existing linear City bluff top park; the applicant's property currently carries an outstanding offer-to-dedicate (OTD) for lateral beach access that expires on January 25, 2004. Although staff has been unable to obtain the relevant permit history, this OTD may have been required under the coastal permit for the subdivision. The nearest vertical public access point is up to one-half mile downcoast at the Cliffs Hotel, while there are scattered private stairways that also provide vertical access to the beach.

The LCP notes that because of the presence of sensitive intertidal habitat at this location, public access to this area should be limited. LCP Policy LU-A-6 (Concept) states:

*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 area. Infill development shall be compatible with the existing community.*

In addition, LCP policy LU-A-11 (Beach Access and Bluff Protection) requires that,

*The coastal tidal and subtidal areas should be protected by limiting vertical accessways to the*



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Limberg Second Story Addition

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*rocky beach and intertidal areas. Lateral Beach access dedication shall be required as a condition of approval of discretionary permits on ocean front parcels pursuant to Policy PR-22. No new public or private beach stairways shall be allowed. If existing stairways are damaged or destroyed they shall not be repaired or replaced.*

Also, IP § 17.066.020 (8) and (9) (Criteria Standards) requires that,

*(8) Public access from the nearest roadway to the shoreline and along the beach shall be provided in new developments except where protection of environmentally sensitive habitats prohibits such access or adequate public access exists nearby unless impacts associated with the accessway are adequately mitigated.*

*(9) Public access to and along the beach may not be required if such access would be detrimental to sensitive tidal or subtidal areas or where construction of public accessways would increase erosion hazards or other safety hazards or environmental degradation, unless impacts associated with the accessway are adequately mitigated.*

Therefore, in light of the existing lateral access OTD and provision of public lateral bluff top access immediately adjacent to the project site, the Commission finds that additional public access from this site is not required and the project is consistent with Coastal Act § 30212 (a)(1) and (2), that states,

*(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:*

*(2) adequate access exists nearby, [...]*

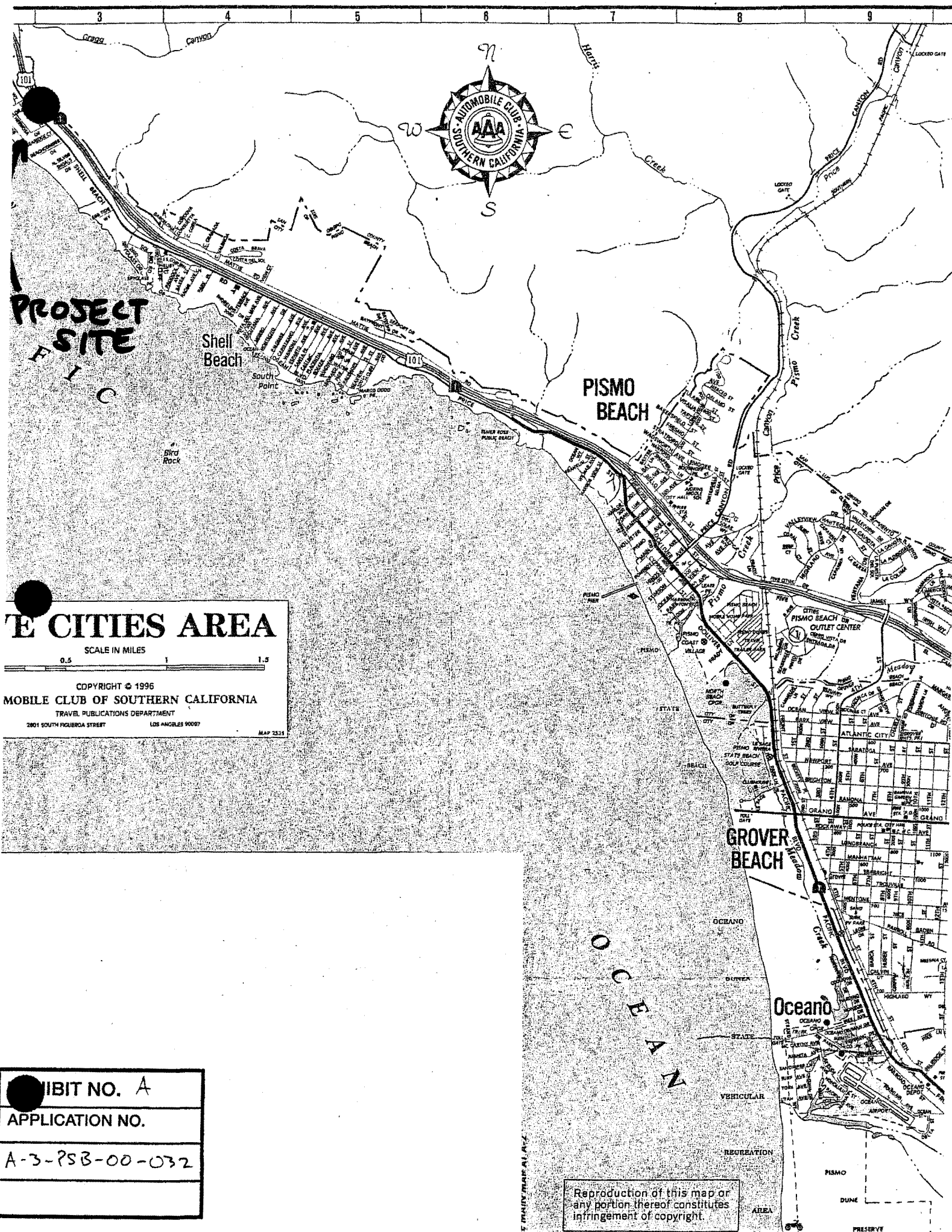
**Therefore, the Commission finds that the proposed project is consistent with the Public Access and Recreation policies of the Coastal Act.**

