

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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Filed:	10/08/02
49 Day Waiver:	10/17/02
Staff:	MJW-SC
Staff Report:	01/16/03
Hearing Date:	02/06/03

STAFF REPORT: APPEAL
SUBSTANTIAL ISSUE DETERMINATION

APPEAL NUMBER: A-3-PSB-02-080, California Design Associates

LOCAL GOVERNMENT: City of Pismo Beach

DECISION: Approved with conditions, 09/17/02

APPLICANT: California Design Associates

APPELLANTS: Si Changala, Lawrence & Shirley Coelho, Gratian Bidart, Marjorie Avellar, John & Nivia Fernandes, David and Tina Macedo.

PROJECT LOCATION: 271 Wadsworth, (Downtown Core Planning Area), Pismo Beach (San Luis Obispo County) APN 005-114-010. Exhibit 1.

PROJECT DESCRIPTION: Demolition of two existing small residences to facilitate construction of one single-family home and two apartments on a 5,500 square foot lot.

FILE DOCUMENTS: City of Pismo Beach Certified Local Coastal Program; Final Local Action Notice 3-PSB-02-470; City of Pismo Beach City Council Resolution No. R-02-58.

RECOMMENDATION: No Substantial Issue

SUMMARY OF STAFF RECOMMENDATION

Staff recommends that the Commission determine that **NO** substantial issue exists with respect to the grounds on which the appeal has been filed. Staff has determined that the action on a Coastal Development Permit (02-0118) and variance does not raise a substantial issue regarding conformance



California Coastal Commission
February 6, 2003 Meeting in San Diego

Staff: M. Watson Approved by: *DSL*

with the standards set forth in the City of Pismo Beach Certified Local Coastal Program, which includes the Downtown Core Area Plan.

The City's action approved the demolition of two existing small residences and subsequent construction of one home and two apartments on a single 5,500 square foot lot. The project is located within the Coastal Zone in the Downtown Core planning area of the City of Pismo Beach, San Luis Obispo County (project vicinity and site location maps are shown in Exhibits 1 and 2, respectively). The property (APN 005-114-010) is located at 271 Wadsworth.

The appellants contend that the project does not comply with the City of Pismo Beach Local Coastal Program (LCP) because:

- Appellants did not receive adequate notification.
- There are not adequate facilities/utilities to serve the new development;
- Inappropriate application of a variance;
- Project obstructs public and private views;
- Multifamily development not consistent with other development on the block.
- Development not consistent with zoning ordinances.
- No environmental study was required.

These contentions do not raise a substantial issue because the proposed project is in conformance with the Downtown Core Area Plan and policies (p. LU37-LU42) for development of single family residences and apartments in the Coastal Zone, as well as the certified zoning ordinance Sections 17.102 and 17.108. Specifically, the project is consistent with the land use plan and zoning ordinance of the LCP, there are adequate facilities to serve the development, issuance of a variance does not constitute a grant of privilege, public views are protected, and sufficient notification of public hearing was given.



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2. Site Location Map
3. Site Plans, Elevations
4. Appellant’s Contentions
5. San Luis Obispo County Findings and Conditions of Approval

1. LOCAL GOVERNMENT ACTION

The City of Pismo Beach Planning Commission approved a coastal development permit for the subject development in on July 9, 2002, subject to 27 conditions and mitigation measures. This action was appealed to the City Council on July 22, 2002. The Planning Commission action was upheld and the appeal was denied on September 17, 2002 by a vote of 5 to 0.

2. APPEAL PROCEDURES

Coastal Act section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (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 tideline 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; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is located within 300’ of the inland extent of the beach (mean high tide line).

The grounds for appeal under section 30603 are limited to allegations that the development does not



conform to the standards set forth in the certified local coastal program or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a *de novo* coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under section 30604(b), if the Commission conducts a *de novo* hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. 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, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is located within 300 feet of the inland extent of the mean high tide line.

3. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that no substantial issue exists with respect to the grounds on which the appeal has been filed, pursuant to Coastal Act Section 30603.

