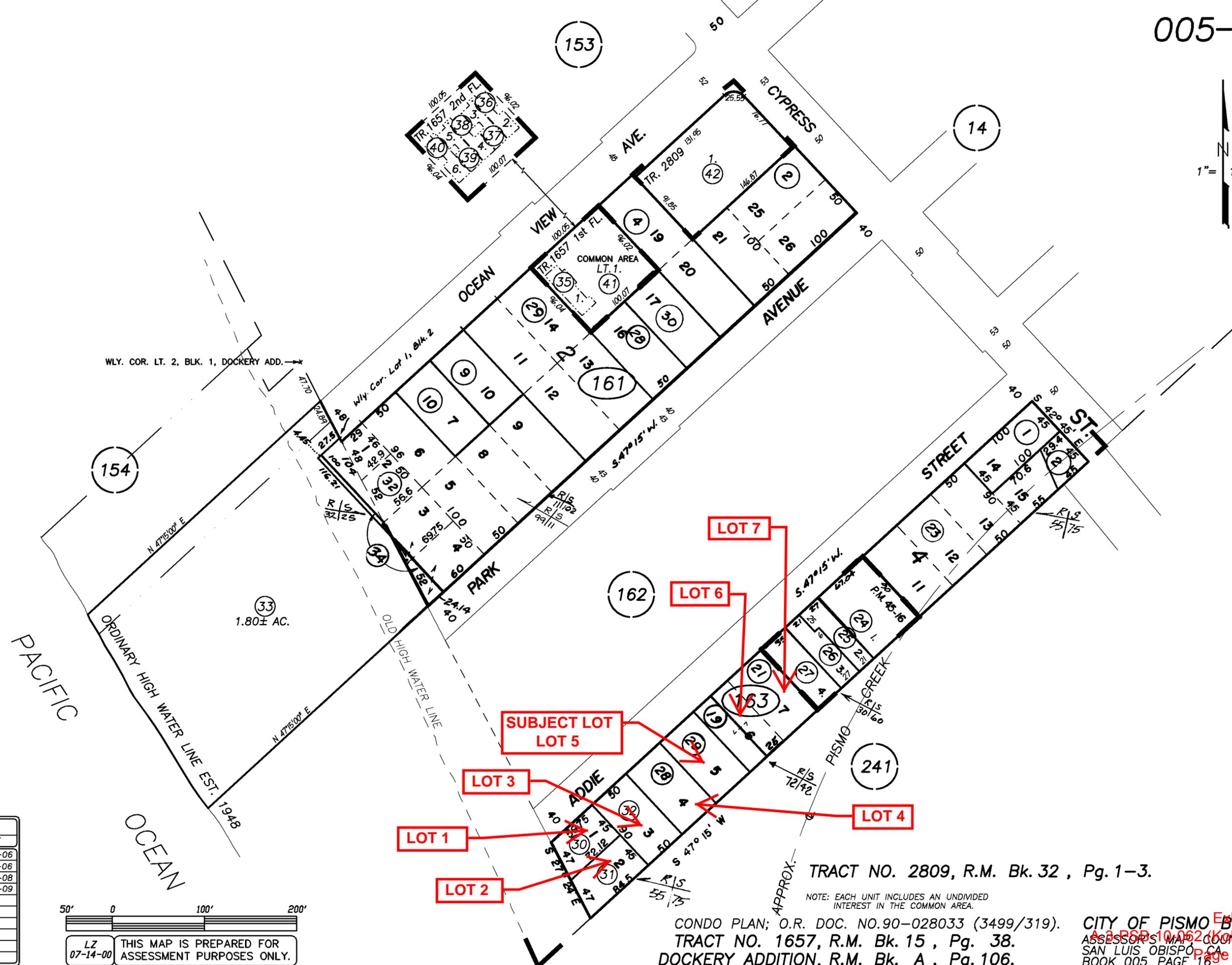
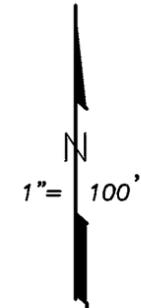


Approximate Site Location



Approximate Site Location



WLY. COR. LT. 2, BLK. 1, DOCKERY ADD.

154

33
1.80± AC.

162

14

LOT 7

LOT 6

SUBJECT LOT
LOT 5

LOT 3

LOT 1

LOT 2

LOT 4

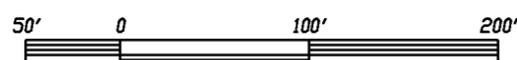
TRACT NO. 2809, R.M. Bk. 32 , Pg. 1-3.

NOTE: EACH UNIT INCLUDES AN UNDIVIDED INTEREST IN THE COMMON AREA.

CONDO PLAN; O.R. DOC. NO.90-028033 (3499/319).
TRACT NO. 1657, R.M. Bk. 15 , Pg. 38.
DOCKERY ADDITION, R.M. Bk. A , Pg. 106.

CITY OF PISMO BEACH
ASSessor's MAP, COUNTY OF SAN LUIS OBISPO, CA
BOOK 005 PAGE 16
Exhibit 1
As of 03-10-06 (Boligian)
Page 3 of 4

| REVISIONS | |
|-----------|----------|
| I.S. | DATE |
| 07-080 | 07-18-06 |
| 07-216 | 10-25-06 |
| NA | 07-16-08 |
| 09-249 | 01-09-09 |
| | |
| | |
| | |
| | |



LZ 07-14-00 THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY.



Addie Street

City Parking Lot

Vacation Rental
Condominiums

RV Park

Beach Promenade

Vacation Rental
House

Pismo State Beach

PROJECT SITE



Existing Vegetation

Vacation Rental House

Compacted Area/
Project Site



1961 COASTAL PHOTOGRAPH

KOLIGIAN DUPLEX

140 Addie Street

Pismo Beach, California



Aerial Photograph 1961 HA-NM-46

Exhibit 3
A-3-PSB-10-062 (Koligian)
Page 1 of 8



EARTH SYSTEMS PACIFIC

4378 Old Santa Fe Road, San Luis Obispo, CA 93401
March 2011

(805) 544-3276 - (805) 544-1786

www.earthsys.com - email: esc@earthsys.com
SL-15860-SA



PROJECT SITE



PROJECT SITE

An aerial photograph of a coastal town. The ocean is on the left, with a sandy beach and waves. A road runs along the coast. A red arrow points from a white box labeled 'PROJECT SITE' to a specific location in the town. The town has a grid-like street pattern and many buildings. There are some green fields and a golf course to the right of the town. A highway runs through the center of the town.

PROJECT SITE



PROJECT SITE

8-30-93

EDBW-BBK-C

90-3

WILD 1574048
NR 15040 152.87

PROJECT SITE

Exhibit 3
A-3-PSB-10-062 (Koligian)
Page 6 of 8





PROJECT SITE

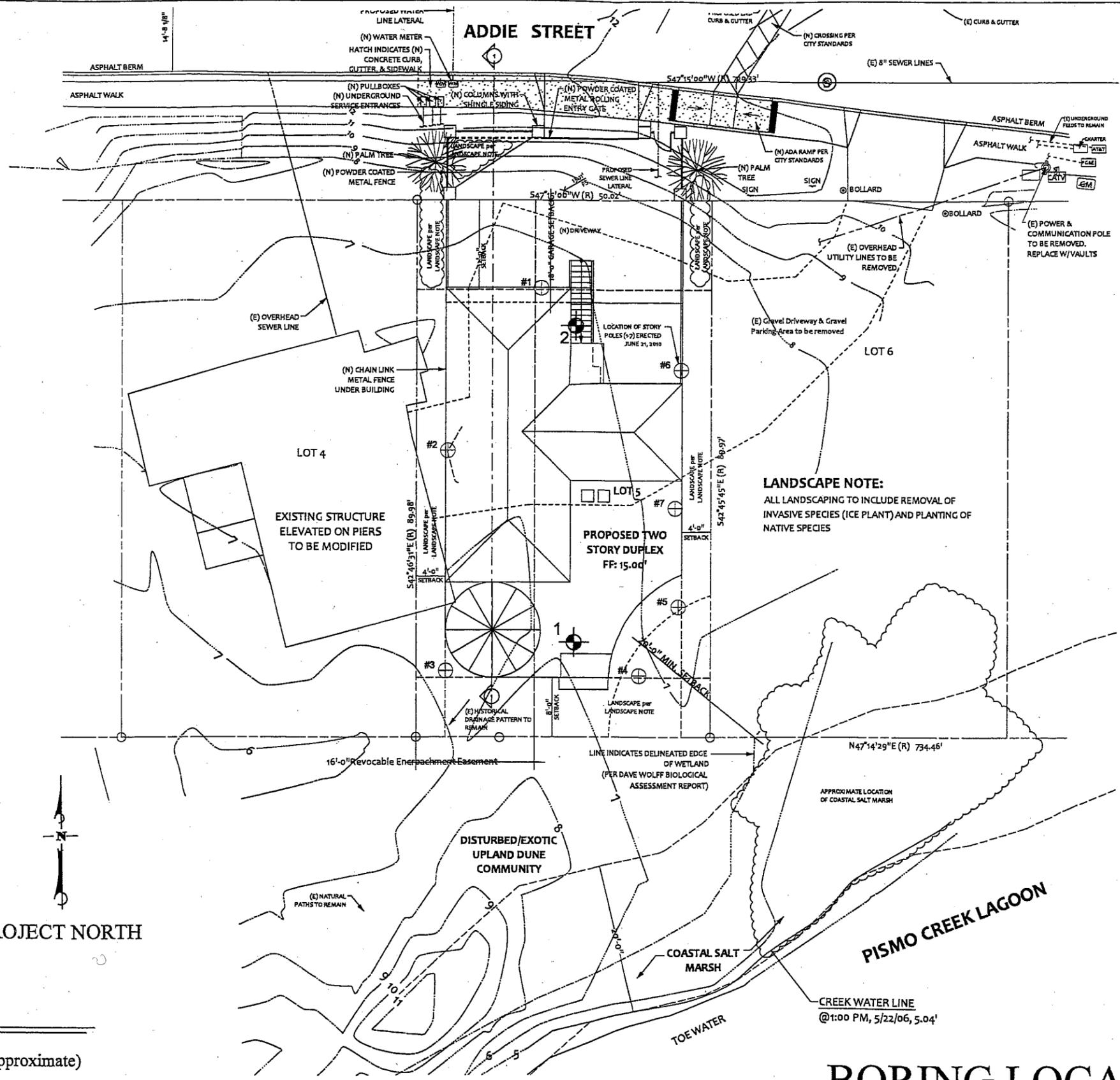


PROJECT SITE

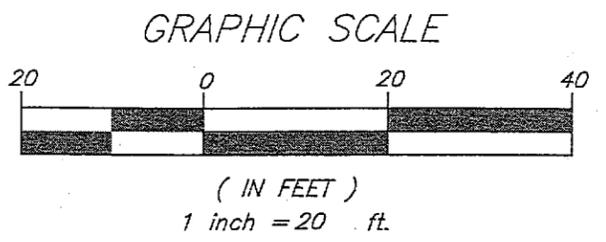
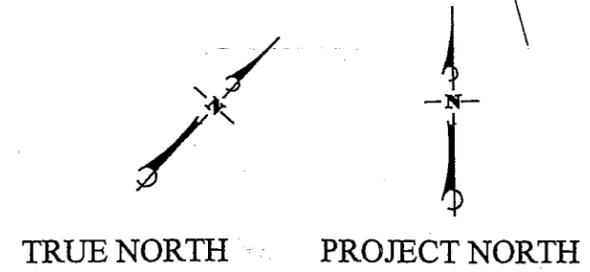




1983 Flooding
140 Addie Street, Pismo Beach CA



LANDSCAPE NOTE:
 ALL LANDSCAPING TO INCLUDE REMOVAL OF INVASIVE SPECIES (ICE PLANT) AND PLANTING OF NATIVE SPECIES



LEGEND
 2 Boring Location (Approximate)

Earth Systems Pacific
 March 25, 2011

4378 Old Santa Fe Road
 San Luis Obispo, CA 93401-8116
 (805) 544-3276 • FAX (805) 544-1786
 E-mail: esc@earthsys.com
 SL-15860-SB

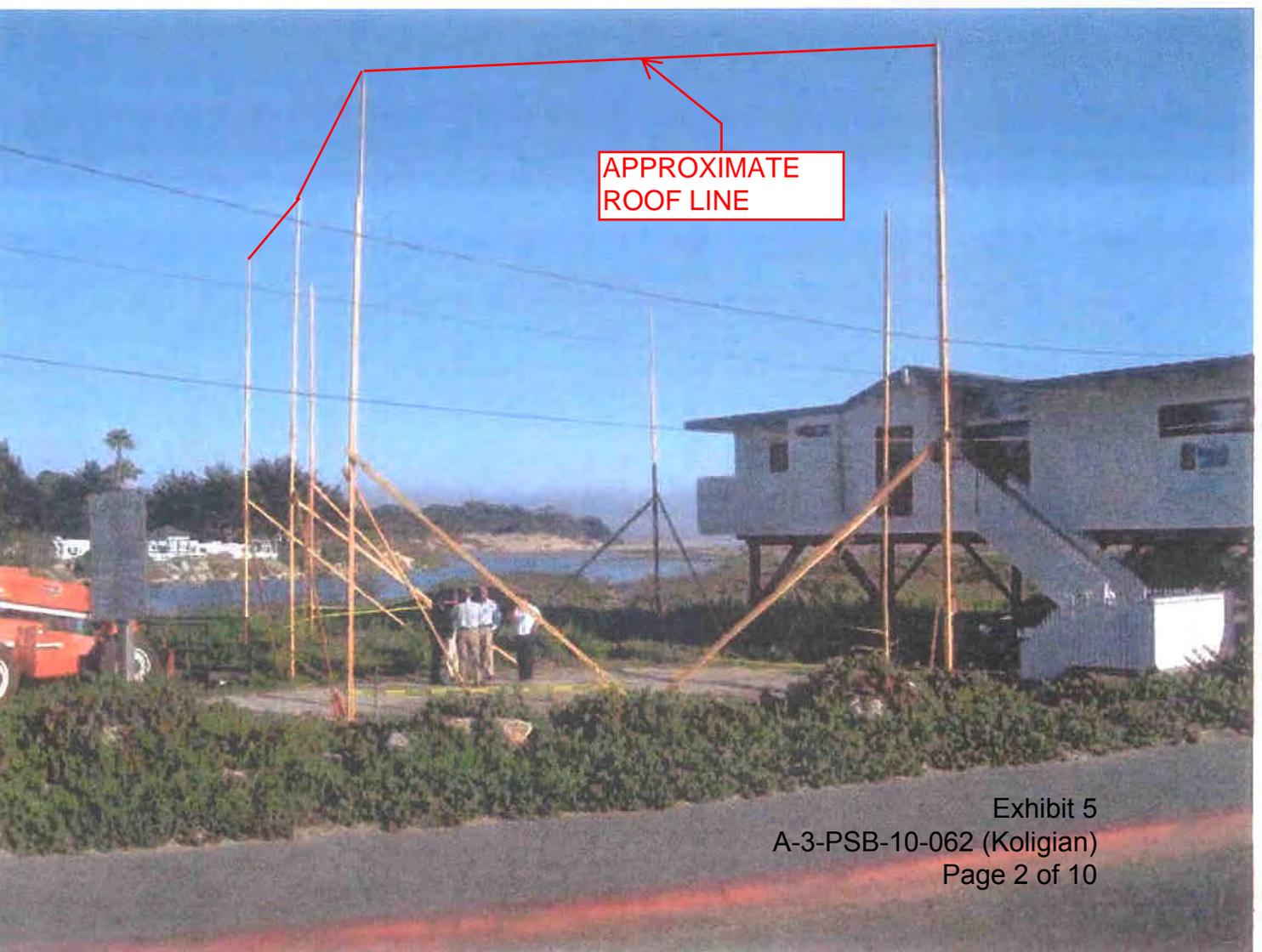
BORING LOCATION MAP

KOLIGIAN DUPLEX
 140 Addie Street
 Pismo Beach, California

Exhibit 5
 A-3-PSB-10-062 (Koligian)
 Page 1 of 10

KOLIGIAN DUPLEX .511 borings.dwg

RLW



APPROXIMATE
ROOF LINE



Exhibit 5
A-3-PSB-10-062 (Koligian)
Page 3 of 10



NORTH ELEVATION

A-3-PSB-10-062 (Koligian)

Page 4 of 10

Exhibit 5



SOUTH ELEVATION



EAST ELEVATION



Metal Roof

Metal Gutter

Pre-manufactured
trim, fascia,
columns, railings

Metal Railing

Pre-Manufactured
Shingle Siding

Coated
al Fence

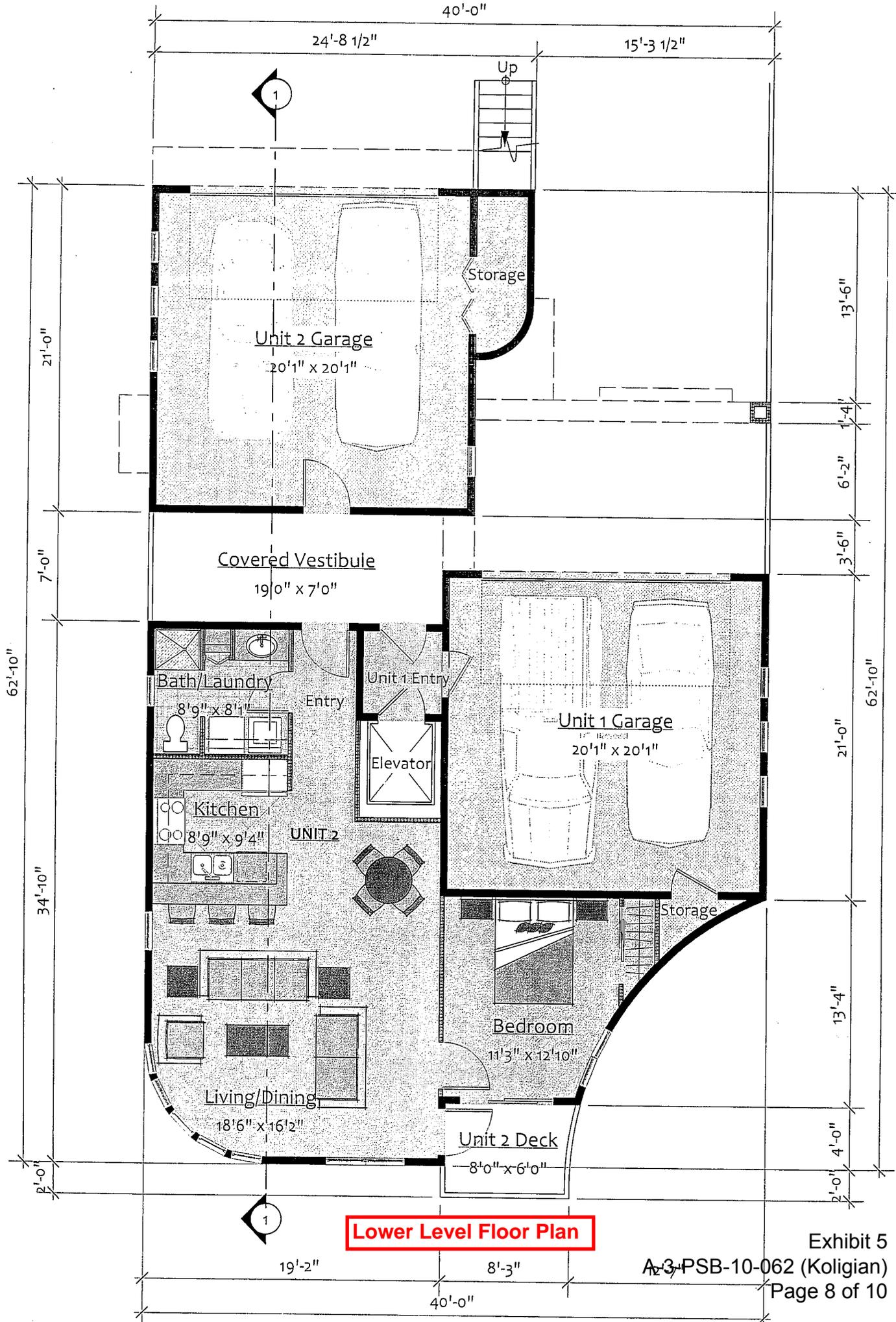
Proposed Chain Link Metal
Fence under Building

Decorative Metal Grate

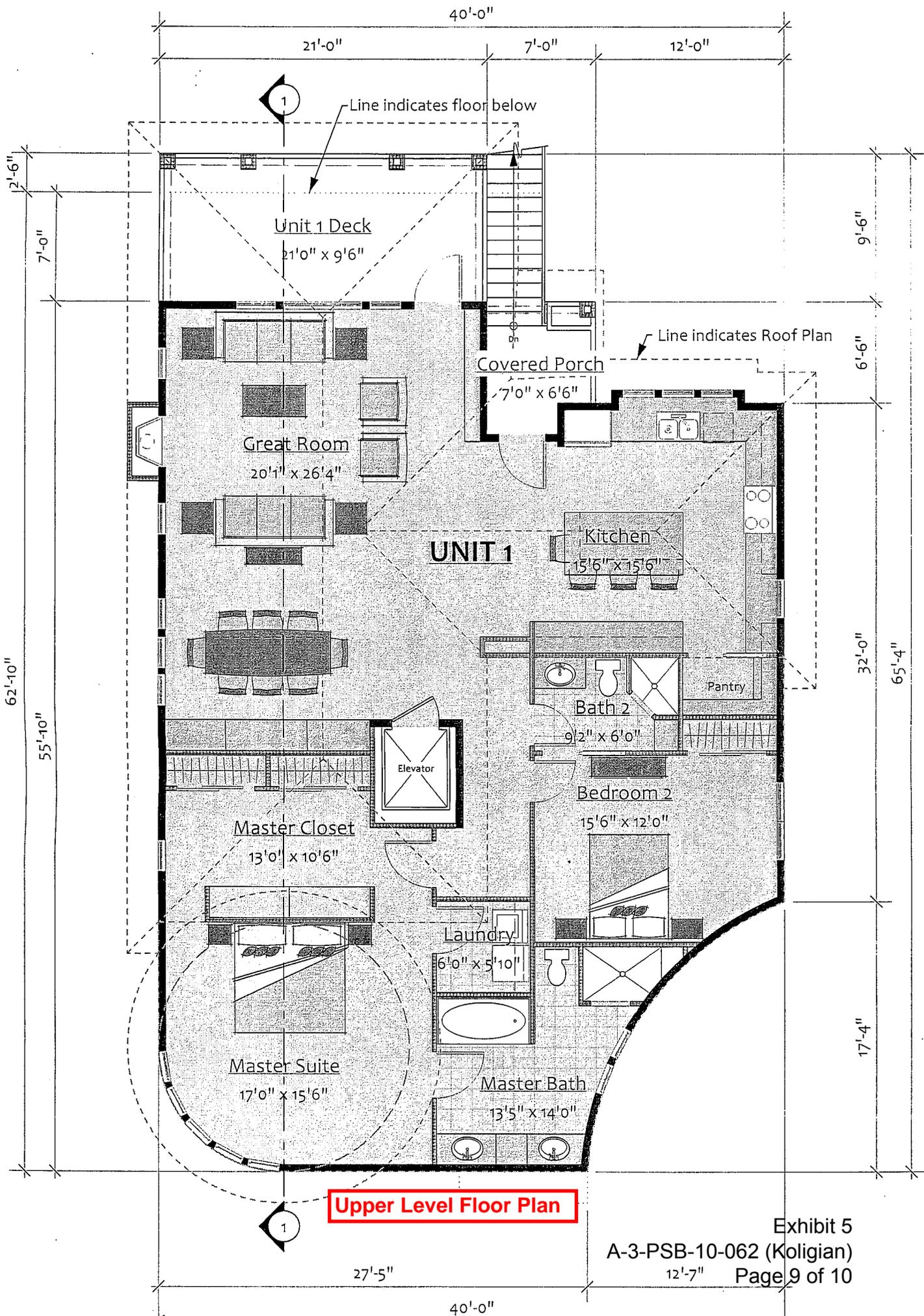
Exhibit 5
A-3-PSB-10-062 (Koligian)
Page 7 of 10

8'-0" Head Height

8'-0" Head Height

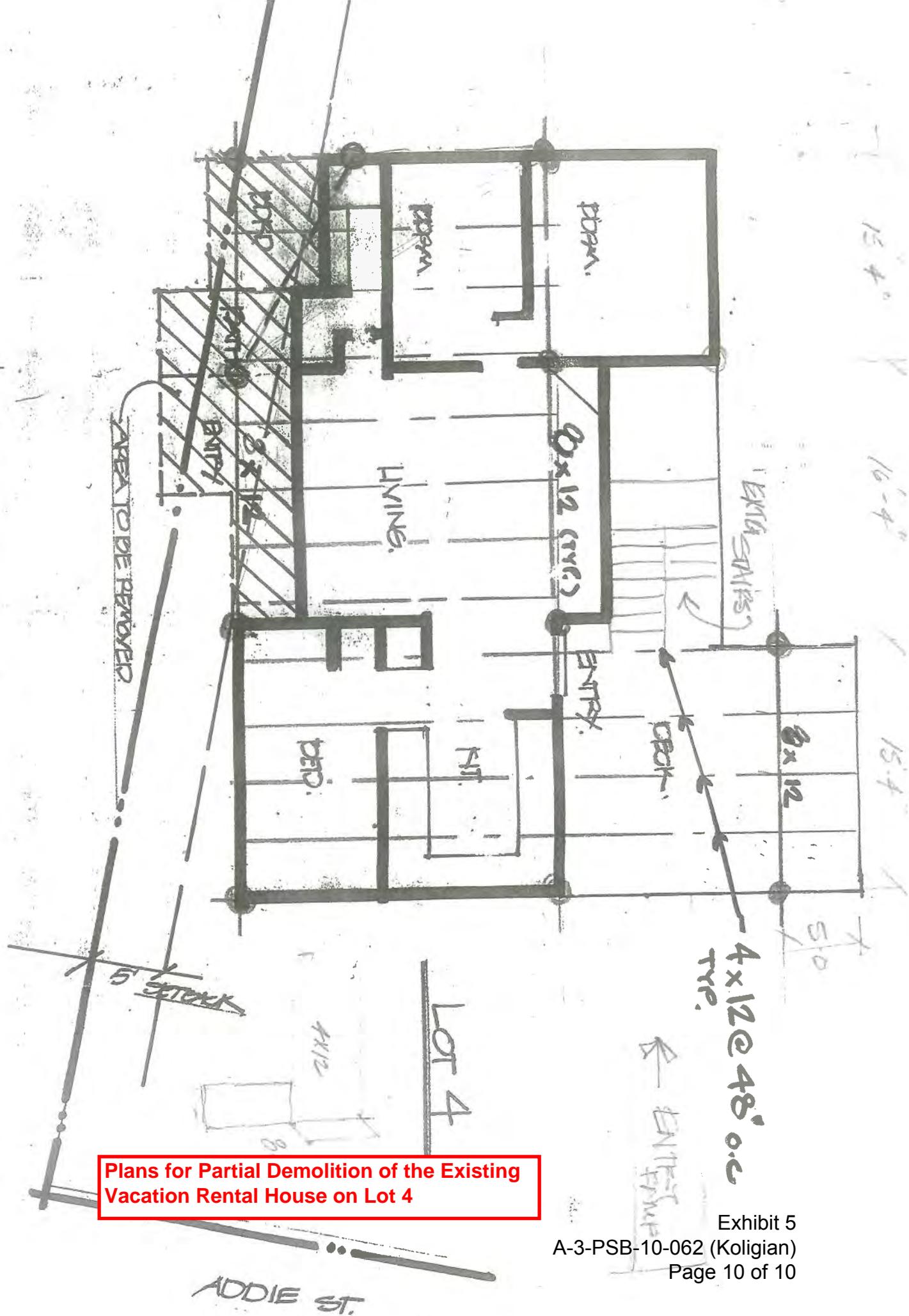


Lower Level Floor Plan



Upper Level Floor Plan

REMODEL OF 36 ADDIE.
SCALE 1/8" = 1'-0"

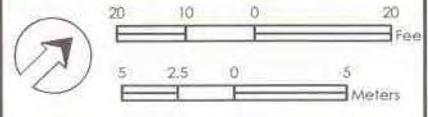


Plans for Partial Demolition of the Existing Vacation Rental House on Lot 4

source(s):
Puglisi Design, March 2010.
Google Earth Pro, March 2010.