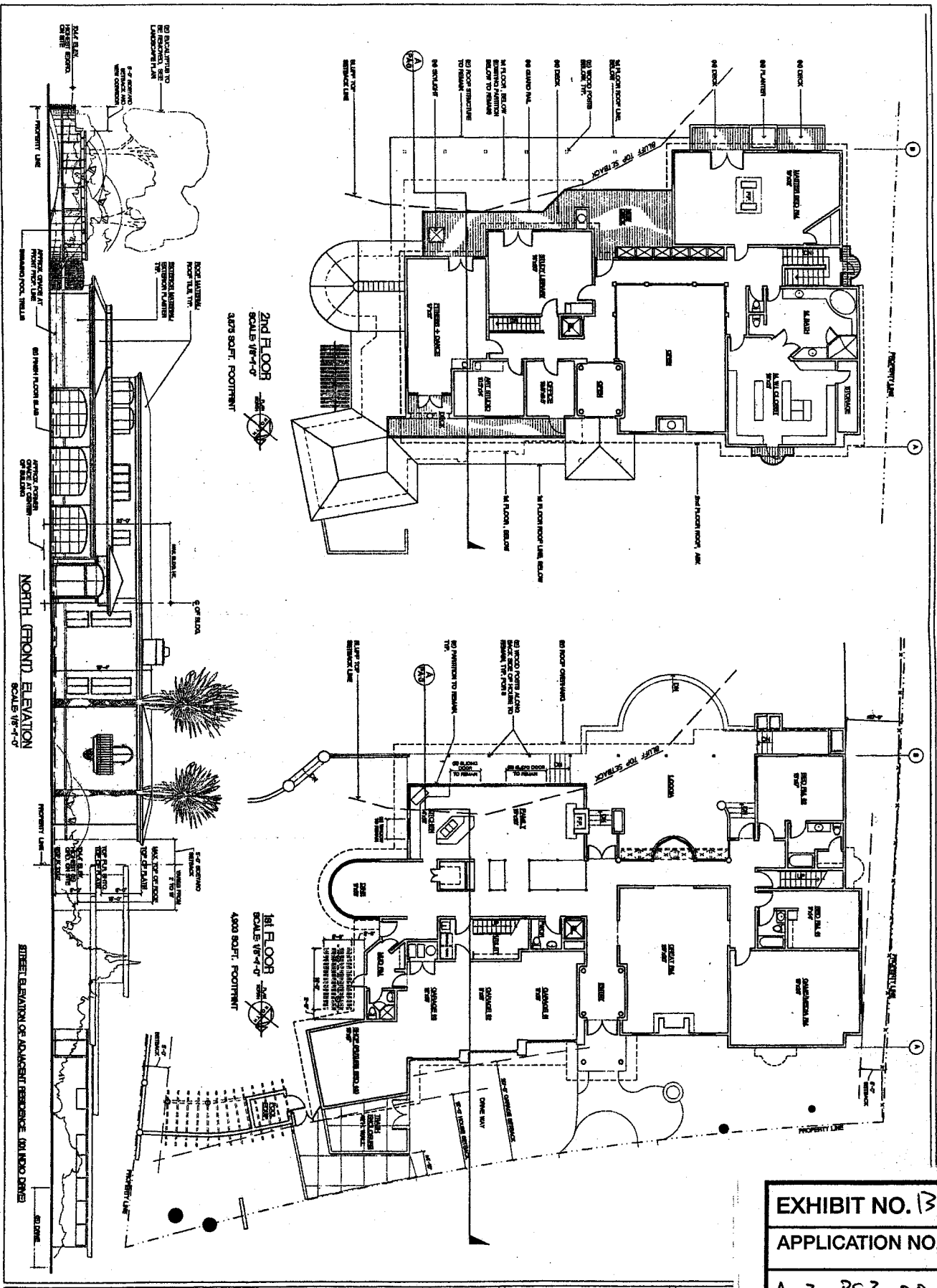
#### **4. California Environmental Quality Act (CEQA)**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary for Resources as being the functional equivalent of environmental review under CEQA. Accordingly, the Commission finds that as conditioned the proposed project will not have significant adverse effects on the environment within the meaning of CEQA; that there are no feasible alternatives which would significantly reduce any potential adverse effects; and, accordingly, the proposal, as conditioned, is in conformance with CEQA requirements.