MOTION: *I move that the Commission determine that Appeal No. A-3-PSB-02-080 raises a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act.*

STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

Staff recommends a **NO** vote on the motion. Failure of this motion will 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 will not hear the application *de novo* and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-3-PSB-02-080 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.

4. RECOMMENDED FINDINGS AND DECLARATIONS

The Commission finds and declares as follows:

A. Project Location and Description

The project is located at 271 Wadsworth in the City of Pismo Beach within the Downtown Core Planning Area, San Luis Obispo County (Exhibit 2). The LCP zoning designates the project area as Resort Residential. The Resort Residential zone is a transition zone that permits a mixture of



hotel/motels along with apartments, condominiums, and other residential uses. The project involves demolition of two existing small homes on the site (560 square feet and 1,032 square feet) and the construction of a 1,718 square foot single-family residence with garage and a secondary unit with two 500 square foot apartments and garage unit (800 square feet) on a 5,550 square foot lot near the midpoint of Wadsworth. The City approval was conditioned to require a dedication of a public utilities easement 3 feet in depth at the front of the lot. Copies of the project plans are attached to this report as Exhibit 3.

B. Substantial Issue Analysis

The appellants contend that the project does not comply with the City of Pismo Beach Local Coastal Program because it is not compatible with the character of the surrounding neighborhood, it obstructs public and private views, no environmental review performed, inappropriate application of variance ordinance, not adequately facilities to support development, and inadequate noticing of nearby property owners (see Exhibit 4 for text of appellants' contentions). As discussed below, the approved project does not raise a substantial issue in regards to the LCP's Land Use Plan and Zoning Ordinance policies.

1. Community Character

Appellant Contentions

With regard to community character, the appellants contend that the project does not conform to the single family occupied housing on the balance of the block. Additionally, the appellants contend that the development does not meet the multi-family residential design criteria for the unit's relation to the street (i.e., the apartments do not face the street). The appeal asserts that the City has not appropriately applied its standards to protect the unique character of the community. The appellant states:

5. Multi-family housing is not consistent with single-family/owner occupied housing on the balance of the block –not keeping with the character of the neighborhood.

6. Development does not meet multi-family residential design criteria for unit's relation to the street (D-4). The apartment units are not facing the street, thus not reinforcing the traditional active beach street environment.

Relevant LCP Policies

The LCP standards applicable to this contention can be found in the Downtown Core Planning Area section of the LUP and the certified Zoning Ordinance of the City of Pismo Beach LCP.



Section LU-K-3.1 – Mixed Residential (MR) District: *The Mixed Residential or MR District shall permit a mixture of hotels and motels along with apartments, condominiums, and other similar residential uses...*

Section D-4: Units Relation to Street. *Generally the street frontage should consist of residential units with windows, doors, balconies, and porches facing and in reasonable close proximity to the street....orientation reinforces the traditional beach, active street environment and also increases street safety with “eyes” on the street.*

Analysis and Conclusion

The neighborhood is “transitional” in that the zoning allows for residential as well as hotel/motel development. Much of the properties are developed with single-story and two-story residences on Wadsworth Street, though the City’s LCP promotes higher density development in this area. The applicants proposed to demolish the existing use of two small single-family units and redevelop the lot with one single-family home (1,714 square feet) and a secondary unit with two 900 square foot apartments. The proposed development is a principally permitted use under the Resort Residential zoning and complies with the City’s ordinances for lot coverage, floor area ratio, building height, minimum landscape area, parking, and density. The Commission, therefore, finds no substantial issue.

2. Variance

Appellants Contentions

With regard to the issuance of a variance, the appellants contend that the action constitutes a grant of privilege and was not necessary given the variety of development options available. Appellants state:

3. Issuance of a variance offering special privilege when deprivation of property privileges are not an issue due to variety of development options. The current set back requirements allow for development without a variance.

Relevant LCP Policies

The LCP standards applicable to this contention can be found in the certified Zoning Ordinance of the City of Pismo Beach LCP.

