

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

Th19a

RECORD PACKET COPY

Filed: 3/25/03
49th day (waived): 4/10/03
Staff: JB-SC
Staff report: 5/16/03
Hearing date: 6/12/03
Item #: Th19a

APPEAL STAFF REPORT - SUBSTANTIAL ISSUE DETERMINATION

Appeal number.....A-3-SLO-03-038, Pier View Plaza
Applicant.....Mike Hargett; Connie Papousek; Richard Woodland; Mel McColloch
Appellants.....Ron Wilson; Bruce Gibson; George Hoag; Ronald Tamousch; Rebecca Wyatt;
Thomas Jackson; Ed & Mary Ann Carnegie; Arley Robinson
Local government.....San Luis Obispo County
Local decisionApproved with Conditions (February 25, 2003)
Project location.....Ocean Avenue and "E" Street, Cayucos.
Project descriptionThird time extension of local coastal development permit to allow three
buildings totaling approx. 15,500 sq. ft. for commercial retail, office and
motel units.
File documents.....San Luis Obispo County Certified Local Coastal Program (LCP); San Luis
Obispo Local Permit D940199D.
Staff recommendation .. No Substantial Issue

Summary of staff recommendation: The County of San Luis Obispo approved a third time permit extension allowing the development of three buildings totaling approximately 15,500 square feet for commercial retail, office and motel units. The project extended by the County action is located on the northeast corner of Ocean Avenue and "E" Street, within the central business district of the community of Cayucos, in the Estero Planning Area of San Luis Obispo County.

When substantial site work has not occurred within the established time limit, the LCP allows for a maximum of three, 12-month extensions to the initial time limit. Third time extensions are discretionary actions and are more narrowly focused than the initial consideration of the project. The extension process focuses on intervening changes and their effect on the approval, rather than on re-hearing the merits of the original project. In general, to deny a third time extension would require the decision-making body to find that due to changed circumstances, the project is no longer consistent with the LCP. An approved coastal development becomes void after expiration of the third extension where site work has not first occurred.

Most relevant to this analysis is the appellant's contention that circumstances have changed since the County approved the project, and that the project is no longer consistent with the LCP. The appellant



California Coastal Commission
June 2003 Meeting in Long Beach

Staff: J.Bishop Approved by: **DSL**

contends that approval of this project was the impetus for new design guidelines for the update to the LCP's Estero Area Plan, which is currently going through the County review process. Given the extensive public discussions that produced the proposed standards, the appellant feels that this represents a clear change in community opinion regarding the appropriate size of new buildings in the downtown commercial area of Cayucos. The appellant feels that these draft standards represent a changed circumstance and that the project is now inconsistent with the character of the immediate neighborhood and contrary to its orderly development because it does not comply with the proposed design standards.

As discussed in the substantial issue section of this report, the approved project is consistent with third time extension standards of the LCP. Therefore, Staff recommends that the Commission, after conducting the public hearing, determine that **no substantial issue** exists with respect to grounds on which the appeal has been filed.

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1. Appeal of San Luis Obispo County Decision

A. San Luis Obispo County Action

On October 23, 1997, The San Luis Obispo County Planning Commission conditionally approved the proposal to construct the Pier View Plaza mixed-use development project. The project faced initial opposition from the community and the Cayucos Citizen's Advisory Committee (CCAC) in regards to parking, the height and scale of the three buildings proposed, and the planning area standards requiring Western or Victorian style architecture for commercial buildings in Cayucos. On appeal, the Board of Supervisors directed the applicant to work with the community on the details of a modified design. After consultation with the appellants and the Land Use Committee of the CCAC, the building's perceived mass was reduced primarily through larger 2nd and 3rd floor setbacks and other design elements were added. The Board of Supervisors subsequently approved the project on June 16, 1998. The decision was not appealed to the Coastal Commission. Conditions approved by the County are attached as Exhibit D.

Site work was not begun due to circumstances beyond the control of the applicant and permit extensions were requested. The first and second one-year time extensions allowed under the LCP were authorized by the Planning Director and extended the life of the permit to June 16, 2002. Third time extensions are discretionary actions and may be appealed to the Board of Supervisors and the Coastal Commission. On February 25, 2003, the Board of Supervisors approved a third one-year extension. Under the terms of the LCP, no further extensions can be approved beyond this extension.

B. Appeal Procedures

Coastal Act section 30603 provides for the appeal of County actions on 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 in a sensitive coastal resource area designated by the LCP. This designation is related to commercial and recreational uses on Ocean Avenue, defined as a Special Community.

The grounds for appeal under section 30603 are limited to allegations that County action to extend the coastal development permit 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* hearing on an appealed action 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 action is in



conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the action is in conformity with the public access and recreation policies of Chapter Three 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 not located between the first public road and the sea and thus the finding regarding public access and recreation need not be made.

C. 49-Day Hearing Requirement

Pursuant to Section 30621 of the Coastal Act, an appeal must be set for hearing no later than 49 days after the date on which the appeal is filed with the Commission (since this appeal was filed on March 25, 2003, the 49th day was May 13, 2003). In this case, and at Commission staff's request, the Applicant (on April 10, 2003) waived his right to a hearing within 49 days to allow the County to prepare its administrative record, and to allow for Commission staff to prepare a staff recommendation based on that information.

D. Standard of Review

The County Planning Commission may grant one additional 12-month extension to an approved land use permit after the two initial extensions provided that certain findings can be made. In general, the findings relate to changed circumstances that may have occurred since the initial County approval was made. Therefore, the standard of review for this project is Coastal Zone Land Use Ordinance Section 23.02.050(b), which sets standards for approval of third time extension requests.

2. 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 was filed. A finding of substantial issue would bring the project under the jurisdiction of the Commission for hearing and action.

MOTION: *I move that the Commission determine that Appeal No A-3-SLO-03-038 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

Staff recommends a **YES** vote. Passage 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-SLO-03-038 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 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.

Recommended Findings and Declarations

The Commission finds and declares as follows:

3. Project Description

A. Project Location

The project that is the subject of the extension is located on the northeast corner of Ocean Avenue and "E" Street in Cayucos, within the Estero Planning Area of San Luis Obispo County. The LCP designates this area as Commercial Retail within which commercial retail units are a principal permitted use. Commercial retail uses, hotels, as well as single and multi-family residences surround the project site. The LCP also designates the area as a Sensitive Resource Area, due to its location within the Special Community designation on Ocean Avenue.

The project involves the construction of three buildings totaling approximately 15,500 square feet on three separate but adjacent lots. The three buildings include of a mix of commercial retail, office space, and six motel suites for weekly rentals. The buildings would be located on the street frontage along Ocean Avenue in the central business district. Parking for the new development is proposed to be located in the rear of the buildings. The buildings are designed in a Victorian style of architecture. The Project plans are attached to this report as Exhibit B.

The site is currently vacant, but was used previously as a Chevron service station. Part of the reason that construction has not yet occurred is due to the considerable amount of time needed for site cleanup and remediation. According to the County staff report, the Regional Water Quality Board has indicated that sufficient cleanup has occurred to allow development of the site.



B. County Action To Extend CDP

On February 25, 2003 the County Board of Supervisors made the requisite findings of the CZLUO regarding extensions of time for commencement of construction and approved the extension. In approving the extension the County maintained the original conditions of approval attached to the project from the Board of Supervisors hearing in 1998, but added new findings to reflect LCP requirements for third time extension requests. The Board of Supervisors concluded that the original findings for approval can still be made and the original conditions of approval are still adequate to ensure the project's consistency with the community character standards and policies of the LCP. The County did recognize that more specific standards have been proposed in the Draft Estero Plan update. However, they concluded that the County at this time must use currently adopted standards to review projects, and may not use standards that are not yet adopted. A complete list of conditions of approval can be found in Exhibit D.

4. Substantial Issue Findings

A. Appellant's Contentions

On March 25, 2003 Ron Wilson, Bruce Gibson, George Hoag, Ronald Tamoush, Rebecca Wyatt, Thomas Jackson, Ed Carnagie, Marry Ann Carnagie, and Arley Robinson appealed the County's action to extend the permit. They contend that the County's action to extend the CDP is inconsistent with the third time extension policies of the LCP. In general, the appellants feel that: 1) the project is appealable because it is out of scale with that of the community under Section 23.01.043(d)(1)(iii); and 2) the findings required for a third time extension cannot be made today under Section 23.02.050b(3). These contentions will be discussed in detail in the following sections.

B. Issue Analysis

As described, the County Board of Supervisors approved the third time extension request on February 25, 2003. At that time, the Board set February 25, 2003 as the operative approval date for the permit and extended the permit for twelve (12) months beyond that date. Should *no substantial issue* be found, the County action to allow the extension would stand.