Addie Street

-  Approximate Top-of-Bank
-  Compacted Driveway
-  Ruderal

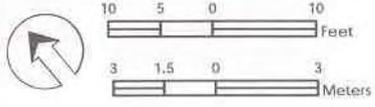


source(s):
Topo Data, Puglisi Design, March 2010.
Google Earth Pro, March 2010.

 Approximate Top-of-Bank
 Wetland Determination Data Points



sage institute.
map updated
03/23/2011



140 Addie Street, Pismo Beach
Wetland Determination & Biological Assessment

Figure Exhibit 6
A-3-PSB-10-062 (Koligian)
Wetland Determination
Page 2 of 4



Photo 1 – View southwest of the site showing ice plant cover and the approximate location of NE, SE, and SW property corners (red dots). 3/4/2011



Photo 2 – View west of the site along Addie Street showing ice plant cover and the approximate location of NW property corner (red dot). 3/4/2011



Photo 3 – View east showing top of bank on Pismo Creek, and vacant lots and residential development to the east. 3/23/2010



Photo 4 – View south at DP-1 and ruderal vegetation next to compacted driveway. 3/4/2011

FIGURE 2 – REPRESENTATIVE PHOTOGRAPHS



Photo 5 – View south at DP-2 showing sandy soil, vegetation dominated by ice plant, Pismo Creek lagoon in background & SE property corner (dot). 3/4/2011



Photo 6 – View southwest at DP-3 and ruderal vegetation next to compacted driveway. 3/4/2011



Photo 7 – View west at DP-4 at willow shrub and ruderal vegetation and adjacent residence to the west. 3/4/2011



Photo 8 – View north at DP-5 showing sandy soil, ruderal vegetation, and SW property corner (orange flag stake). 3/4/2011

FIGURE 2 – REPRESENTATIVE PHOTOGRAPHS



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

November 16, 2010

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

ATTN: Madeline Cavalieri

Notice of Intent
 by the City of Pismo Beach
 on a Project located within the

Applicant Info:

Name: KOLIGIAN VAUGHN M JR & MA
 Address: 5660 N VAN NESS BLVD FRESN
 Telephone: (559) 432-5660
 Project No: PM08-0163
 Site Address: 140 ADDIE
 APN # 005-163-029

Project Summary: Appeal of the August 24, 2010 Planning Commission approval of project 08-0163; A Coastal Development Permit, Conditional Use Permit, Architectural Review and Adoption of a Mitigated Negative Declaration for site preparation, demolition of a portion of the 136 Addie which extends on to the 140 Addie Street property, utility and right of way improvements, construction of a site access bridge structure and a 3,651 sf duplex structure on raised pilings.

Date of Action: 10/19/2010

Action: Denied

- Attachments:
1. CC Reso 2010-065
 2. PC Reso PC-2010-30
 3. CC Staff Report 10/19/10
 4. CC Minutes 10/19/10
 5. PC Staff Report 8/24/10
 6. PC Supplemental 8/24/10
 7. PC Minutes 8/24/10
 8. Correspondence
 9. Public Hearing Notices
 10. Plans

Appeal Status: Appealable

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

CERTIFIED MAIL # 7007-2560-0001-5809-0413

| | |
|--|--|
| U.S. Postal Service™ | |
| CERTIFIED MAIL™ RECEIPT | |
| <i>(Domestic Mail Only; No Insurance Coverage Provided)</i> | |
| For delivery information visit our website at www.usps.com | |
| OFFICIAL USE | |
| Postage \$ | Mailed 11/16/10 Postmark US postal SVC 140 Addie St |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees \$ | |
| Sent To <u>Ca Coastal Commission</u> | |
| Street, Apt. No., PO Box No. | |
| State, ZIP+4 | |
| Form 3800, August 2006 See Reverse for Instructions | |

RESOLUTION NO. R-2010-065

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH UPHOLDING THE AUGUST 24, 2010 PLANNING COMMISSION APPROVAL OF PROJECT 08-0163; A COASTAL DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT, ARCHITECTURAL REVIEW AND ADOPTION OF A MITIGATED NEGATIVE DECLARATION FOR SITE PREPARATION, DEMOLITION OF A PORTION OF THE 136 ADDIE WHICH EXTENDS ON TO THE 140 ADDIE STREET PROPERTY, UTILITY AND RIGHT OF WAY IMPROVEMENTS, CONSTRUCTION OF A SITE ACCESS BRIDGE STRUCTURE AND A 3,651 SQUARE FOOT DUPLEX STRUCTURE ON RAISED PILINGS

WHEREAS, on August 24, 2010, the Pismo Beach Planning Commission held a duly noticed public hearing and approved project 08-0163, which included a Coastal Development Permit, Conditional Use Permit, Architectural Review and Mitigated Negative Declaration for site preparation, demolition of a portion of the 136 Addie which extends on to the 140 Addie Street property, utility and right of way improvements, construction of a site access bridge structure and a 3,651 s.f. duplex structure on raised pilings; and

WHEREAS, on September 8, 2010, Gordon Hensley, on behalf of Coastkeeper (appellant) appealed the Planning Commission approval of project 08-0163, and

WHEREAS, on October 19, 2010, the City Council held public hearing to hear the September 8, 2010 appeal.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pismo Beach hereby upholds the August 24, 2010 Planning Commission approval of Project No. 08-0163 (Coastal Development Permit, Architectural Review, Conditional Use Permit and Mitigated Negative Declaration) with the following findings:

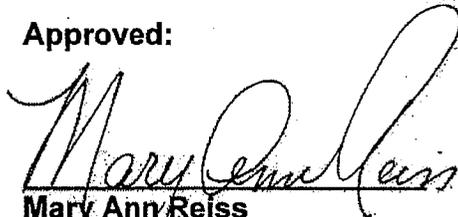
- 1. The building height complies with City standards:** The 32.5' building height proposal meets building height requirement specified by General Plan/Local Coastal Plan Policy D2a and Zoning Code/Local Coastal Land Use Program section 17.102.010.
- 2. The project provides views under the building to Pismo Creek and the ocean -** Project condition B4 specifies removal of the chain link fencing to provide compliance with General Plan/Local Coastal Plan Policy D2c. Further, the permit authorization clearly strikes the inclusion of said fencing.
- 3. As conditioned, the project complies with General Plan/Local Coastal Plan Policy CO-21.**

4. **Compliance with required project mitigations, the project provides sensitive habitat protection and compliance with Public Resources Code 30240** – The project Mitigated Negative Declaration Initial Study Mitigation Measure 4a-c requires the structure to be at least 25 feet from the ESHA (environmentally sensitive habitat) edge. The Initial Study, response letters to Coastal Commission, and California Department of Parks and Recreation comments substantiate consideration of past and future site conditions evaluated in past biological surveys, historic aerial photos and increases in tidal surge potential in the future consistent with CEQA Guideline section 15144 on forecasting.
5. **The project evaluation complies with CEQA Guidelines section 15125** defining the basis for environmental analysis as being the conditions as they are present on the site at the time the environmental review is conducted, in this case, the date of the circulation of the Initial Study and draft Mitigated Negative Declaration in 2008.
6. **The project is consistent with General Plan/Local Coastal Plan Policy S-9 (3)** with Mitigation measure 8g and project condition B4 compliance
7. **The preparation and circulation of the Mitigated Negative Declaration (MND) is consistent with California Code of Regulations 15074 and 15074.1** identifying the authority of an approving agency to add new or changed mitigation measures to a proposed Mitigated Negative Declaration. The Planning Commission's determination not to require changes to the project based on comment letters received does not invalidate the approval of the Mitigated Negative Declaration. The Planning commission's action was consistent with the mandate of the CEQA Guidelines section 15074(b) to consider the entire record and make an independent judgment in approving the project.
8. **Changes to the MND Initial Study (IS) meet the standards and requirements of CEQA Guidelines section 15073.5** because new or increased impacts were not added and the new information did not raise new issues not covered in the original IS.
9. **An EIR pursuant to CEQA Guidelines section 15064 is not required for Project 08- 0163** thus an evaluation of alternate sites is not required
10. **Public Resources Code section 30101 regarding a "Coastal Dependent Development"** does not apply to 140 Addie Street. The Pismo Beach General Plan/Local Coastal Plan identifies this area in Policy LU-K-3.4 as an area where a variety of permitted and conditionally permitted development may occur.

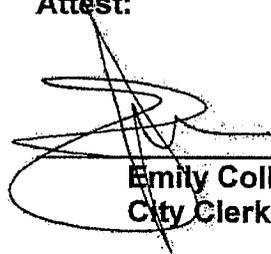
UPON MOTION OF Councilmember Higginbotham seconded by Councilmember Waage the foregoing resolution was passed, approved and adopted by the City Council of the City of Pismo Beach this 19th day of October 2010, by the following roll call vote:

| | | |
|-----------------|----------|---|
| AYES: | 3 | Councilmembers: Higginbotham, Waage, Reiss |
| NOES: | 0 | |
| ABSENT: | 2 | Councilmembers: Vardas, Ehring |
| ABSTAIN: | 0 | |

Approved:


Mary Ann Reiss
Mayor

Attest:


Emily Colborn, MMC
City Clerk

RESOLUTION NO: R-PC-2010-0030

**A Resolution of the Planning Commission of the City of Pismo Beach
Approving Project No. 08-0163**

**Mitigated Negative Declaration, Coastal Development Permit, Conditional Use Permit
and Architectural review for a 3,651 s.f. duplex at
140 Addie Street; APN: 005-163-029**

WHEREAS, Vaughn Koligian ("Applicant") has submitted an application to the City of Pismo Beach for a Mitigated Negative Declaration, Coastal Development, Conditional Use Permit, Architectural review at 140 Addie Street property, including right of way improvements, construction of a site access bridge structure, a 3,651 s.f. duplex on raised pilings, and fencing on the front yard perimeter; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on August 10, 2010, at which all interested persons were given the opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Pismo Beach, California approves the 140 Addie 3,651 s.f. duplex project and related improvements with the following findings:

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

1. The project consists of demolition of an existing residence and construction of a 3,651 s.f. duplex located within the urban areas of the City, and on a site zoned for residential development.
2. There are no site constraints that have otherwise not been addressed within the Initial Study/Mitigated Negative Declaration. The project could have a significant effect on the environment; however, there will not be any significant effect in this case because mitigation measures described in the Mitigated Negative Declaration have been added to reduce any impact to less than significant.
3. The Mitigation and Monitoring program attached to the Mitigated Negative Declaration, has been reviewed and determined to be adequate in mitigating or avoiding potentially significant environmental effects.
4. The public hearing and issuance of the Mitigated Negative Declaration for this project has been adequately noticed and advertised, to the provisions of Sections 15072, 15073, and 15074 of the CEQA guidelines and California Government Code Sections 65090, 65091, and 65095.

B. FINDINGS FOR LOT COVERAGE INTERPRETATION: Lot coverage is defined in the Zoning Code as "Lot coverage by buildings. The coverage of a lot by all portions of the

building, either at or above ground level, including garages, carports and cantilever portions of the building excluding roof overhangs, eaves or similar architectural extensions.” (17.006.0680)

Because no portion of the building nor the driveway to the building can be constructed on the sand – the platform for that portion of the structure used for living and parking cars is considered the footprint of the lot for purposes of determining lot coverage.

C. FINDINGS FOR APPROVAL OF THE CONDITIONAL USE PERMIT, COASTAL DEVELOPMENT PERMIT AND ARCHITECTURAL REVIEW PERMIT:

1. The project improvements conform to the public access and public recreation policies of Chapter 3 (commencing with Section 30220) of the California Coastal Act of 1976.
2. The new duplex development and related improvements are appropriate in size so as to be compatible with the adjacent structures.
3. The architectural and general appearance of the development is in keeping with the character of the neighborhood. The proposed 3,651 s.f. duplex and related improvements are compatible with the visual quality and character of the surrounding area and are compatible with the immediate neighborhood.
4. The proposed 3,651 s.f. duplex with related improvements is consistent with the General Plan, Local Coastal Plan and General Plan Land Use category of Mixed Use Residential.
5. The proposed 3,651 s.f. duplex with related improvements is compatible with the nearby existing uses and is not detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the surrounding area of the proposed project.
6. The site is physically suitable for construction of project improvements to provide support for a duplex.
7. The proposed 3,651 s.f. duplex with related improvements is in keeping with the character of the surrounding area composed of hotels, single-family residences, vacation rentals and residential condominiums, and is consistent with the zoning of the project site.
8. The proposed 3,651 s.f. duplex with related improvements 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.
9. The proposed 3,651 s.f. duplex with related improvements will not impair the desirability of investment or occupation in the neighborhood.
10. The proposed project will not significantly alter existing natural landforms.

The Planning Commission does hereby approve a Mitigated Negative Declaration as attached hereto as Attachment 1 and a Coastal Development Permit, Conditional Use Permit and Architectural Review attached hereto as Attachment 2.

UPON MOTION of Commissioner John Sorgenfrei, seconded by Commissioner DJ White the foregoing Resolution is hereby approved and adopted the 24th of August, 2010, by the following roll call vote, to wit:

AYES: Commissioners John Sorgenfrei, David Jewell and Vice-Chair DJ White

NOES: Commissioner Alice Mueller and Chairman Mark Burnes

ABSTAIN: None

ABSENT: None



Chairman Mark Burnes

ATTEST: 

Elsa Perez, Planning Commission Secretary

**Attachment 1
Mitigated Negative Declaration**

APPLICANT: Vaughn Koligian c/o Steve Puglisi
ADDRESS: 583 Dana Street
San Luis Obispo Ca 93401

TELEPHONE NO: (805) 595-1964

PROJECT LOCATION: 140 Addie Street, Pismo Beach

PROJECT DESCRIPTION: Site preparation, demolition of a portion of the 136 Addie which extends on to the 140 Addie Street property, utility and right of way improvements, Construction of a site access bridge structure and a 3,651 s.f. duplex structure on raised pilings, Chain-link fencing, ~~property side and rear perimeter~~ (***stricken by Planning Commission 8/24/2010***) and front yard fencing and a duplex in the Coastal Zone. ¹

FINDING:

The City of Pismo Beach has reviewed the above project in accordance with the City's Rules and Procedures for Implementation of the California Environmental Quality Act, and has determined that an Environmental Impact Report (EIR) need not be prepared because:

- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures described on the attached Initial Study are hereby made part of this Mitigated Negative Declaration and have been added to the Project.
- On the basis of the whole record before it, there is no substantial evidence that the Project may have a significant effect on the environment.
- When considering the record as a whole, there is no evidence before the City of Pismo Beach that the project will have the potential for an adverse effect on wildlife resources or the habitat on which the wildlife depends.
- The Initial Study and Mitigated Negative Declaration for the Project reflect the independent judgment and analysis of the Pismo Beach Planning Commission.

¹ The City of Pismo Beach has determined that minor changes to the Project Description and changes to mitigation measures in the attached revised IS dated July 28, 2010 do not meet the CEQA Guideline section 15073.5 standard for recirculation of the IS/ MND.

The Initial Study which provides the basis for this determination is attached. A copy, along with supporting documents referenced in the Initial Study, will be kept on file at the Community Development Department located at 760 Mattie Road, Pismo Beach, telephone 773-4658.

DRAFT PREPARED BY: Firma Consultants

DATE: 8-7-08

REVIEW PERIOD: September 10 to October 10, 2008

NOTICE:

The public is invited to comment on the Draft Negative Declaration during the review period. The appropriateness of the Draft Negative Declaration will be reconsidered in light of the comments received.

COMMENTS RECEIVED ON DRAFT: YES NO

INITIAL STUDY REVISED YES NO

DATE ADOPTED: August 24, 2010

BY: Pismo Beach Planning Commission

Revised Initial Study of Environmental Impact
SCH #2008091044
July 28, 2010

The original IS was routed for public comment in June, 2008. Comments were received by the California Coastal Commission, the California Department of Parks and Recreation, the Native Heritage Commission, the United States Fish and Wildlife Service, and the California Department of Fish and Game. The revised initial study was expanded to address agency comments in May 2010. Minor changes to the Project Description and changes to mitigation measures in the revised IS do not meet the CEQA Guideline section 15073.5 standard for recirculation of the IS/ MND.

The City received written comments on the May 2010 revised IS from the California Coastal Commission and the California Department of Parks and Recreation. Changes were not made to the IS or MND in response to these comments, however responses to these comments were prepared by the City's consultants and included in the administrative record and distributed to the Planning Commission.

In July 2010, the City received a revised Project from the applicant that responds to issues identified in the IS / MND. The IS has been revised a second time to reflect the revised project. The revised project results in less environmental impact by making the land use and building heights consistent, avoiding conflicts with the General Plan and zoning that resulted in visual impacts in the original project. Because the changes to the project result in less environmental impact and no new impacts, the City determined the revised IS does not meet the CEQA Guideline section 15073.5 standard for recirculation of the IS/ MND.

The May 2010 IS changes strike out original text and new text is underlined standard text.

In the revised July 2010 IS, both original IS and May 2010 IS deletions are struck out (~~strike-through~~) and *revised new text is in italic font.*

I. ENVIRONMENTAL DETERMINATION FORM

1a. **File No.:** 08-0163

1b. **Project Title:**

140 Addie Street, Koligian Residential Project

2. **Lead Agency Name and Address:**

City of Pismo Beach
Community Development Department, Planning Division
760 Mattie Road
Pismo Beach, CA 93449

3. **Contact Person and Phone Number:**

David Foote, c/o *firma*, (805) 781-9800

4. Project Location:

The proposed project is located on lot 5 at 140 Addie Street in the City of Pismo Beach, California.

APN: 05-163-20, (See Exhibit 1) and Lot 4 at 136 Addie Street (partial demolition of existing structure).

5. Project Sponsor's Name and Address:

Vaughn and Mary Ann Koligian
C/o Steven Puglisi Architecture
583 Dana Street
San Luis Obispo, CA 93401

6. General Plan Designation:

Mixed Residential; Downtown Core Planning Area

7. Zoning:

R-4. Hotel-Motel and Visitor Serving

8. Description of the Project:

The proposed project would involve the construction of a *3,651 square foot duplex residential structure in two stories on a raised structural platform, 2,551 ~~2,732~~ SF two story residence with a 801 ~~715~~ SF garage*, site preparation, minor street frontage improvements on Addie Street for construction of a driveway. The proposed unit would be constructed on ~~an approximately~~ 4 5.5 foot tall pilings. *The proposed building height is 32.5 feet from natural grade.* Both the driveway access structure and the *duplex structure single family dwelling* would be elevated to comply with Federal Emergency Management Agency (FEMA) flood plain regulations. *Proposed lot coverage is 2,100 square feet. Non-native iceplant will be removed and native coastal planting is proposed in the lot setback areas. A 6-foot chain-link fence will be built around the property. (stricken by Planning Commission 8/24/2010)* A single pole house of about 1,500 square feet currently occupies lot 4 and a part of lot 5 of the proposed project site. A portion of this pole house will require removal prior to construction of proposed residence. The existing residence at 136 Addie will be modified to achieve a setback of three feet from the property line. This action is part of the Coastal Development Permit and CEQA determination for the Project. Because this change in the Project Description since the June, 2008 circulation is not found to result in significant environmental effects and is consistent with the CEQA Guidelines 15073.5 (c) the City has determined re-circulation of the MND / IS not required. The remaining portion of the site is undeveloped. The site area consists of 4,500 SF. ~~(See Exhibit 2)(See site plan and elevations in Planning Commission staff report)~~

Access to the proposed residence would be from Addie Street. The City Engineer has determined that widening Addie Street is not warranted. Addie Street would be widened to a 40-foot right-of-way as part of the project, with striping to delineate a bikeway, and

~~with on street parking on the east side of Addie Street only. Rock riprap would be installed on the slope adjacent to the street. Residential development on lot 4 is not a part of this application.~~

9. Surrounding Land Uses and Setting:

The site is bordered by Addie Street and a public parking lot to the west, a four-unit condominium project to the north, Pismo Creek to the east, and the beach and Pacific Ocean to the south. Surrounding land uses include a recreational beach property owned by the State of California.

10. Other Public Agencies Whose Approval is Required:

California Department of Fish and Game None

11. Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a Potentially Significant Impact as indicated by the checklist on the following pages.

| | | | | | |
|--------------------------|-----------------------|--------------------------|---------------------------------|--------------------------|------------------------------------|
| <input type="checkbox"/> | Aesthetics | <input type="checkbox"/> | Hazards and Hazardous Materials | <input type="checkbox"/> | Public Services |
| <input type="checkbox"/> | Agriculture Resources | <input type="checkbox"/> | Hydrology and Water Quality | <input type="checkbox"/> | Recreation |
| <input type="checkbox"/> | Air Quality | <input type="checkbox"/> | Land Use and Planning | <input type="checkbox"/> | Transportation and Traffic |
| <input type="checkbox"/> | Biological Resources | <input type="checkbox"/> | Mineral Resources | <input type="checkbox"/> | Utilities and Service Systems |
| <input type="checkbox"/> | Cultural Resources | <input type="checkbox"/> | Noise | <input type="checkbox"/> | Mandatory Findings of Significance |
| <input type="checkbox"/> | Geology and Soils | <input type="checkbox"/> | Population and Housing | | |

There is no evidence before the Department that the project will have any potential adverse effects on fish and wildlife resources or the habitat upon which the wildlife depends. As such, the project qualifies for a no effect determination with regards to the filing of Fish and Game Fees.

The project has potential to impact fish and wildlife resources and shall be subject to the payment of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Code.

12. Determination:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project applicant in the form of a MITIGATED NEGATIVE DECLARATION.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a potentially significant impact or potentially significant unless mitigated impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

 Signature July 28, 2010
Date

David Foote ASLA consultant
 City of Pismo Beach

 Carolyn Johnson August 24, 2010
Date
 Pismo Beach Planning Manager

II. ENVIRONMENTAL CHECKLIST

| | Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|---------|--------------------------------|---|------------------------------|-----------|
| 1. AESTHETICS. Would the project: | | | | | |
| a) Have a substantial adverse effect on a scenic vista? | 1 | | X | | |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | 1 | | X | | |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | 1 | | X | | |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | 1 | | X | | |

Impact Discussion:

The following information is added to the IS discussion of visual resource impacts in order to clarify the General Plan context for evaluating the significance of the change in visual character that would result from the project. The added information provides the basis for added mitigation measure 1a, which is added to improve the mitigation of visual

impacts. The visual quality of the environment in, on, and around the proposed project site is a resource to be preserved and enhanced for the aesthetic enjoyment of residents and visitors (Conservation Open Space Element, Principle P-2, P-3, P-6, and Design Element, Principle P-7). In practice under CEQA, the determination of significance is derived from community values. This means the degree of change to the visual setting is measured against the adopted plans and policies of a local jurisdiction and the ultimate decision-making body makes an informed judgment of the significance of the visual change. Development would have a significant effect on visual resources if design of the residence is found not consistent with General Plan / Local Coastal Plan (GP/LCP) policies and principles and the implementation arm of the GP/LCP, the Zoning Code (Municipal Code section 17)

The City's General Plan / Local Coastal Plan is intended to protect the natural and scenic resources for everyone states in part:

"P-2 Natural Resources--Key Foundation of the City

Pismo Beach is the ocean, beaches, hills, weather and related ecosystems. Conservation and protection of these resources shall be the key focus of the General Plan. The unique geographical character of Pismo Beach is recognized as the foundation for all other aspects of the community. These physiographic characteristics enhance the quality of life of residents and visitors and shall not be wasted, destroyed, or neglected. They are generally nonrenewable and provide many of the scenic, historic, economic, recreation, open space and ecological values for the community.

P-3 Resources and Open Space Belong to Everyone

Pismo Beach is an integral part of the larger California coastal community, linked by shared resources that are prized by the state, national and even international community. Congenial and cooperative use of these resources by both residents and visitors is recognized. Solutions for cooperative use shall always be based on retaining the area's fragile charm and resources.

P-6 The Big Three

The three primary resources and open space for Pismo Beach are:

The Ocean--A Resource For Everyone

The ocean, coastal cliffs, and shoreline resources are vital to Pismo Beach for their wildlife habitat, recreational use, open space, scenic value and the city's overall economy. These natural assets will be protected and made available to all.

The Foothills

If is recognized that the freeway foothills northwest of Pismo Heights are both a visual and open space asset to the community as well as a sensitive environmental resource. The city shall pre-serve the area's native flora and fauna and pre-serve the foothills as an undeveloped visual back-drop for the city.

Pismo Creek/Price Canyon--A Public Resource

Pismo Creek/Price Canyon and environs are a key natural resource/open space area

and the major inland entrance to the city. It shall be managed as a public resource for the community."

The guiding principals are part of the fabric and key foundation that makes Pismo Beach a desirable place to live, visit and enjoy by residents and tourist alike. The sand, ocean, creek, and sky are all important elements that enhance Pismo's character. In addition, the City's General Plan / Local Coastal Plan policy D-2 which is intended to maintain a small-scale character and enhance, among other things, the visual quality of development states in part:

"New development should be designed to reflect the small-scale image of the city rather than create large monolithic buildings. Apartment, condominium and hotel buildings should preferably be contained in several smaller massed buildings rather than one large building. Building mass and building surfaces such as roofs and exterior walls shall be highly articulated to maintain a rich visual texture and an intimate building scale.

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

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

~~While There is a 35 ft. height limit for Planning area K where this proposal is located.; the implementing ordinance (City Municipal Code Section 17.102 010) states: (1) Single family residences in the R-4 zone shall be subject to a building height limit of 25' in height as measured above the center of the building footprint at site grade.~~

Exhibit 2 Project plans attached to the Planning Commission staff report depict the Project's finish floor elevation at elevation 14 with the proposed building height at elevation 39.50 38.65. The natural grade at the center of the proposed building footprint is elevation 7 with an allowed 25 35-foot height limit requires the proposed project to not exceed elevation 32.0 42.0. The proposed project with about a 5 ft 6 inch height of the piles between the natural grade elevation of 7 and the understructure beam elevation of about 12.5 (finished floor elevation of 14); therefore with skirting under the building will not block views of both the ocean and the adjacent creek. The vicinity of the project site is developed with single-family residences, hotels, and condominiums. Some of the surrounding structures are of 3-story construction with a 35' height. Buildings of one or two stories create similar impacts; that is, once the first floor blocks views along the horizon line, the next floors really only block sky. Any structure constructed on this site will create visual impacts. However, the change in visual character is anticipated in the General Plan / Local Coastal Land Use principles and policies and Zoning designation

for the property and the certified EIR for the 1993 General Plan/Local Coastal Plan. The project visual impacts would be considered less than significant provided because the Project design adheres to the height, lot coverage, and setbacks requirements of the General Plan/ Local Coastal Plan and Municipal Code/Zoning regulations.

~~The Proposed Project is requesting a variance from the single-family residence height requirement of 25 feet by approximately five feet. The granting of a variance for this location has the potential to increase impacts caused by development of the site. The City's Local Coastal Plan Policy D-2 Building and Site Design Criteria sections (a) and (c) and implementing Municipal Code have been designed to allow for new development while holding potential visual impacts from that development to acceptable limits. A variance from these requirements would diminish the effectiveness of the protections provided by these requirements that are in place to achieve the GP/LCP principles and policy objectives. If *Because* the Project is limited to the consistent with the limiting requirements of the City's Local Coastal Plan Policy D-2 and Municipal Code the potential impacts will be of a less than significant level.~~

Significant impacts to the viewshed, and in particular views to the sand, creek and ocean, can be are reduced to less than significant levels by adhering to the Zoning Ordinance vertical and horizontal setbacks and providing views through the site below the finish floor elevation. (The added measures below are equal and better measures and would not require recirculation of the MND / IS because the requirements of the CEQA Guidelines in 15073.5 for recirculation are not triggered.)