17.121.030 Variances: *Variances from the structural development standards of this Ordinance for any zone may be granted by the Planning Commission when unusual hardships arise from the strict application of said standards applicable to a property. (1). Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is situated.*



Analysis and Conclusion

The applicant requested that a 3 foot variance be granted to the 15 foot front yard setback to offset the required 3 foot public utilities/street dedication at the Wadsworth Street frontage. A variance may be granted if unusual circumstances apply to the lot. In this case, the Planning Commission found that special circumstances consisted of the City's requirement for dedication of a street right-of-way in the downtown area. Specifically, requiring the front yard setback of 15 feet would deprive the property of privilege enjoyed by other property in the neighborhood and under identical zoning. Certainly there are developed lots that do not conform to the setbacks requirements in the zoning ordinance. Many residences were already built prior to the adoption of the ordinance. As redevelopment occurs, one would expect that nonconformities be corrected. While it may be argued whether the constraints on the lot are sufficient for the City to approve a variance, which is specifically reserved for unusual hardships derived from strict application of the standards, the difference of 3 feet simply does not rise to a level of significance with regard to LCP conformance. Therefore, the Commission finds no substantial issue.

3. Visual Resources

Appellant Contentions

The appellants contend that the project will obstruct public and private view to the Pacific Ocean. They contend:

4. *View obstruction resulting in 50% of the block and Highways 1 and 101, loosing full or partial view of focal points set forth by the Coastal Planning Commission, thus impairing the desirability of investment or occupation in the neighborhood.*

Relevant LCP Policies

Design Element policy D-23 of the City's Land Use Plan provides guidance to protect views of the Pacific Ocean from Highway 101.

D-23 U.S. 101 Freeway. D. *Require new commercial signs, soundwalls, and other developments be modified in height, size, location or design so that existing "bluewater" ocean views from U.S. Highway 101 will not be blocked, reduced, or degraded.*

Analysis and Conclusion

Private property views are not protected by ordinance or the general plan. As mentioned above, the City's Land Use Plan provides guidance for protecting public views from scenic highways and other locations. Figure D-3 of the City's Land Use Plan, Special Design Concerns, illustrates the areas of special design consideration, focal points, and street ends that must be kept open to protect important public views. The street end of Wadsworth is identified as important to remain open for public views. The proposed development and entire project area is setback from the street and will not affect this public view. As a result, the Commission finds no substantial issue.



4. Infrastructure

Appellant Contentions

The appellants contend that the project will increase demand on City infrastructure, which is already at capacity. They contend:

A density increase causing additional demands on parking, sewer and water –all at or exceeding capacity, presently.

Relevant LCP Policies

The certified land use plan and zoning ordinance identifies off-street parking requirements, the minimum lot area per family unit, and facilities requirements in the Resort Residential planning area.

Section 17.108.020 Off Street Parking Requirements. (2) *Two parking spaces per dwelling which may be permitted in parking courts, carports, or garages. Parking for multiple unit developments with one bedroom and studio units of less than 600 square feet in living area shall be required to provide 1.5 parking spaces per living unit.*

Section 17.102.100 Minimum Lot Area per Family Unit. (5) **R-4 and R-R Zones.** *Hotels/Motels: 500 square feet; Residential: 1,450 square feet.*

P-8 Facilities Concurrent with Need. *The City shall ensure that public facilities area available to adequately serve all new and existing development concurrent with new construction. For existing facilities requiring upgrading and/or replacement, the City shall plan for adequate funding of these improvements to preclude interruptions or deterioration of service that may imperil the health and welfare of the residents and visitors to Pismo Beach.*

Analysis and Conclusion

The rear apartments both being 500 square feet in living space require 1.5 parking spaces each. The single-family residence at the Wadsworth Street elevation requires 2 spaces. The proposal includes 5 legal parking spaces, two for the front residence and 3 for the rear apartments. A sixth parking spot is identified at the rear building. Thus, there is no inconsistency with the City ordinance.