Issue #1 - Project Is Appealable Because It Is Not Compatible With The Community Character

The appellant's cite CZLUO Section 23.01.043(d)(1)(iii) in support of this contention. The policy states:

Section 23.01.043(d)(1)(iii) – Grounds for appeal. The development is not compatible with the established physical scale of the area. For the purpose of this section, "established physical scale of the area" shall include but is not limited to existing natural and manmade forms and



structures in the area, and includes consideration of height, massing and character of the proposed development with its surroundings."

This section of the CZLUO is the basis for appeal of new projects. However, this is not an appeal of a project, but is an appeal of an action to extend a coastal development permit for a project. This is an important distinction to make, as the rules for an extension are different. Based on the policy cited in their appeal contention, it appears that the appellants have mistaken the basis for this appeal with the criteria for determining whether the coastal permit can be extended.

The County action is appealable but not on the basis of 23.01.043(d)(1)(iii). This section of the ordinance applies only to projects located between the first public road and the sea. This project is not located between the first public road and the sea. Furthermore, Section 23.02.04 (d)(1)(iii) references Section 30603 of the Public Resources Code as its authority but mis-states the current version of Section 30603. The specialized bases of appeal outlined in 23.01.043(d) are no longer in the statute. However, the County action is appealable under Section 23.01.043(c)(3)(v) due to the fact that the underlying project is located in an identified "Special Community." The action to extend a permit, however, is analyzed under the LCP rules that apply only to extensions. Therefore, this contention does not raise a substantial issue because the ordinance cited does not apply to this appeal.

Issue #2 - Findings For Original Project Cannot Be Made Today

The Coastal Zone Land Use Ordinance (CZLUO) Section 23.02.050(b) provides for three, one-year time extensions. The third time extension requires a public hearing and approval by the County Planning Commission. The Planning Commission must make the following findings:

- 1) There have been no changes to the provisions of the Land Use Element or Land Use Ordinance applicable to the project since the approval of the land use permit;*
- 2) There have been no changes in the character of the site or its surroundings that affect how the standards of the Land Use Element or Land Use Ordinance apply to the project;*
- 3) There have been no changes to capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads of schools such that there is no longer sufficient remaining capacity to serve the project*
- 4) That substantial site work could not be completed due to circumstances beyond the control of the applicant;*
- 5) The findings that were required by Section 23.02.034c(4) to enable initial approval of the permit.*

The appellants contend that the fifth and final required finding listed above cannot be made. Specifically, they cite Section 23.02.034(c)(4)(iv) as support for the appeal contention.



The section reads:

Section 23.02.034 (c)(4)(iv) – Development Plan – Required Findings. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development

The following analysis is a review of San Luis Obispo County's action on a third time extension. The analysis for third time extensions is different than for usual project appeals. The analysis is more narrowly focused, centering on changed circumstances to the site, the project, the applicable standards, or the availability of resources and public services that would now make the original approval inconsistent with the LCP. What should not be evaluated are the merits of the original County approved project. Therefore, this analysis will focus on whether or not something has changed and will not be more wide ranging look that is usually done on initial submittal for project approval.

As you can see from the required findings listed above, the focus of the ordinance is on changed circumstances. In fact, the word "change" appears in the first three required findings. Clearly the focus of the ordinance is on intervening changes that would deem the project inconsistent with the LCP. Coastal development permits are extended if there have been no changes that make the original project approval inconsistent with the certified LCP.

In response to community character concerns, the Cayucos Citizens Advisory Council proposed a new set of quantitative planning area standards for the updated Estero Area Plan. The thrust of the revised standards is to limit new commercial development to two-stories with buildings not to exceed 28 feet in height. The complete text of the newly proposed design standards can be found attached to this report as Exhibit F.

The appellants feel that these standards represent a clear community opinion regarding the appropriate size of new buildings for the Cayucos commercial district. The County Planning Commission in its approval of the third time extension did not feel that the applicants should be required to redesign the project, since it had already been approved long ago and that the Draft Estero Plan Update should not be used to re-evaluate this project. These new standards are under consideration by the Planning Commission at this time and are not currently certified as part of the LCP.

The County approved project, in relationship to the newly proposed draft design standards, is not entirely consistent because the approved development is 2 feet taller and includes a partial third story. Even if the newly drafted standards were to be applied here it does not appear that the inconsistencies would be substantial. The project architect's response to the draft guidelines can be found attached to this report as Exhibit G. However, the standard of review for this project is the certified LCP. The County approved project is consistent with the certified LCP. Because the draft policies cited are not the standard of review, staff recommends the Commission find no substantial issue with respect to this appeal contention.

The purpose of the LCP section cited above is to ensure required findings are made for the initial approval of projects including this one. This section is relevant to the extension process because the

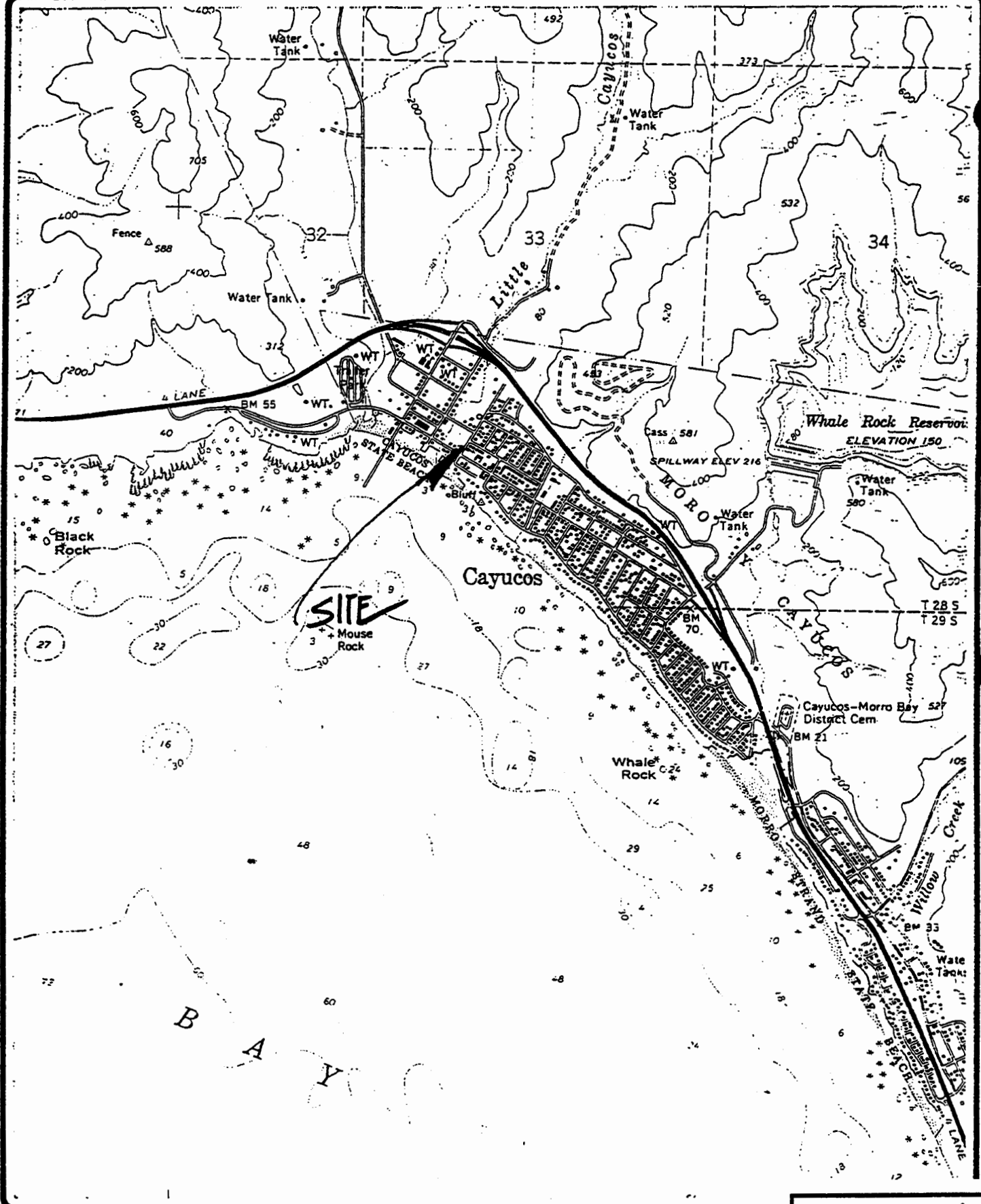


extension ordinance requires that you are still be able to make the original findings in order to extend a project. The County found the project consistent with this section in 1998. No new evidence has been submitted to show that the project no longer conforms to this standard thus; the finding can still be made. On this basis, the project can be extended without raising a substantial issue.