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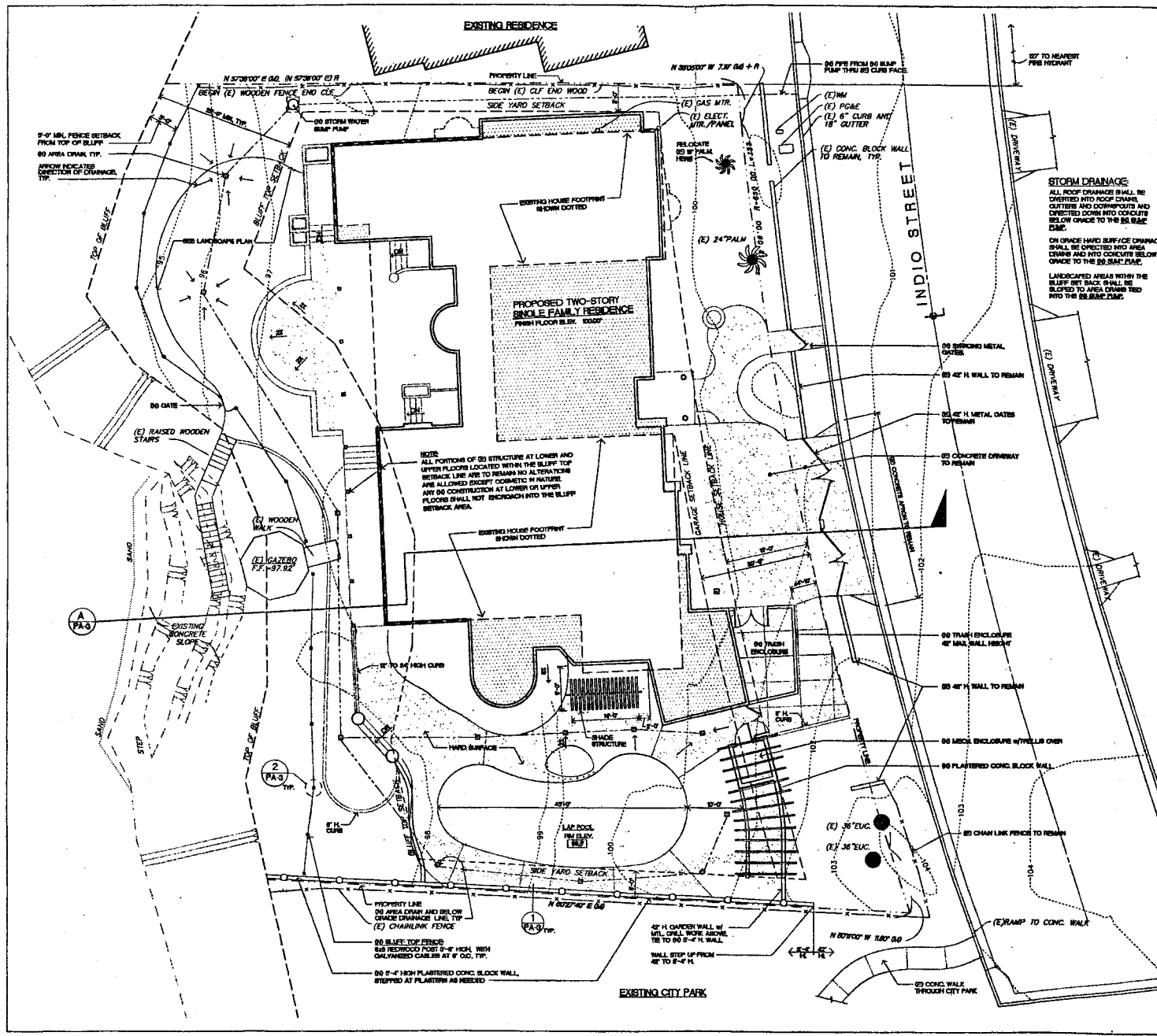


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|------------------------|
| <b>EXHIBIT NO. 13</b>  |
| <b>APPLICATION NO.</b> |
| A-3-PSB-00-032         |

EXHIBIT NO. 13

APPLICATION NO.

A-3-PS-00-032



PROPERTY DATA

ZONING

GENERAL PLAN DESIGN

BUILDING OCCUPANCY GROUP - R-3

APN 010-141-043

LEGAL DESCRIPTION

PARTIAL LOT 100, PARCEL 100, MAP 100-100-000, IN THE CITY OF PLEASANTON, CALIFORNIA

PROPOSED DATA:

TOTAL NUMBER OF UNITS - ONE (1)

LOT SIZE - 10,000 SQ. FT.

BUILDING DATA:

EXISTING BUILDING AREA - 1,000 SQ. FT.

FIRST FLOOR - 1,000 SQ. FT.

SECOND FLOOR - 1,000 SQ. FT.

NEW ADDITIONS AREA - 4,900 SQ. FT.

FIRST FLOOR - 3,000 SQ. FT.

SECOND FLOOR - 1,900 SQ. FT.

EXISTING BLDG. AREA + NEW ADDITIONS AREA - 5,900 SQ. FT.

FIRST FLOOR - 4,000 SQ. FT.

SECOND FLOOR - 1,900 SQ. FT.

LOT COVERAGE AREA - 5,000 SQ. FT. (27.0%)

FIRST FLOOR AREA - 3,000 SQ. FT.