City ordinance allows one dwelling per 1,450 square feet of lot area. The proposed 3 unit development would thus require a minimum lot size of 4,350 square feet (3 x 1,450). The lot size at 271 Wadsworth is 5,500 square feet minus a 150 square foot (3 x 50') easement dedication, or 5,350 square feet. The net lot size exceeds the minimum lot area required by City ordinance.

The Local Agency Formation Commission (LAFCO) February 2002 report on the City of Pismo Beach Municipal Services concluded that the City currently has an annual allocation of water of 2,696 acre feet with water usage (demand) reported at 2,156 acre feet annually. Similarly, the LAFCO report estimates dry weather capacity for its wastewater treatment facility at 1.5 million gallons (mgd) per day. Current demands placed on the system equal roughly 1.3 mgd or approximately 87% of capacity. The City is in the process of upgrading the wastewater treatment plant and has nearly completed construction of the Addie Street lift station. In both case, it appears that there is adequate facilities to



serve the proposed development. Furthermore, the proposal represents a redevelopment of an existing use, with existing water and wastewater connections. Thus, the proposed development is consistent with the City's certified land use plan and ordinances for provision of public utilities. No substantial issue is raised by this contention.

5. Notification of Public Hearing

Appellant Contentions

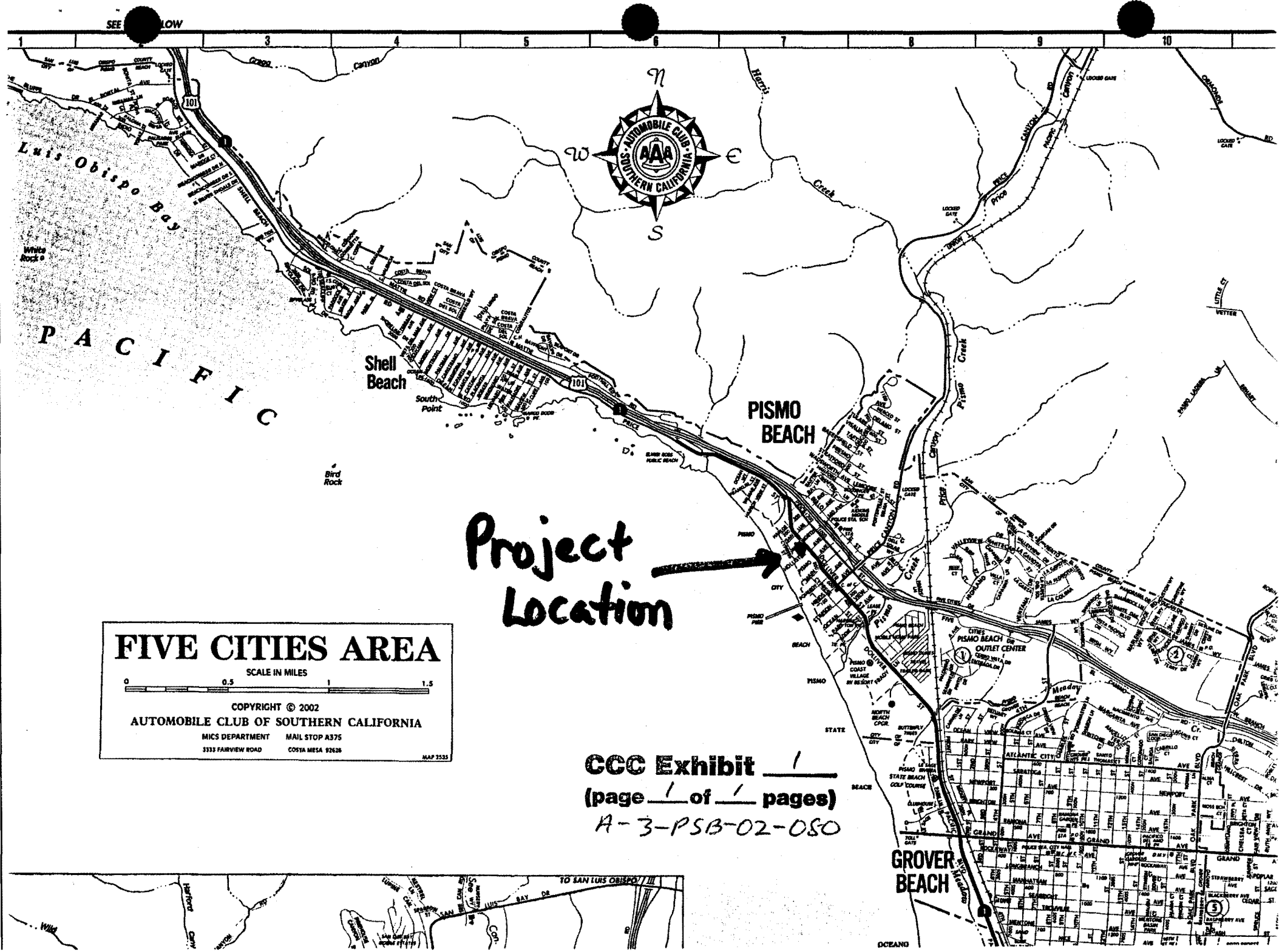
The appellants contend that adequate notice of the Planning Commission meetings was not provided to affected persons within a 300 foot radius of the proposed development. They contend:

Improper notification, whereby a minimum of six property owners, within a 300 foot radius of the proposed project did not receive any notice of the Planning Commission hearing, and a plea for a hearing continuance was denied by the Commission.

Analysis and Conclusion

The City contends that it followed the procedures for mailing notices. An independent service was contracted to provide labels for property owners within a 300 foot radius of the proposed development. The contracted service obtained information from the County of San Luis Obispo to compile mailing labels and was the source of the imperfect mailing. The City made all reasonable efforts to contact current property owners. Though the Planning Commission refused to continue the hearing on the proposed development, appellants were able to appeal to the City Council and the Coastal Commission. No Substantial Issue raised.





SEE BELOW

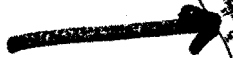


PACIFIC

Shell Beach

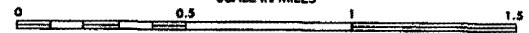
PISMO BEACH

Project Location



FIVE CITIES AREA

SCALE IN MILES



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AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA

MICS DEPARTMENT MAIL STOP A375
3333 FAIRVIEW ROAD COSTA MESA 92626

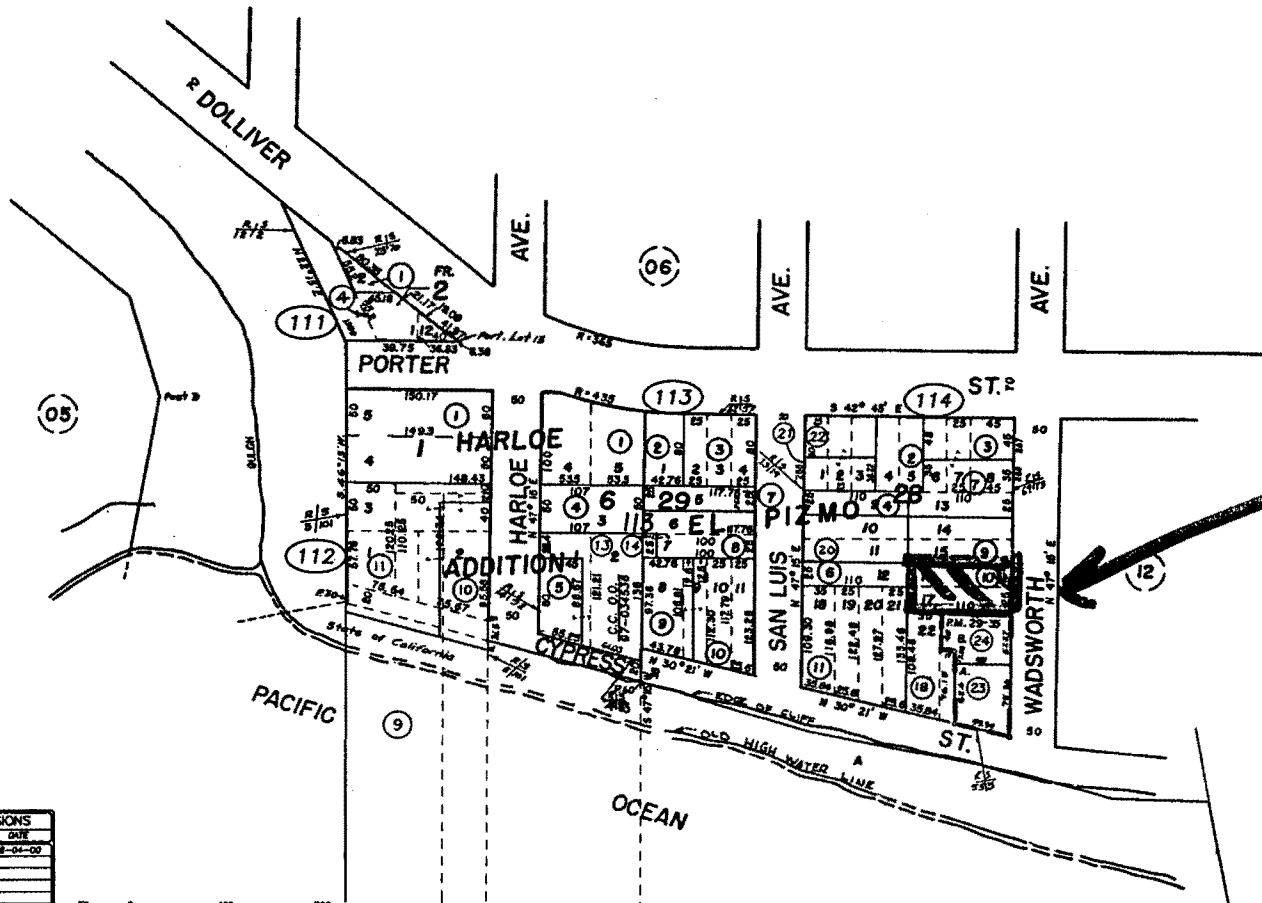
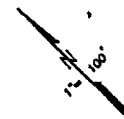
MAP 3531

CCC Exhibit 1
(page 1 of 1 pages)
A-3-PSB-02-080

GROVER BEACH

OCEANO

005-11



Project Site

REVISIONS	
REV	DATE
01	08-04-00

0 100 200

GN 10-23-97 THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY.

TOWN OF EL PISMO, R.M. Bk. A , Pg. 155
 HARLOE ADDITION, R.M. Bk. 2 , Pg. 9

CITY OF PISMO BEACH
 ASSESSOR'S MAP, COUNTY OF
 SAN LUIS OBISPO, CA
 BOOK 005 PAGE 11

DEC 11 2001

CCC Exhibit 2