C. Substantial Issue Conclusion

In summary, the County action to approve a third time permit extension is consistent with the LCP. Since the County's approval in 1998, no intervening circumstances have been found that would render the County's determination inconsistent with the LCP. The County has made the requisite findings necessary to extend the permit for a third time. Finally, the newly crafted draft design guidelines presented by the appellant are not yet certified as part of the LCP and are not the standard of review. Therefore, the appeal raises no substantial issue with respect to the County's action to extend the permit for a third and final time.





PROJECT

PIER VIEW PLAZA
D940199D



EXHIBIT

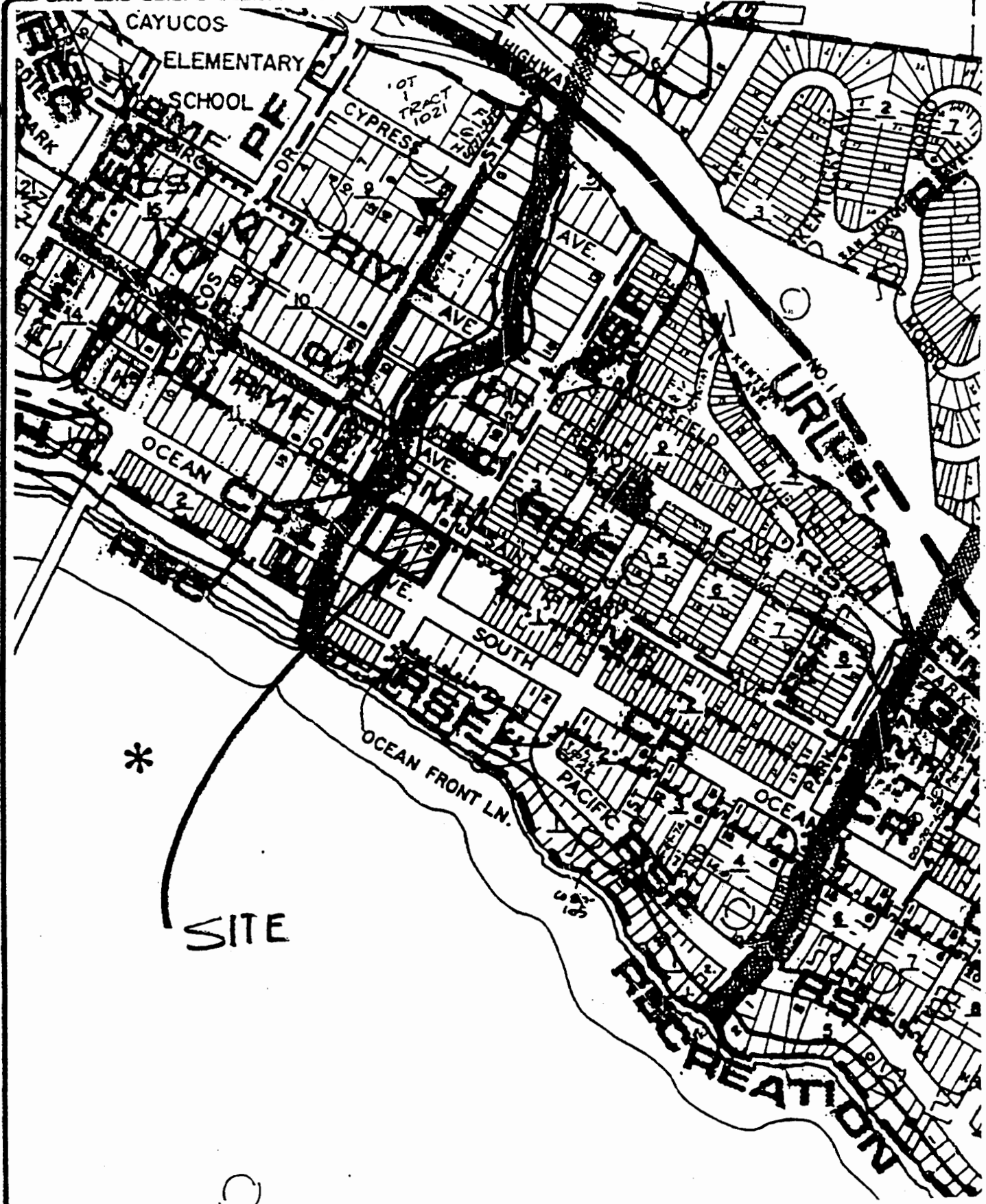
VICINITY

EXHIBIT NO. A

APPLICATION NO.
A-3-SLO-03-038

Vicinity MAP

1 of 2



PROJECT

PIER VIEW PLAZA
D940199D



EXHIBIT

LAND USE CATE

EXHIBIT NO. A

APPLICATION NO.
A-3-510-03-038

Land Use MAP

2 of 2

09401990

PROJECT



REVISED SITE

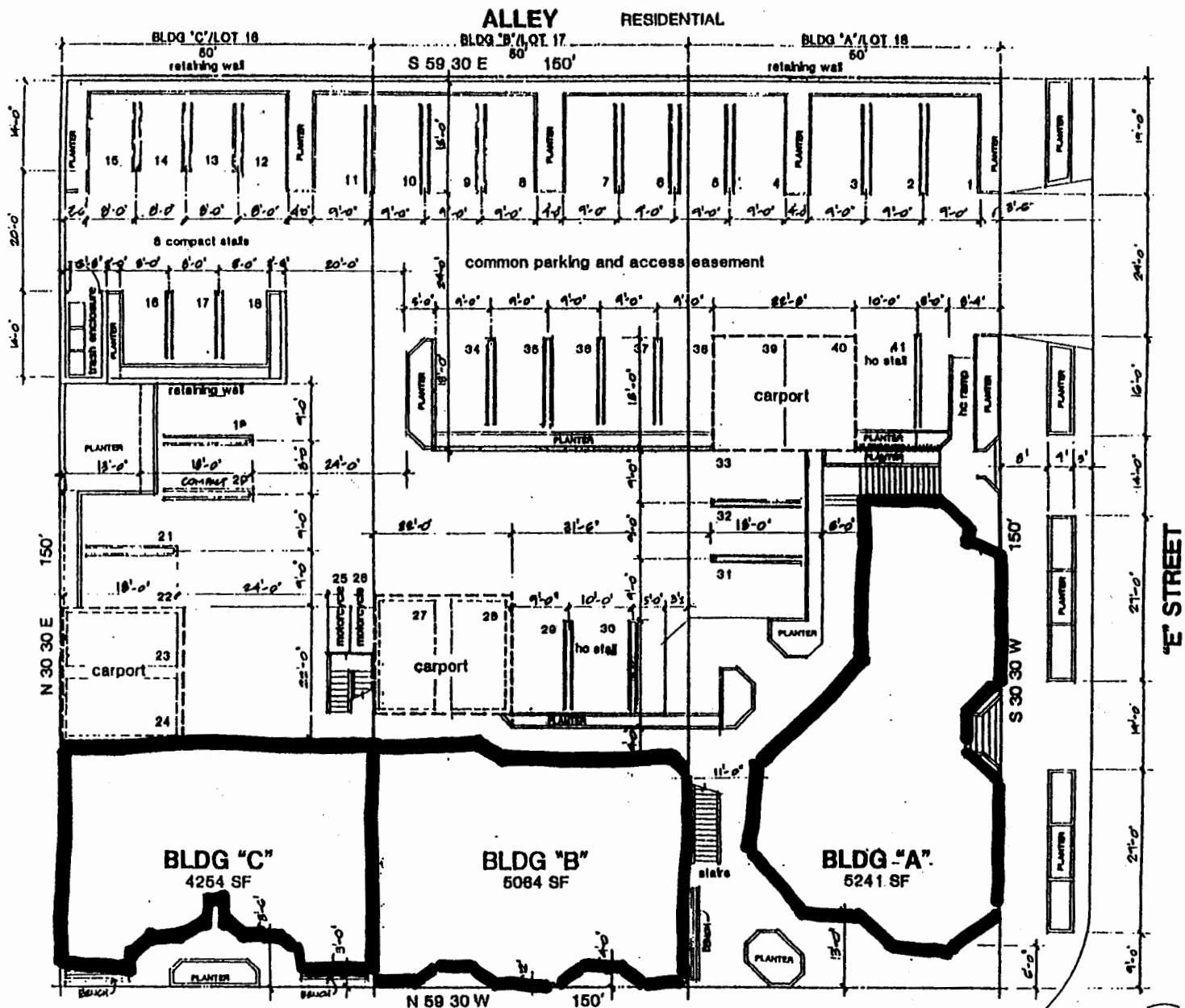
EXHIBIT

EXHIBIT NO. B

APPLICATION NO.
A-3-SLO-03-038

SITE PLAN

1063

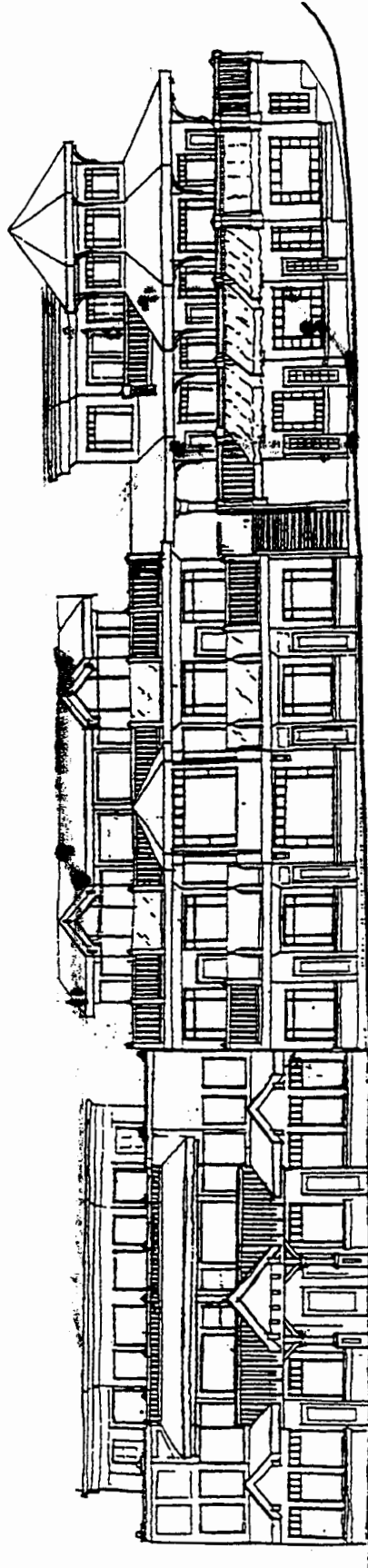


SITE PLAN

NORTH OCEAN AVENUE