The demolition of part of the existing pole house will decrease the size and scale of the existing building at 136 Addie and would not substantially affect the visual character of the area.

The proposed project is adjacent to an urbanized area including a public parking lot. The project is also in close proximity to the beach and Pismo Creek. Typical residential lighting that is intended only to illuminate the structure for access and safety will not create a significant impact. Flood lighting or other types of lighting that illuminate areas off of the site, such as the creek or beach, would create a significant impact and shall be prohibited by introducing glare into a natural area.

Mitigation Discussion:

1a-c. Significant impacts to the viewshed, and in particular views to the sand, creek and ocean, can be reduced to less than significant levels by adhering to the Zoning Ordinance vertical and horizontal setbacks and providing views through the site below the finish floor elevation. To reduce visual impacts, the project shall be no higher than the 25-foot height requirement for single-family residences and maintain the area under the building for clear unobstructed views of the creek similar to the pole house.

1d. To reduce obtrusive glare impacts, all flood lighting and other types of lights that illuminate areas off of the site, such as the creek or beach, shall be prohibited. A lighting plan shall be required showing all exterior and landscape lighting for the project to be low wattage, and downward directed so as to avoid glare or spill of light to adjacent properties.

| <p>2. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</p> | Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|---------|--------------------------------|---|------------------------------|-----------|
| <p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p> | 1 | | | | X |
| <p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p> | 1 | | | | X |
| <p>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</p> | 1 | | | | X |

Impact Discussion:

2a- The project site is not zoned for agricultural use nor is the site located on or within the vicinity of an existing farmland.

| 3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project: | Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|---------|--------------------------------|---|------------------------------|-----------|
| a) Conflict with/ obstruct implementation of the air quality plan? | 2,3 | | | | X |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | 2,3 | | X | | |
| c) Result in a cumulatively considerable net increase of criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | 2,3 | | X | | |
| d) Expose sensitive receptors to substantial pollutant concentrations? | 2,3 | | | | X |
| e) Create objectionable odors affecting a substantial number of people? | 2,3 | | | | X |

Impact Discussion:

3a. This project does not conflict with implementation of any air quality plan.

The proposed project is subject to the San Luis Obispo County 2001 Clean Air Plan (CAP). San Luis Obispo County is currently designated as non-attainment for state particulate matter (PM₁₀) standards. Project construction activities could result in temporary fugitive dust emissions, a potentially significant impact. The CAP requires implementation of stationary source control measure R-21 regarding fugitive emissions. Implementation of these measures would limit the potential impact to a less than significant level. The demolition of part of the existing residence would not involve substantial construction work or equipment. This work would be subject to the mitigation measures below.

The APCD has not yet established significance thresholds for greenhouse gas (GHG) emissions from project operations. Nonetheless, Lead Agencies should make a good-faith effort to identify potential effects of a project individually and cumulatively. The APCD typically recommends that all project implement feasible mitigation measures to minimize project related GHG impacts. The added measures below are equal and better measures and would not require recirculation of the MND / IS because the requirements of the CEQA Guidelines in 15073.5 for recirculation are not triggered.

3d-e. The project entails the operational uses of a single-family residence, which does not characteristically emit substantial pollutant concentrations or objectionable odors.

Mitigation Discussion:

3b-c. To mitigate fugitive dust emissions related to project construction, the following shall be implemented:

Prepare a Fugitive Dust Control Plan to be reviewed and approved by the City, which should include the following as applicable:

- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
- Prohibit all grading activities during periods of high wind (one-hour average speeds of over 15 mph as measured at a height of approximately 10 feet above ground level within areas scheduled for grading).
- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations, and hydro-seed area.
- Haul trucks shall maintain at least 2'0" of freeboard.

- Cover all trucks hauling dirt, sand, or loose materials.
 - Plant vegetative ground cover in disturbed areas as soon as possible.
 - Cover inactive storage piles.
 - Install wheel washers at the entrance to construction sites for all exiting trucks.
 - Sweep streets if visible soil material is carried out from the construction site
- Construction-related vehicles and mobile equipment access routes shall be specified – and roadway and parking lot (re)paving shall be sequenced within the overall construction schedule – so that such vehicles and equipment can make the maximum practical use of paved internal roadways and parking lots, either existing or improved/reconfigured as part of the project

Mitigation Measure 3b. To mitigate greenhouse gas related impacts the following measures shall be implemented:

1. Implement safe walking or bicycling connectivity to/from and on the site;
2. Implement green building techniques such as:

- Building positioning and engineering that eliminate or minimize the development's active heating and cooling needs;
- Implement solar systems to reduce energy needs;
- Increase the building energy efficiency rating by 20% above what is required by Title 24 requirements.
- Plant native, drought resistant landscaping;
- Use locally or nearby produced building materials;
- Use renewable or reclaimed building materials;
- Install outdoor electrical outlets to encourage the use of electric appliances and tools

| 4. BIOLOGICAL RESOURCES. Would the project: | Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|----------------|--------------------------------|---|------------------------------|-----------|
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or | 1, 5, 6 | | X | | |

regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

| | | | | |
|----------------|--|----------|----------|----------|
| | | | | |
| 1, 5, 6 | | X | | |
| 1, 5 | | | | X |
| 1, 5 | | | X | |

| | | | | | |
|--|------|--|---|--|---|
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | 1, 5 | | X | | |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | 1, 5 | | | | X |

ENVIRONMENTAL SETTING:

The underlined and struck out text following reflects changes to the environmental setting of the site and environs and responds to comment letters from resource agencies. The information does not change any environmental impact on biological resources presented in the IS. Added mitigation measures are included that are equal or better than the original measures. The added measures do not require recirculation of the MND / IS because the requirements of the CEQA Guidelines in 15073.5 for recirculation are not triggered. The demolition of part of the existing pole house would occur on ruderal, disturbed habitat and bare ground with no significant impacts to biological resources.

Because of the broader context for biological resources presented in the previous release of a draft MND / IS for this project, the California Coastal Commission (CCC), California Department of Fish and Game (CDFG), and the U.S. Fish and Wildlife Service (USFWS) provided detailed comments related to species and habitat issues for the specific lot proposed for development. Much of the original data on biological resources was prepared for multiple lots in the area that were the subject of a 1994 EIR.

A wetlands determination and biological assessment for this specific project site was conducted by Sage Institute Inc. in January and February of 2010 and concluded the project parcel site does not support a native plant community and lacks any wetland, aquatic, riparian resources and is positioned between development, making the site improbable to ever support such habitat. The results of this study focused on evaluating the parcel specific biological resources to provide a more refined and accurate portrayal of the existing conditions and potential significant project related impacts on biological resources. The primary purposes of the field surveys were to determine if any wetland habitat, and/or suitable habitat for special status plant or wildlife species occurs within the proposed project parcel. The report is attached, and

a summary of the results and findings in relation to the various agency standards for hydrological indicators of potential wetlands, the lack of evidence for ESHA, and the delineation for jurisdictional authority within waters of the U.S. are presented below under Impact Discussion.

Existing Plant and Animal Communities/Conditions

~~A small portion of the site contains fragile dune plant community, and the site adjoins the mouth of Pismo Creek that forms an estuary or lagoon at the beach. Together these terrestrial and aquatic environments are potential habitat for several species listed as rare or threatened.~~

Biologic Resources Context Surrounding the Site

The area adjacent to Addie Street has a 100 percent cover of ice plant and the center of the parcel is compacted ground lacking vegetation. The southern edge of the parcel supports ruderal plant community composed of ice plant, sweetclover (*Melilotus* sp.), riggut brome (*Bromus diandrus*), rat tail fescue (*Vulpia* sp.), and spikeweed (*Hemizonia* sp.). There are a few stems of marsh baccharis (*Baccharis douglasii*), beach bur (*Ambrosia chamissonis*), and patches of salt grass (*Distichlis spicata*) located in the southern fringe of the parcel but combined constitute less than 5 percent cover in that area. One small arroyo willow (*Salix lasiolepis*) shrub occurs next to the residence to the west.

~~Those sensitive species that rely strongly on the Riverine, Estuarine, Saline Emergent Wetland and Pioneer Coastal Dune habitats have the greatest chance of suffering adverse impacts from the project because these habitats are on or immediately adjacent to the project site. Sensitive species that fall into this category include: near the site are:~~

| | |
|--------------------------------|---------------------------|
| California Tiger Salamander | Great Blue Heron |
| Coast Range California Newt | Snowy Egret |
| California Red-Legged Frog | Black-Crowned Night Heron |
| Southwestern Pond Turtle | Osprey |
| California Coast Horned Lizard | American Peregrine Falcon |
| Silvery Legless Lizard | Western Snowy Plover |
| Common Loon | Long-Billed Curlew |
| Clark's Grebe | California Gull |
| Western Grebe | California Least Tern |
| California Brown Pelican | Caspian Tern |
| Double-Crested Cormorant | Forster's Tern |
| Great Egret | |

Botanical

The proposed project site vicinity contains four plant communities: The project site the surrounding vicinity was evaluated and studied in 1994 and 1999 when the City prepared an EIR for a resort hotel project on the site and adjoining lots. This 1994 EIR contained a Biologic Assessment for the beach, dune and estuary habitats surrounding the project site and environmental setting and impact analysis. The resources agencies

reviewed the reports and documents and concluded the resort project would not result in significant impacts to biological resources with mitigation added. The site vicinity contains four plant communities: 1) Pioneer Dune and Beach Community, 2) Estuarine Community, 3) Freshwater Marsh and 4) Coastal Salt Marsh.

The Pioneer Dune community covers the adjoining Lots 1 and 2 and portions of Lots 3 and 4 (see Sage Institute report Exhibit 3). Beginning at the west edge along the beach, this plant community is fairly well developed to the west of lot 5 in and among sand dunes. Approaching lot 5 the sand dunes diminish and this native plant community is mixed with exotic weeds. This plant community extends off the site to the south and meets the Pismo Creek lagoon where it mixes with the Coastal Salt Marsh community. As discussed under Impact Discussion, the project construction envelope is not within the Federal jurisdictional waters or a State wetland.

Four plant species with special listed status occur in other nearby locations within the Pioneer Dune community, although these perennial plants were not found within the project site. Given the presently disturbed nature of the site due to both hydrologic and human activities, it is not likely that any of these listed plants would migrate to the project site from other areas.

Table 1
List of Rare, threatened, endangered or otherwise sensitive plant species which may occur in Pismo State Beach along with their status with CNPS and the state and federal governments

| | Scientific Name | Common Name | CNPS (R-E-D) | CA DFG | USFW |
|---|---|----------------------------|---------------------|---------------|-------------|
| 1 | <i>Dithyrea maritima</i> | beach spectacle-pod | List 1B 3-3-2 | CT | C1 |
| 2 | <i>Juncus acutus</i> <i>var. leopoldii</i> | southwestern spiny rush | List 4 1-2-1 | None | None |
| 3 | <i>Malacothrix incana</i> | dunedelion | List 4 1-1-3 | None | None |
| 4 | <i>Monardella crispera</i> | crisped monardella | List 1B 2-2-3 | None | C2 |

The Pioneer Coastal Dune community is fragile because of its tenuous situation in the narrow strip of dunes between the beach and secondary dune formation. In Pismo State Beach and elsewhere in California this plant community has been subject to human disturbance, although the plant community is not listed as a rare plant community by the California Department of Fish and Game (DFG).

Immediately adjacent to the site to the south along Pismo Creek the stream creates an estuary or lagoon. Along the edge of the lagoon small areas of coastal salt marsh have developed and extend into the area to the east of the project site. The current

topography is such that brackish storm water ponds in depressions in this area. As would be expected in an estuary condition where fresh and salt water mingle, fresh water marsh vegetation is mixed with salt marsh vegetation in one location along the lagoon. The lagoon did not contain extensive estuarine vegetation during the winter in which this study was conducted as a result of recent flooding. Coastal Salt Marsh is listed as a rare plant community by the Department of Fish and Game.

Wildlife

~~The wildlife habitats identified on or around the project site correspond closely to the plant communities described earlier:~~

- ~~• Riverine~~
- ~~• Fresh Emergent Wetland~~
- ~~• Estuarine, Saline Emergent Wetland~~
- ~~• Pioneer Coastal dune~~
- ~~• Marine~~

~~Of these, only the Pioneer Coastal Dune habitat occurs on the project site; the others are immediately adjoining the project site in and around Pismo Creek.~~

Five Six sensitive bird species were observed in the vicinity of the project site. One species (California Brown Pelican) is listed as Endangered; one species (Western Snowy Plover) is listed as Threatened, two species (Doublecrested Cormorant and California Gull) are listed as California Species of Special Concern; and two species (Snowy Egret and Caspian Tern) are listed as Special Animals and ranked by the California Natural Diversity Data Base. All ~~five~~ six of these species forage and/or rest or are expected to forage and/or rest on one or more of the habitats near the project site. A Western Snowy Plover nest was discovered in 2010 by California State Parks personnel located west of the estuary and a few hundred yards south of the end of Addie Street.

Among the members of the Pismo Lagoon biotic community is the tidewater goby, presently listed by the U.S. Fish and Wildlife Service as Endangered and a Species of Special Concern by the California Department of Fish and Game. While isolated populations still exist in a number of creeks in north San Luis Obispo, other populations in the county have disappeared (e.g., Chorro and other creeks of the Los Osos Valley drainage, Toro and Old Creeks.)

The tidewater goby is listed as an Endangered Species by California Department of Fish and Game and the U.S. Fish and Wildlife Service. In addition to the tidewater goby, the steelhead trout is another species in California that has been listed in specific localities.

Impact Discussion:

4a-c The following two stricken paragraphs are deleted because they discuss an earlier 1999 DFG comment letter that has been superseded by the email of October 8, 2008 from David Hacker with the DFG. In a letter addressing a previous project on this site,

~~dated June 11, 1999, the California Department of Fish and Game indicated that the tidewater goby and coastal steelhead have each been identified in Pismo Creek. The Department indicated it would require a streambed alteration permit pursuant to California Fish and Game Code Section 1603, and that independent environmental review in connection with the permit review process would occur. The Department advised the City that it had conducted such review, and adopted a Mitigated Negative Declaration based on the analysis and mitigation measures set forth in this document as adequate to satisfy the requirements of the California Environmental Quality Act. Further review by the California Department of Fish and Game would be required for the new proposal.~~

~~The Department indicated previously that changes in the course of the Pismo Creek discharge area may occur in the future, and could affect the project site. No development has been proposed or would be permitted in connection with the project that would restrict water flow below the residential structure, other than the pilings that support the structure. Enforcement of required setbacks from Pismo Creek would assure that the direction and flow of Pismo Creek would not be affected by construction activities or the structure as finally constructed. Installation of rip-rap would be limited to widening of Addie Street to a width of not more than 15 feet to accommodate vehicular travel near the project site.~~

The following three paragraphs are stricken because the information presented is based on a larger development proposal for six lots from the referenced 1994 EIR. This information is superseded by the new paragraphs below. These sensitive species that rely strongly on Fresh Emergent Wetland and Marine habitats are not expected be significantly impacted because the structure is setback 15 feet from the coastal salt marsh vegetation and 50 feet from the estuary edge, refer to Exhibit 3.

~~Of the sensitive species that potentially could be impacted by the project, there are six species that have both a state/federal sensitivity status. These species (California Brown Pelican, American Peregrine Falcon, California Least Tern, Western Snowy Plover, California Red-Legged Frog and Southwestern Pond turtle) require special emphasis because of their high status, however, all these sensitive species could be affected to some degree by the project.~~

~~In addition, development encroachment too close to sensitive habitats could have adverse effects. Areas of concern are the critical beach and dune area at the west end of the site and the shoreline of the lagoon. Development too near the shoreline could draw more domesticated water fowl such as coots, tame mallards and domestic ducks that congregate eastward up the creek, into the lagoon area. This would be likely to displace sensitive wild birds in the lagoon.~~

The proposed project parcel does not support a native dune plant community as it is composed mostly of dense patches of ice plant, a narrow fringe of ruderal non-native grassland species, and a compacted parking area void of vegetation comprising approximately 40 percent of the parcel. Furthermore, the site is located in a small

triangle of land wedged between the lagoon and existing urban development with virtually no terrestrial habitat connectivity to the east except for a narrow strip of armored creek bank adjacent to developed land. The adjacent residence and a small ice plant-dominated dune separate the proposed project parcel from the coastal strand and open beach. As such, the proposed project parcel site does not represent an Environmentally Sensitive Habitat Area (ESHA) as defined by the California Coastal Commission.

Two wetland indicator species were observed (marsh baccharis & salt grass) comprising less than 5 percent cover. A minimum 20 percent cover establishes the threshold standard. Additional soil test were excavated to support the conclusion the site is not within a wetland area. The test revealed no evidence of hydric soils, high water mark, or other primary or secondary indicators. Sage Institute concluded, "that no wetlands satisfying the Corps wetland definition occur on the proposed project parcel. Given that no one wetland parameter was observed," this determination also includes the California Coastal Commission and California Department of Fish and Game's definition should be satisfied that no wetland exists.

Given the close proximity of the proposed project parcel to the Pismo Creek lagoon, the site was inspected for evidence of tidal influence that would fall under the jurisdiction of the Corps. The lateral extent of Corps jurisdiction under Section 404 of the Clean Water Act in tidal areas extends to the high tide line.

Review of January and February tide charts by Sage Institute for Pismo Beach showed several high tides above six feet that represent some of the highest tides for the area. There was no physical evidence of any tidal influence on the proposed project parcel from deposits of drift material such as seaweed, driftwood, shell debris, trash, or any other material indicating a high tide line. There was such evidence along the bank of the lagoon well away from the southern boundary of the proposed project parcel. Therefore, the proposed project parcel does not fall within the jurisdiction of the Corps as a waters of the U.S.

The extent of CDFG 1600 jurisdiction subject to the Streambed Alteration Agreement program typically is considered the top of a stream bank or the furthest extent of riparian habitat away from a stream or lake. As described above there is no riparian habitat on the site and there is no riparian habitat along the banks of the Pismo Creek lagoon. As such, it is determined that the extent of CDFG 1600 jurisdiction would be the top of bank along the Pismo Creek lagoon that is to the south of the proposed project parcel and does not extend onto the project site.

The project would be subject to a minimum 25-foot setback from the top of the creek bank and ESHA. The area subject to development is defined by setbacks from the creek and the adjoining riparian habitat zones. No development would be permitted, nor is it proposed, along the creek bank.

The portion of the project site adjoining and in the vicinity of the creek contains non-native, invasive plants. The project would landscape is proposed to include a dune restoration program that would treat and remove the invasive species and provide improved habitat quality along the creek. The mitigation measures would minimize potential impacts to the local habitat by restricting future modifications to the creek following restoration of the dune community on-site and in the vicinity, and by prohibiting construction activities adjoining the creek and on the project site is nesting Western Snowy Plover are found within 200 feet of the site.

The following paragraph is deleted because the 2010 botanical survey did not identify any Pioneer dune community on the 140 Addie Street site. The removal of a small area of the Pioneer dune plant community from the site would be considered potentially significant because (1) the plant community is fragile, under pressure from human disturbance along the coast, and cumulative losses are potentially significant, (2) removal would alter the process of dune sand accumulation which could directly affect the lagoon sediments, depth and degree of wind protections, and (3) it is suitable nesting habitat for the threatened Snowy Plover. The Snowy Plover, however, prefers open sand for nesting and the area of Pioneer Dune Community on the site is only about 300 square feet of degraded Pioneer Dune community on the southern edge. Nesting anywhere on the site in both its existing and proposed uses is tenuous because of potential nest predation by domestic cats and dogs in this urban setting, as well as the existing pole house oceanward of the site. The value of the vicinity to the Snowy Plover is not in the vegetation but in the open sand dune southwest of the site. Development of the site could produce construction noise that could adversely impact the breeding and nesting potential for the Snowy Plover in the short term, a significant impact requiring mitigation.

The value of the vicinity to the Snowy Plover is not in the vegetation but in the open sand dune southwest of the site. Development of the site could produce construction noise that could adversely impact the breeding and nesting for the Snowy Plover in the short term, a significant impact requiring mitigation.

The California Brown Pelican is less dependent upon the habitat of the site and lagoon because it is a species that forages primarily in the ocean and is highly mobile and wide-ranging. Peregrine Falcon would not likely be adversely impacted by development of the site itself as this species generally avoids areas with human activity and is a cliff dwelling species.

The Red-Legged Frog and Southwestern Pond Turtle are currently listed as Rare or Threatened. Both species were not identifiable in the winter but were evaluated in January and February of 2010 by Sage Institute who determined the project site does not support any wetland, riparian, aquatic or estuarine habitat and has little or no vegetation cover for aquatic species inclined for overland movement such as the California red-legged frog or southwestern pond turtle expected to inhabit Pismo Creek.

4d. The project as proposed is setback beyond twenty-five feet from the top of the creek bank and ESHA in compliance with the City's General Plan Policies. Impacts to fish and other wildlife using the creek are not anticipated to be significant. The project is located further from the beach and potential Snowy Plover nesting sites than the existing pole house. The project would not convert any snowy plover habitat to urban use.

4e-f. The project does not conflict with any adopted plans or policies for the area.

Mitigation Discussion:

4a-c: To mitigate potential impacts on estuary and snowy plover habitats

~~— The project will be required to obtain a streambed alteration permit pursuant to California Fish and Game Code Section 1603.~~

~~— Further review by the California Department of Fish and Game may include additional mitigation measures. (Additional measures from the DFG are listed below)~~

– No development shall be permitted in connection with the project that would restrict water flow below the residential structure, other than the pilings that support the structure.

~~— Installation of rip-rap shall be limited to widening of Addie Street to a width of not more than 15 feet to accommodate vehicular travel near the project site.~~

– Structures shall be setback a minimum of 25 feet from the top of the creek bank and identified ESHA habitat, consistent with the LCP and Wetland and Biological Assessment dated March 2010.

– In addition to proposed native landscaping, a pioneer dune restoration program is required within the creek setback area to treat and remove any invasive species and provide improved habitat quality along the creek. Restoration plan work shall be monitored for three years by a biological monitor.

– Prior to the nesting season for the Western Snowy Plover (from March 1st through September 30th) a qualified biologist shall review the area of potential Snowy Plover habitat on the open sand dune within 200 feet of the Project site for nesting Plovers. If nesting birds or nests are observed, the biologist shall notify the City, the California Department of Fish and Game and the US Fish and Wildlife Service to consult on avoidance measures such as monitoring and implement construction activity minimization strategies ~~To avoid impacts on the nesting birds due to construction activity, no construction shall occur until after the nests are vacated.~~

– The perimeter of the project site shall be defined with silt fence and orange construction fencing to prevent offsite sediment transport into the lagoon and to avoid encroachment into adjacent areas.

– The use of natural fiber, biodegradable meshes, and coir rolls shall only be allowed for erosion control and landscape specifications.

| | | | | | |
|---|---------|--------------------------------|---|------------------------------|-----------|
| <p>5. CULTURAL RESOURCES. Would the project:</p> | Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|---------|--------------------------------|---|------------------------------|-----------|

| | | | | | |
|---|------|--|--|--|---|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | 1, 5 | | | | X |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | 1, 5 | | | | X |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | 1 | | | | X |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | 1 | | | | X |

Impact Discussion:

5a-d. A site survey was conducted on the project site by Charles E. Dills, and reported by him by letter dated September 23, 1990. Dills indicated that he walked the site, and found no cultural materials. Because of the prevalence of Indian occupations elsewhere on the coast, however, he used a backhoe to sample the soil on the most inland portion of the project site. He almost immediately encountered rip-rap, and concluded that there was no way any cultural materials could have survived if there had been any on the project site in the first place. The project site is located in the Archaeological Resources overlay zone. One of the requirements connected with the zone is that a standard mitigation measure be included in approvals requiring the cessation of on-site construction activities if archaeological resources are discovered. At that point, a qualified observer would be retained, and a mitigation plan developed to respond to the discovery and to protect the resources.

Mitigation Discussion:

5b. Due to the project's location within the Archaeological Resources overlay zone and the proximity to the coast the standard mitigation measure shall be included which requires the cessation of on-site construction activities if archaeological resources are discovered. At that point, a qualified observer would be retained, and a mitigation plan developed to respond to the discovery and to protect the resources.

| 6. GEOLOGY AND SOILS. Would the project: | Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|---------|--------------------------------|---|------------------------------|-----------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | 1, 5 | | X | | |
| ii) Strong seismic ground shaking? | 1, 5 | | X | | |
| iii) Seismic-related ground failure, including liquefaction? | 1, 5 | | X | | |
| iv) Landslides? | 1 | | X | | |
| b) Result in substantial soil erosion or the loss of topsoil? | 1 | | X | | |

| | | | | |
|--|------|---|---|---|
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | 1, 5 | X | | |
| d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | 1, 5 | | X | |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | 1 | | | X |

Impact Discussion:

6a-c. Ground shaking from a seismic event is the seismic hazard that would have the greatest impact on the proposed project within the design life span. Ground shaking can also trigger secondary seismic hazards such as liquefaction, seismically induced land sliding and settlement and tsunamis and seiches.

Liquefaction is the loss of soil strength during a significant seismic event. It occurs primarily in loose, fine to medium grained, granular material below the groundwater surface. Liquefaction occurs during rearrangement of the soil particles into a denser condition, resulting in localized areas of settlement. Due to shallow groundwater and fine-grained sands underlying the site, a potential for liquefaction exists at the site.

Submarine faulting occurring at great distance or just offshore from the site may cause hazardous tsunamis; commonly known as tidal waves, along the Pismo Beach coastline. . While the historical record for San Luis Obispo County does not indicate that any tsunamis have occurred which have exceeded the normal tidal range, there is not sufficient data regarding tsunami occurrence in this area to draw any definitive conclusions regarding the degree of inundation that could be attributed to a tsunami. Based on the site's proximity to the Pacific Ocean and its near sea level elevation, it can be presumed that a significant tsunami occurring along the Pismo Beach coastline would have an impact on the site. Extremely high flood conditions may occur if even a small tsunami occurs simultaneously with high tide and a high flow in Pismo Creek. Earth Systems Pacific prepared a Geologic Coastal Study Phase 1 dated May 13, 2009 attached to this IS/MND to clarify the geologic coastal conditions and address all concerns and questions raised by commenting agencies about flooding, wave run-up, sea-level rise, and shoreline hazards for consistency with Pismo Beach's LCP. Excerpts from this report are summarized here. This information does not change the level or type of impact or required mitigation measure.

Air stereo photographs were reviewed spanning from 1982, 1987, and 1990 to understand the trends in dune formation and creek flooding, based on the photographic review and the current alignment of the creek bank along the site, there has been no discernable erosion along the creek bank over the past 26 years. Further analysis evaluated the potential for wave run-up and sea-level rise within the next 100-years. A conservative 2-foot rise in sea level was used comparing tidal elevation data and a 2008 paper on "Climate change projections of sea-level extremes along California coast". A 100-year design water level was derived at 6.64' including several factors of tides, surges, wind, climate, and maximum observed water level. This data along with breaking wave heights were used to calculate the additional wave run-up of 2.25 feet for a total 100-year condition of 8.89 feet. The Flood Insurance Rate Map indicates the site is located in zone AE with a flood elevation of 10 feet. The report concludes due to the potential for Pismo Creek to be flooded at the same time as the 100-year wave run-up event, an additional 2-feet should be added to the 100-year wave run-up elevation to account for a surge effect. This added 2-feet would yield a total 100-year flood elevation of 10.89 feet.

The finish floor elevation for the proposed residence is 14-feet, approximately 3 feet above the 100-year flood elevation, therefore, the structure and the occupants would not be impacted by a flood event.

Seiches are small, seismically induced waves that occur in a confined small body of water such as a pond, swimming pool, or uncovered water tank. While there are no actual impoundments of water nearby, the area of the creek adjacent to the site has the characteristics of a quiescent, impounded body of water during conditions of low flow. Therefore, a potential for a seiche to occur in this portion of the creek during a seismic event is considered to exist. It is unlikely, however, that the seiche would significantly impact the project due to the proposed height and design of the structures.