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Section I. Appellants:

Si Changala, P.O. Box 126, Ducor, CA 93218

Lawrence and Shirley Coelho, 1975 So. Pratt, Tulare, CA 93274, (559) 686-3106

Gratian Bidart, 11380 Rd 264, Porterville, CA 93257, (559) 781-2524

Marjorie Avellar, 401 N C St., Madera, CA 93638-3232

John and Nivia Fernandes, 930 E Sycamore Ave., Tulare, CA 93274, (559) 686-8055

David and Tina Macedo, 4013 So. K St., Tulare, CA 93274, (559) 688-7569

Section IV. Reasons Supporting This Appeal:

1. Improper notification, whereby a minimum of six property owners, within a 300 foot radius of the proposed project did not receive any notice of the Planning Commission hearing, and a plea for a hearing continuance was denied by the Commission.
2. A density increase causing additional demands on parking, sewer and water – all at or exceeding capacity, presently.
3. Issuance of a variance offering special privilege when deprivation of property privileges are not and issue, due to a variety of development options. The current set back requirements allow for development without a variance.
4. View obstruction resulting in 50%+ of the block and Highways 1 and 101, losing full or partial view of focal points set forth by the Coastal Planning Commission, thus impairing the desirability of investment or occupation in the neighborhood.
5. Multi-family housing is not consistent with single-family/owner occupied housing on the balance of the block – Not keeping with the character of the neighborhood.
6. Development does not meet multi-family residential design criteria for unit's relation to street (D-4). The apartment units are not facing the street, thus not reinforcing the traditional active beach street environment.
7. No environmental study was required.