SECOND FLOOR AREA - 1,900 SQ. FT.

TOTAL LANDSCAPED AREA - 5,145 SQ. FT. (27.2%)

PLANTING AREA - 3,555 SQ. FT.

TURF AREA (FRONT) - 445 SQ. FT.

TURF AREA (BLUFF/REAR) - 745 SQ. FT.

ARCHITECT:

ROONEY & LEVIN, ARCHITECTS

100 MARIN STREET, SAN LUIS OBISPO, CA 95060

805-545-0125

ASSOCIATE ARCHITECT:

ADRIAN ARCHITECTS

100 MARIN STREET, SAN LUIS OBISPO, CA 95060

805-545-0125

ENGINEER:

JOHN D. CULMAN & ASSOCIATES

100 MARIN STREET, SAN LUIS OBISPO, CA 95060

805-545-0125

LANDSCAPE ARCHITECT:

DAVE FARMER

100 MARIN STREET, SAN LUIS OBISPO, CA 95060

805-545-0125

PROPERTY OWNER:

DR. & MRS. MICHAEL LIMBERG

100 MARIN STREET, SAN LUIS OBISPO, CA 95060

805-545-0125

PROJECT REPRESENTATIVE:

ROONEY & LEVIN, ARCHITECTS

100 MARIN STREET, SAN LUIS OBISPO, CA 95060

805-545-0125

SITE + ROOF PLAN

SCALE: 1/8" = 1'-0"

LEGEND

FOOTPRINT OF EXISTING RESIDENCE

EXISTING CONST. TO REMAIN

NEW RESIDENCE FOOTPRINT

INDICATE NEW ADDITION

EXISTING CONTOUR LINE

FLAT HARD SURFACE

EXISTING

NEW

RECEIVED

JAN 21 1993

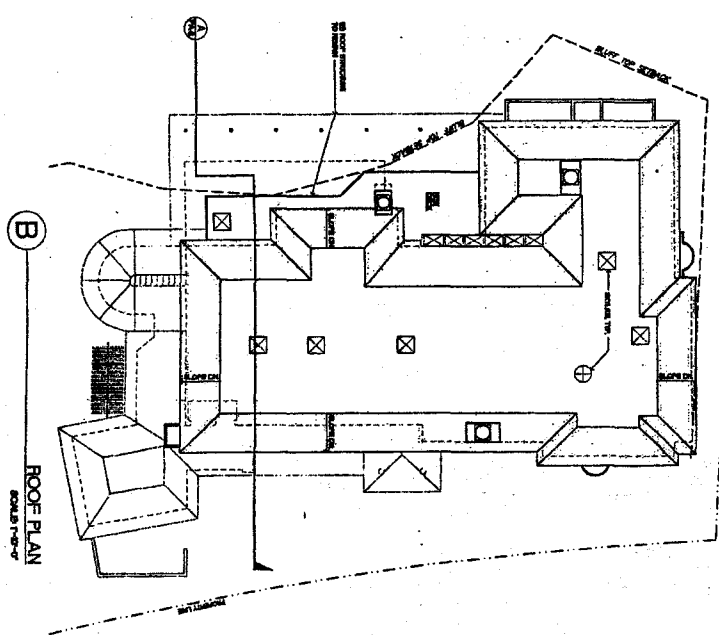
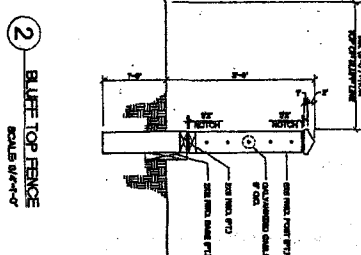
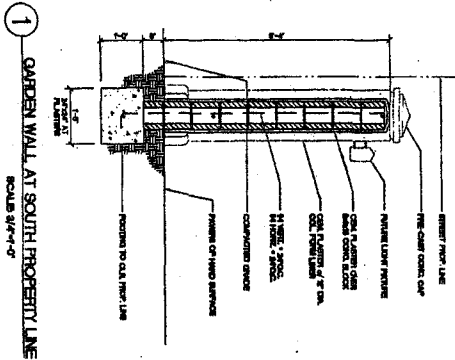
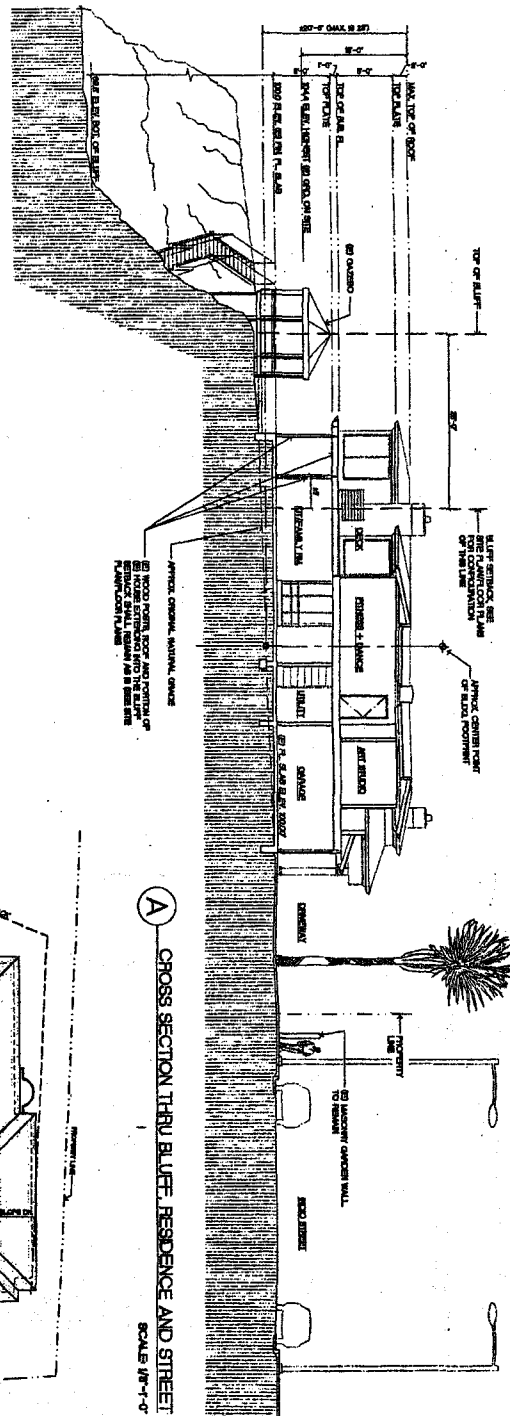
DR. & MRS. MICHAEL LIMBERG RESIDENCE