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



OCEAN AVENUE STREETSCAPE

OCEAN VIEW PLAZA

PROJECT

D940199D



EXHIBIT

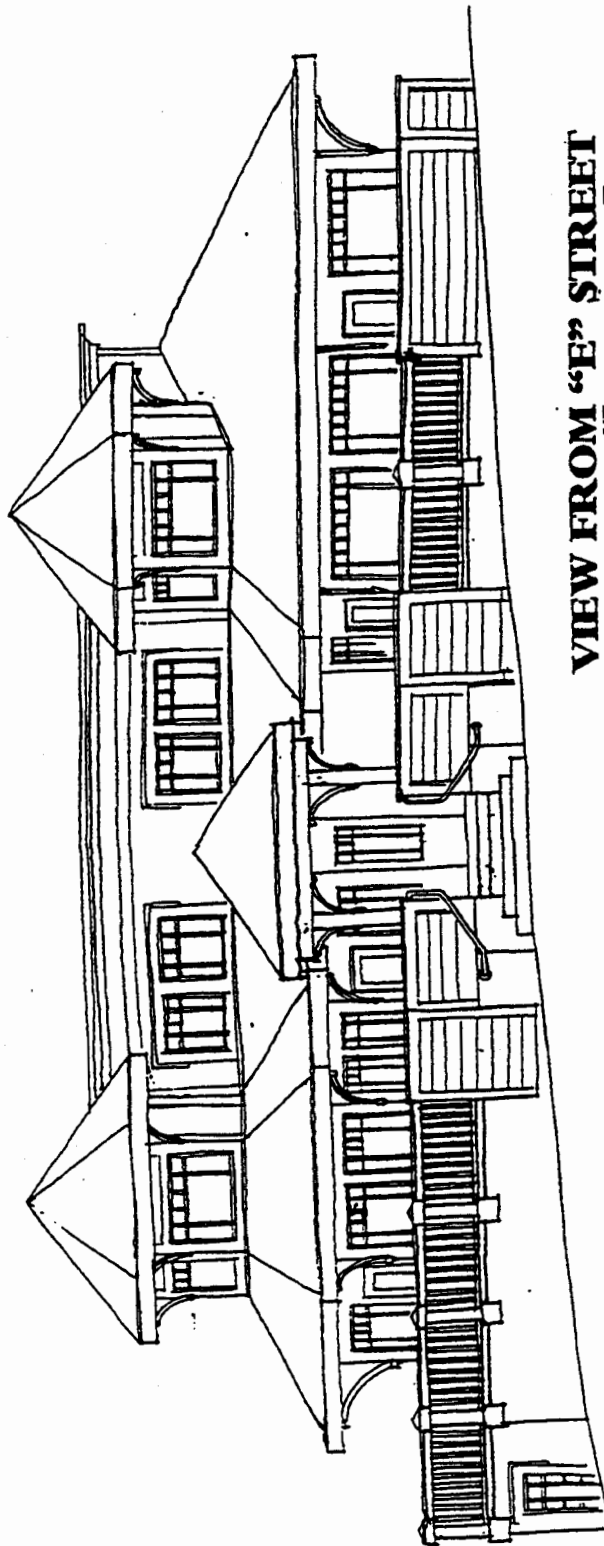
FRONT ELEV.

EXHIBIT NO. B

APPLICATION NO.
A-3-540-D3-038

Elevation

2 of 3



VIEW FROM "E" STREET
BUILDING "A"

PROJECT

D940199D



EXHIBIT

BUILDING "A" SL

EXHIBIT NO. B

APPLICATION NO.
A-3-SLO-03-038

Elevation

3 of 3

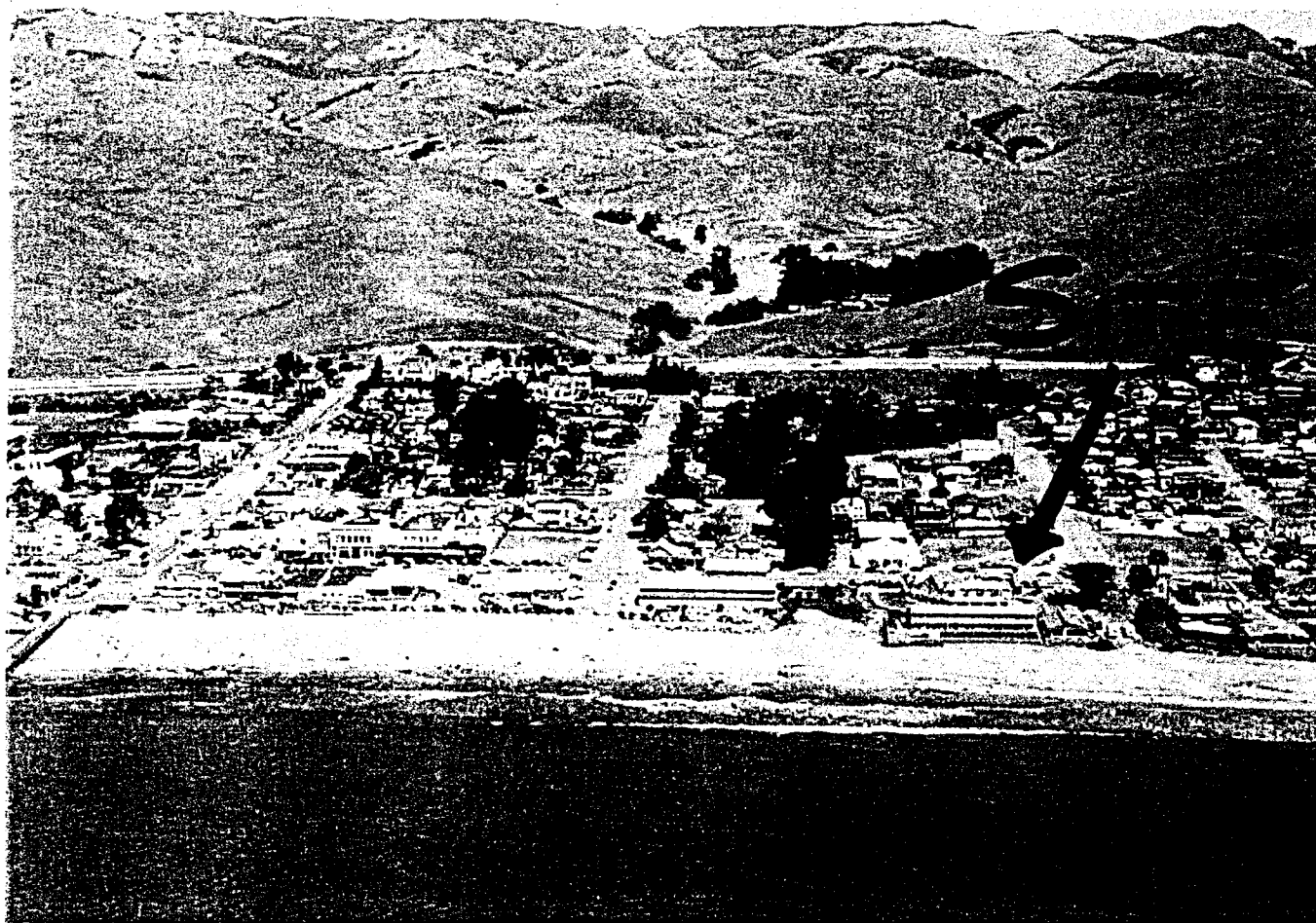


EXHIBIT NO. C
APPLICATION NO. A-3-540-03-038
Aerial Photo
1 of 1



SAN LUIS OBISPO COUNTY
DEPARTMENT OF PLANNING AND BUILDING

FINAL LOCAL
ACTION NOTICE

VICTOR HOLANDA, AICP
DIRECTOR

REFERENCE # 3-SLO-03-091
APPEAL PERIOD 3/18-4/1/03

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: February 25, 2003

RECEIVED

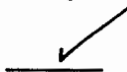
SUBJECT: D940199D

MAR 17 2003

LOCATED WITHIN COASTAL ZONE: ☒ YES ☐ NO

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

The above-referenced application was approved on the above-referenced date by the following hearing body:



San Luis Obispo Board of Supervisors

A copy of the findings and conditions is enclosed. The conditions of approval must be completed as set forth in this document.