EXHIBIT

6

RESOLUTION NO. 02-0118

A Resolution of the Planning Commission of the City of Pismo Beach

Approving Project No. 02-0118

Three new apartments

271 Wadsworth; APN: 005-114-010

WHEREAS, California Design Associates ("Applicant") has submitted an application to the City of Pismo Beach for demolition of existing residences and construction of three new residences; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on July 9, 2002, at which all interested persons were given the opportunity to be heard; and

WHEREAS, the Planning Commission determines that under the provisions of the California Environmental Quality Act (CEQA), this project is exempted per section 15303.

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 demolition of existing residences and construction of three residences.
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 in accordance with section 15303 of the CEQA Guidelines, exempting new small structures 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 proposed three residences are appropriate in size so as to be compatible with the adjacent structures.
3. The architectural and general appearance of the three new residences is in keeping with the character of the neighborhood. The proposed project is compatible with the visual quality and character of the surrounding area and is compatible with the immediate neighborhood.
4. The proposed demolition of existing residences and construction of three residences is consistent with the General Plan, Local Coastal Plan and General Plan Land Use Plan category of Mixed Residential.
5. The proposed new residences are compatible with the nearby existing uses and not detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the surrounding area of the proposed project.

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(page 1 of 7 pages) 9A-9
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6. The proposed demolition of existing residences and construction of three residences 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.

7. The proposed demolition of existing residences and construction of three residences will not impair the desirability of investment or occupation in the neighborhood.

C. FINDINGS FOR APPROVAL OF A VARIANCE.

1. Special circumstances apply to the site, specifically: the reduction in depth of the property from 110' to 107' because of the required street dedication, such that the strict application of the zoning ordinance: specifically the requirement for a front yard setback of 15' feet and a garage setback of 20', would deprive the property of privileges enjoyed by other property in the vicinity and under identical zoning classification; allowing a 12' setback for the residence from the new right-of-way line, which is 15' from the existing property line, and a 17' setback for the garage, which is 20' from the existing property line, is consistent with other setbacks on similar lots within the project area.

2. The variance shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity in the same zone in which such property is located, because the conditions in this permit allow development only as prescribed by the zoning ordinance, with the exception of the 12' front yard setback and the 17' garage setback, and such privileges are available to the owners of other property in the vicinity assuming they demonstrate similar circumstances.

3. The variance does not authorize a use or activity that is not otherwise permitted by the zone, because the zoning permits residential uses.

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

UPON MOTION of Commissioner Ehring, seconded by Commissioner King, the foregoing Resolution is hereby approved and adopted the 9th day of July, 2002, by the following roll call vote, to wit:

- AYES: Commissioners Ehring, King, Sorgenfrei and Chair Halldin
- NOES: None
- ABSTAIN: None
- ABSENT: Commissioner Carson

Hal Halldin

Chairman Halldin

ATTEST: *Vicki Davenport*
Vicki Davenport

CCC Exhibit 5
(page 2 of 7 pages)
A-3-PSB-02-080

7D-11
7A-10

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	Project
Lot Area (net)	5500 sf (exists) 5350 (net)
Building Height	~25' 7" above avg. grade beneath bldg.
Building Floor Area	3728 sf
Floor Area Ratio	70% (of net lot area)
Lot Coverage	2132 sf (39.8%)
Planting Area	20% of the lot area
Front setback	12'*
Side setback	12' (left) 5' (right)
Rear	10'
Parking spaces	5 in garage and carport
Driveway width	16' max.
Density	Three units