ADDITIONAL MODEL

100 MARIN STREET, SAN LUIS OBISPO, CA 95060

805-545-0125

PA-1



**EXHIBIT A  
RESOLUTION NO. R 2000 -**

**A Resolution of the Council of the City of Pismo Beach upholding the Planning Commission's approval of a Coastal Development Permit, Architectural Review, and Landscape Review for Project no. 99-0095, APN: 010-141-049, for an addition to a single-family residence, and denying the appeals of that approval.  
99 Indio Drive**

WHEREAS, Rodney R. Levin Architects ("Applicant") submitted an application to the City of Pismo Beach for approval of a Coastal Development Permit, Architectural Review, and Landscape Review; for an addition to a residence at 99 Indio Drive; and

WHEREAS, the Planning Commission held a duly noticed public hearing on January 11, 2000, at which all interested persons were given the opportunity to be heard; and

WHEREAS, two residents of Pismo Beach filed appeals of the Planning Commission approval;

WHEREAS, the City Council held a duly-noticed public hearing on March 7, 2000, on those appeals, at which all interested persons were given the opportunity to be heard; and

WHEREAS, this project is categorically exempt per section 15301 (Class 1) because it is an addition to a single-family residence of less than 10,000 square feet in an area where all public services and facilities are available to allow for maximum development permissible by the General Plan, and in an area that is not environmentally sensitive;

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

**A. FINDINGS IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

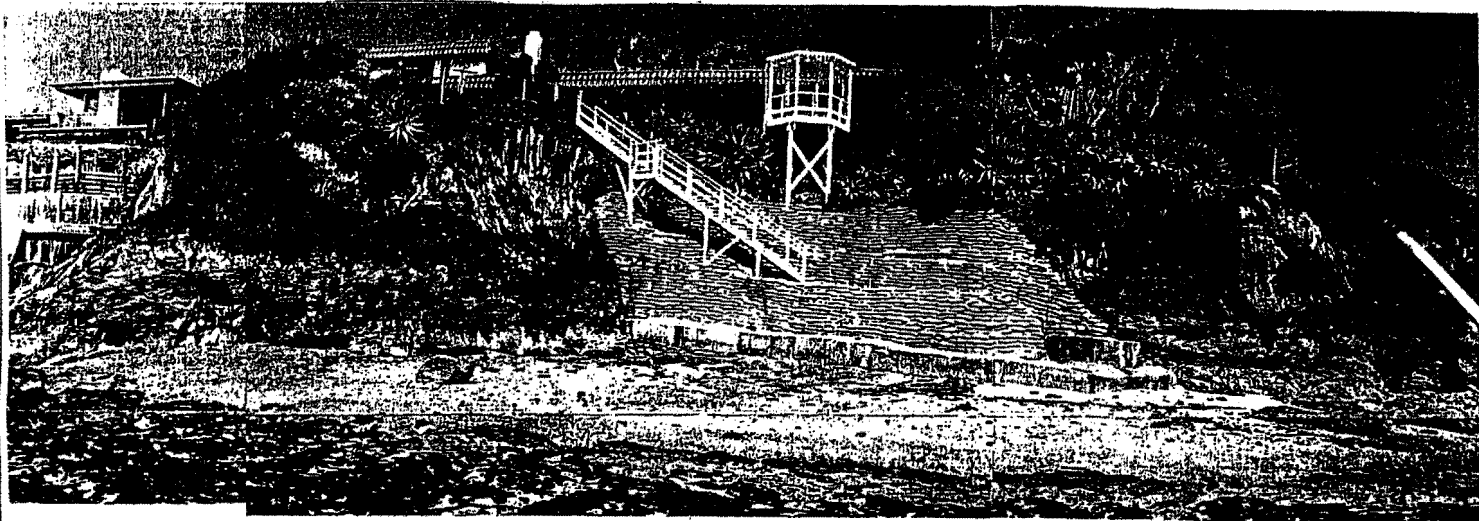
1. The project consists of construction of additions to one single-family residence on a site intended for this purpose.
2. There are no site constraints or other factors that would create the potential for significant environmental impacts as a result of the project.
3. The project is exempt from CEQA pursuant to section 15301 (Class 1) of the CEQA Guidelines, exempting changes to small structures under certain circumstances.