This action is appealable to the California Coastal Commission pursuant to Coastal Act Section 30603 and the County Coastal Zone Land Use Ordinance 23.01.043. These regulations contain specific time limits to appeal, criteria, and procedures that must be followed to appeal this action. This appeal must be made directly to the California Coastal Commission Office. Contact the Commission's Santa Cruz Office at (408) 427-4863 for further information on appeal procedures. If you have questions regarding your project, please contact your planner, Terry Wahler, at (805) 781-5600. If you have any questions regarding these procedures, please contact me at (805) 781-5600.

Sincerely,

CURRENT DEVELOPMENT

CCC Exhibit D
(page 1 of 12 pages)

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

EMAIL: planning@co.slo.ca.us • FAX: (805) 781-1242 • WEBSITE: <http://www.slocoplanbldg.com>

(Planning Department Use only)

Date NOFA original to applicant: 3/13/03

~~John Pryor~~
Paul Reichardt Mailed Hand-delivered

Date NOFA copy mailed to Coastal Commission: 3/13/03

Enclosed: ☒ Staff Report
☒ Resolution
☐ Findings and Conditions

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Planning
Tabled

REC-
MAR 04 2003
Planning & Bldg

IN THE BOARD OF SUPERVISORS

COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Tuesday, February 25, 2003

PRESENT: Supervisors Harry L. Ovitt, Shirley Bianchi, K.H. 'Katcho' Achadjian, and Chairperson Michael P. Ryan

ABSENT: Supervisor Peg Pinard

In the matter of appeal of the Planning Commission's approval of a third time extension for the Pier View Plaza:

This is the time set for hearing to consider an appeal of the Planning Commission's approval of a third time extension for the Pier View Plaza, a Development Plan/Coastal Development Permit to allow three buildings totaling approximately 17,000 square feet for commercial retail, office and motel units, located in the community of Cayucos; 2nd District.

Mr. Terry Wahler: Planning, presents the staff report; outlines the issues of the appeal and staff's response to the same.

Mr. Matt Janssen: Planning, asks that if the Board denies this appeal that the motion include adding a 12-month life to the action today.

Mr. Ron Wilson: Appellant, presents letters for the record from Rebecca Wyatt and Bruce Gibson; indicates that Mr. Gibson shows on the staff report as an appellant and is not; presents an overhead of the Ocean View Plaza which he believes shows that this project is not consistent with the character of the immediate neighborhood; the Cayucos Advisory Council as developed design guidelines for the area that all other projects are following, including the newest building which is the Pier Pointe Inn.

Ms. Mary Ann Carnegie: Appellant, indicates that while this project does support the current standards it does not support the current wishes of the community; addresses various projects that have come forward, since this one, that have followed the guidelines.

Mr. Paul Ryker: EDA representing the Applicant, states he is available to answer questions.

Mr. Dan Lloyd: property owner in Cayucos and previously involved with this project, addresses his support of the Applicant's request.

Mr. Ryker: provides a petition in support of the project.

Mr. Wilson: gives his closing comments.

Ms. Carnegie: gives her closing comments, indicating they are not opposed to the project but want them to keep it at two stories.

Supervisor Bianchi: addresses the issue and her concerns, indicating she does not support the request for a third time extension.

Supervisor Ovitt: addresses the proposal and comments on the language in Finding J.

A motion by Supervisor Bianchi to uphold the appeal and not approve the third time extension, dies for lack of a second.

Thereafter, on motion of Supervisor Bianchi, seconded by Supervisor Ovitt and on the following roll call vote:

CCC Exhibit D
(page 3 of 12 pages)

AYES: Supervisors Ovitt, Achadjian, Chairperson Ryan
NOES: Supervisor Bianchi
ABSENT: Supervisor Pinard

the Board denies the appeal and affirms the Planning Commission's action approving the third time extension for development plan/coastal development permit D940199D based on the findings contained in Exhibit A in the staff report dated February 25, 2003. Further, the Board adds 12 months life effective today.

Chairperson Ryan: addresses his concern as to when the 12 months begins, whether it is at the Planning Commission or the Board and wants staff to bring back an item that would change it so that it would start at the time the final decision is made.

cc: Planning (2)
2/28/03 vms

STATE OF CALIFORNIA)
) ss.
County of San Luis Obispo)

I, JULIE L. RODEWALD, County Clerk and Ex-Officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of the said Board of Supervisors, affixed this 28th day of February, 2003.

(SEAL)

JULIE L. RODEWALD
County Clerk and Ex-Officio Clerk of the Board of Supervisors

By Vicki M. Melly **CCC Exhibit D**
(page 4 of 12 pages)
Deputy Clerk

**EXHIBIT A: FINDINGS
FOR THIRD TIME EXTENSION
(D940199D)
2/25/03**

- A. Substantial site work has not yet occurred.
- B. Substantial site work could not be completed as set forth in section 23.02.042 of the County Code because of circumstances beyond the control of the applicant including the remediation of the gasoline station residue and change in project ownership.
- C. There have been no changes to the provisions of the Land Use Element and Local Coastal Plan or Coastal Zone Land Use Ordinance applicable to the project since the approval of the land use permit.
- D. There have been no changes in the character of the site or its surroundings that affect how the standards of the Land Use Element and Local Coastal Plan or Coastal Zone Land Use Ordinance apply to the project because the site remains the same as when initially approved, the adjacent buildings remain the same and recently constructed commercial buildings in the area are limited in number, similar in height and size, and while recommended changes to the current Land Use Element have been made these changes are not yet adopted and are therefore not effective.
- E. There have been no changes to the capacities of community resources, including but not limited to water supply, sewage treatment or disposal facilities, roads or schools such that there is no longer sufficient remaining capacity to serve the project.
- F. The original findings for approval of a Development Plan / Coastal Development Permit (D940199D) can still be made and the original conditions of approval are still adequate to ensure the project's consistency with the General Plan and applicable zoning and building ordinances.
- G. The proposed project and uses are consistent with the Local Coastal Program and the Land Use Element of the general plan because they are "allowed" and "special" uses under Table "O" of the Land Use Element and Local Coastal Plan.
- H. The proposed project or uses, as conditioned, satisfies all applicable provisions of this title.
- I. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the uses because the project will require a building permit and is subject to the safety standards of the Uniform Building Code, and local ordinance.

- J. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project has been designed to be similar to and consistent with the architecture of adjoining commercial buildings in the central business district; and the project remains consistent with the existing and newly constructed commercial buildings in the vicinity of the site because the project, although including three stories, is similar in height and scale, adjusted for the difference in underlying lot size.
- K. The proposed use or project will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on an existing public road, capable of handling the minimal traffic generated by this use.
- L. On the basis of the Initial Study and all the comments received, there is no substantial evidence that the project will have a significant effect on the environment.

G:\...BS APPEALS 2003\PierViewTMXfind.wpd

** These Conditions *
Retained*

**EXHIBIT B - D940199D
REVISED CONDITIONS OF APPROVAL
June 16, 1998**

Authorized Use

1. This approval authorizes the following buildings and uses:

a) Land Uses and Buildings:

Building A / Lot 18 - Total Square Footage: 5.241

- 1) office use: none
- 2) retail: 3,186 square feet
- 3) storage serving retail uses: 295 square feet
- 4) 2 motel units (visitor serving, not for use as apartments or long term rental): 1,700 square feet total
- 5) one 2 car carport open for customer use

Building B / Lot 17 - Total Square Footage: 5.064

- 1) retail use: 1,596 square feet
- 2) storage serving retail uses: 284 square feet
- 3) office use (specific, listed in CZLUO): 1,048 square feet
- 4) 2 motel units (visitor serving, not for use as apartments or long term rental): 2016 square feet total
- 5) one 2 car carport open for customer use

Building C / Lot 16 - Total Square footage: 4.254

- 1) retail use: none
- 2) office use (specific, listed in CZLUO): 1530 square feet
- 3) office use ("other", in CZLUO): 748 square feet
- 4) 2 motel units (visitor serving, not for use as apartments or long term rental): 1,498 square feet total
- 5) one 2 car carport open for customer use

b) Parking

41 parking spaces shall be provided on the site overall. Other land uses, not requiring land use permit approval, may be allowed if parking requirements can be met. (Substitute uses within the "office" and "retail" square footage limits and building areas may be permitted if all parking and other ordinance requirements can be met). The mix of tenants/businesses will be determined by parking zoning and other local coastal plan requirements. The above specifically authorized uses demonstrate that minimal parking is required.

be satisfied.