Seismically induced landslides are not of significant concern on this site, as the topography is virtually level. There are, however, the creek banks that are currently protected by large riprap boulders as well as the slope adjacent to Addie Street and the boundary with the property immediately adjacent to the east. In the event of an earthquake, the riprap boulders would tend to migrate laterally if liquefied soil conditions occurred. While this condition, referred to as lateral spreading, would not technically be defined as seismically induced land sliding, the net affect is the same. The potential for this impact already exists and would not result as a consequence of the proposed development. The proposed structural system of piers would be designed to meet seismic standards of the California Building Code therefore having no impact.

Seismically induced settlement of sufficient magnitude to cause significant structural damage is normally associated with poorly consolidated, predominantly sandy soils, or variable consolidation characteristics within the building areas. The site is underlain by fine-grained sands and the potential for seismically induced settlement exists.

Augmenting the May, 2009 report noted above, Earth Systems Pacific completed an August 11, 2010 report on the field work, laboratory testing and foundation analysis phases of the soils report for the proposed project. The report notes:

As part of the soils engineering investigation, two borings were drilled at the subject site on July 26, 2010. A Mobile Drill Rig, Model B-53 equipped with an 8-inch outside diameter hollow stem auger was used, with an automatic trip hammer for sampling. The borings were drilled to depths of 71.5 and 51.5 feet at the approximate locations shown on the attached Boring Location Map. As the borings were drilled, soil samples were retrieved via a ring-lined barrel sampler, and Standard Penetration Tests were conducted at selected depths. Bulk soil samples were also obtained from the auger cuttings. Testing of selected soil samples for unit bulk density, maximum dry density versus optimum moisture content, and gradation has also been accomplished. Copies of the boring logs as well as a boring log legend are attached.

Generally, alluvium consisting of poorly graded sand was encountered from the surface to depths of 13.5 and 15 feet in the borings. This material varied from loose to very dense. Beneath the poorly graded sand were layers of clayey sand, lean clay, sandy lean clay, and well graded sand with gravel. In the deeper boring, poorly graded sand and poorly graded sand with gravel were found below a depth of 60 feet. The clay soils were found to be medium stiff to very stiff while the sand soils beneath the clays were generally medium dense to dense. A layer of loose conditions was found in the well graded sand with gravel from 28 to 40 feet. Cobbles were also present in this layer.

The surface soils were generally moist with free subsurface water and wet conditions present below a depth of 5 feet.

Analysis indicated that there is a significant potential for liquefaction to occur from the subsurface water level (at a depth of 5 feet during the field investigation) to a depth of about 15 feet. Above the water level, the lack of free water prevents liquefaction and below 15 feet, the soils are too dense, too well graded, too clayey, or a combination thereof, to be prone to liquefaction. If liquefaction were to occur in the upper 15 feet, it is estimated that the ground surface could settle about 3 to 5 inches.

Based upon the results of the liquefaction analysis, it appeared that a driven pile foundation bearing below the liquefaction depth would be appropriate. We then analyzed a 14-inch diameter steel pipe pile foundation system. Our analysis indicated that allowable capacities of 40 to 60 kips would be possible on such piles driven to depths of about 30 to 45 feet. Lateral loads could be resisted by the cantilevered vertical piles or by battered piles acting in compression.

The results of our analyses indicate that a driven pile foundation is feasible and would be the foundation type that would cause the least environmental damage. A foundation of driven steel pipe piles, filled with concrete at the architect/engineer's discretion, is our recommendation.

6d. Soil on the project site is sandy and contains very little clay. Thus, soil on the project site is not expansive as defined in Table 18- 1-B of the Uniform California Building Code.

6e The proposed project would not involve the use of a septic system.

Mitigation Discussion

6a. To mitigate potential geological impacts, the applicant shall submit the August 11, 2010 Earth Systems Pacific report obtain and submit a geotechnical and soils report, prepared by a qualified professional, to be reviewed and approved by the City Engineering Division prior to the issuance of building permits. The final soils geotechnical and soils report shall specifically address the soil types condition and seismic characteristics encountered at the project site, and the appropriate manner engineering design criteria for responding to such concerns. Implementation of this mitigation measure would reduce geological impacts to a less than significant level.

| | Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|--|---------|--------------------------------|---|------------------------------|-----------|
| 7. HAZARDS AND HAZARDOUS MATERIALS. Would | | | | | |

| the project: | | | | | |
|--|---|--|--|--|---|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | 1 | | | | X |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | 1 | | | | X |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | 1 | | | | X |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | 1 | | | | X |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within | 1 | | | | X |

| | | | | | |
|---|---|--|--|--|---|
| <p>two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</p> | | | | | |
| <p>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</p> | 1 | | | | X |
| <p>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</p> | 1 | | | | X |
| <p>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</p> | 1 | | | | X |

Impact Discussion:

7a-d. The proposed project involves the construction of a single-family residence, which does not characteristically involve the use of substantial amounts of hazardous materials. The proposed project site is not listed on the Department of Hazardous Substances Control Hazardous Waste and Substances Site List.

7e-f The proposed project is not located within the vicinity of an airport, airport land use plan or private airstrip.

7g The proposed project does not entail any activities capable of impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan.

7h There are no wildlands within the vicinity of the project area.

| 8. HYDROLOGY AND WATER QUALITY. Would the project: | Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|---------|--------------------------------|---|------------------------------|-----------|
| a) Violate any water quality standards or waste discharge requirements? | 1 | | | | X |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | 1 | | | X | |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a | 1 | | | X | |

stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

f) Otherwise substantially degrade water quality?

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

h) Place within a 100-year flood hazard area structures which would impede or redirect flood

| | | | | |
|------|--|---|---|---|
| | | | | |
| 1 | | | | X |
| 1 | | | X | |
| 1 | | | X | |
| 1, 4 | | X | | |
| 1, 4 | | | X | |

| | | | | |
|--|------|--|---|--|
| flows? | | | | |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | 1, 4 | | X | |
| j) Inundation by seiche, tsunami, or mudflow? | 1, 4 | | X | |

Impact Discussion:

8a The proposed project would not violate any water quality standards or waste discharge requirements. Storm water from the site would be conducted to city storm drains, and the proposed project would utilize the existing infrastructure for sewage disposal.

8b. Water usages characteristic of a single-family residence would not be substantial and the adopted Water Master Plan accounts for this demand based on the General Plan Land Use. The proposed project would not be capable of substantially depleting ~~deplete~~ groundwater supplies or interfering substantially with groundwater recharge.

8c-d. The proposed project would not substantially alter the existing drainage pattern of the site or area. The proposed residential structure would not significantly differ from other structures within the surrounding area, and would be constructed on pilings such that the surface beneath and surrounding the structure would be permeable and open to flooding.

8e-f. The proposed project site constitutes only 4,500 SF, which is too small to contribute amounts of water capable of exceeding the capacity of existing or planned storm water drainage systems or providing substantial additional sources of polluted runoff however, the Proposed Project shall be required to meet the Best Management Practices (BMP) standards as outlined in General Plan Policy CO-10 for construction and operational phase storm water runoff and to maintain the on-site BMPs. Like all projects in City jurisdiction, the Proposed Project will be required to implement BMPs to manage water quality by providing on-site runoff treatment in conformance with the Regional Quality Control Board General Permit and the City's Storm Water Management Plan 2009.

8g-j. The proposed project site lies within the ~~V10~~ VE Zone and adjacent to the A10 Zone of the 100-year flood plain. Zone A is the 100-year flood limit for Pismo Creek. While Zone V is for the 100-year coastal flood with wave velocity. The National Flood Insurance Program establishes the specific criteria for development in flood zone ~~V10~~ VE. Section 60-3 entitled "Flood plain management criteria for flood-prone areas" states in part that communities shall "provide that all new construction within Zones V1-30, VE and V on the community's FIRM, are elevated on pilings and columns so (i) that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level, and (ii) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components". Section 60-3 also "prohibits the use of fill for structural support of buildings..." or "...man-made alteration of sand dunes." ... ~~within Zones V1-30... which would increase potential flood damage~~". The proposed project would be constructed on concrete pilings pursuant to the National Flood Insurance Program criteria for development in flood zone ~~V10~~ VE.

A "Flood Hazard Issues" study was completed by Consulting Engineer Keith Crowe on November 17, 2006. The flood/ocean storm surge water elevation has been determined by the engineering study to be 10.5 feet. The study made several recommendations regarding protection of the proposed structure from the potential for flood hazards. These recommendations have been included as mitigation measures. A Geologic Coastal Study prepared by Earth Systems in 2009 considered comments made by the agencies and concluded the 100-year flood elevation is 10.89 feet. (see section 6 above for discussion).

Mitigation Discussion:

8e. As stated in General Plan Policy CO-10, Best Management Practices (BMPs) shall be incorporated into the project design in the following progression:

- Site Design BMPs (any project design feature that reduces the generation of pollutants or reduces the alteration of the natural drainage features, such as minimizing impervious surfaces or minimizing grading);
- Source Control BMPs (practices that prevent release of pollutants into areas where they may be carried by runoff, such as covering work areas and trash receptacles, practicing good housekeeping, and minimizing use of irrigation and garden chemicals);
- Treatment Control BMPs (a system designed to remove pollutants from runoff including the use of gravity settling, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process).

8g. To mitigate potential impacts on the structure and occupants in the event of a flood/storm surge event:

- The lowest structural member – except poles, piers and columns – must be no lower than elevation 10.89.
- The space below the habitable area must be open.
- The structure must meet the anchoring and other structural requirements to resist the various hydrostatic and hydrodynamic forces involved.
- The use of fill for structural support of buildings or man-made alteration of sand dunes which would increase potential flood damage is prohibited.

| 9. LAND USE AND PLANNING. Would the project: | Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|---------|--------------------------------|---|------------------------------|-----------|
| a) Physically divide an established community? | 1 | | | | X |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | 1 | | | | X |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | 1 | | | | X |

Impact Discussion:

9a. The proposed project site is bounded by the Pacific Ocean, the Pismo Creek flood plain and the downtown urban core. The project faces the downtown area on one side of the site only. Therefore, the proposed project would not divide the existing community.

9b-c. Land use policies applicable to the project and the project's consistency with these policies are outlined below:

Policy CO-21 Pismo Creek Protection

Pismo Creek shall be retained in its natural state and protected from significant alterations. The following measures shall be employed to accomplish this intent:

a. Streamside Protection Zone - There shall be a minimum streamside protection zone to conserve the environmentally sensitive habitats of the creek. This buffer zone shall be measured from the outer edge of the riparian vegetation or where there is not riparian vegetation, from the top of the creek bank. The minimum width of the buffer shall be as follows:

West Bank: 100 feet/Cypress northward to City limits

East Bank: 25 feet/Dolliver to the ocean

A lesser buffer may be permitted if: 1) the minimum width set forth would render a parcel inaccessible or unusable for the purpose designated in the land use plan; or 2) there is a showing by an applicant through a resource assessment study identified in item h (Resource Protection Plan) that a lesser buffer will not result in loss of, or adverse effects on, streamside vegetation or the biotic quality of the stream. Alternative mitigations shall be required where lesser buffers are authorized. No new construction or vegetation removal, except for normal maintenance, shall be allowed in the buffer zone with the exception of public roadways or bridges identified in the Circulation Element, paths, trails, fences, flood control structures, and other similar structures deemed not to adversely affect the creek.

b. Open Space- The sand pit and channel where Pismo Creek enters the ocean and those portions of parcels located within the creek channel shall remain as open space and no structures or fill shall be permitted thereon.

c. Conservation Dedication- Any new development shall be required to dedicate as a condition of any discretionary approval, an easement for the protection of the streamside area consisting of 25 feet or more from the top of the creek bank. In addition, new development shall provide access amenities adjacent to the creek for the city to use as a greenbelt and/or recreation corridor.

d. Structures in the Stream Corridor- No structures shall be located within the stream corridor except: dams; structures necessary for flood control purposes; bridges,

when supports can be located outside of critical habitat; a public pathway and pipelines, when no alternative route is feasible.

e. *Limitations on Development-* All development, including dredging, filling, and grading, within the stream corridor shall be limited to activities necessary for flood control purposes bridge construction, water supply projects, or laying of pipelines, when no alternative route is feasible. When such activities require removal of riparian plant species, revegetation with local native plants shall be required. Minor clearing of vegetation shall be permitted for hiking and equestrian trails, bike trails, view points, etc.

f. *Minimize impacts-* All permitted construction and grading within stream corridors shall be carried out in such a manner as to minimize impacts from increased runoff, sedimentation, biochemical degradation, or thermal pollution.

g. *Channeling-* No concrete channeling or other major creek alteration shall be permitted, unless no viable alternative exists.

h. *Resource Protection Plan-* A Resource Assessment and Protection Plan shall be required and approved concurrent with city action on projects located on parcels which have a portion within the streamside protection zone. The plan shall include appropriate measures to protect the creeks biological and visual aspects.

Consistency Discussion:

(a) The General Plan requires a streamside protection zone along the creek. This 25-foot zone is measured either from the outer edge of the riparian vegetation or, where there is no riparian vegetation, from the top of the creek bank. The biological survey of the site (Holland, December, 1994) reported as follows:

Riparian communities common[ly] occur along banks and floodplains of Pismo Creek, but this community is not well developed on the project site. Willows, which are the common species along much of Pismo Creek, were not found on the project site except for on[e] small tree or sapling near the house. However the presence of this willow indicates that the area may be capable of supporting a riparian woodland in the floodplain if left undisturbed for a period of time. (Holland, page 13)

Based on the 2010 Wetland Determination and Biological Assessment, the proposed structure is 25 feet from mapped ESHA (wetland) on State Park property adjoining the estuary, see Exhibit 2-Site Plan and Figure 1 in the Sage Institute report, With establishment of the required setback, therefore, the project would be consistent with General Plan Policy CO-21(a).

(b) The project does not propose structures or fill within the open space area, and the project is, therefore, **consistent** with this provision.

(c) This policy requires dedication of an easement for the protection of the streamside area, consisting of 25 feet or more from the top of the creek bank. Project approval would require a finding of consistency with this provision, ~~and inclusion of the easement at the time of project approval.~~ The project would be As the subject property is 32' at a minimum from the top of the creek bank, the 25' setback requirement would not apply. As proposed, the project **consistent** with this General Plan requirement and there is no impact. *(revised by Planning Commission 8/24/2010)*

(d) No structures are proposed in the stream corridor, and the project is **consistent** with this requirement.

(e) No structures are proposed in the stream corridor, and the project is **consistent** with this requirement.

(f) No structures are proposed in the stream corridor, and the project is **consistent** with this requirement.

(g) No concrete channeling or other major creek alteration is proposed, and the project is **consistent** with this requirement.

(h) The General Plan requires that a Resource Assessment and Protection Plan be prepared for the project if it is within 25 feet of the top of the creek bank. The project site boundary is located within 25 feet from the top of the creek bank and is therefore ~~not~~ located within the Streamside Protection Zone. A Resource Assessment and Protection Plan is ~~not~~ required for this project, however, the equivalent study was prepared by Sage Institute as referenced under Biological Resources. The project would be **consistent** with this General Plan requirement.

Policy D-2 Building and Site Design Criteria

a. *Small scale*

New development should be designed to reflect the small-scale image of the city rather than create large monolithic buildings. Apartment, condominium and hotel buildings should preferably be contained in several smaller massed buildings rather than one large building. Building mass and building surfaces such as roofs and exterior walls shall be highly articulated to maintain a rich visual texture and an intimate building scale.

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

Zone. [Height limitations are implemented through the Height Limitations (HL) Overlay Zone.]

~~The Planning Commission would determine if this proposed project is consistent with the criteria for design that reflects the small-scale image of the City. The Planning Commission would also determine if a three-foot height variance can be granted while still meeting the intent of the small-scale policy. If it is determined that the proposed project is not consistent with the Policy D-2 design criteria, the Planning Commission could provide direction to develop an alternative proposal, thereby providing consistency with policy D-2(a). Zoning code section 17.102.010, as a part of the implementation plan for the City's LCP, specifies Single family residences in the R-R zone shall be subject to a building height limit of 25' in height as measured above the center of the building footprint at site grade. The subject proposal is not a single family dwelling but a duplex, and is therefore subject to the 35' height limit specified for all other development in the R-R zoning district. As proposed, the project does not exceed the 35' building height limit, is consistent with Policy D-2a, and does not create an environmental impact. **(modified by Planning Commission 8/24/2010)**~~

b. *Entrances*

To residential buildings, to individual dwelling units within the building, and to commercial structures should be readily identifiable from the street, parking area, or semipublic areas and designed to be of a pedestrian scale

The entrance to each of the dwelling is identifiable from the street. As proposed, the project is **consistent** with Policy D-2(b).

c. *Views*

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

~~Additional analysis and policy discussion of this topic are presented in section 1-Aesthetics in this IS. The proposed project would partially obstruct views of the ocean. Any development on this lot would obstruct such views. Given the constraints of the project site, the project appears **consistent** with this policy.~~

Policy LU-K2(b) Pismo Creek Trails

A creekside trail system shall be developed on both sides of Pismo Creek from its mouth at the ocean inland (sic) to the future golf course/recreation area in Price Canyon. Public improvements such as trash cans and seating shall be included with the development of the creek trails. Dedication of a portion of properties adjacent to Pismo Creek for a public pathway shall be required with new development applications. These dedications shall include the buffer zone as identified in the conservation and open

space element. Development approvals by the City shall require the installation of trail improvements. See also: Conservation Element Policies 21 and 22.

Project consistency with General Plan Policy CO-21 is discussed above. The City has not adopted a Specific Plan as contemplated in General Plan Policy LU-K-2. Implementation of the phased Promenade project has designated the pedestrian trail link from the beach Promenade terminus at the end of Addie Street to be along the public sidewalk east to the Cypress Ave. bridge. Implementation of the boardwalk stamped concrete on the Addie Street frontage is consistent with this Plan.

5.2 ZONING CODE STANDARDS

17.102.010

~~(1) Single family residences in the R-R zone shall be subject to a building height limit of 25' in height as measured above the center of the building footprint at site grade.~~

~~The project is requesting a variance from the height requirements. The Planning Commission will determine if the project meets the requirements for a variance and require modification of the project if necessary to meet the height requirements of the Zoning Code. The project would be made consistent with 17.102.010.1 through either the issuance of a variance or conditions requiring the modification of the project.~~

17.102.150.5

~~This section limits the architectural features that may be located in the required setbacks. Paragraph 5 allows landing areas and similar structures that are not more than 30 inches above grade. Because the project would elevate driveways more than 30 inches from grade, the design would not be consistent with this requirement. The applicant has requested a variance from this requirement. If the variance is granted, the project would be consistent with this section. (stricken by Planning Commission 8/25/2010)~~

17.102.020 - Minimum Front Yard Requirements

Each lot is to have a front yard setback of not less than fifteen feet in the R-4 zone.

As proposed the project is **consistent** with 17.102.020(1b).

17.102.030 - Minimum Side Yard Requirements

(1) *In the R-4 zone, each lot shall have a side yard setback of no less than 10% of the lot width.*

As proposed the project is **consistent** with 17.102.030(1).

10. MINERAL RESOURCES. Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

| Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---------|--------------------------------|---|------------------------------|-----------|
| 1 | | | | X |
| 1 | | | | X |

Impact Discussion:

10a-b. There are no known mineral resources within the project vicinity.

11. NOISE. Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

| Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---------|--------------------------------|---|------------------------------|-----------|
| 1 | | | X | |

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

1

X

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

1

X

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

1

X

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

1

X

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

1

X

Impact Discussion:

11a-d. The proposed residential development would reasonably be expected to generate noise typical of such development generally including automobile traffic, conversations and noise from appliances, pets, and similar noise. The noise level

would not substantially increase the ambient noise level at the project site, and would be similar to the noise generated by other residential development in the general vicinity of the project. Temporary potentially significant noise and vibration impacts may occur during the construction of the project and the demolition of part of the pole house. Limiting hours of construction would reduce the impact of construction related noise and vibration to a less than significant level.

11e-f. The project site is not located within the vicinity of any airport or airstrip.

Mitigation Discussion:

11d. To mitigate construction noise impacts, construction activities, such that the noise or vibration creates a disturbance across a property line, shall be limited to the hours of 7 a.m. to 7 p.m. and shall not be permitted on Sundays or holidays. Neighbors within 100 feet of the project site shall be notified as to when pile-driving activities will occur.

12. POPULATION AND HOUSING. Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

| Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---------|--------------------------------|---|------------------------------|-----------|
| 1 | | | | X |
| 1 | | | | X |

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

| | | | | |
|---|--|--|--|---|
| 1 | | | | X |
|---|--|--|--|---|

Impact Discussion:

12a-c. The proposed project is a *multisingle-family* residence (duplex) on lot 5. The existing residence that occupies lot 4 will be remodeled to conform to setback requirements as described in the Revocable Encroachment Easement (Document 1996-049840). If the residence on lot 4 is remodeled and not demolished the Project would have a net addition of one residence to the housing supply, not a significant impact.

13. PUBLIC SERVICES.

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance

| Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---------|--------------------------------|---|------------------------------|-----------|
| | | | | |

objectives for any of the public services:

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

| | | | | |
|----------|--|--|--|----------|
| | | | | |
| 1 | | | | X |

Impact Discussion:

13a. The project is not located in an area or constructed in a manner that would physically impact service ratios, response times or other performance objectives of any governmental facility in the vicinity of the area.

14. RECREATION:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the

| Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|----------|--------------------------------|---|------------------------------|-----------|
| 1 | | | | X |
| 1 | | | | X |

environment?

| | | | | |
|--|--|--|--|--|
| | | | | |
|--|--|--|--|--|

Impact Discussion:

14a-b The addition of one residential unit would not substantially degrade recreational facilities in the City.

**15. TRANSPORTATION/
TRAFFIC:** Would the project:

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?
- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety

| Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---------|--------------------------------|---|------------------------------|-----------|
| 1, 5 | | | | X |
| 1, 5 | | | | X |
| 1 | | | | X |

risks?

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- e) Result in inadequate emergency access?
- f) Result in inadequate parking capacity?
- g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

| | | | | |
|---|--|--|--|---|
| | | | | |
| 1 | | | | X |
| 1 | | | | X |
| 1 | | | | X |
| 1 | | | | X |

Impact Discussion:

15a-g. The addition of one residential unit would not substantially degrade traffic conditions in the City.

16. UTILITIES AND SERVICE SYSTEMS. Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- b) Require or result in the construction of new water or

| Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---------|--------------------------------|---|------------------------------|-----------|
| 1 | | | | X |
| 1 | | | | X |

wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

| | | | | |
|---|--|--|--|---|
| | | | | |
| 1 | | | | X |
| 1 | | | | X |
| 1 | | | | X |

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

| | | | | |
|---|--|--|--|---|
| 1 | | | | X |
|---|--|--|--|---|

g) Comply with federal, state, and local statutes and regulations related to solid waste?

| | | | | |
|---|--|--|--|---|
| 1 | | | | X |
|---|--|--|--|---|

Impact Discussion:

16a-g. The addition of one residential unit would not substantially degrade utilities and service systems due to the adequate capacity of the existing infrastructure of utilities and service systems.

17. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods

| Sources | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---------|--------------------------------|---|------------------------------|-----------|
| 1, 5 | | X | | |

of California history or prehistory?

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

| | | | | |
|------|--|---|--|--|
| | | | | |
| 1, 5 | | X | | |
| 1, 5 | | X | | |

Impact Discussion:

- 17a. Potential environmental, cultural and paleontological resource impacts created by the project have been mitigated to a less than significant level.
- 17b. The proposed project may have a temporary cumulative impacts on air quality and noise levels due to construction activities, however, these impacts can be reduced to a less than significant level through the implementation of the included mitigation measures.
- 17c. The project is subject to flooding hazards, which have the potential for adverse effects on humans. Mitigation measures have been included to reduce these potential impacts

to a less than significant level.

Mitigation Discussion:

17a-c. Implementation of the mitigation measures presented in the previous sections will reduce potential cumulative impacts to a less than significant level.

| 18. EARLIER ANALYSES | |
|---|--|
| Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, one of more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063 (c) (3) (D0. In this case a discussion should identify the following items: | |
| a) | Earlier analysis used. None |
| b) | Impacts adequately addressed. (Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.) None |
| c) | Mitigation measures. (For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions of the project.) None |

| 19. SOURCE REFERENCES | |
|-----------------------|--|
| 1. | City of Pismo Beach, CA. (November 1992). <i>City of Pismo Beach General Plan & Local Coastal Plan</i> Pismo Beach. |
| 2. | Air Pollution Control District, County of San Luis Obispo. (December 2001). <i>2001 Clean Air Plan</i> San Luis Obispo. |
| 3. | Air Pollution Control District, County of San Luis Obispo. (April 2009). <i>CEQA Air Quality Handbook</i> San Luis Obispo. |
| 4. | Keith Crowe, Consulting Engineer. (November 2006). <i>Flood Hazard Issues, 136 and 140 Addie Street, City of Pismo Beach</i> |
| 5. | Final EIR Addie Street Resort Hotel and Beach Homes, Firma, 1996 |
| 6. | California Department of Fish and Game letter from Brian Hunter, Regional Manager, Central Coast Region, June 11, 1999 |
| 7. | <u>Sage Institute Inc (March 2010) Wetland and Biological Assessment</u> |
| 8. | <u>Earth Systems Pacific (May 13, 2009) Geologic Coastal Study Phase 1</u> |
| 9. | <u>California Department of Parks & Recreation letter from Ronnie Glick, Senior Environmental Scientist, Oceano Dunes District, May 11, 2010</u> |

III. MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION MEASURES

~~Mitigation Measure 1a-c. Significant impacts to the viewshed, and in particular views to the sand, creek and ocean, can be reduced to less than significant levels by adhering to the Zoning Ordinance vertical and horizontal setbacks and providing views through the site below the finish floor elevation. To reduce visual impacts, the project shall meet the 25-foot height requirement for single-family residences and maintain the area under the building for clear unobstructed views of the creek similar to the pole house.~~

Mitigation Implementation/Monitoring

- ~~1) Performance Standard: reduce height to 25 feet~~
- ~~2) Contingency Measure: none~~
- ~~3) Implementation Responsibility: project applicant~~
- ~~4) Implementation Schedule: Prior to building permit submittal~~
- ~~5) Monitoring Method: building permit review and project site inspector~~

Mitigation Measure 1d. To reduce obtrusive glare impacts, all flood lighting and other types of lights that illuminate areas off of the site, such as the creek or beach, shall be prohibited. A lighting plan shall be required showing all exterior and landscape lighting for the project to be low wattage, and downward directed so as to avoid glare or spill of light to adjacent properties.

Mitigation Implementation/Monitoring

- 1) Performance Standard:** prevent glare impacts
- 2) Contingency Measure:** none
- 3) Implementation Responsibility:** project applicant
- 4) Implementation Schedule:** Prior to construction
- 5) Monitoring Method:** building permit review and project site inspector

Mitigation Measure 3b-c. To mitigate fugitive dust emissions related to project construction, the following shall be implemented:

Prepare a Fugitive Dust Control Plan to be reviewed and approved by the City, which should include the following as applicable:

- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
- Prohibit all grading activities during periods of high wind (one-hour average speeds of over 15 mph as measured at a height of approximately 10 feet above ground level within areas scheduled

for grading).

- Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
- Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations, and hydro-seed area.
- Haul trucks shall maintain at least 2'0" of freeboard.
- Cover all trucks hauling dirt, sand, or loose materials.
- Plant vegetative ground cover in disturbed areas as soon as possible.
- Cover inactive storage piles.
- Install wheel washers at the entrance to construction sites for all exiting trucks.
- Sweep streets if visible soil material is carried out from the construction site. Construction-related vehicles and mobile equipment access routes shall be specified – and roadway and parking lot (re)paving shall be sequenced within the overall construction schedule – so that such vehicles and equipment can make the maximum practical use of paved internal roadways and parking lots, either existing or improved/reconfigured as part of the project.