**B. FINDINGS FOR UPHOLDING OF THE PLANNING COMMISSION'S ACTION AND DENIAL OF THE TWO APPEALS:**

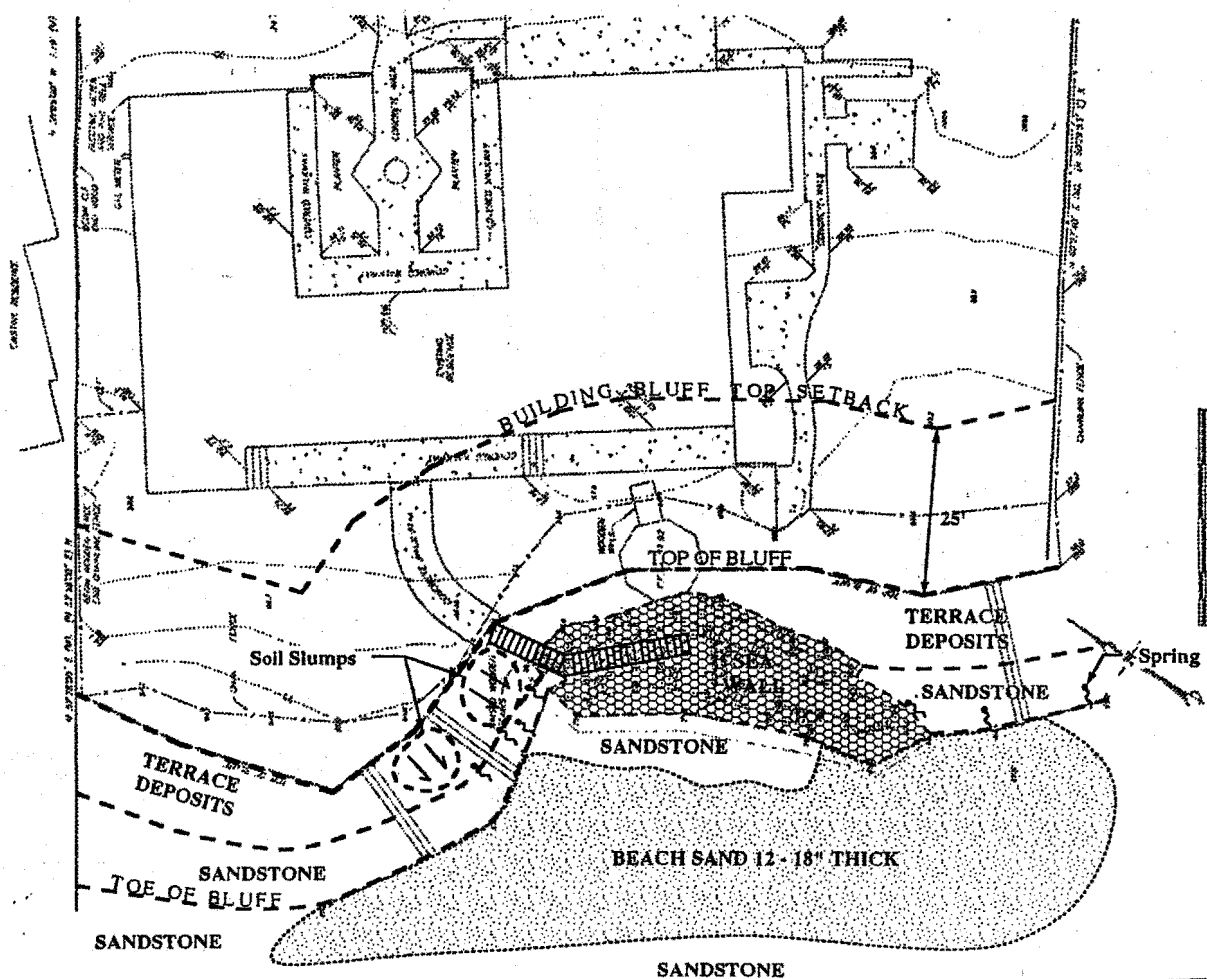
1. The Planning Commission's action was in accordance with all policies and ordinances of the City of Pismo Beach and the State of California.

|                       |
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| EXHIBIT NO. <b>P</b>  |
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**PHOTOGRAPH OF BLUFF**



**GEOLOGIC MAP**

99 INDIO DRIVE

EXHIBIT NO. C

APPLICATION NO.

A-3-PS8-00-032



**E. CONDITIONS SUBJECT TO ONGOING COMPLIANCE:**

1. **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.
2. **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.
3. **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), until such time as the zoning or uses allowed have been changed by the City of Pismo Beach. 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.
4. **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.