Prior to issuance of building licences the applicant shall submit a comprehensive tenant/land use/parking plan to be maintained and amended based on current tenant mix to ensure ongoing compliance with parking standards.

c) General Requirements

-Prior to the issuance of any building permit, the applicant shall provide documentation to the development review section that all conditions herein have been complied with.

-Grading permit and building permit applications are required prior to site development.

d) Design Requirements

Windows shall be single hung windows, multi-pane windows or similar window packages consistent with Victorian and Western style architecture and shall not be solely large plane plate glass of modern architectural style.

-Siding shall be wood ship lap, colonial, board and batt, wood shingles or wood appearing wood impregnated concrete siding (not vinyl).

-Use of stucco is not allowed on wall faces and is discouraged elsewhere but may be used in very limited areas only as approved by the Director of Planning and Building.

Use of glass panels is acceptable as long as its use is in keeping with Victorian or Western Architectural style, with glass inserts, mounted behind rails, no greater than 3 feet in width between post on 3 foot center.

-Parking lot driveway and aisle grade shall not exceed 5%.

2. All permits shall be consistent with the revised Site Plan, Floor Plans and Elevations.

Revised Plans

3. Prior to issuance of a grading or building permit the applicant shall submit revised plans to the development review section of the Department of Planning and Building for review and approval to show:

- a) Section through each building clearly showing point of measurement for building height with height labeled and dimensioned on the plan.
- b) Final Landscaping, fencing and parking plan, revised final site plan if needed

Building Height

4. Building height shall not exceed 30 feet measured as follows:
 - a) For Buildings A and B from average natural grade, and because the site has been previously disturbed, this shall be interpreted to be the average of the high and low points at which each building will touch existing grade prior to any further disturbance.
 - b) For Building C from the centerline of the Ocean Avenue mid way between the property lines of Lot 16 projected to the centerline of the street.

Prior to setting forms and the foundation inspection, the applicant shall have a qualified professional set a control point for verification of height measurement. Control point shall be inspected by a building inspector prior to pouring footings or retaining walls. Building height shall be certified by a registered engineer or surveyor.

Agency Clearance

5. Prior to issuance of a grading or building permit the applicant shall obtain a letter of clearance from the State Regional Water Quality Control Board regarding compliance with remediation requirements.
6. Prior to issuance of a building permit the applicant shall obtain clearance for the existing drainage plan and system, or submit a revised drainage plan for review and approval by the County Engineering Department.
7. An encroachment permit shall be obtained from the County Engineering Department prior to any construction activities in the public right-of-way.
8. A letter of clearance from Cayucos Fire Department shall be required prior to issuance of any permits, indicating compliance with their standards and requirements.
9. Prior to issuance of any grading or building permits the applicant shall obtain a letter of release from the Cayucos Sanitary District regarding sewer line improvements, connections and all sewer facility improvements necessary to serve the project. Detailed sewer improvement plans shall be submitted to the District for review and approval.
10. Prior to issuance of any grading or building permits the applicant shall obtain final water will serve letter.

Grading and Drainage

11. Prior to issuance of any permits, or any grading activities, submit grading, sedimentation and erosion control, and drainage plans prepared in accordance with the requirements of Section 23.05.028, 23.05.036, and 23.05.044 of the County Land Use

Ordinance to the Department of Planning and Building for review and approval. The plans shall be designed by a professional licensed to prepare grading and drainage plans. Review of the plans shall be subject to an inspection and checking agreement with the Engineering Department.

12. At the time of application for construction permits, the applicant shall indicate on the construction plans, the drainage improvements required by the County Engineering Department. The plans shall be subject to review and approval by the County Department of Planning and Building and the County Engineering Department. Drainage plan shall include energy dissipators and shall include improvements to ensure no worsening of drainage conditions.

Visual/Aesthetic

13. Prior to issuance of building permits, the applicant shall provide an exterior lighting plan showing the location and type of lighting proposed throughout the development. All exterior light sources shall be low-level and adjusted so that light is directed away from surrounding residential neighborhoods.

Color Board

14. Prior to issuance of a building permit the applicant shall submit a color and materials board to the Development Review Section of the Department of Planning and Building for review and approval to verify that the colors and materials are appropriate and compatible with the existing architecture in the downtown, although colors may be different from those present in the downtown at this time. A site inspection shall be requested by the applicant prior to finaling the building permit.

Final Landscaping, Fencing and Parking Lot Plan

15. Prior to the issuance of any building or grading permits (before or at the time of application for building permits), the applicant shall submit revised, final landscape, irrigation, landscape maintenance plans and specifications, fencing plans, and final parking lot plan to the Department of Planning and Building for review and approval. The landscape plan shall be prepared as provided in Section 23.04.186 of the Land Use Ordinance and provide vegetation that will soften the appearance of the new development.

- a) Plant container size mix with a sufficient number of larger trees and shrubs to provide initial screening of the back of the buildings and the parking lot.

Sufficient number of trees to comply with CZLUO Section 23.04.168 f. For parking lot shading, however the species of tree shall be those to allow 30 foot maximum tree height in the lower parking area, and 20 foot high trees in the upper parking lot, as requested by the Cayucos Advisory Council to ensure preservation of such ocean views as may remain over the tops of the proposed buildings.

- c) Identify and include landscaping at the corner of E Street and Ocean Avenue to break up building massing.
- d) Three 3 foot x 6 foot planter beds along "E" Street within sidewalk portion of right of way for street trees. (Encroachment permit required by County Engineering).
- e) Fencing and screening plan
- f) location of and width of planter beds (not less than 3 feet)

The landscaping plan shall utilize only drought tolerant plant material consistent with Section 23.04.184 of the Land Use Ordinance.

16. Prior to application for building permits, a cost estimate for a planting plan, installation of landscaping, and maintenance of new landscaping for a period of three years shall be prepared by a qualified individual (e.g., landscape contractor) and shall be reviewed and approved by the County Department of Planning and Building. Prior to issuance of construction permits, a performance bond, equal to the cost estimate, shall be posted by the applicant. The bond amount may be reduced with the completion of each area landscaped.

The landscape installation timing shall be as follows:

- a) Prior to finaling the building permit for each building the respective landscaping for each building shall be installed.
- b) Upon completion of each phase of landscaping, the bond amount may be reduced a commensurate amount. Upon installation of all landscaping the bond amount may be reduced to 20% of the original amount and shall remain in effect for a period of one year to ensure successful establishment of all landscaping.

Effective Time Period

17. This development plan initial approval period is two years. Time extensions must be submitted in writing by the applicant and are subject to evaluation and action based on the circumstances prevailing at the time of the request, but may be granted on an annual basis for 3 additional years.

Environmental Mitigation

18. The following measures shall be implemented as conditions of approval to comply with the California Environmental Quality Act.

Water Quality

- a) If contamination is encountered during excavation, all additional excavation work shall stop until the Regional Water Quality Control Board authorizes additional excavation.
- b) Access to the property for purposes of installation and maintenance of monitoring well(s) and excavation of contaminated soil shall be granted to the Regional Water Quality Control Board or their authorized agent(s) for the life of the property or until the Regional Water Quality Control Board closes it's monitoring the site. Any monitoring well installation or maintenance, or any excavation of contaminated soil by the Regional Water Quality Control Board shall be done in a way that is least disruptive to the existing businesses and buildings on the site.

Indemnification

- c) The applicant shall, as a condition of the approval and use of this development plan, defend, at its sole expense, any action brought against the County of San Luis Obispo, its present or former officers, agents or employees, by a third party challenging either its decision to approve and issue this development plan or the manner in which the county is interpreting or enforcing the conditions of this development plan, or any other action by a third party relating to approval or implementation of this development plan. Applicant shall reimburse the county for any court costs and attorney's fees which the county may be required by a court to pay as a result of such action, but participation shall not relieve applicant of its obligation under this condition.

Archaeology

- d) If any archaeological resources are found during grading work on the project site, work shall stop until such time as the resource can be evaluated by an archaeologist. The applicant shall implement the recommendations of the archaeologist, as required by the Environmental Coordinator.