Mitigation Implementation/Monitoring

- 1) **Performance Standard:** Implement Standard dust control measures
- 2) **Contingency Measure:** Determine in field
- 3) **Implementation Responsibility:** project applicant
- 4) **Implementation Schedule:** During construction
- 5) **Monitoring Method:** Project site inspector

Mitigation Measure 3b. To mitigate greenhouse gas related impacts the following measures shall be implemented:

1. Implement safe walking or bicycling connectivity to/from and on the site;
2. Implement green building techniques such as:
 - Building positioning and engineering that eliminate or minimize the development's active heating and cooling needs;
 - Implement solar systems to reduce energy needs;
 - Increase the building energy efficiency rating by 20% above what is required by Title 24 requirements.
 - Plant native, drought resistant landscaping;
 - Use locally or nearby produced building materials;
 - Use renewable or reclaimed building materials;
 - Install outdoor electrical outlets to encourage the use of electric appliances

and tools

Mitigation Implementation/Monitoring

- 1) **Performance Standard:** Implement Standard GHG control measures
- 2) **Contingency Measure:** Determine at Plan Check
- 3) **Implementation Responsibility:** project applicant
- 4) **Implementation Schedule:** During construction
- 5) **Monitoring Method:** Project site inspector

Mitigation Measure 4a-c: To mitigate potential impacts on Estuary or Snowy Plover habitats:

- No development shall be permitted in connection with the project that would restrict water flow below the residential structure, other than the pilings that support the structure.
- ~~Installation of rip-rap shall be limited to widening of Addie Street to a width of not more than 15 feet to accommodate vehicular travel near the project site.~~
- Structures shall be setback a minimum of 25 feet from the top of the creek bank or identified ESHA habitat, consistent with the LCP and Wetland and Biological Assessment dated March 2010.
- In addition to proposed native landscaping, a pioneer dune restoration program is required within the creek setback area to treat and remove any invasive species and provide improved habitat quality along the creek. Restoration plan work shall be monitored for three years by a biological monitor.
- Prior to the nesting season for the Western Snowy Plover (from March 1st through September 30th) a qualified biologist shall review the area of potential Snowy Plover habitat on the open sand dune within 200 feet of the Project site for nesting Plovers. If nesting birds or nests are observed, the biologist shall notify the City, the California Department of Fish and Game and the US Fish and Wildlife Service to consult on avoidance measures such as monitoring and implement construction activity minimization strategies until after the nests are vacated.
- The perimeter of the project site shall be defined with silt fence and orange construction fencing to prevent offsite sediment transport into the lagoon and to avoid encroachment into adjacent areas, consistent with measure 8e.
- The use of natural fiber, biodegradable meshes, and coir rolls shall only be allowed for erosion control and landscape specifications.

Mitigation Implementation/Monitoring

- 1) **Performance Standard:** Plan conformity to measure, field verification
- 2) **Contingency Measure:** determined by biological monitor

- 3) **Implementation Responsibility:** project applicant
- 4) **Implementation Schedule:** During construction
- 5) **Monitoring Method:** Project site inspector / biological monitor

Mitigation Measure 5b. Due to the project's location within the Archaeological Resources overlay zone and the proximity to the coast the standard mitigation measure shall be included which requires the cessation of on-site construction activities if archaeological resources are discovered. At that point, a qualified observer would be retained, and a mitigation plan developed to respond to the discovery and to protect the resources.

Mitigation Implementation/Monitoring

- 1) **Performance Standard:** Implement standard archaeological resources protections
- 2) **Contingency Measure:** none
- 3) **Implementation Responsibility:** project applicant
- 4) **Implementation Schedule:** During construction
- 5) **Monitoring Method:** Project site inspector

Mitigation Measure 6a. To mitigate potential geological impacts, the applicant shall obtain and submit a geotechnical and soils report, prepared by a qualified professional, to be reviewed and approved by the City Building Official prior to the issuance of building permits. The final soils geotechnical and soils report shall specifically address the soil types condition and seismic characteristics encountered at the project site, and the appropriate manner engineering design criteria for responding to such concerns. Implementation of this mitigation measure would reduce geological impacts to a less than significant level.

Mitigation Implementation/Monitoring

- 1) **Performance Standard:** mitigate potential geological impact
- 2) **Contingency Measure:** none
- 3) **Implementation Responsibility:** City Building Official
- 4) **Implementation Schedule:** prior to building permit issuance
- 5) **Monitoring Method:** building permit review

Mitigation Measure 8e. As stated in General Plan Policy CO-10, Best Management Practices (BMPs) shall be incorporated into the project design in the following progression:

- Site Design BMPs (any project design feature that reduces the generation of pollutants or reduces the alteration of the natural drainage features, such as minimizing impervious surfaces or minimizing grading);
- Source Control BMPs (practices that prevent release of pollutants into

areas where they may be carried by runoff, such as covering work areas and trash receptacles, practicing good housekeeping, and minimizing use of irrigation and garden chemicals);

- Treatment Control BMPs (a system designed to remove pollutants from runoff including the use of gravity settling, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process).

Mitigation Implementation/Monitoring

- 1) Performance Standard:** mitigate potential water quality impact
- 2) Contingency Measure:** none
- 3) Implementation Responsibility:** project applicant
- 4) Implementation Schedule:** prior to building permit issuance
- 5) Monitoring Method:** building permit review

Mitigation Measure 8g. To mitigate potential impacts on the structure and occupants in the event of a flood/storm surge event:

- The lowest structural member – except poles, piers and columns – must be no lower than elevation 40.5 10.89.
- The space below the habitable area must be open or enclosed with breakaway “siding” material.
- The structure must meet the anchoring and other structural requirements to resist the various hydrostatic and hydrodynamic forces involved.
- The use of fill for structural support of buildings or man-made alteration of sand dunes which would increase potential flood damage is prohibited.

Mitigation Implementation/Monitoring

- 1) Performance Standard:** mitigate potential flood/storm surge impacts
- 2) Contingency Measure:** none
- 3) Implementation Responsibility:** project applicant
- 4) Implementation Schedule:** prior to building permit submittal
- 5) Monitoring Method:** building permit review and project site inspector

Mitigation Measure 11d. To mitigate construction noise impacts, construction activities, such that the noise or vibration creates a disturbance across a property line, shall be limited to the hours of 7 a.m. to 7 p.m. and shall not be permitted on Sundays or holidays. Neighbors within 100 feet shall be notified as to when pile driving activities will occur.

Mitigation Implementation/Monitoring

- 1) Performance Standard:** Implement construction noise

control measures

- 2) **Contingency Measure:** none
- 3) **Implementation Responsibility:** project applicant
- 4) **Implementation Schedule:** During construction
- 5) **Monitoring Method:** Project site inspector

The above mitigation measures are included in the project to mitigate potential adverse environmental impacts. Section 15070(b)(1) of the California Administrative Code requires the applicant to agree to the above mitigation measures before the proposed Mitigated Negative Declaration is released for public review. I hereby agree to the mitigation measures and monitoring program outlined above.

APPLICANT'S SIGNATURE:

DATE:

IV. RESPONSES TO COMMENT LETTERS

Comment Letters Received by October 10, 2008 during Comment Period.

1. California Coastal Commission, Mike Watson (CCC)
2. California Department of Parks and Recreation, Andrew Zilke (P&R)
3. Native American Heritage Commission, Katy Sanchez (NAHC)
4. United States Fish and Wildlife Service, Roger Root (USFWS)
5. California Department of Fish and Game, David Hacker (F&G)

Response to Comments

- California Coastal Commission letter
- 1) **Avoidance of habitat impacts, ESHA, and maintain a minimum of 25-foot setback buffer.** A site-specific wetland delineation was prepared by Sage Institute on March 2010 for the project to determine the surrounding habitat types and ensure the required setback is adhered to. This discussion is on page 14 of the IS and the Sage report is attached. Mitigation Measure 4a-c & 8e have been added to provide equal or better mitigation to prevent construction debris and materials from impacting the lagoon. The Proposed Project site plan appears site the structure 25 feet or more from the delineated wetland area off-site. Final plans are required to demonstrate the 25 foot setback from identified ESHA habitat, consistent

with the LCP and Wetland and Biological Assessment dated March 2010 (measure 4c on page 33).

- 2) **Flood hazard risks including sea-level rise and erosion rates.** Earth Systems Pacific prepared an addendum on May 2009 to clarify the geologic coastal conditions and address all concerns and questions raised. The report concludes due to the potential for Pismo Creek to be flooded at the same time as the 100-year wave run-up event, an additional 2-foot should be added to the 100-year wave run-up elevation to account for a surge effect. This added 2-foot would yield a total 100-year flood elevation of 10.89 feet. A revision to the mitigation measure has been incorporated to reflect this increase. The project elevation complies with the 10.89 elevation. This discussion is on page 16 of the IS and the Earth Systems report is attached.

- 3) **Visual impacts based on residential size.** Mitigation Measure 1a-c has been clarified the residence shall meet the 25-foot height limit while maintaining views under and around the structure in accordance with the City's General Plan Policies and Municipal Code. The determination of less than significant with mitigation is based on the premise that if the structure adheres to the development envelope prescribed by Zoning and Local Coastal Plan, then the effect is less than significant and in compliance with policies and standards. This premise is based on the General Plan /LCP and EIR creating a zoning framework responsive to maintaining the fundamental General Plan values of the sky, ocean and sand within this framework of height, setback etc.

- 4) **Drainage and Water Quality.** As indicated in the IS/MND, the proposed project would not substantially alter the existing drainage pattern of the site or area. The proposed residential structure would not significantly differ from other structures within the surrounding area, and would be constructed on pilings such that the surface beneath and surrounding the structure would be permeable and open to flooding. Mitigation Measure 8e has been added to clarify all applicable measures required by the SWMP and BMP's adopted by the City to address alteration of the natural drainage features, such as minimizing impervious surfaces or minimizing grading have been incorporated.

California Parks and Recreation Department

- 1) **Wetland, tidal surge and flood zone.** See response CCC 1 and 2 above.
- 2) **Biological impacts.** See response to CCC 1 above. The habitat evaluation and wetland determination prepared by Sage Institute concluded the project site is not within a jurisdictional wetland nor will the project impact aquatic or terrestrial habitats.
- 3) **Water quality impacts.** See response to CCC 4 above.

Native American Heritage Commission

- 1) Charles E. Dillis surveyed the site and found no cultural resources. The site is located in the Archaeological Resources overlay zone requiring a standard mitigation measure of on-site construction activities be monitored by a qualified archaeologist.

United States Fish and Wildlife Service

- 1) Impacts to federally listed species. See response to CCC 1 above. No federally listed species were found on the project site, nor would the project potentially impact a listed species. An added Mitigation Measure 4a-c requires fencing be placed around the project site to prevent on-site impacts and a qualified biologist prepare a pre-site survey for Snowy Plover nests. If nests are present, then contact with California Fish and Game and US Fish and Wildlife Service will occur to formulate additional avoidance measures. The boundary of the jurisdictional wetland adjoining the estuary is located on Pismo State Beach property and is 25-feet from the nearest point of the proposed residence.
- 2) Sage Institute prepared a habitat evaluation and concluded the project site does not support any wetland, riparian, aquatic or estuarine habitat and has little or no vegetation cover for aquatic species inclined for overland movement such as the California red-legged frog or southwestern pond turtle.
- 3) Construction activity may affect the hydrology of lagoon. See response to CCC 4 above.

California Department of Fish and Game

- 1) Wetland boundary. Sage Institute completed a wetland assessment in March 2010 and concluded the project site is not located in a wetland under any definition. The surrounding plant and animal habitats were evaluated and no impacts were identified as a result of the proposed project. (Refer to pages 10-14 of the IS and the attached Sage report) The creek boundary and lagoon dynamics were evaluated by Earth Systems Pacific see response to CCC 2 above. As described in the Initial Study and Sage report the project activity is not within the jurisdictional area subject to CDFG 1600 jurisdiction subject to the Streambed Alter

Initial Study attachments
Agency letters with City environmental consultant responses



ARNOLD SCHWARZENEGGER
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT
DIRECTOR

October 14, 2008

David Foote
City of Pismo Beach
1034 Mill Street
San Luis Obispo, CA 93401

Subject: 140 Addie Street, Koligian Residence Project
SCH#: 2008091044

Dear David Foote:

The enclosed comment (s) on your Negative Declaration was (were) received by the State Clearinghouse after the end of the state review period, which closed on October 8, 2008. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project.

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2008091044) when contacting this office.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

Document Details Report
State Clearinghouse Data Bas

SCH# 2008091044
Project Title 140 Addie Street, Koligian Residence Project
Lead Agency Pismo Beach, City of

Type Neg Negative Declaration
Description Single family residence.

Lead Agency Contact

Name David Foote
Agency City of Pismo Beach
Phone (805) 781-9800
Address 1034 Mill Street
City San Luis Obispo
State CA **Zip** 93401

Project Location

County San Luis Obispo
City Pismo Beach
Region
Lat/Long
Cross Streets Cypress Ave.
Parcel No.
Township

Range **Section** **Base**

Proximity to:

Highways 101
Airports
Railways
Waterways
Schools
Land Use R-4 Hotel-Motel Visitor Serving

Project Issues Aesthetic/Visual; Flood Plain/Flooding; Drainage/Absorption; Geologic/Seismic; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; California Coastal Commission; Department of Fish and Game, Region 4; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 5; Regional Water Quality Control Board, Region 3; Native American Heritage Commission; State Lands Commission

Date Received 09/09/2008 **Start of Review** 09/09/2008 **End of Review** 10/08/2008



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, California 93003



IN REPLY REFER TO:
2009-FA-0002

October 10, 2008

David Foote
Firma Consultants
1034 Mill Street
San Luis Obispo, California 93401

Subject: Request for Comments on the Notice of Intent to Adopt a Mitigated Negative Declaration for the Proposed Koligan Residential Project at 140 Addie Street, San Luis Obispo County, California

Dear Mr. Foote:

We are writing in response to your request for comments on the initial study and notice of intent to adopt the mitigated negative declaration (notice of intent) prepared for the proposed 140 Addie Street, Koligan Residential Project. Your request was dated September 8, 2008, and we received it in our office on September 9, 2008.

The proposed project involves construction of a single-family residence on lot 5 at 140 Addie Street in the city of Pismo Beach, California. Construction activities would include site preparation, widening of Addie Street, and construction of a driveway to access lot 5. The residence would be built on 4-foot-tall pilings and the driveway would be elevated to comply with Federal Emergency Management Agency flood plain regulations.

The initial study identified seven federally listed species that may occur within the project area: the endangered California tiger salamander (*Ambystoma californiense*), tidewater goby (*Eucyclogobius newberryi*), steelhead trout (*Oncorhynchus mykiss*), brown pelican (*Pelecanus occidentalis*), and California least tern (*Sterna antillarum brownii*), and the threatened western snowy plover (*Charadrius alexandrinus nivosus*) and California red-legged frog (*Rana aurora draytonii*).

The Service's responsibilities include administering the Endangered Species Act of 1973, as amended (Act), including sections 7, 9, and 10. Section 9 of the Act prohibits the taking of any federally listed endangered or threatened species. Section 3(18) of the Act defines take to mean to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Service regulations (50 CFR 17.3) define harm to include significant habitat modification or degradation which actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering. Harassment is defined by the Service as an intentional or negligent action that creates the likelihood of injury to

wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering. The Act provides for civil and criminal penalties for the unlawful taking of listed species. Exemptions to the prohibitions against take may be obtained through coordination with the Service in two ways: through interagency consultation for projects with Federal involvement pursuant to section 7 or through the issuance of an incidental take permit under section 10(a)(1)(B) of the Act.

We offer the following comments to assist in planning for the conservation of listed and sensitive wildlife and plant species that could be affected by the proposed project, and as a means to assist you, the landowner, and the City of Pismo Beach in complying with the Act. These comments are prepared in accordance with the Act, and other authorities mandating Department of Interior concern for environmental values.

As it is not our primary responsibility to comment on documents prepared pursuant to the California Environmental Quality Act (CEQA), our comments on the notice of intent for the proposed project do not constitute a full review of project impacts. We are providing our comments based upon a review of sections addressing biological resources, project activities that have potential to affect federally listed species, and our concerns for listed species within our jurisdiction related to our mandates under the Act. The National Marine Fisheries Service (NMFS) is the Federal agency with management responsibility for steelhead trout under the Act. For input regarding potential effects of the proposed project on steelhead trout with respect to compliance with the Act, we recommend that you contact NMFS at (562) 980-4000.

The Pacific coast population of the western snowy plover was federally listed as threatened on March 5, 1993. A recovery plan was published in 2007 (Service 2007), and identified six recovery units for the listed population. Biological and physical features required by the western snowy plover are provided by intertidal beaches, associated dune systems, and river/stream estuaries. Important components of the beach/dune/estuarine ecosystem include surf-cast kelp, sparsely vegetated foredunes, interdunal flats, spits, washover areas, blowouts, intertidal flats, salt flats, and flat rocky outcrops. The Pacific coast population nests near tidal water along the mainland coast and offshore islands from southern Washington the southern Baja California, Mexico. Nesting and chick rearing activity generally occur between March 1 and September 30. The widespread loss of habitat and reduced reproductive success of many nesting locations are major threats to the western snowy plover. Urban development, encroachment of European beachgrass (*Ammophila arenaria*), disturbance from human activities, and predation are factors that result in loss of habitat and reduced reproductive success for the subspecies. Recreational activities such as jogging, running pets, horseback riding, and off-road vehicle use frequently crush and destroy the western snowy plover's cryptic nests and chicks.

The tidewater goby was federally listed as endangered on March 7, 1994. A recovery plan was published in 2005 (Service 2005a). Endemic to California, the tidewater goby is found primarily in waters of coastal lagoons, estuaries, and marshes. Tidewater gobies prefer a sandy substrate for breeding, but they can be found on rocky, mud, and silt substrates as well. Tidewater gobies are found in isolated populations within stream drainages, and have been found in localities

previously considered extirpated. Major storm events where individuals are flushed into the littoral zones could be the source of recolonization. They have been documented in waters with salinity levels from 0 to 42 parts per thousand, temperature levels from 8 to 25 degrees Celsius, and water depths from 25 to 200 centimeters. Twenty-three (17 percent) of the 134 known localities of the species are currently considered extirpated, and 55 to 70 (41 to 52 percent) localities are naturally so small or have been so degraded over time that long-term persistence is uncertain. Declines can be attributed to upstream water diversions, pollution, siltation, and urban development on surrounding lands. The tidewater goby continues to be threatened by modification and loss of habitat as a result of coastal development, channelization of habitat, diversions of water flows, groundwater overdrafting, and alteration of water flows (Service 2005a). As noted in the species' recovery plan, Pismo Creek is occupied by the tidewater goby (Service 2005a). Approximately 25 percent of the tidewater goby habitat in Pismo Creek occurs within the boundaries of Pismo State Beach; the remainder is privately owned and owned by the City of Pismo Beach.

On January 31, 2008, the U.S. Fish and Wildlife Service (Service) designated 18 acres of lower Pismo Creek as critical habitat for the tidewater goby (73 Federal Register (FR) 5920). This critical habitat unit (SLO-7) includes the lagoon and surrounding area immediately adjacent to the proposed project site. The Pismo Creek critical habitat unit (SLO-7) is important to the conservation of the tidewater goby because it will support the recovery of the species' population along this portion of the coast and will help facilitate colonization of currently unoccupied locations (73 FR 5944). The notice of intent does not address the importance of maintaining water quality and habitat values in lower Pismo Creek in the context of critical habitat for the tidewater goby.

California red-legged frogs spend most of their lives in and near sheltered backwaters of ponds, marshes, springs, streams, and reservoirs. Deep pools with dense stands of overhanging willows (*Salix* sp.) and an intermixed fringe of cattails (*Typha* sp.) are considered optimal habitat. Eggs, larvae, transformed juveniles, and adults also have been found in ephemeral wetlands, creeks, and drainages, and in ponds that do not have riparian vegetation. Accessibility to sheltering habitat is essential for the survival of California red-legged frogs within a watershed, and can be a factor limiting population numbers and distribution.

During dry periods of the year, the California red-legged frog is rarely encountered far from water. However, during periods of wet, mild weather, starting with the first rains of fall, some individuals of this species make overland excursions through upland habitats. Some California red-legged frogs have moved long distances over land between water sources during winter rains. Adult California red-legged frogs have been documented to move more than 3.2 kilometers (km) in northern Santa Cruz County "without apparent regard to topography, vegetation type, or riparian corridors" (Bulger et al. 2003). Most of these overland movements occur at night.

The California red-legged frog has been extirpated or nearly extirpated from 70 percent of its former range. Ongoing causes of decline include direct habitat loss due to stream alteration and

David Foote

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disturbance to wetland areas, indirect effects of expanding urbanization, and competition or predation from non-native species.

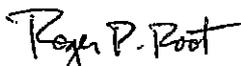
The initial study (page 10) acknowledges that the California red-legged frog may occur in the project area and may be impacted by the proposed development activities. However, neither the initial study nor the notice of intent describes the suitability of habitat in the vicinity of the project area for California red-legged frogs. The initial study (page 10) states that California red-legged frogs "were not identifiable in the winter, but would be expected to inhabit Pismo Creek." The initial study later concludes that it is "unlikely that [California red-legged frogs] use the project site," although the document does not discuss the rationale for this determination or provide any details regarding site assessments or surveys conducted for the subspecies in the project area. We recommend a site assessment and surveys for California red-legged frogs in the project area in accordance with Service guidelines (Service 2005b).

On page 10 (paragraph 7) of the initial study, it states that removal of an area of pioneer dune plant community "could directly affect the lagoon sediments, depth, and degree of wind protections." We are concerned that the proposed construction activities and removal of the dune community would negatively affect the hydrology and morphology of the lagoon and shoreline, thereby reducing the quality and quantity of habitat for the tidewater goby and California red-legged frog as well as migratory birds.

We are also concerned with the indirect impacts of development in the vicinity of the creek/lagoon and within the flood plain. Page 10 of the initial study acknowledges that development encroachment near sensitive habitats could have adverse effects on wildlife. For example, development near the shore line could attract domesticated waterfowl that would subsequently displace wild, native birds in the lagoon. Development near the shoreline could also attract or facilitate domesticated or feral cats, which could then adversely affect federally listed species and migratory birds through predation. The notice of intent does not describe any actions that would be taken to avoid or minimize these adverse impacts.

We appreciate the opportunity to provide comments on the initial study and notice of intent for the proposed Koligan residential project. If you have any questions regarding these comments or how to efficiently address them, please contact Colleen Mehlberg of my staff at (805) 644-1766, extension 221.

Sincerely,



Roger P. Root
Assistant Field Supervisor

cc:
Dave Hacker, California Department of Fish and Game

REFERENCES CITED

- Bulger, J.B., N.J. Scott, and R.B. Seymour. 2003. Terrestrial activity and conservation of adult California red-legged frogs (*Rana aurora draytonii*) in coastal forests and grasslands. *Biological Conservation* 110(2003):85-95.
- U.S. Fish and Wildlife Service. 2005a. Recovery plan for the tidewater goby (*Eucyclogobius newberryi*). U.S. Fish and Wildlife Service, Portland, Oregon. vi + 199 pp.
- U.S. Fish and Wildlife Service. 2005b. Revised guidance on site assessments and field surveys for the California red-legged frog. August 2005. Sacramento, California.
- U.S. Fish and Wildlife Service. 2007. Recovery plan for the Pacific Coast population of the western snowy plover (*Charadrius alexandrinus nivosus*). In 2 volumes. Sacramento, California xiv + 751 pp.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4663



October 9, 2008

David Foote
c/o Firma
1034 Mill Street
San Luis Obispo, CA 93401

Subject: *Comments on the Draft Mitigated Negative Declaration for a single family residence at 140 Addie Street adjacent to Pismo Creek in the downtown planning district of Pismo Beach (SCH# 2008091044).*

Dear Mr. Foote:

Thank you for the opportunity to comment on the proposed Mitigated Negative Declaration (MND) for a new single family residence at 140 Addie Street in the City of Pismo Beach (SCH# 2008091044). We have specific comments and recommendations about the proposed development as it relates to the applicable City of Pismo Beach Local Coastal Program (LCP) policies and Coastal Act Access policies. In general, we are concerned that the proposed development does not appropriately respond to issues associated with construction of the new residence in and adjacent to sensitive habitat areas, and an area severely constrained by coastal hazards. Accordingly, we offer the following comments:

1. **Biological Resources:** The proposed project area includes terrestrial and aquatic habitats, and the proposed project has the potential to adversely impact a number of native and special-status plant and animal species including but not limited to central dune scrub, coastal salt marsh, tidewater goby, and steelhead. The MND includes a number of recommendations to avoid or mitigate for the potential impacts, but it is not clear that it adequately protects such resources as required by the LCP:
 - a. **Avoidance of Habitat Impacts.** The proposed project must be premised on avoidance of environmentally sensitive habitat areas (ESHA) and, where avoidance is not possible only development dependent on the ESHA resource in question should be allowed, and only where such development does not significantly disrupt habitat values. As a general rule, the Commission does not consider construction of single family residences as resource dependent. Accordingly, every effort must be made to site and design the proposed development to avoid sensitive habitat areas. With this in mind, the LCP provides clear guidance with respect to the provision of setbacks and buffers from ESHA including maintaining a minimum 25 foot setback from the inland extent of said habitat area (LCP Policy CO-21). It is not clear from the materials provided in MND that the applicable setbacks have been applied in this instance. Exhibit 3 attached to the MND indicates the presence of coastal salt marsh habitat—a wetland community, but does not appear to clearly establish the extent of this habitat type. Furthermore, the materials indicate that only a 15 foot setback is proposed from this habitat. In light of this, a formal wetland delineation is needed to ensure that this habitat type is appropriately defined / delineated and the applicable LCP setback / buffer (minimum 25 feet) applied to avoid potential adverse impacts on identified sensitive habitat areas. The same is required for all terrestrial habitat types identified in the MND. Please revise the MND to modify the project as necessary to address

these issues and please ensure that project documentation includes figures (showing location), thorough descriptive data of each habitat type involved, and clear evidence supporting habitat conclusions.

- b. **Construction Plan.** In addition to the already identified marine impacts, the DEIR should also indicate the potential for impacts associated with inadvertent release of materials (i.e., wood, concrete, plastics, metal, and other debris) in and adjacent to the dunes and marine environment during grading and construction of the proposed new residence, and include mitigation measures (i.e., construction plan with containment measures, staging area, material and equipment storage, spill prevention and contingency plan) to guide the construction process and ensure that debris and materials are appropriately contained.
 - c. **Biological Monitor.** The DEIR identified a number of sensitive plant and animal species, including fish, reptiles, and avian species, potentially affected by the proposed development. Accordingly, due to the presence of these animals and other sensitive species in the close vicinity of the project site, a biological monitor should also be present during the entire construction period to ensure that such species are not inadvertently harmed.
 - d. **Habitat Impacts.** The DEIR indicates that proposed project will impact several habitat types, including estuarine, coastal salt marsh, freshwater marsh, and central dune scrub. Impacts to each of these habitat types must be avoided as described above. If such habitat areas can be developed consistent with the LCP, any unavoidable impacts to such sensitive habitats must be fully mitigated in accordance with an appropriate habitat restoration plan. Each habitat type will have different mitigation ratios, but any such mitigation ratios applied must be greater than 1:1 to account for restoration success / habitat replication uncertainty, and must be accompanied by compelling documentation supporting the ratio applied. The DEIR should be supplemented to explicitly require such mitigation and to develop habitat restoration plans for each affected habitat type.
2. **Hazards.** The MND indicates that the site of the proposed new residence is located in an area of high geologic, flood, and shoreline hazard area. In particular, the site is subject to liquefaction, ground shaking, flooding, tsunami, and erosion. The certified LCP requires that all development be sited and designed to minimize risk from such hazards by among other means, avoiding the placement of development in high hazards areas, or by identifying and establishing appropriate long-term development setbacks based upon a geologic review of all existing and potential impacts in combination (S-2). More specifically, the LCP requires the preparation of a geotechnical report by a qualified engineer to assess the nature of flood risks, identify the boundary of the 100-year flood plain, and specify mitigation measures that will need to be implemented to minimize loss of life and property. No habitable structure may be constructed within the 100-year flood plain unless the finished floor elevation is at least one foot above the projected elevation of the 100-year flood (17.075.020). All critical facility construction must be design and engineered to withstand the force of an 8.5 magnitude earthquake (17.078.040). Additionally, new development may not be permitted where it is determined that shoreline protection will be necessary for protection of the new structure now or at any time in the future based on a 100-year geologic prediction. Based on the limited materials provided with the MND, it is not clear that there has been an adequate evaluation of

David Foote
MND for SFR at 140 Addie Street
October 9, 2008
Page 3

the various hazards threatening development on this site. The recommendations contained in the MND appear to rely primarily on the findings and conclusions of a dated Flood Hazard Issues study which do not reflect recent changes in flood zone maps, tsunami inundation areas, and sea level rise. As such, we do not have enough information to determine whether the proposed development conforms to LCP policies for avoiding coastal hazard risks (including by establishing appropriate development setbacks in hazards areas, elevating finished floor heights above maximum flood elevation, precluding the need for shoreline armoring, and ensuring structural stability over the life of the project (i.e., 100 years)). Accordingly, please supplement the MND to include a geotechnical evaluation prepared by a licensed geotechnical or civil engineer with experience in sand dunes and related coastal processes that clearly addresses other site stability and buildability constraints and proposed mitigation measures (i.e., in terms of seismicity / liquefaction, dune soil incohesion, tsunami, and erosion). The analysis must take into consideration current environmental factors (i.e., erosion rates, sea level rise, recent flood / tsunami maps, etc.).