3. **COLORS AND MATERIALS.** Colors and materials shall be consistent with those shown on the color board as reviewed and approved by the Planning Commission.
4. **BUILDING HEIGHT.** The maximum allowable height of the structure shall be shown on the construction plans, not to exceed twenty-five feet 7 inches in height from the highest point of the roof to the center of the building footprint at site grade, in accordance with plans approved by the Planning Commission.
5. **LANDSCAPING AND IRRIGATION PLANS.** Landscaping and irrigation plans encompassing the entire site shall be submitted by the project applicant to the City for review

CCC Exhibit 5 **7D-13**
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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. 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
6. **Archaeological study.** A phase 1 archaeological survey must be completed and results submitted to the Planning Division. If, based on the results of the study, the Community Development Department determines that additional study must be undertaken, this additional work will be required in accordance with state law.
7. **Entrances and signage to rear units.** Access to the middle unit for guests shall be provided by stepping stones or other means acceptable to the Community Development Department. Directional signage or other means shall be used to identify the entry to the stairs for both rear units, for the benefit of guests.

BUILDING DIVISION:

8. **BUILDING REQUIREMENTS.** The application for building permit shall be subject to the following requirements:
- a. The Title Sheet of the plans shall include:
 - Street address, lot, block, tract and assessor's parcel number.
 - Description of use
 - Type of construction
 - Height of building
 - Floor area of building(s)
 - Vicinity map
 - b. The Title sheet of the plans shall indicate that all construction will conform to the 1997 UBC, UMC, UPC, 1996 NEC, 1998 California Title 19 and 24, 1999 California Energy Efficiency Standards and 1998 Handicapped Accessibility Standards where applicable and all City codes as they apply to this project.
 - c. A separate grading plan complying with Appendix Chapter 33, UBC, and Title 15 PBMC, may be required.
 - d. All erosion control of the site shall be clearly identified.
 - e. Clearly dimension building setbacks and property lines, street centerlines, and the distance between buildings or other structures on the plot plan.
 - f. Title 24, Energy Conservation Documentation shall be prepared and submitted with the building permit application.

CCC Exhibit 5
(page 4 **of** 7 **pages)**

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7D-14
9A-13

ENGINEERING DIVISION:

9. All Engineering Plans and specifications are required to be stamped and signed by a qualified professional.
10. Accurately identify size and location of all existing public utilities within 10' of the property, and in all public right-of-ways fronting the property. Show all proposed and existing private utilities and Tie-in locations.
11. Public improvement plans including the following shall be prepared by a registered Civil Engineer and approved by the Public Services Department, Engineering Division:
 - Drainage and Erosion control.
 - Street paving, curb, gutter and sidewalk as determined necessary by the City Engineer.
 - If deemed necessary by the City Engineer, plans within the right-of-way shall include profile drawings. Improvement plans shall accurately identify the size and location of all existing public and private utilities within 10' of the property, and within all public right-of-ways fronting the property. Show all proposed private utilities and Tie-in locations.
12. Upon approval of any required improvement plans, the applicant shall provide a reproducible mylar set and 3 sets of prints of the improvements for inspection purposes. Prior to acceptance of the improvements, the applicant shall provide reproducible mylars, and 2 sets of prints of the approved record drawings (as-builts).
13. The owner shall offer for dedication to the public the following: Street right of way, three-feet in depth, to provide a 28' half street.

FIRE DEPARTMENT:

14. 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.
15. 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.

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. The Building Official shall determine the extent of said maintenance.

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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 or owner's contractor is to take precaution against damaging road surfaces. The owner is responsible for protection against and repair of, at owner's expense, any damage incurred during or because of construction.

4. Encroachment permit(s) must be obtained prior to all work in 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 or storage of construction equipment or materials shall occur without prior issuance of an encroachment permit.

5. 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 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 that will require additional erosion control measures.

6. No Building Permits will be issued during the period from November 1 to March 31 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.

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:

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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.

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. **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 applicable 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 within ten (10) working days of receipt, the permit is not valid until signed by the property owner and applicant.

- END -

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