STATE OF CALIFORNIA - THE RESOURCES AGENCY

Gray Davis, Governor

CALIFORNIA COASTAL COMMISSIONCENTRAL COAST DISTRICT OFFICE
728 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4883**RECEIVED**

MAR 25 2003

**APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT**CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Please review attached appeal information sheet prior to completing this form.

SECTION I. Appellant(s):

Name, mailing address and telephone number of appellant(s):

SEE ATTACHED

Zip

(805) 995-2484

Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government:

SAN LUIS OBISPO COUNTY

2. Brief description of development being appealed:

COASTAL DEVELOPMENT OF THREE (3) BUILDINGS
TOTALING APPROXIMATELY 17,000 SQ. FT. FOR COMMERCIAL
RETAIL, OFFICE AND MOTEL UNITS. ALL BUILDINGS
ARE THREE-STORY TALL

3. Development's location (street address, assessor's parcel number, cross street, etc.):

APNs: 064-111-019, 020021 IN THE ESTERO PLANNING AREA
PROPERTY LOCATED AT THE NORTHEAST CORNER OF OCEAN AVE.
AND "E" STREET

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: X

c. Denial: _____

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

TO BE COMPLETED BY COMMISSION:APPEAL NO: A-3-SLO-03-038DATE FILED: 3/25/03DISTRICT: Central Coast

Post-It™ brand fax transmittal memo 7671

of pages 8

To: <u>STEVE MONOWITZ</u>	From: <u>RON WILSON</u>
Co: <u>COASTAL COMMISSION</u>	Ca: _____
Dept: <u>CENTRAL COASTAL</u>	Phone #: <u>805-995-2484</u>
Fax #: <u>831-427-9877</u>	Fax #: <u>805-995-2573</u>

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

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

a. ☐ Planning Director/Zoning Administratorc. ☐ Planning Commissionb. ☒ City Council/Board of Supervisorsd. ☐ Other: _____6. Date of local government's decision: FEB. 25, 20037. Local government's file number: D940199D**SECTION III Identification of Other Interested Persons**

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

a. Name and mailing address of permit applicant:

MIKE HARGETT, CONNIE PAPOUSEK, RICHARD WOODLAND
MEL MCCULLOCH - 2950 MAIN ST., SUITE E.
CAMBRIA, CA 93928

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

- (1) SEE ATTACHED
- (2) _____
- (3) _____
- (4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (PAGE 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

SEE ATTACHED

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

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

SEE ATTACHED


Signature of Appellant(s) or Authorized Agent

Date MAR. 24, 2003

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

SECTION VI. Agent Authorization

I/We hereby authorize _____ to act as my/our representative and to bind me/us in all matters concerning this appeal.

Signature of Appellant(s)

Date _____

CCC Exhibit E
(page 3 of 7 pages)

March 24, 2003

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

RE: Coastal Zone Appeal of Third Time Extension by San Luis Obispo County Board of Supervisors of Coastal Development Permit No. D940199D (Pier View Plaza, Cayucos)

Dear Coastal Commissioners and Staff,

We are appealing the Board of Supervisors' and the Planning Commission's decisions to grant the third time extension for the project listed above because the findings required for the extension cannot be made. Our appeal is based on the following sections of the San Luis Obispo County Coastal Zone Land Use Ordinance:

- Section 23.01.043d(1 iii) – Grounds for appeal
"The development is not compatible with the established physical scale of the area. For the purpose of this section, "established physical scale of the area" shall include but is not limited to existing natural and manmade forms and structures in the area, and includes consideration of height, massing and character of the proposed development with its surroundings."
- Section 23.02.050b(3) – Third extension
"The Planning Commission may grant one additional 12-month extension to an approved land use permit after the two initial extensions provided that the Planning Commission makes the following finding(s): (3) The findings that were required by Section 23.02.034c(4) to enable initial approval of the permit." Specifically, we contend that the following finding cannot be made for this project.
- Section 23.02.034c(4 iv) – Development Plan – Required findings
"The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development."

This three-story project was the impetus for a significant public discussion in Cayucos as to the proper physical scale for commercial buildings in our downtown area. That discussion on how to preserve community character led to a set of proposed quantitative planning area standards for the update to the Estero Area Plan (two-story limit, 28 ft. max. building height, etc. - see attached Cayucos Citizens Advisory Council letter dated 9/25/98). All commercial projects built since those standards were proposed have met them.

Even though the new standards were proposed after this project was initially approved, they are of crucial importance to your consideration of a third time extension: Given the extensive public discussion that produced them, the proposed standards represent a clear community opinion regarding the appropriate size of new buildings. That opinion is fundamental when interpreting the *existing* planning area standard that requires new commercial buildings be compatible in scale with existing development. While the existing standard is qualitative, it has the same importance as the quantitative standard of maximum height.

When this coastal development plan was first approved, there was no stated community opinion available to interpret the compatibility standard. Now there is. In fact, the Cayucos Citizens Advisory Council recently reaffirmed their support of the proposed standards for orderly development, and this project should conform to them, if it is to proceed.

Although commonly approved, third time extensions are not entitlements to be automatically granted. A public hearing is required to discuss the very issues raised here. In the four years the applicants have had to bring this project forward, circumstances have changed. These changes should have been reflected in the County's findings – land use permits are not extended indefinitely for this very reason.

To give you some idea of the impact a project of this size would have on our small-scale community, we have included a graphic comparison of the largest structure ever built in Cayucos, the two-story Pier Pointe Inn, superimposed in front of the proposed three-story Pier View Plaza. We conclude that the third story contributes particularly to the excessive impact of this project. Note that the community's proposed standards envision only pitched roofs and architectural details above a height of 24 feet.

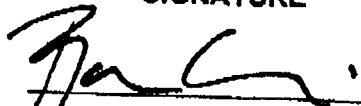

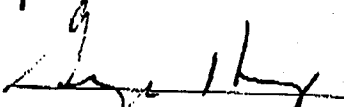
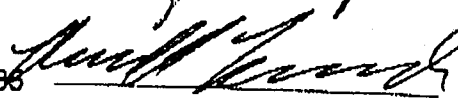
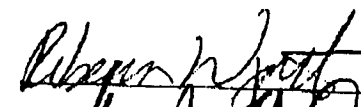

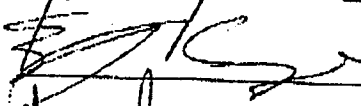
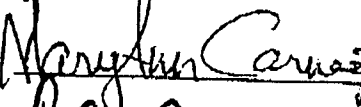

We would also ask the Commission to clarify the final expiration date of this permit. Our initial understanding was that even with an extension, the permit would lapse on June 16, 2003. In their approval, the San Luis Obispo Board of Supervisors appeared to extend the final expiration date to February 25, 2004. We are unsure that this extra time is allowed under our Local Coastal Program.

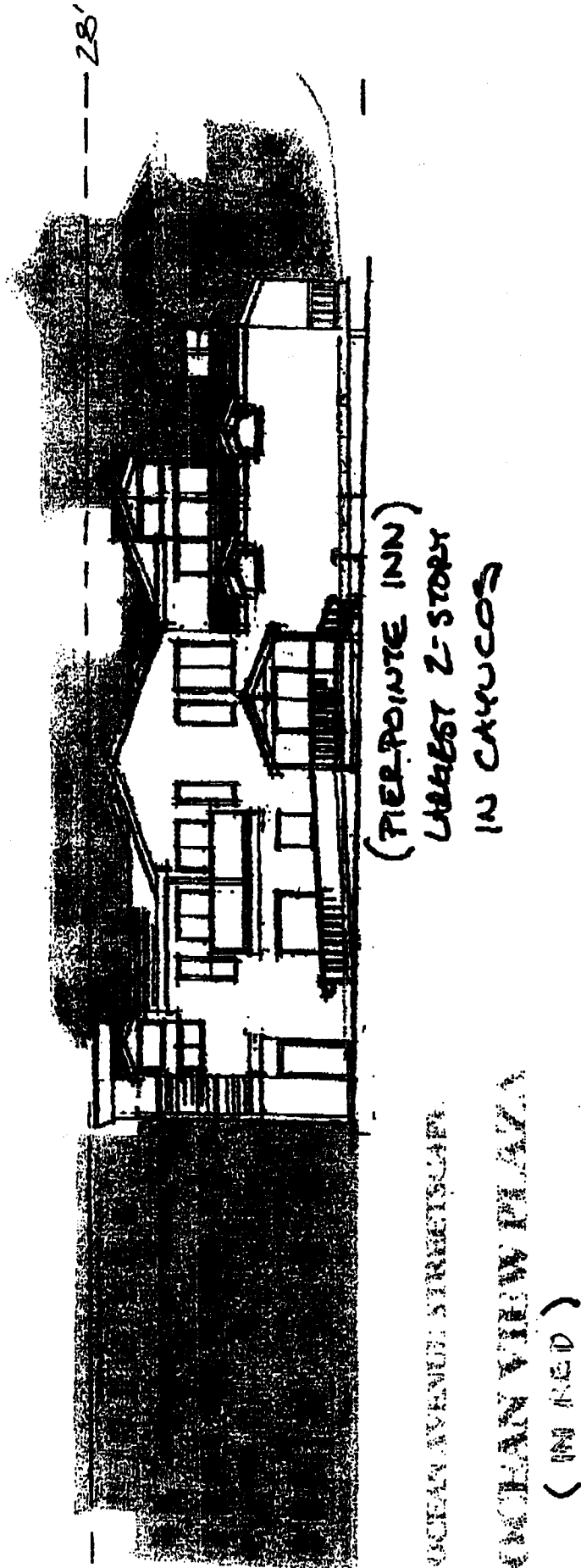
Please call if you have any questions.