3. Visual Resources. The proposed site plans and elevations contained within the MND appear to illustrate a fairly large two-story residence on a relatively small and constrained parcel. Both the Coastal Act and the certified LCP require new development to be designed to reflect the small scale image of the City, and to protect and enhance views of the ocean, creek, and marsh (D-2). From what we can tell, the MND materials appears to indicate that the proposed residence would exceed LCP height requirements by three feet and would require a variance from said requirements to obtain consistency with the LCP. The design of the 3,350 square foot, two-story residence with 3.5 baths, two car garage, and 550 square feet in decks appears oversized and conflicts with LCP small-scale character goals. In conflict with Coastal Act and LCP requirements, this two-story residence will also obstruct views of Pismo Creek, the lagoon, and the Pacific Ocean as seen from various locations along the public recreation trail. Accordingly, we strongly recommend that the proposed residential design be revised to avoid blocking views and to minimize visual intrusion into the scenic landscape.
4. Drainage / Water Quality. The MND indicates that the proposed development will not alter the natural drainage patterns across the property or contribute to erosion or water quality degradation. However, the proposed development will increase impervious surface coverage and introduce a typical urban pollutants onto a previously unimproved natural site, which will contribute to individual and cumulative adverse impacts on water quality. The MND indicates that storm water discharges would be directed to City storm drains for conveyance to the beach and ocean environment. Conversely, we recommend that mitigation measures be identified that can be implemented to reduce both the volume of water and level of sediments and pollutants emptying directly onto the beach and the ocean below. For example, we recommend that all site runoff from parking areas and impervious coverage be directed to landscaped or vegetated areas, sandy swales, or percolation pits for infiltration and filtration of pollutants prior to conveyance off-site. All site runoff should be treated and filtered to remove pollutants prior to any discharge. Please supplement the MND to identify measures that will be taken to both reduce the volume of runoff and to remove sediments and pollutants from the runoff.

Thank you again for the opportunity to comment on the MND. In sum, it appears that the proposed project is oversized and over ambitious for such a constrained site, and that it would

David Foote
MND for SFR at 140 Addie Street
October 9, 2008
Page 4

result in significant coastal resource impacts, including to ESHA and public views. We recommend that the project be modified to avoid such impacts, including a reduction in scale and scope as necessary. As the City moves forward with project analysis and environmental review, the issues identified above, as well as any other relevant coastal issues identified upon further review or due to project modifications, should be considered in light of the provisions of the certified Local Coastal Program and the Coastal Act. We may have more comments for you on this project after we have seen additional project information or revisions. If you have any questions, please do not hesitate to call me at (831) 427-4898.

Regards,



Mike Watson
Coastal Planner
Central Coast District Office

Cc: Vaughn Koligian, Project Applicant
Steve Puglisi, Applicant's Agent
Carolyn Johnson, Planning Manager, City of Pismo Beach
State Clearinghouse (SCH# 2008091044)



Oceano Dunes District
340 James Way, Suite 270
Pismo Beach, CA 93449
Telephone (805) 773-7170
FAX (805) 773-7176

RECEIVED

OCT 10 2008

October 10, 2008

City of Pismo Beach
Community Development Department
Planning Division
760 Mattie Road
Pismo Beach, California 93449-2056

CITY OF PISMO BEACH
Community Development Department
Planning Division

Re: 140 Addie Street, Koligian Residential Project – Draft Mitigated Negative Declaration – File No: 08-0163

To Whom It May Concern:

The California Department of Parks and Recreation (CDPR) has reviewed the Draft Mitigated Negative Declaration (DMND) for the 140 Addie Street – Koligian Residential Project. CDPR owns and manages the lands adjacent to this development as part of Pismo State Beach. CDPR has concerns regarding the project's close proximity to a sensitive wetland area and impacts related to hydrology, biology and water quality of the Pismo Creek estuary.

Hydrology

This project will place a structure within a wetland, in an area subject to high tidal storm surges, and within a 100-year flood zone. This project has the potential to change the hydraulic function of the estuary, potentially impacting public lands in the vicinity of the project. As indicated in the DMND, the supportive pilings beneath the house will restrict water flow. Any restriction of water flow is a change in hydrology. CDPR has specific evidence of changes in Pismo Creek's hydrology due to the construction of the condos and installation of rip rap to the east of this proposed project. The change in the directional flow of Pismo Creek has had a dramatic impact on the neighboring Pismo RV Park and CDPR - North Beach Campground properties. Over the past two years, CDPR has evidence that the development to the east of this proposed project caused the Pismo Estuary to migrate south and erode dunes and sandy beachfront.

Based on our experience with changes in hydrology in the Pismo Creek estuary caused by the development of adjacent properties, CDPR believes that this project will create potentially significant impacts from substantial alteration of the existing drainage pattern of the site, including the alteration of the course of a stream and in a manner that would result in substantial erosion of dunes and property to the south and west of

the parcel. Furthermore, this project will create potentially significant impacts by placing within a 100 year flood hazard area a structure that will impede and redirect flood flows. For these reasons, CDPR believes a detailed hydraulic analysis must be conducted on this project to fully analyze potential impacts from this project.

Biology

CDPR staff visited the project site and recorded wetland vegetation within the area proposed for the residential structure. In particular, CDPR staff found Jaumea (*Jaumea carnosa*), saltgrass (*Distichlis spicata*), Cinquefoil (*Potentilla* sp.), and marsh baccharis (*Baccharis douglasiana*) on or near the site of the proposed structure. It does not appear that there was a wetland delineation prepared for this project and this MND does not adequately analyze potential impacts to jurisdictional wetlands from the proposed project. This MND does not adequately address the potentially significant impacts to federally and state protected wetlands through direct removal, filling, hydrological interruption, or shading.

In addition, this home encroaches into the Pismo Creek estuary which is critical habitat for Tidewater Goby and also supports various life stages of Steelhead Trout. The estuary provides vital habitat for terrestrial birds, shorebirds and water fowl. Listed species recorded from this estuary include the American Peregrine falcon, Brown Pelican, Western Snowy Plover and California Least Tern. Silvery legless lizard is also a California Species of Concern that could be found in this area. This residential structure will diminish habitat quality of the Pismo Creek estuary by placing a structure and human activity in extremely close proximity to an important publically owned wildlife habitat area. The proposed 25 foot setback from the top of creek bank is not adequate protection for the wetland plant community. This home needs to be set back a sufficient distance from wetlands and the Pismo Creek estuary to allow the natural dynamic processes in this estuary system to continue in perpetuity.

CDPR does not concur with the conclusion that this proposed development is consistent with the City General Plan requirement for a streamside protection zone. The top of creek bank is not clearly defined on this site. There is a small elevation change from the estuary to the building pad. However, there is no defined stream bank because the estuary is dynamic. It is foreseeable that the elevations in the estuary will change and the area that is identified as creek bank in this DMND will change dramatically, especially in wet years. Additionally, there is wetland vegetation beyond the area identified as top of bank. It would be appropriate to consider the existing wetland vegetation as the extent of the "riparian vegetation" and set the building envelope back a minimum of 25 feet from this wetland vegetation.

Finally, this DMND fails to consider the impacts that domestic pets may have to protected animal populations in the Pismo Creek estuary. Many homeowners have domestic pets that will prey on wildlife found in the estuary. The potential for domestic pets to prey on sensitive wildlife needs to be analyzed given the extremely close proximity of this proposed structure to the Pismo Creek estuary.

Water Quality - Hazards and Hazardous Materials

The dwelling is connected to Addie Street by an elevated driveway. The conceptual designs would appear to place the two car garage within the 100 year flood zone. If a garage is placed in the flood zone, this increases the chance that vehicles and household products (paints, solvents, cleaning agents, etc) would be placed in an area that is subject to flooding and disturbance. This creates a foreseeable risk of upset and accidental conditions involving the release of any number of hazardous materials into the environment. This is a potentially significant impact that was not adequately analyzed in the DMND.

As a public land owner, the CDPR is mandated by law to manage and protect the natural and cultural resources within park boundaries. The proposed structure encroaches into the Pismo Creek estuary and will impact the hydrology, biology and water quality of the site. This DMND needs to better analyze potentially significant impacts that could result from the proposed project.

Thank you for the opportunity to provide comments on this project. If you have any questions, please contact me at (805) 773-7170, or Ronnie Glick, Senior Environmental Scientist at (805) 773-7180.

Sincerely,



Andrew Zilke
District Superintendent

NATIVE AMERICAN HERITAGE COMMISSION

918 CAPITOL MALL, ROOM 384
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax



September 12, 2008

David Foote
City of Pismo Beach
1034 Mill Street
San Luis Obispo, CA 93401

RE: SCH#2008091044 140 Addie Street, Koligian Residence Project, San Luis Obispo County.

Dear Mr. Foote:

The Native American Heritage Commission (NAHC) has reviewed the Notice of Completion (NOC) referenced above. The California Environmental Quality Act (CEQA) states that any project that causes a substantial adverse change in the significance of an historical resource, which includes archeological resources, is a significant effect requiring the preparation of an EIR (CEQA Guidelines 15064(b)). To comply with this provision the lead agency is required to assess whether the project will have an adverse impact on historical resources within the area of project effect (APE), and if so to mitigate that effect. To adequately assess and mitigate project-related impacts to archaeological resources, the NAHC recommends the following actions:

- ✓ Contact the appropriate regional archaeological information Center for a record search. The record search will determine:
 - If a part or all of the area of project effect (APE) has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded on or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological information Center.
- ✓ Contact the Native American Heritage Commission for:
 - A Sacred Lands File Check. USGS 7.5 minute quadrangle name, township, range and section required.
 - A list of appropriate Native American contacts for consultation concerning the project site and to assist in the mitigation measures. Native American Contacts List attached.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5(f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - Lead agencies should include provisions for discovery of Native American human remains in their mitigation plan. Health and Safety Code §7050.5, CEQA §15064.5(e), and Public Resources Code §5097.98 mandates the process to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

Sincerely,

Katy Sanchez
Katy Sanchez
Program Analyst

CC: State Clearinghouse

From: "David Hacker" <DHACKER@dfg.ca.gov>
Subject: 140 Addie St. comments on IS/MND 2008091044
Date: October 8, 2008 2:46:56 PM PDT
To: <david@firmaconsultants.com>
Cc: "Janice Yoshioka" <JYoshiok@dfg.ca.gov>, "Chris Kofron" <Chris_Kofron@fws.gov>, "Julie Vanderwier" <Julie_Vanderwier@fws.gov>

David:

As we discussed yesterday, here are the Department of Fish and Game's comments on the City of Pismo Beach's Initial Study and proposed Mitigated Negative Declaration (MND) for the 140 Addie St. Koligian Residence Project (SCH # 2008091044). The proposed project would construct a residence on the north side of the Pismo Creek lagoon.

The Department recommends completing a wetland delineation for this project following US Army Corps of Engineers (USACOE) methods, and request a Jurisdictional Determination from the USACOE, prior to adopting the MND. The vegetation community map provided is insufficient for determining the extent of wetlands, other jurisdictional waters, and their relation to the proposed structure. During a project site visit, Department personnel noted hydrophytic plant species extending into a swale that was not mapped in the MND. Hydrophytes were also observed extending into what appeared to be the building envelope.

When considering the extent of wetlands, the MND should consider the difference between the Federal Clean Water Act wetland definition and the Department's wetland definition. The Department uses the US Fish and Wildlife Service wetland definition, which requires only one wetland parameter to be present and includes man-made wetlands. The EIR should include a plan to ensure no net loss of wetland and riparian habitat values and acreage.

The project, because of its location within the Pismo Creek lagoon system, would displace and degrade uplands and potential wetlands used by lagoon species. The project would also indirectly degrade aquatic habitat, which supports the Federally Threatened tidewater goby (*Eucyclogobius newberryi*) and steelhead (*Oncorhynchus mykiss*), the California Species of Special Concern southwestern pond turtle (*Actinemys marmorata pallida*), and migratory waterfowl and shorebirds. Pismo Creek is also steelhead Critical Habitat. Lagoons are essential for steelhead rearing, overwintering, and transitioning between fresh and salt water, facilitating significantly higher steelhead growth rates than freshwater stream reaches. Light, noise, movement, pets, shading, pollutants, and the degradation of upland buffers would all contribute to adverse effects to each of these species, which the MND should discuss per species.

The Department recommends coordinating with the US Fish and Wildlife Service regarding the potential effects to and survey requirements for tidewater goby and the Federally Threatened western snowy plover (*Charadrius alexandrinus nivosus*) and California red-legged frog

{*Rana draytonii*). The City and its applicant should also coordinate with the National Marine Fisheries Service regarding effects to steelhead critical habitat.

The MND states that the project would not impede flows in Pismo Creek if the main channel alignment shifts. The project footprint is within an area that will likely become part of the main creek channel in the future, which would then require further impacts to the creek to maintain/repair the proposed residence, its access, and its parking area. This is a likely scenario given the dynamic nature of coastal lagoons.

California Environmental Quality Act (CEQA) Authority: The Department is a Trustee Agency with the responsibility under CEQA for commenting on projects that could impact fish and wildlife resources. Pursuant to Fish and Game Code Section 1802, the Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, the Department is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities, as those terms are used under CEQA.

The Department is a Responsible Agency when a subsequent permit or other type of discretionary approval is required from the Department, such as an Incidental Take Permit, pursuant to the California Endangered Species Act (CESA), or a Streambed Alteration Agreement issued under Fish and Game Code § 1600 et seq. As the MND notes, the proposed project would require Notification to the Department regarding the intent to alter Pismo Creek.

Both of those actions by the Department are considered "projects" (CEQA Guidelines Section 15378) and are subject to CEQA. The Department typically relies on the Lead Agency's CEQA compliance to make findings pursuant to CEQA Guidelines Section 15091. For the Lead Agency's CEQA document to suffice for permit/agreement issuance, it must fully describe the potential project-related impacts to stream/riparian resources and listed species, and commit to measures to avoid, minimize, and mitigate impacts to these resources.

Impacts to State listed species must be "fully mitigated" in order to comply with CESA. If the CEQA document issued by the City for this Project does not contain these commitments, the Department may need to act as a Lead CEQA Agency and complete a subsequent CEQA document. This could significantly delay permit issuance and, subsequently, project implementation. In addition, CEQA grants Responsible Agencies authority to require changes in a project to lessen or avoid effects of that part of the project which the agency will be called on to approve (CEQA Guidelines § 15041).

Thank you for the opportunity to comment on this project. Please feel free to contact with any questions.

CALIFORNIA COASTAL COMMISSION

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June 21, 2010

City of Pismo Beach Planning Commission
c/o Chairman Mark Burnes
760 Mattie Road
Pismo Beach, CA 93449

Subject: June 22, 2010 Planning Commission Agenda Item #7.A: Proposed Single-Family Residence and Related Development at 140 Addie Street

Dear Chairman Burnes and Planning Commissioners:

Thank you for the opportunity to comment again on the above-referenced project. We have shared our concerns regarding the above-referenced project with the City in the past, and we strongly support City staff's current recommendation to deny the proposed variance to exceed the 25' height limit, and to direct the applicant to redesign the proposed project for consideration by the Planning Commission at a future date.

We continue to have significant concerns about the proposed project, as previously discussed in our comments, dated October 9, 2008, on the proposed Mitigated Negative Declaration (see attached). First, the height and size of the proposed residence present significant visual issues. Both the Coastal Act and the certified LCP require new development to be designed to reflect the small scale image of the City, and to protect and enhance views of the ocean, creek, and marsh. In conflict with these requirements, the proposed residence would be a large and bulky structure that would obstruct public views of Pismo Creek, the lagoon, and the Pacific Ocean, including as seen from various locations along the public recreation trail.

In addition, the proposed residence would be located in an area of high geologic, flood, and shoreline hazards, and would be adjacent to an environmentally sensitive habitat area. It does not appear that the project has to date addressed these constraints in a way that is consistent with the Coastal Act and LCP. We appreciate that additional biological and geological reports have been prepared in response to our comments and the comments of other resource agencies. Unfortunately, given the short period of time allowed for review of the revised initial study, we have not yet had the opportunity to review these additional studies and their relevance to potential siting and design alternatives for this location. Directing the applicant to pursue a redesign will allow for these other site constraints to also be appropriately weighed in light of Coastal Act and LCP requirements.

We look forward to further coordination with City staff throughout the redesign process.

Regards,

A handwritten signature in black ink that reads "Madeline Cavalieri".

Madeline Cavalieri
Coastal Planner
Central Coast District Office



California Coastal Commission

CALIFORNIA COASTAL COMMISSION

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October 9, 2008

David Foote
c/o Firma
1034 Mill Street
San Luis Obispo, CA 93401

Subject: *Comments on the Draft Mitigated Negative Declaration for a single family residence at 140 Addie Street adjacent to Pismo Creek in the downtown planning district of Pismo Beach (SCH# 2008091044).*

Dear Mr. Foote:

Thank you for the opportunity to comment on the proposed Mitigated Negative Declaration (MND) for a new single family residence at 140 Addie Street in the City of Pismo Beach (SCH# 2008091044). We have specific comments and recommendations about the proposed development as it relates to the applicable City of Pismo Beach Local Coastal Program (LCP) policies and Coastal Act Access policies. In general, we are concerned that the proposed development does not appropriately respond to issues associated with construction of the new residence in and adjacent to sensitive habitat areas, and an area severely constrained by coastal hazards. Accordingly, we offer the following comments:

1. **Biological Resources.** The proposed project area includes terrestrial and aquatic habitats, and the proposed project has the potential to adversely impact a number of native and special-status plant and animal species including but not limited to central dune scrub, coastal salt marsh, tidewater goby, and stealhead. The MND includes a number of recommendations to avoid or mitigate for the potential impacts, but it is not clear that it adequately protects such resources as required by the LCP:
 - a. **Avoidance of Habitat Impacts.** The proposed project must be premised on avoidance of environmentally sensitive habitat areas (ESHA) and, where avoidance is not possible only development dependent on the ESHA resource in question should be allowed, and only where such development does not significantly disrupt habitat values. As a general rule, the Commission does not consider construction of single family residences as resource dependent. Accordingly, every effort must be made to site and design the proposed development to avoid sensitive habitat areas. With this in mind, the LCP provides clear guidance with respect to the provision of setbacks and buffers from ESHA including maintaining a minimum 25 foot setback from the inland extent of said habitat area (LCP Policy CO-21). It is not clear from the materials provided in MND that the applicable setbacks have been applied in this instance. Exhibit 3 attached to the MND indicates the presence of coastal salt marsh habitat—a wetland community, but does not appear to clearly establish the extent of this habitat type. Furthermore, the materials indicate that only a 15 foot setback is proposed from this habitat. In light of this, a formal wetland delineation is needed to ensure that this habitat type is appropriately defined / delineated and the applicable LCP setback / buffer (minimum 25 feet) applied to avoid potential adverse impacts on identified sensitive habitat areas. The same is required for all terrestrial habitat types identified in the MND. Please revise the MND to modify the project as necessary to address

Comments on MND for 140 Addie Street 10.09.08.doc

these issues and please ensure that project documentation includes figures (showing location), thorough descriptive data of each habitat type involved, and clear evidence supporting habitat conclusions.

- b. **Construction Plan.** In addition to the already identified marine impacts, the DEIR should also indicate the potential for impacts associated with inadvertent release of materials (i.e., wood, concrete, plastics, metal, and other debris) in and adjacent to the dunes and marine environment during grading and construction of the proposed new residence, and include mitigation measures (i.e., construction plan with containment measures, staging area, material and equipment storage, spill prevention and contingency plan) to guide the construction process and ensure that debris and materials are appropriately contained.
 - c. **Biological Monitor.** The DEIR identified a number of sensitive plant and animal species, including fish, reptiles, and avian species, potentially affected by the proposed development. Accordingly, due to the presence of these animals and other sensitive species in the close vicinity of the project site, a biological monitor should also be present during the entire construction period to ensure that such species are not inadvertently harmed.
 - d. **Habitat Impacts.** The DEIR indicates that proposed project will impact several habitat types, including estuarine, coastal salt marsh, freshwater marsh, and central dune scrub. Impacts to each of these habitat types must be avoided as described above. If such habitat areas can be developed consistent with the LCP, any unavoidable impacts to such sensitive habitats must be fully mitigated in accordance with an appropriate habitat restoration plan. Each habitat type will have different mitigation ratios, but any such mitigation ratios applied must be greater than 1:1 to account for restoration success / habitat replication uncertainty, and must be accompanied by compelling documentation supporting the ratio applied. The DEIR should be supplemented to explicitly require such mitigation and to develop habitat restoration plans for each affected habitat type.
2. **Hazards.** The MND indicates that the site of the proposed new residence is located in an area of high geologic, flood, and shoreline hazard area. In particular, the site is subject to liquefaction, ground shaking, flooding, tsunami, and erosion. The certified LCP requires that all development be sited and designed to minimize risk from such hazards by among other means, avoiding the placement of development in high hazards areas, or by identifying and establishing appropriate long-term development setbacks based upon a geologic review of all existing and potential impacts in combination (S-2). More specifically, the LCP requires the preparation of a geotechnical report by a qualified engineer to assess the nature of flood risks, identify the boundary of the 100-year flood plain, and specify mitigation measures that will need to be implemented to minimize loss of life and property. No habitable structure may be constructed within the 100-year flood plain unless the finished floor elevation is at least one foot above the projected elevation of the 100-year flood (17.075.020). All critical facility construction must be design and engineered to withstand the force of an 8.5 magnitude earthquake (17.078.040). Additionally, new development may not be permitted where it is determined that shoreline protection will be necessary for protection of the new structure now or at any time in the future based on a 100-year geologic prediction. Based on the limited materials provided with the MND, it is not clear that there has been an adequate evaluation of

David Foote
MND for SFR at 140 Addie Street
October 9, 2008
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the various hazards threatening development on this site. The recommendations contained in the MND appear to rely primarily on the findings and conclusions of a dated Flood Hazard Issues study which do not reflect recent changes in flood zone maps, tsunami inundation areas, and sea level rise. As such, we do not have enough information to determine whether the proposed development conforms to LCP policies for avoiding coastal hazard risks (including by establishing appropriate development setbacks in hazards areas, elevating finished floor heights above maximum flood elevation, precluding the need for shoreline armoring, and ensuring structural stability over the life of the project (i.e., 100 years)). Accordingly, please supplement the MND to include a geotechnical evaluation prepared by a licensed geotechnical or civil engineer with experience in sand dunes and related coastal processes that clearly addresses other site stability and buildability constraints and proposed mitigation measures (i.e., in terms of seismicity / liquefaction, dune soil incohesion, tsunami, and erosion). The analysis must take into consideration current environmental factors (i.e., erosion rates, sea level rise, recent flood / tsunami maps, etc.).

3. **Visual Resources.** The proposed site plans and elevations contained within the MND appear to illustrate a fairly large two-story residence on a relatively small and constrained parcel. Both the Coastal Act and the certified LCP require new development to be designed to reflect the small scale image of the City, and to protect and enhance views of the ocean, creek, and marsh (D-2). From what we can tell, the MND materials appears to indicate that the proposed residence would exceed LCP height requirements by three feet and would require a variance from said requirements to obtain consistency with the LCP. The design of the 3,350 square foot, two-story residence with 3.5 baths, two car garage, and 550 square feet in decks appears oversized and conflicts with LCP small-scale character goals. In conflict with Coastal Act and LCP requirements, this two-story residence will also obstruct views of Pismo Creek, the lagoon, and the Pacific Ocean as seen from various locations along the public recreation trail. Accordingly, we strongly recommend that the proposed residential design be revised to avoid blocking views and to minimize visual intrusion into the scenic landscape.
4. **Drainage / Water Quality.** The MND indicates that the proposed development will not alter the natural drainage patterns across the property or contribute to erosion or water quality degradation. However, the proposed development will increase impervious surface coverage and introduce a typical urban pollutants onto a previously unimproved natural site, which will contribute to individual and cumulative adverse impacts on water quality. The MND indicates that storm water discharges would be directed to City storm drains for conveyance to the beach and ocean environment. Conversely, we recommend that mitigation measures be identified that can be implemented to reduce both the volume of water and level of sediments and pollutants emptying directly onto the beach and the ocean below. For example, we recommend that all site runoff from parking areas and impervious coverage be directed to landscaped or vegetated areas, sandy swales, or percolation pits for infiltration and filtration of pollutants prior to conveyance off-site. All site runoff should be treated and filtered to remove pollutants prior to any discharge. Please supplement the MND to identify measures that will be taken to both reduce the volume of runoff and to remove sediments and pollutants from the runoff.

Thank you again for the opportunity to comment on the MND. In sum, it appears that the proposed project is oversized and over ambitious for such a constrained site, and that it would

David Foote
MND for SFR at 140 Addie Street
October 9, 2008
Page 4

result in significant coastal resource impacts, including to ESHA and public views. We recommend that the project be modified to avoid such impacts, including a reduction in scale and scope as necessary. As the City moves forward with project analysis and environmental review, the issues identified above, as well as any other relevant coastal issues identified upon further review or due to project modifications, should be considered in light of the provisions of the certified Local Coastal Program and the Coastal Act. We may have more comments for you on this project after we have seen additional project information or revisions. If you have any questions, please do not hesitate to call me at (831) 427-4898.

Regards,



Mike Watson
Coastal Planner
Central Coast District Office

Cc: Vaughn Koligian, Project Applicant
Steve Puglisi, Applicant's Agent
Carolyn Johnson, Planning Manager, City of Pismo Beach
State Clearinghouse (SCH# 2008091044)

firma

landscape architecture

environmental studies

planning

ecological restoration

June 22, 2010

Planning Commission Chair Mark Burnes
Via Carolyn Johnson, Planning Manager
City of Pismo Beach

Sent via email

RE: Response to Coastal Commission letter of June 21, 2010 for 140 Addie Street (SCH#2008091044)

The City of Pismo Beach sent a revised Initial Study with supporting technical studies, with responses to agency comments, to the agencies that commented on the Notice of Intent to Adopt a Mitigated Negative Declaration for this project circulated in 2008. The CEQA Guidelines do not require the City to send responses to agency comments on the MND in advance of the public hearing on the CEQA determination, but this was done to more fully involve the agencies in the CEQA process. The revised IS was sent certified mail on June 10, 2010, twelve days in advance of the public hearing date. The California Coastal Commission sent their comments on the revised IS to the City on June 21, 2010. This memo provides a response to the Coastal Commission letter.