**F. MISCELLANEOUS/FEEES:**

1. **REQUIRED FEES.** 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 San Luis Coastal School District.
  - g. Building and construction and plan check fees: building fee, grading and paving fee, plan check 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.
  - h. Other special fees:
    1. Assessment district charges.
    - Other potential fees
  - i. Any other applicable fees.

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 -

EXHIBIT NO. D

APPLICATION NO.

A-3-P83-00-032

The City Council does hereby uphold the Planning Commission's action approving the Coastal Development Permit, Architectural Review Permit, and Landscape Review Permit subject to all Conditions as approved by the Planning Commission, attached as Exhibit A.

UPON MOTION of Councilmember \_\_\_\_\_ seconded by Councilmember \_\_\_\_\_ the foregoing Resolution is hereby approved and adopted the 7<sup>th</sup> of March, 2000 by the following roll call vote, to wit:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_

EXHIBIT NO. 0

APPLICATION NO.

A-3-853-00-032

**EXHIBIT A**  
**CITY OF PISMO BEACH**  
**CONDITIONS**  
**PERMIT NO. 99-0047: CDP, ARP**  
**PLANNING COMMISSION MEETING OF JANUARY 11, 2000**  
**CITY COUNCIL MEETING OF MARCH 7, 2000**  
**99 INDIO DRIVE, APN: 010-141-043**

The conditions set forth in this permit affect the title and possession of the real property which 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 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 99-0047 granting permits to construct a 4,408-square foot addition to a 4,370-square foot single family residence, as shown on the approved plans with City of Pismo Beach stamp of March 7, 2000. 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.

**EFFECTIVE DATE:** This permit shall become effective upon the passage of 20 days following the Planning Commission approval, provided that an appeal has not been filed to the City Council within 10 working 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 March 7, 2002 unless inaugurated prior to that date. Time extensions are permitted in accordance with Zoning Code Section 17.121.160 (2).

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.

**I HAVE READ AND UNDERSTOOD, AND I WILL COMPLY  
WITH ALL ATTACHED STATED CONDITIONS OF THIS PERMIT**  
Approved by the City Council on March 7, 2000.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Date

EXHIBIT NO. D

APPLICATION NO.

A-3-RSB-00-032

## STANDARD CONDITIONS, POLICIES AND SELECTED CODE REQUIREMENTS

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. CONDITIONS TO BE MET PRIOR TO ISSUANCE OF A BUILDING PERMIT:

#### PLANNING 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.
2. **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 conditions of approval. Project shall comply with the standards noted in the table below:

| Item                             | Required   |
|----------------------------------|--|
| Lot area                         | 18,840 sq. ft. (approx)  |
| Max bldg height                  | 123' 8" elevation  |
| Max lot coverage                 | 5069 s.f.  |
| Ground floor, gross floor area   | 4,903 sf   |
| 2 <sup>nd</sup> floor Area       | 3,875 sf   |
| 2 <sup>nd</sup> floor Area Ratio | 80% max; 79% proposed and approved   |
| Building Area                    | 8,778 sf   |
| Max building area Ratio          | 86% of first 2,700 sf of lot area plus 60% of any area in excess of 2,700 sf |
| Planting Area                    | 5,145 sf (-27.2%)  |
| Minimum planting area            | 20%  |
| Minimum front yard setback       | 15' blufftop lot   |
| Minimum street side yard setback | NA   |
| Minimum rear yard setback        | Blufftop setback 25'   |
| Minimum parking spaces           | Two in garage (existing; three in garage)                                    |
| Minimum parking space dimension  | 20 X 20' (for two spaces)  |

EXHIBIT NO. D

APPLICATION NO.

A-3-PSB-00-032

| GENERAL PLAN POLICIES |                               |
|-----------------------|-------------------------------|
| Driveway widths       | 16' maximum, see condition A6 |

3. **COMPLIANCE WITH GEOLOGY REPORT.** Grading and construction plans shall reflect all recommendations in the Geology Bluff Study, dated April 16, 1999, and subsequent letter, dated September 8, 1999, by Earth Systems Consultants.
4. **COLORS AND MATERIALS.** Colors and materials shall be consistent with those shown on the color board as reviewed and approved by the Planning Commission.
5. **YARD SETBACK.** No solid fences, hedges or walls over 42 inches in height shall be permitted in the front yard setback in accordance with the City's Zoning Ordinance. Any new wall in the front yard must include a portion that is "see-through" for sideyard views, consistent with policies D-2(c), D-38, D-39 and LU-A-9 of the General Plan. The existing wall within the City's right-of-way shall be removed prior to final inspection, and a new wall may be constructed on the site, in accordance with city policies and regulations. *(Specified by the Planning Commission on January 11, 2000)*
6. Building plans shall reflect a driveway width no greater than 16'. That portion of the existing driveway exceeding 16' in width shall be reconstructed with grasscrete or landscaped.
7. **BUILDING HEIGHT.** The maximum allowable height of the structure shall be shown on the construction plans, not to exceed twenty-five feet in height from the highest point of the roof to the center point of the building footprint, nor to exceed fifteen feet in height from the highest point of elevation of the site.
8. **LANDSCAPING AND IRRIGATION PLANS.** Landscaping and irrigation plans encompassing the entire site shall be submitted 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 landscape plan shall include the following provisions:
  - a. Utilization of low water using irrigation systems shall be installed. Drip irrigation shall be used where feasible.
  - b. Landscape Design Plan (including plant list)
  - c. Irrigation Design Plan
  - d. Special provisions to prevent bluff erosion from irrigation.
  5. **There shall be no turf permitted allowed on the bluff top and around the pool.** (added by Planning Commission January 11, 2000)