For the appellants,



Ron Wilson
197 F Street
Cayucos, CA 93430
805-995-2484
ronwilsondesign@msn.com

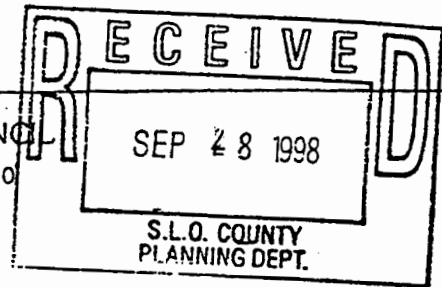
APPELLANTS	ADDRESS	TELEPHONE	SIGNATURE
Ron Wilson	197 F St, Cayucos, CA 93430	805-995-2484	
Bruce Gibson	1410 Cottonfall Ck, Cayucos, CA 93430	805-995-3059	
George Hoag	14 Fresno Ave, Cayucos, CA 93430	805-995-2861	
Ronald Tamoush	85 Fresno Ave, Cayucos, CA 93430	805-995-0886	
Rebecca Wyatt	150 E St, Cayucos, CA 93430	805-995-2318	
Thomas Jackson	163 G St, Cayucos, CA 93430	805-995-2126	
Ed Carnegie	2689 Richard Ave, Cayucos, CA 93430	805-995-3659	
Mary Ann Carnegie	2689 Richard Ave, Cayucos, CA 93430	805-995-3659	
Arley Robinson	3184 Ocean, Cayucos, CA 93430	805-995-0856	



Cayucos

September 25, 1998

CITIZENS ADVISORY COUNCIL
P.O. BOX 781 • CAYUCOS, CA 93430



Mr. Mike Wulkan
Dept. of Planning and Building
County Government Center
San Luis Obispo, CA 93408

Dear Mike:

At our meeting of September 23, the Advisory Council passed the following recommendation for revisions to the planning area standards for the Central Business District of Cayucos (7 yes, 5 no).

Intent of the revised standards.

Allow a wide range of two-story buildings: any structure above the second-floor ceiling height would only be pitched roof or limited decorative elements. Three-story buildings would not be allowed.

Specific recommended standards.

- a) Buildings limited to two habitable stories above grade (as defined by the Coastal Zone Land Use Ordinance).
- b) Maximum building height 28 ft.
- c) Maximum plate height of 24 ft.
- d) Vertical measurements above should be referenced to the centerline of Ocean Ave., except for lots with an average natural grade lying below the centerline. For such lots, vertical measurements should be referenced to the average natural grade of the lot.
- e) No wall facing a public street greater than 24 ft. above finished grade. No other wall greater than 28 ft. above finished grade.
- g) Buildings should incorporate at least the basics of good-quality design; for instance, reasonable attention should be paid to pedestrian access, landscaping, and the articulation of walls and roofs. The architectural style of buildings should be either western, Victorian, or seaside/nautical, as is currently proposed in the draft Estero Area Plan.

We understand that the "compatibility" standard would remain, since it is part of the Coastal Zone Land Use Policy. The new standards are intended to make that standard less of an issue in the planning process by specifying compatible scale in more detail. On behalf of the Council, let me thank you again for your efforts on the area plan update. If you have any questions regarding these recommendations, please don't hesitate to give me a call.

Sincerely yours,

A handwritten signature in cursive script that reads "Bruce S. Gibson".

Bruce S. Gibson
Chairman, Land Use Committee

CC: Supervisor Bud Laurent
Ms. Shirley Bianchi, Planning Commission

EXHIBIT NO. F
APPLICATION NO. A-3-310-03-038
DRAFT Design Guidelines - Estero
1 of 1

Jonathan Bishop

From: John Pryor [jpryor@pacbell.net]
Sent: Tuesday, May 20, 2003 3:45 PM
To: jbishop@coastal.ca.gov
Subject: re: Pier View Plaza, Cayucos

May 20, 2003

Johnathan Bishop
California Coastal Commission
Central Coast Area Office
725 Front Street Suite 300
Santa Cruz, CA 95060

re: Pier View Plaza, Cayucos

Mr. Bishop,

I would like to follow up our conversation of earlier this morning by making note of several points regarding the Design for Pier View Plaza (PVP) as Approved and now under Appeal to the Commission, as compared with that of a design based on the yet to be adopted Draft of the Estero Area Plan.

1) It is made clear in the Draft that new buildings would be limited to two stories only, while PVP was approved with three stories. However,

- it seems ludicrous to suggest that building mass would be reduced by a highly articulated three story structure if it were instead designed as a two story allowed to achieve the very same height at its roof, which in some instances would be a flat roof or roof parapet wall design, placed streetside.

-The Draft suggests that building facades be placed up to the right-of-way. PVP sets the closest facade elements away from the street right of way by at least 6 feet at BLDG "A", 1 foot at BLDG "B" and 3 feet at BLDG "C".

-The Draft suggests that wall plate lines measure a maximum of 24 feet at the front facade, while PVP has a tiered or "wedding cake" design with each floor stepping back from the one below, and in one case (BLDG "C") where a two story wall section does occur at the street frontage, the height of which measures just 23 feet which is broken up by a first level roof overhang. PVP therefore is lower than this requirement, excepting the measurement of the third floor wall plate height which is set well back from the front facade.

-Furthermore, the Western stylings suggested in Figure 17-15 and Figure 17-16 of the Draft Plan would apparently allow for two story wall heights with facade parapet walls continuing up to the 28 foot height limit for a roof and thereby exceeding the 24 foot wall height limit. PVP does not even approach the massiveness of this suggested "western" box design. Two Stories in such a design would in fact present a much more massive form than the wedding cake stepped back three story design of PVP.

-Building "A" of PVP fronts onto "E" Street, which climbs rather quickly in elevation. The appearance from "E" Street is that of a two story design, and wall height of 24 feet is not an issue for PVP. In addition the Ocean Avenue level of BLDG "A" meets the UBC definition for a basement, as more than 50% of the perimeter of that level is below grade. The UBC states that such a level is not considered to be a "Floor". And access to the upper levels of BLDG "A" meet the definition

EXHIBIT NO. G
APPLICATION NO. A-3-SLO-03-038
Architect's Response to DRAFT Design
Guidelines - Estero 1 of 2

for two story egress, as they exit at grade level at the rear parking lot area. Certainly, the PVP "E" Street presentation is scaled appropriately to the steeply sloping topography and existing street improvements. The new Draft would allow for a structure greatly in excess of the height of PVP's approved "E" Street lower presentation.

2) The Draft suggests a height maximum of 28 feet while PVP was designed to the current standard of 30 feet.

-While it is conceded that the overall height would be lower in a design meeting Draft limits, the compelling exceptions noted above whereby the flat facade of a Western styled box design would crowd the street more with a wall plus roof parapet height of 28 feet. PVP's heights of 30 feet are achieved at points set well back from the right of way which yields a vast reduction in "apparent" building mass.

-The Turret Roof of Building "A" meets the approved 30 foot height limit, occurring at the corner of Ocean Avenue and "E" Street where the slope raises rapidly to mitigate it's apparent height. However, the flat roof of BLDG "A" over most of the third floor level measures 30" lower than the current Ordinance and approaches the 28 foot height limit of the Draft. The Turret Roof being located at the corner at "E" Street and adjacent to the "Plaza" provides a focus for the project, while at the same time being a mere pinnacle of roof occurring in excess of the Draft maximum roof height.

3) The Draft encourages breaking up the facade with "articulation" of building form with 20 and 30 feet intervals of wall face. The PVP design exceeds this "articulation" by at least twice that interval, and wall sections along the pedestrian pathways are no longer than 11 feet at the most.

Hopefully the points contained herein are indicative of the very small gain, if any, were the Pier View Plaza project be subjected to a redesign to Draft Estero Area Plan Standards.

Respectfully Submitted,

John M. Pryor
Licensed Architect C11959
(805) 541-5130

EXHIBIT NO. G
APPLICATION NO. A-3-540-03-058
Architect's Response
2 of 2