The letter acknowledges that Coastal staff had not fully reviewed the technical information provided by the City in response to their original comment letter of October 9, 2008. The information provided in the revised Initial Study does adequately respond to the concerns raised in their letter as a matter of CEQA compliance. In particular, the two issues raised by Coastal staff are fully addressed in mitigation measures 1a-c (height of structure) and 4a-c (setback of structure from ESHA).

Visual Resources: The revised IS added discussion of the General Plan / LCP framework for conserving and protecting scenic resources at the beach / estuary. This was to reinforce the conclusion that to avoid a significant unavoidable impact on scenic resources, the project needs to be revised to adhere to the Zoning Ordinance height limit of 25 feet (mitigation measure 1a-c). Coastal staff does not challenge this conclusion and supports a project that adheres to the 25 foot height limit. It is very important to note, however, that any residence built on this site in compliance with the flood level protection elevation would block views to the south and southwest from Addie Street to the ocean and estuary, which is the only applicable scenic viewing position under the General Plan. For CEQA, the issue is the scale of the building, not the presence of the building on the site. For purposes of complying with CEQA, the IS makes a determination that adherence to the Zoning Ordinance, which implements the General Plan principles and policies related to visual resources, would result in a building envelope that was consistent with the General Plan and therefore a less than significant visual impact.

Under CEQA, the Planning Commission as the Lead Agency decision-maker has the authority to consider all the information in the public record and make a determination that a higher, of lower, building is consistent with the General Plan and does not have a significant impact. In so doing, the Commission may change or delete mitigation measures that would change the project design.

Technical Studies for Geology, Flooding and Biological resources: The letter acknowledges that Coastal staff has not reviewed the information requested and provided in advance of the hearing. The information provided does adequately respond to Coastal concerns raised in their letter of October 9, 2008 summarized briefly here:

- The ESHA boundary was precisely identified in relation to the site. Mitigation measure 4a-c requires the project to be re-designed to maintain a minimum 25 foot setback from the structure from the ESHA boundary. No sensitive habitat is impacted, however, the measure requires landscaping with pioneer dune habitat plants.

- The Geologic Coastal Study provided the information requested and established the flood elevation more precisely. Mitigation 6a and 8g fully address the potential geologic and flood impacts identified.

- Drainage /Water Quality: the revised IS adds mitigation measure 8e to address stormwater quality impacts consistent with the City Stormwater Management Plan and the Coastal Act.

The October 9 letter suggests adding two mitigation measures. The Planning Commission may consider adding these to the Mitigation Monitoring and Reporting Plan as follows:

- Measure: The construction plans for the project shall include a detailed pollution containment plan to ensure construction debris that could harm the estuary habitat and species that depend on it are contained on-site and fully disposed of off-site. The plan shall include a spill containment and response plan.

- Measure: Construction activities shall be regularly monitored by a qualified biologist to ensure sensitive species in the estuary and dune / beach environment are not adversely harmed. Monitoring activities shall be conducted at time that identified terrestrial and avian species are active and potentially present on the site.

Sincerely,
David Foote, ASLA

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August 5, 2010

Carolyn Johnson
Pismo Beach Planning Manager
760 Mattie Road
Pismo Beach, CA 93449

Subject: *Revised Initial Study and Mitigated Negative Declaration for Proposed Single-Family Residence and Related Development at 140 Addie Street (SCH #2008091044)*

Dear Ms. Johnson:

Thank you for the opportunity to comment again on the above-referenced project. We have shared our concerns regarding the above-referenced project with the City in the past. We continue to have significant concerns about the proposed project, as previously discussed in our comments dated June 21, 2010 and October 9, 2008. First, the height and size of the proposed residence present significant visual issues. Both the Coastal Act and the certified LCP require new development to be sited and designed to reflect the small scale character of the City, and to protect and enhance views of the ocean, creek, and marsh. In conflict with these requirements, the proposed residence would be a large and bulky structure that would obstruct public views of Pismo Creek, the lagoon, and the Pacific Ocean, including as seen from various locations along the public recreation trail.

In addition, the proposed residence would be located in an area of high geologic, flood, and shoreline hazards, and would be adjacent to an environmentally sensitive habitat area. It does not appear that the project has to date addressed these constraints in a way that is consistent with the Coastal Act and LCP. We appreciate that additional biological and geological reports have been prepared in response to our comments and the comments of other resource agencies. However, the information provided is not sufficient to answer the relevant outstanding questions, and ultimately to allow evaluation of this project for consistency with the LCP.

To begin, the wetlands delineation is inaccurate and does not provide the information necessary for a coastal zone wetland delineation. The wetlands delineation should establish data points in those areas that have some wetland vegetation to document quantitatively that there is not a predominance of wetland species. In addition, as presented in the delineation (p. 2), the interpretation of the 50/20 rule for establishing dominance is inaccurate, as is the interpretation of the dominance ratio test of predominance. Dominance is actually based on relative, not absolute, cover. Dominant plants are those that cumulatively exceed 50% relative cover when placed in rank order of abundance, or individually have at least 20% relative cover (an example is give in Table 4 of the Arid West Supplement to the Corps Delineation Manual). Predominance is determined by exceeding 50% of dominant species, not 50% of aerial cover. Finally, the delineation does not include a map of the adjacent wetlands, so setbacks cannot be determined. The upland edge of tidal wetlands should be the highest reach of the tides or the edge of predominant wetland vegetation, whichever is higher. The delineation should also map the upland edge of the foredunes.



California Coastal Commission

Carolyn Johnson, City of Pismo Beach
Proposed Residence at 140 Addie Street
August 5, 2010
Page 2

With regard to the remaining biological information, we recommend the City confer with U.S. Fish and Wildlife Service, National Marine Fisheries Service and California Department of Fish and Game to ensure the revised IS/MND meets their needs, and to inquire about what permits or approvals will be required.

Finally, we appreciate that the phase one geologic coastal study was provided. However, all of the geological reports, including the geotechnical reports that address the specific project design, must be prepared prior to approval. Without specific geotechnical information about the proposed project, it is not possible to ensure the proposed project is consistent with the certified LCP or that it is the least environmentally damaging alternative.

We strongly recommend that the City require preparation of an updated wetlands report that addresses the concerns stated above, as well as the geological and geotechnical reports necessary to address the specific design of the proposed project. In addition, we recommend ensuring that the needs of the other resource agencies including U.S. Fish and Wildlife Service, National Marine Fisheries Service and California Department of Fish and Game have been addressed, prior to any City approvals. This project is located in a particularly sensitive area within the City. Any CDP decisions about it need to be based on a thorough evaluation of accurate constraint and resource data and premised on avoiding coastal resource impacts. The project, as it is currently proposed, does not appear to meet these tests, and it does not appear that it can be found consistent with the LCP and the access and recreation policies of the Coastal Act. In fact, even based only on the incomplete data provided so far, it still appears that the proposed project is overambitious for the site and constraints that are present at this location, and that the project would need to be reduced significantly. When more refined information is available, the degree to which such project changes are necessary will be more apparent. Thus, we strongly recommend that the City have all of the relevant information available to help shape an appropriate CDP decision in this case, and that such decision clearly be premised on impact avoidance, as dictated by the LCP and the Coastal Act.

Thank you again for this opportunity to provide comments. Please feel free to contact me to discuss this project further.

Sincerely,



Madeline Cavalieri
Coastal Planner
Central Coast District Office

cc: Brandon Sanderson, CA Dept. of Fish Game



California Coastal Commission



landscape architecture
environmental studies
planning
ecological restoration

August 12, 2010

Planning Commission Chair Mark Burnes
Via Carolyn Johnson, Planning Manager
City of Pismo Beach

Sent via email

RE: Response to second Coastal Commission letter of August 5, 2010 for 140 Addie Street (SCH#2008091044)

The California Coastal Commission sent their comments on the revised IS to the City on June 21, 2010 and followed that letter with a comment letter dated August 5, 2010. A previous letter from Firma responding to the June 21 letter was submitted to the Planning Commission on June 22. This memo provides a response to the second Coastal Commission letter.

Visual Resources

Coastal comments: "Both the Coastal Act and the LCP and the certified LCP require new development to be sited and designed to reflect the small scale character of the City, and to protect and enhance views of the ocean, creek and marsh."

Response: Policy D-2, as referenced in the Revised IS, sets forth three important criteria for regulating visual quality:

1. "New development should be designed to reflect the small scale image of the city rather than create large monolithic buildings. Apartment, condominium and hotel buildings should be contained in several smaller buildings rather than one large building."

The proposed project is a duplex that by definition is one structure and cannot feasible be broken into smaller structures. The intent of the policy is to use smaller separated structures where possible, and to highly articulate the architecture to maintain rich visual texture and intimate building scale. The Planning Commission will determine if the architectural expression and character is consistent with this policy section.

2. "Maximum height, setback, and site coverage standards to achieve the desired small scale character will be regulated by City ordinance".

This policy section links implementation of the General Plan /LCP visual resource policy to the Zoning Ordinance.

For CEQA, the issue is the scale of the building, not the presence of the building on the site. For purposes of complying with CEQA, the Revised IS makes a determination that adherence to the Zoning Ordinance, which implements the General Plan / LCP principles and policies related to

visual resources, would result in a building envelope that was consistent with the General Plan and therefore a less than significant visual impact.

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

It is very important to note that any residential or visitor serving structure built on this lot in compliance with the flood level protection elevation would block views to the south and southwest from Addie Street to the ocean and estuary. The proposal to allow the ground under the raised structure to remain open for views under the building is consistent with this policy. Therefore, the Proposed Project preserves as much view to these areas as possible.

Coastal comments: "In conflict with these requirements, the proposed residence would be large and bulky structure that would obstruct public views of Pismo Creek, the lagoon and the Pacific Ocean including as seen for the public recreation trail"

Response: The only defined scenic viewing position under the General Plan / Certified LCP is west down Addie Street as shown on Design Element figure D-3 and policy D-41 and the structure does not block that view. The view from the future recreational trail between the lot and the estuary across this lot is toward the urban built environment, therefore the proposed structure would not substantially alter the nature of that viewshed. The revised Proposed Project does not maximize or exceed the Zoning Ordinance height and coverage limits prescribed to maintain visual quality:

| | | | |
|----------------|------------------|--------------------|-----------|
| Height: | 35 feet allowed | 31.6 feet proposed | 8% less |
| Lot coverage: | 2,475 sf allowed | 2,267 sf proposed | 9% less |
| Building area: | 5,625 sf allowed | 3,649 sf proposed | 35 % less |

Therefore, the Proposed Project is less bulky and large than that otherwise allowed by the Zoning Ordinance.

Wetlands

Coastal comments: " The wetlands delineation should establish data points..."

Response: The report describes, and Figure 1 delineates, the ruderal vegetation plant community within the 140 Addie Street parcel that was evaluated to determine if any wetland habitat meeting federal and/or coastal zone definitions occurs on the parcel. This area constitutes the data observation point and is described in depth in report and should be considered in the absence of a specific mapped data point. Additionally, the text, Figure 1, and representative photographs 6, 7, and 8 describe and illustrate the disturbed/exotic upland dune community intervening between the 140 Addie Street parcel and the coastal salt marsh wetland habitat.

Coastal comments: "as presented in the delineation the interpretation of the [wetland dominant species] 50/20 rule for establishing dominance is inaccurate..."

Response: The report describes the existing conditions of the southernmost vegetated area of the parcel as ruderal vegetation dominated by upland species with less than five percent cover of two wetland indicator species. For clarification, this determination was based on relative cover of all species considered. As described in text and shown in the representative photographs the ruderal vegetation is a near 100 percent relative and absolute cover of ice plant and non-native grasses. As such, the less than five percent relative cover of wetland indicator species observed would not aggregate in any fashion to be considered a dominant species comprising at least 20 percent relative cover. Therefore, the conclusion that the site does not support a hydrophytic (wetland) plant community where dominant wetland indicator species exceed 50 percent of the dominant species is accurate and appropriately determined. The black and white dashed line on Figure 1 delineates the coastal salt marsh wetland habitat on adjoining property

from the upland edge of the upland dune community. This line is used to determine the start of a 25 foot setback from the wetland to the proposed structure.

Coastal comments: "The delineation does not include a map of the adjacent wetlands so setbacks cannot be determined. The upland edge of tidal wetlands should be the highest reach of the tides or the edge of predominant wetland vegetation, whichever is higher."

Responses: The report establishes the non-storm influenced high-high tide elevation at approximately the 4.2 foot elevation (NGVD29) that would be considered the upper limits and lateral extent of the waters of the U.S. jurisdiction. The lowest contour on the 140 Addie street parcel is approximately the 7.0 foot elevation (NGVD29) well above the highest reach of non-storm influenced tides. Further, the two foot storm surge influenced elevation falls at the 4.64 topographic contour (NVVD29) also well below the 7.0 foot lowest elevation of the parcel. The black and white dashed line depicts the furthest edge (highest elevation) of observed dominance by the wetland indicator silverweed (*Potentilla anserine*) above the high-high tide line on the land adjacent to the 140 Addie Street parcel. This line showing the delineation between upland and wetland habitats can be used to evaluate any features of the proposed project relative to the nearest edge of wetland habitat.

The wetland delineation is based on accepted tide datum identifying the physical limits of predicted tides, along with observations of the soils, indicators of wetland hydrology, and the surface expression of upland and wetland plants consistent with accepted wetland delineation practices. The report acknowledges evidence that the site may be flooded under some combination of circumstances. However, the observed evidence of soils, hydrology, and plants on the 140 Addie Street parcel does not indicate a frequency or duration of hydrology sufficient to support wetlands under either the federal or Coastal Act definitions. In contrast, the field indicators of hydric soils and expression of wetland indicator plant species did delineate the wetland salt marsh habitat on adjoining land between 140 Addie Street and the estuary. Therefore, based on the regulatory criteria for wetland determination, the black and white dashed line on Figure 1 delineating the coastal saltmarsh from the upland dune has been clearly and accurately delineated.

Technical Studies for Geology

Coastal comments: "...all of the geotechnical reports that address the specific project design must be prepared prior to approval. Without specific geotechnical information about the proposed project it is not possible to ensure the project is consistent with the certified LCP or that it is the least environmentally damaging alternative."

Responses: The CEQA document requires as a mitigation measure that all the engineering reports be submitted as part of the building permit application. The General Plan / LCP Conservation and Open Space Element contains several policies to ensure development is the least damaging alternative along the shoreline and creek: CO-15, CO-16, CO-17 and CO-21. However, none of these require a geotechnical report to determine LCP consistency prior to approval.

Consistent with mitigation measure 6a, the revised Project submittal includes a geotechnical report by Earth Systems Pacific, attached, that addresses the subsurface conditions at the site and makes a recommendation for foundation type. The geotechnical engineer indicates the proposed driven pile foundation is feasible and would be the foundation type that would cause the least environmental damage.

Sincerely,
David Foote, ASLA

Attachments:
Letter from David Wolff, Certified Wetland Biologist
Letter from Dennis Shallenberger, Earth Systems Pacific



Oceano Dunes District
340 James Way, Suite 270
Pismo Beach, CA 93449
Telephone (805) 773-7170
FAX (805) 773-7176

June 21, 2010

City of Pismo Beach
Community Development Department
Planning Division
760 Mattie Road
Pismo Beach, California 93449-2056

Re: 140 Addie Street, Koligian Residential Project – File No: 08-0163

To Whom It May Concern:

The California Department of Parks and Recreation (CDPR) has reviewed the Planning Commission Staff Report, the Revised Initial Study of Environmental Impacts (SCH 2008091044), and the Wetland Determination and Biological Assessment for the 140 Addie Street – Koligian Residential Project. CDPR owns and manages the lands adjacent to this development as part of Pismo State Beach. CDPR has concerns regarding the project's close proximity to a sensitive wetland area and impacts related to hydrology and biology of the Pismo Creek estuary.

Hydrology

This project will place a structure within an area subject to high tidal storm surges and within a 100-year flood zone. This project has the potential to change the hydraulic function of the estuary, potentially impacting public lands in the vicinity of the project. CDPR has specific evidence of changes in Pismo Creek's hydrology due to the construction of the condos and installation of rip rap to the east of this proposed project. The change in the directional flow of Pismo Creek has had a dramatic impact on the neighboring Pismo RV Park and CDPR - North Beach Campground properties. CDPR has evidence that the development to the east of this proposed project caused the Pismo Estuary to migrate south and to erode dunes and sandy beachfront in the past decade.

Based on our experience with changes in hydrology in the Pismo Creek estuary caused by the adjacent developed properties, CDPR believes that this project will create potentially significant impacts from substantial alteration of the existing drainage pattern of the site, including the alteration of the course of a stream and in a manner that would result in substantial erosion of dunes and property to the south and west of the parcel. Furthermore, this project will create potentially significant impacts by placing within a 100 year flood hazard area a structure that will impede and redirect flood flows.

Biology

CDPR had indicated in written, e-mail and verbal communications with City staff that this project fails to protect existing wetland habitat associated with the Pismo Creek Estuary. This project fails to provide a minimum setback of 25 feet from existing wetlands of the Pismo Creek Estuary. Furthermore, the project and associated background documents fail to recognize that estuaries are dynamic systems that change over time. Wetlands are created and altered through normal hydrologic cycles. Even though this site did not support substantial wetland vegetation at the time of the wetland inventory, the site is part of a dynamic estuary. There is no doubt that the site has supported wetland vegetation and characteristics in the recent past and has the potential to support wetlands in the future during normal hydrologic cycles. The City has an obligation to provide sufficient space for the estuary to grow, contract, and change with normal hydrologic cycles. By failing to acknowledge the dynamic nature of the Pismo Creek Estuary, the City is failing to protect important habitats on public lands.

The Revised Initial Study erroneously concludes that this project is consistent with Policy CO-21 Pismo Creek Protection (page 22 – 23). In the absence of riparian vegetation, the policy requires that setback from creek habitats be measured from the top of the creek bank. This site is part of the active estuary and lies at elevations slightly above the existing estuary water level. There is no defined creek bank and the entire property must be considered as part of the Pismo Creek Estuary. Therefore, the project is inconsistent with Policy CO-21.

Ignoring the issues of the creek bank, the structure is within 25 feet of existing wetland habitat on State Parks property and the project cannot be consistent with Policy CO-21.

This residential structure will diminish habitat quality of the Pismo Creek estuary by placing a structure and human activity in extremely close proximity to an important publically owned wildlife habitat area. This project needs to be set back a sufficient distance from wetlands and the Pismo Creek estuary to allow the natural dynamic processes in this estuary system to continue in perpetuity.

Thank you for the opportunity to provide comments on this project. If you have any questions, please contact me at (805) 773-7170, or Ronnie Glick, Senior Environmental Scientist at (805) 773-7180.

Sincerely,



Andrew Zilke
District Superintendent

firma

*landscape architecture
environmental studies
planning
ecological restoration*

July 28, 2010

Planning Commission Chair Mark Burnes
Via Carolyn Johnson, Planning Manager
City of Pismo Beach

Sent via email

RE: Response to California Department of Parks and Recreation letter of June 21, 2010 for 140 Addie Street (SCH#2008091044)

The City of Pismo Beach sent a revised Initial Study with supporting technical studies, with responses to agency comments, to the agencies that commented on the Notice of Intent to Adopt a Mitigated Negative Declaration for this project circulated in 2008. The CEQA Guidelines do not require the City to send responses to agency comments on the MND in advance of the public hearing on the CEQA determination, but this was done to more fully involve the agencies in the CEQA process. The revised IS was sent certified mail on June 10, 2010, twelve days in advance of the first noticed public hearing date. The California Department of Parks and Recreation sent their comments on the revised IS to the City on June 21, 2010. This memo provides a response to the CDPR letter.

Hyrdology

The environmental document relied upon several technical studies related to creek hydrology: The 1994 Garing and Taylor Associates study in the Addie Street Resort Hotel EIR, the 2006 Keith Crowe Flood Study and the 2009 EarthSystems Pacific Geologic Coastal Study Phase 1. On the basis of these studies it was concluded that the proposed project would not have a significant adverse impact on flood levels or creek hydrology because the project will allow floodwaters to pass beneath the structure that will be placed on piers. Therefore, while the commenter is correct that there will be an impact on creek hydrology there is no evidence before the City that this impact would be significant. The proposed project is unlike the development to the east that is on a raised pad with riprap on the creek bank. It has been documented in the GTA report and also more recently the Pismo Creek / Edna Valley Watershed Management Plan (2008) that the historic alignment of the creek had been to bend south at the estuary and flow through the lands that are now the RV park and state campground. In the past, efforts were made by the City to force the creek mouth to exit to the ocean due west, however with the cessation of this action the creek has bent south as it is today. Therefore, there is evidence that larger forces are at play in the southward bend of the creek than the development on a few lots on the north side of the creek.

This notwithstanding, the evidence of the hydrology studies in the record is that the proposed structure would not significantly impede floodwater flow or raise the flood level. Therefore, the potential for redirection of creek flow and erosion of properties to the south would not be a result of this project.

Biological Resources

The Mitigated Negative Declaration has mitigation measure 4a-c that requires a 25-foot setback from the wetland area that was mapped adjacent to the site on state land. This requirement is from the City

General Plan policy CO- 21. The stated goal of this policy is that “no loss of streamside vegetation or the biotic quality of the stream” results from a project. The policy characterizes the setback as a “buffer”. The buffer implicitly can account for fluctuations in vegetation or hydrology that may occur over time on any site without a loss of biotic quality. Based on the hydrology studies and vegetative mapping in 1992 and 2010, there is no evidence that recent hydrologic cycles supported wetland conditions on the subject site.

The consultants disagree with the assertion that there is no discernable creek bank present along Pismo Creek next to the site. Based on existing conditions, there is a clear top of bank represented by an incised near vertical bank approximately two-feet high that is also distinguished by a gradient between wetland and upland vegetation. The subject site is beyond the top of creek bank and has vegetation that is defined as an upland, not wetland, type. See Photos 7 and 8 in the April 23, 2010 wetland/biology report. All previous CEQA evaluations for this and adjacent lots on Addie Street, including the above referenced EIR, clearly identified the lots as being within the creek floodway, but outside the creek estuary under FEMA definitions and state and federal wetland criteria. To our knowledge, this designation has never been challenged in any previous agency reviews of proposals for this site in 1994 and 2001. Furthermore, proposed landscaping with native coastal dune/scrub plants and removal of non-native iceplant would provide a habitat benefit along the upland edge of the Pismo Creek bank. Therefore, the proposed development as designed and conditioned by compliance with the setback standard, which will require the structure to be shifted to meet the minimum 25-foot setback, is consistent with CO-21 and would not result in significant impacts to the estuary and mapped wetlands, or other biological resources.

Sincerely,

David Foote, ASLA

A handwritten signature in black ink that reads "David K. Wolff". The signature is written in a cursive, flowing style.

David Wolff, Principal Ecologist
Sage Institute, Inc.

**Initial Study attachments
Technical studies**

**GEOLOGIC COASTAL STUDY PHASE 1
KOLIGIAN RESIDENCE
140 ADDIE STREET
PISMO BEACH, CALIFORNIA**

May 13, 2009

Prepared for
Vaughn and Mary Ann Koligian

Prepared by
Earth Systems Pacific
4378 Old Santa Fe Road
San Luis Obispo, CA 93401

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Earth Systems Pacific

4378 Old Santa Fe Road
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May 13, 2009

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E-mail: esp@earthsys.com
File No.: SL-15860-SA

Vaughn and Mary Ann Koligian
5660 North Van Ness
Fresno, CA 93711-1207

PROJECT: KOLIGIAN RESIDENCE
140 ADDIE STREET
PISMO BEACH, CALIFORNIA

SUBJECT: Geologic Coastal Study Phase I

- REF.: 1. *"Comments on the Draft Mitigated Negative Declaration for a Single Family Residence at 140 Addie Street Adjacent to Pismo Creek in the Downtown Planning District of Pismo Beach (SCH# 2008091044)."* by Mike Watson, California Coastal Commission, dated October 9, 2008
2. Proposal for Geologic Study and Geotechnical Engineering Report, Koligian Residence, 140 Addie Street, Pismo Beach, California, by Earth Systems Pacific, Doc. No. 0810-124.PRP, dated October 24, 2008

Dear Mr. and Mrs. Koligian:

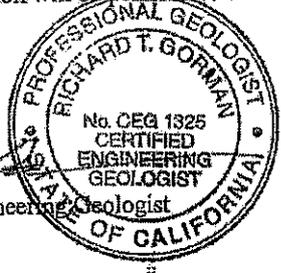
In accordance with your authorization of the above-referenced proposal, this geologic coastal study Phase I has been prepared to respond to the comments presented in the letter by the California Coastal Commission (Ref. No. 1). The letter indicates that the Draft Mitigated Negative Declaration (MND) identifies the project site as being in an area of high geologic, flood, and shoreline hazards, and subject to liquefaction, strong ground shaking, flooding, tsunami, and erosion. The Local Coastal Plan (LCP) requires that if developments are proposed in areas of identified hazards, appropriate setbacks and other mitigations must be established based upon geologic and geotechnical assessment by qualified engineers and geologists. The letter indicates that the materials furnished to date do not clearly demonstrate that the site has been adequately evaluated with respect to these potential hazards, and also do not reflect the most current information available with respect to flood zone maps, tsunami inundation areas, and sea level rise. To determine if the proposed development conforms to the LCP, the Commission has requested a supplemental report addressing the issues of concern.

The first phase of the supplemental report consists of a geologic coastal report that addresses flood levels, erosion, 100-year maximum wave run-up, tsunami inundation, sea level rise, and liquefaction potential. Once it has been established that the flood elevations, and design of the proposed structure can accommodate the characteristics of the property as determined by the geologic coastal study, a geotechnical engineering investigation will be performed. Four copies of this report are provided for your use.

Sincerely,

Earth Systems Pacific

Richard T. Gorman, Certified Engineering Geologist



Doc. No.: 0905-038.RPT/jml



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Cross Section A-A'



40 Addie Street,
Pismo Beach, California

May 13, 2009

1.0 INTRODUCTION

Planned Development

The project site lies on the southeast side of Addie Street and adjacent to Pismo Creek in Pismo Beach, California, see Vicinity Map in the Appendix. The size of the lot is approximately 4,500 square feet. The proposed development will consist of a 3,352 square foot, two-story residence. The residence will be elevated to an approximate elevation of 14.00 feet (NGVD 29 datum) and supported on piers.

For the purposes of our study, EDA Design Professionals provided this firm with a topographic map of the property and beach area, dated April 15, 2009. The topographic map was surveyed using the NGVD 29 datum. This map was used for the wave run-up analysis and as a base for the Site Map in the Appendix.

Site Setting

The site lies southeast of Addie Street, on relatively flat flood plain area of Pismo Creek. The southeastern part of the site is bounded by a creek bank approximately 2 to 3 feet high, see Creek Bank Photograph in the Appendix. The western part of the site is bounded by an existing residence and an undeveloped lot to the east. Sand dunes are present approximately 140 feet southwest of the site, along the back edge of the beach near the mouth of the creek. The dunes range in height from 3 to 8 feet.

Purpose and Scope of Work

The purpose of this study was to evaluate the on-site geologic structure, stratigraphy, and geomorphology that could influence shoreline retreat and wave run-up. This study encompassed the following work:

1. Review of geologic maps, topographic maps, and reports pertinent to the area.
2. Field mapping of features observable at the ground surface on the site.
3. Wave run-up analysis.
4. Preparation of this report.

2.0 GEOLOGIC COASTAL CONDITIONS

Review of air stereo photographs dated September 1982 indicated that the sand dunes south of the site trended in a north-northeast direction, and were relatively low in height with no hills or mounds, see Coastal Dune Photographs in the Appendix. Air photographs dated December 1987 indicated that after the severe winter storms, of 1982-83, the dunes were eroded away and the site was subjected to flooding from the creek and from sea wave run-up. The January 1990



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air photographs show the dunes have been re-established in a configuration similar to 1982. The current dunes in this area appear to be man-made due to their predominant east-west trending berm shape configuration, see Current Dune Photograph in the Appendix.