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| EXHIBIT NO. D   |
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## BUILDING DIVISION:

9. **BUILDING REQUIREMENTS**. The application for building permit shall be subject to the following requirements:
- a. The Title Sheet of the plans shall include:
    1. Street address, lot, block, tract and assessor's parcel number.
    2. Description of use
    3. Type of construction
    4. Height of building
    5. Floor area of building(s)
    6. Vicinity map
  - b. The Title sheet of the plans shall indicate that all construction will conform to the 1994 UBC, UMC & UPC, the 1993 NEC, 1994 California Title 19 and 24, California Energy Conservation Standards and Handicapped Accessibility Standards where applicable and all City codes as they apply to this project.
  - c. Plans shall be required to be submitted by a California licensed architect and/or engineer.
  - d. A separate grading plan complying with Appendix Chapter 33, UBC, and Title 15 PBMC, may be required.
  - e. A soils investigation shall be required by this project.
  - f. All Erosion control of the site shall be clearly identified.
  - g. 13D Fire sprinklers systems are required per City codes.
  - h. A licensed surveyor/engineer shall verify pad elevations, setbacks, and roof elevations.
  - i. Clearly dimension building setbacks and property lines, street centerlines, and the distance between buildings or other structures on the plot plan.
  - k. Title 24, Energy Conservation Documentation shall be prepared and submitted with the building permit application.
10. The Building Department shall verify that the residence's building area does not exceed 8,778 sf (including garage).

## ENGINEERING DIVISION:

11. All Engineering Plans and specifications are required to be stamped and signed by a qualified professional.
12. Accurately identify size and location of all existing public utilities within 10' of the property, and in all public rights-of-way fronting the property. Show all proposed and existing private utilities and Tie-in locations.
13. No building permits will be issued between November 1 and March 31 without prior approval of the Engineering Division and approval of an erosion and sediment control plan as noted in condition 14, below, and construction schedule. Erosion control measures shall be in place and approved by the Engineering Division prior to the start of construction.

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14. The property owner shall enter into an encroachment agreement with the City for any existing and proposed construction within the City's right-of-way. The agreement shall be reviewed by the Engineering Division for approval.
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 and established) and permanent measures. Permanent measures must include plans for the draining of the new lap pool so that such drainage does not increase erosion on the site.

**FIRE DEPARTMENT:**

16. **ADDRESS NUMBERS** - Plans for address numbers on every structure shall be submitted for review and approval by the Fire Department and meet the following requirements:
  - a. Numbers must be plainly visible and clearly legible from the frontage street.
  - b. Numbers to be a minimum of 4 inches in height for residential (one & two family).
  - c. Numbers shall contrast with their background.
17. **FIRE FLOW** - All fire protection water must be gravity flow with adequate storage to meet domestic and required fire flow for a minimum of two (2) hours for residential.
  - a. Required fire flow will be determined by the Fire Chief, City Engineer, and ISO requirements.
  - b. Minimum fire flow will be as per City standards.
  - c. In all cases, the minimum acceptable residual pressure shall be 20 P.S.I.
18. **UTILITIES**. If gas meters, electric utilities or any part of the Fire Protection Water System are subject to vehicular damage, impact protection shall be provided.
19. **AUTOMATIC FIRE PROTECTION SPRINKLER SYSTEM** - Provide an Automatic Fire Protection Sprinkler System. This system shall comply with requirements of the Pismo Beach Fire Department and NFPA 13D. Three (3) sets of plans and calculations are required. Plans shall be approved prior to the issuance of a building permit.
20. **FEES AND PERMITS**. Any and all applicable fees and permits shall be secured prior to commencing work.

EXHIBIT NO. D

APPLICATION NO.

A-3-PS3-00-032

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

**ENGINEERING DIVISION**

3. Owner and or owner's contractor are to take precautions against damaging road surfaces. The owner is responsible for protection against or repair of, at owner's expense, any damage incurred during or because of construction.
4. Street is to remain open to through traffic at all times. No temporary or long term parking or storage of construction equipment or materials shall occur without prior issuance of an encroachment permit.
5. Encroachment permit(s) must be obtained prior to any/all work in public right-of way.

**C. CONDITIONS TO BE MET PRIOR TO REQUESTING 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:**

**PLANNING DIVISION:**

1. **COMPLETION OF LANDSCAPING.** All landscaping and irrigation systems shown on the approved plans shall be installed by the applicant and shall be subject to inspection and approval by the project planner prior to the issuance of a Certificate of Occupancy.

EXHIBIT NO. D

APPLICATION NO.

A-3-PSB-00-032