Based on review of the 1982 air photographs and the current alignment of the creek bank along the site, there has been no discernable erosion along the creek bank over the past 26 years.

The Flood Insurance Rate Map (FIRM) dated August 28, 2008 indicates that the site is in Flood Zone AE with a flood elevation of 10 feet (NGVD 29 datum), see FIRM Site Flood Map in the Appendix.

3.0 WAVE RUN-UP ANALYSIS

Vertical Datum

To estimate the 100-year stillwater elevation for the wave analysis, a MLLW (mean-low low water) tidal datum was used. The following tidal elevations were obtained from a National Oceanic and Atmospheric Association (NOAA) station ID: 9412110, Epoch 1983-2001, datum at Port San Luis, California, see Tidal Datum Elevations in the Appendix. The site plans were prepared by EDA Design Professionals using NGVD 29 datum. To convert MLLW datum to NGVD 29 datum, a software program called Vertical Datum Transformation (V-Datum version 2.2.3) developed by NOAA was used.

| | <u>MLLW Datum</u> | <u>NGVD 29 Datum</u> |
|--|-------------------|----------------------|
| Highest Water January 18, 1973 (includes 2 foot high storm surge) | 7.65 feet | 4.64 feet |
| Mean Higher High Water | 5.32 feet | 2.31 feet |
| Mean High Water | 4.62 feet | 1.61 feet |
| Mean Tide Level | 2.83 feet | -0.18 feet |
| Mean Sea Level | 2.80 feet | -0.21 feet |
| Mean Low Water | 1.04 feet | -2.0 feet |
| Mean Lower Low Water | 0.00 feet | -3.0 feet |

Sea Level Rise

To incorporate the changes in sea level anticipated to occur over the next 100 years, data presented in the Cayan et, al. (2008) paper entitled "Climate change projections of sea-level extremes along the California coast" was reviewed. This paper provides a range in sea level rise from 11 cm (4.3 in) to 72 cm (28 in) over the next century. For our analysis we assume a very



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conservative 2-foot rise in sea level. Based upon observations of the long-term trends in sea level and the increases in those rates anticipated because of warming of the ocean and melting of glaciers in the Northern Hemisphere, the mean sea level in Southern California could be expected to increase by as much as one foot in the next 50 years and up to 2 feet in the next 100 years. A temporary rise in sea level can sometimes occur due to a very strong El Niño weather condition. In the winter of 1982-83 a very strong El Niño condition occurred along the southern California coast that caused wind reversals and an increase in ocean water temperature, which resulted in a sea level increase of about one foot for the year.

100-Year Design Stillwater Elevation

In order to determine design wave characteristics for the wave analysis, it is necessary to determine the design water level. The design water level in this analysis is the maximum stillwater level under a typical 100-year recurrence conditions. Water level is dependent upon several factors including the tide, storm surge, wind set up, inverse barometer, and climatic events (El Niño). For this location, the maximum observed water level is about +4.64 feet (MLLW datum). This water level takes into account an El Niño storm surge condition. Based on the above tidal information, the 100-year design stillwater elevation in NGVD 29 datum would be:

100-Year Design Stillwater Elevation = 4.64 feet (highest water level, 1973) +
2 foot (sealevel change) = 6.64 feet (NGVD 29); see Cross Section A-A' in
the Appendix.

100-Year Design Stillwater Depth (d_s)

Determination of the maximum scour depth is needed to determine the actual 100-year Design Stillwater Depth (d_s) along the shoreline. The beach in the vicinity of the site is composed predominantly of beach sand. Based on review of the 1982 and 1987 air stereo photographs, the beach front is estimated to scour down, eroding away the sand dunes, to the site elevation of seven feet, see Cross Section A-A' in the Appendix. The beach wetline is approximately 525 feet seaward of the site, while the 100-year stillwater line (elevation 6.64 feet) is also just seaward of the site, hence, the design stillwater depth at the site is equal to zero ($d_s = 0$).

100-Year Maximum Breaking Wave Height (H_b)

The 1982-1983 storm data obtained (Denison & Robertson, 1985) along the southern California coast were used as a guideline for determining the maximum breaking wave height at the site. These storm data are considered to be comparable to 100-year storm events. In January 1983, wave heights from 6 to 15 feet with 4-to 6-second periods were recorded, and were considered to



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be the most severe of that winter. For this analysis, the breaking wave height used was 15 feet with a 6-second period. During a 1982-1983 storm condition, this wave will likely break offshore and rush-up landward along the gently sloping, scoured beach surface.

100-Year Wave Run-Up Elevation (R)

As waves encounter the beach in front of the site, the waves can rush up the beach and possibly onto the property. Wave run-up is defined as the vertical height above the still water level to which a wave will rise on a structure or beach of infinite height. Determination of wave run-up height was based upon Figure 79 (attached in Appendix) from the Coastal Protection Design Manual (1982), a 15 foot breaking wave height with a 6-second period, a scoured beach surface of -3 feet below the existing beach surface, and a beach slope angle of 1:40 (vertical: horizontal) or 2 degree slope angle ($\cot \theta = 28.5$ degrees).

$$R = H_b \times R/H_b$$

$d_s/H_b = 0$; therefore, Figure 79 was used to get R/H_b

$$H_b/gT^2 = 15/32.2(6^2) = 0.0129$$

$$R/H_b = 0.15$$

$$R = 15 \times 0.15 = 2.25 \text{ feet}$$

The addition of the 2.25 feet calculated wave run-up height added to the 100-year stillwater elevation of 6.64 feet yields a total 100-year wave run-up elevation of 8.89 feet (NGVD 29), see Cross Section A-A'.

Pismo Creek Flood Zone

According to the Flood Insurance Rate Map for San Luis Obispo County, California, Community Panel Number 06079C1344F, dated August 28, 2008, the site is located within a 100-year flood zone AE with a flood elevation of 10 feet (NGVD 29 datum); see FIRM Flood Zone Map and Cross Section A-A' in the Appendix. However, due to the potential for Pismo Creek to be flooded at the same time as the 100-year wave run-up event, an additional 2 feet should be added to the 100-year wave run-up elevation to account for a surge effect when the two bodies of water collide. The additional two feet added to the 100-year wave run-up elevation of 8.89 feet yields a total 100-year flood elevation of 10.89 feet (NGVD 29).



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4.0 TSUNAMIS

Submarine faulting or submarine landsliding occurring offshore from the site may cause hazardous tsunamis along the San Luis Obispo County coastline. The historical record for San Luis Obispo County, however, does not indicate that any tsunamis have occurred which exceeded the normal tidal range (Envicom, 1975).

5.0 LIQUEFACTION

San Luis Obispo County Seismic Safety (December 1999) Element Map 2 -- Liquefaction Hazards Map indicates that the site has a moderate potential for liquefaction. A more site specific analysis will be performed during the soils engineering report.

6.0 CLOSURE

Our intent was to perform the investigation in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing in the locality of this project and under similar conditions. No representation, warranty, or guarantee is either expressed or implied.

If future property owners wish to use this report, such use will be allowed to the extent the report is applicable, only if the user agrees to be bound by the same contractual conditions as the original client, or contractual conditions that may be applicable at the time of the report's use.

This document, the data, conclusions, and recommendations contained herein are the property of Earth Systems Pacific. This report shall be used in its entirety, with no individual sections reproduced or used out of context. Copies may be made only by Earth Systems Pacific, the client, and the client's authorized agents for use exclusively on the subject project. Any other use is subject to federal copyright laws and the written approval of Earth Systems Pacific.

Thank you for this opportunity to have been of service. If you have any questions, please feel free to contact this office at your convenience.

End of text.



40 Addie Street,
Pismo Beach, California

May 13, 2009

REFERENCES

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APPENDIX

Vicinity Map

Site Map

Creek Bank Photograph

Coastal Dune Photographs 1982-1990

Current Dune Photograph

FIRM Flood Zone Map

Tidal Datum Elevations

Figure 79 from Coastal Protection Design Manual

Cross Section A-A'

VICINITY MAP
140 ADIE STREET
Pismo Beach, California



EARTH SYSTEMS PACIFIC
4378 Old Santa Fe Road, San Luis Obispo, CA 93401
May 2009

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SL-15860-SA



Earth Systems Pacific

May 11, 2009

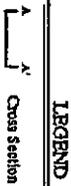
RLW

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SL-158825-SA

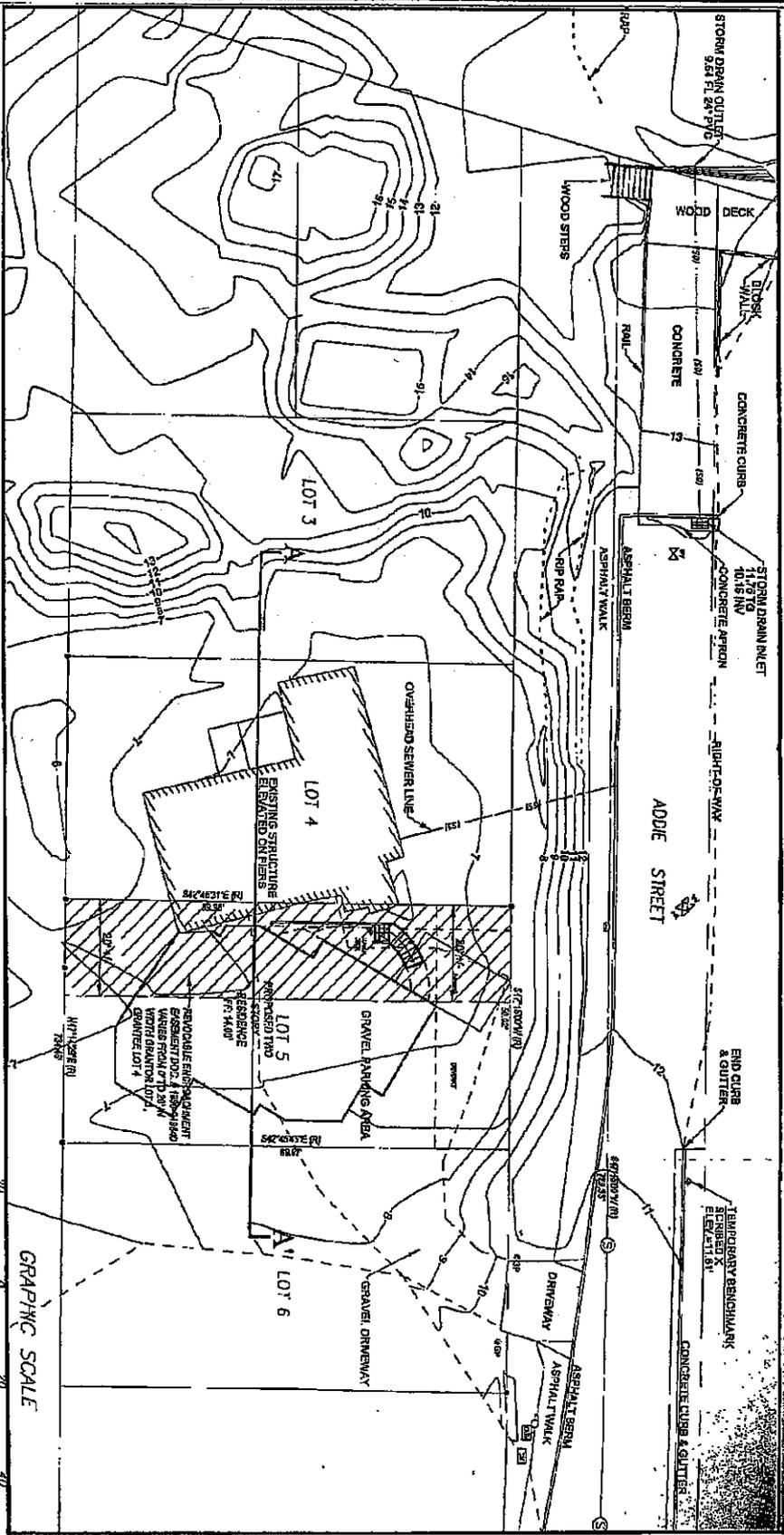
140 ADDIE STREET

Escondo Beach, California

SITE MAP

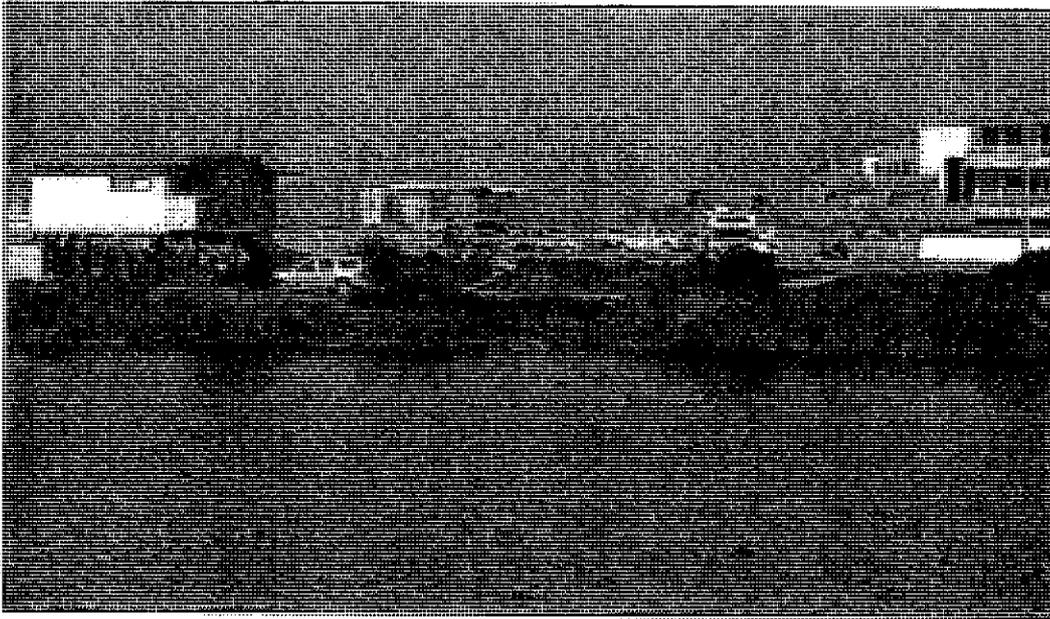


GRAPHIC SCALE



CREEK BANK PHOTOGRAPH

140 ADDIE STREET
Pismo Beach, California



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May 2009

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COASTAL DUNE PHOTOGRAPHS

140 ADDIE STREET
Pismo Beach, California

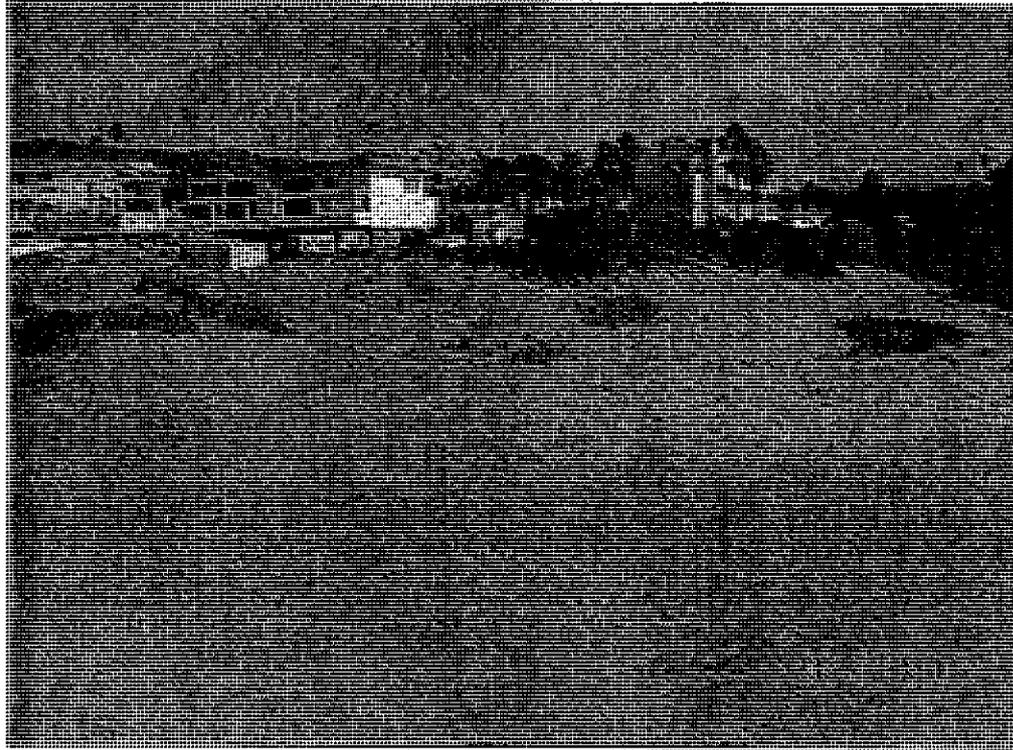


Earth Systems Pacific
4378 Old Santa Fe Road, San Luis Obispo, CA 93401
March 2009

(805) 544-3276 - (805) 544-1786 Fax
www.earthsystems.com - e-mail: esep@earthsystems.com
SL-15860-SA

CURRENT DUNE PHOTOGRAPH

140 ADDIE STREET
Pismo Beach, California



EARTH SYSTEMS PACIFIC

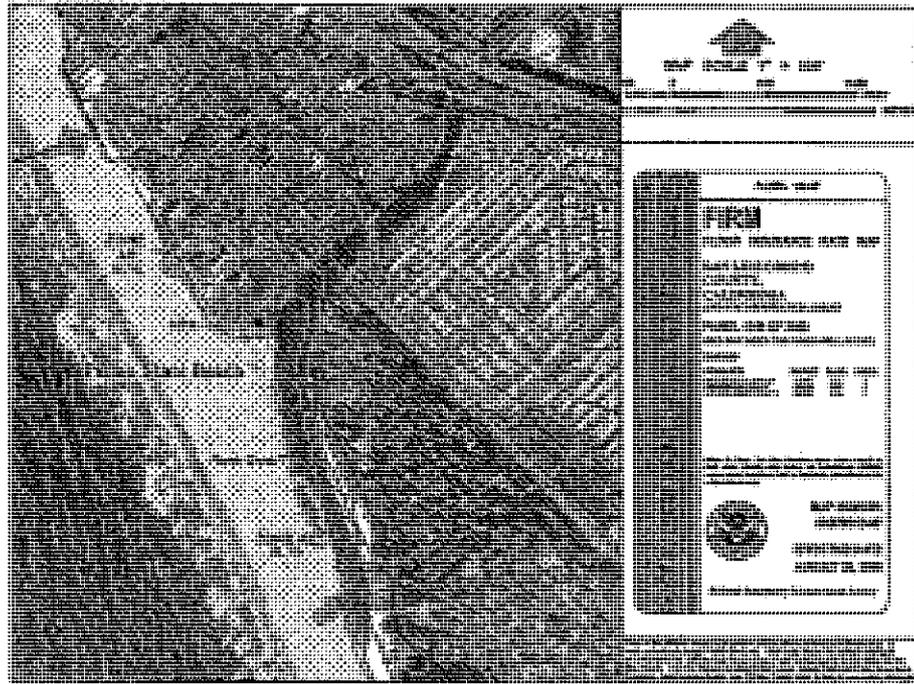
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FIRM FLOOD ZONE MAP

140 ADDIE STREET
Pismo Beach, California



EARTH SYSTEMS PACIFIC

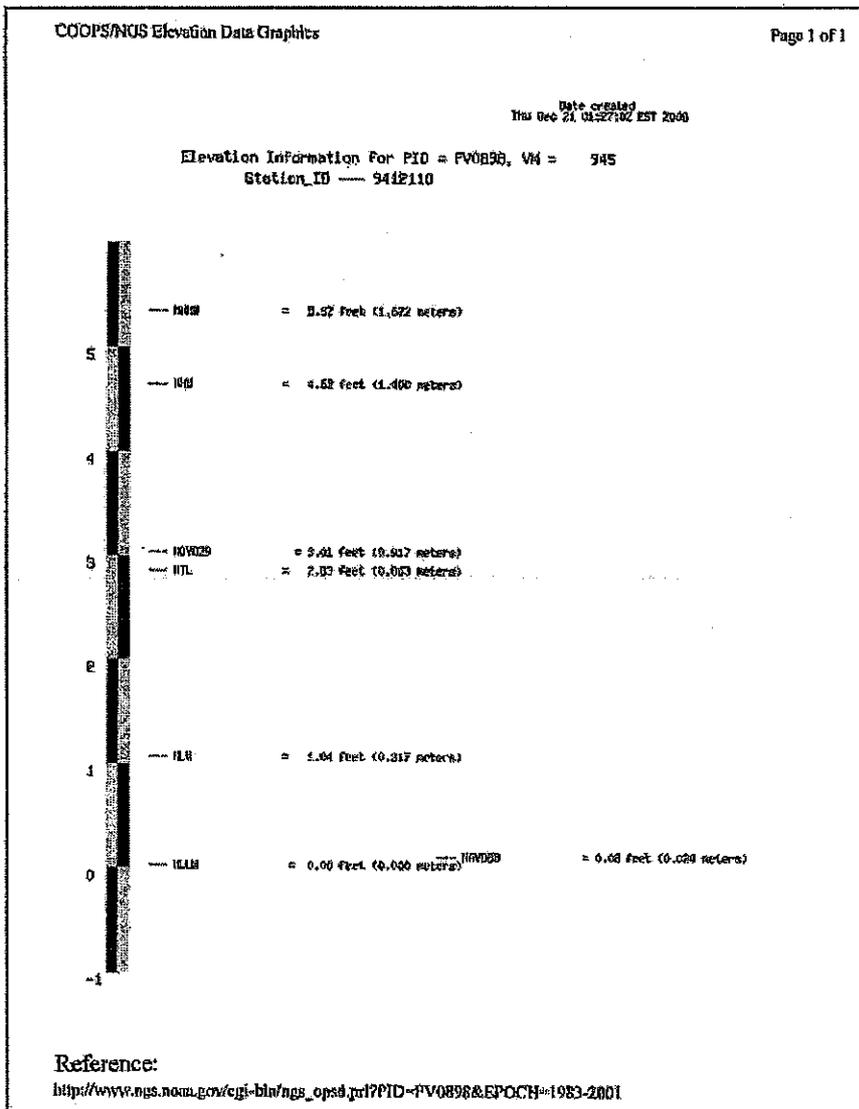
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TIDAL DATUM ELEVATIONS

140 ADDIE STREET
Pismo Beach, California



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FIGURE 79 FROM COASTAL PROTECTION DESIGN MANUAL

140 ADDIE STREET
Pismo Beach, California

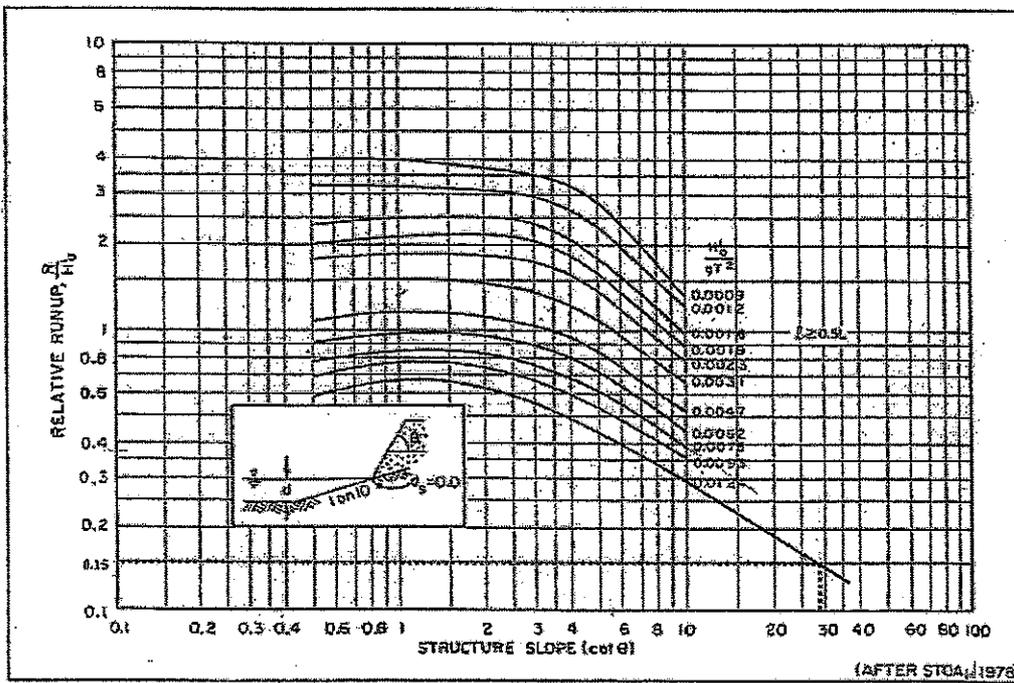


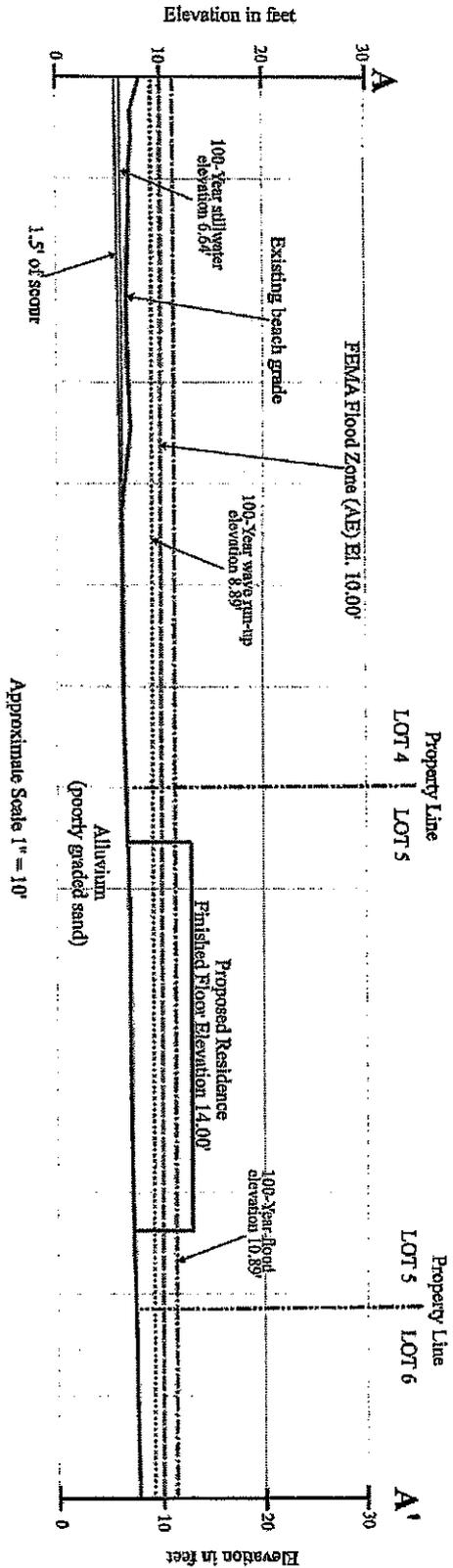
FIGURE 79
Relative Runup, R/R_0 , for a Smooth Embankment or Retention With Water Depth at Toe, $d_s = 0.0$, and
Relative Depth at Toe of 1-on-10 Bottom Slope, $d/R_0 = 3.0$



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CROSS SECTION A-A'
 140 ADDIE STREET
 Pismo Beach, California



Approximate Scale 1" = 10'



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 May 2009

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Earth Systems Pacific

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E-mail: eso@earthsys.com

August 11, 2010

FILE NO.: SL-15860-SB

Vaughn and Mary Ann Koligian
5660 N. Van Ness
Fresno, CA 93711-1207

PROJECT: KOLIGIAN RESIDENCE
140 ADDIE STREET
PISMO BEACH, CALIFORNIA

SUBJECT: Report of Findings and Recommended Foundation Type

REF: Proposal for Phased Geotechnical Engineering Report, Koligian
Residence, 140 Addie Street, Pismo Beach, California, by Earth Systems
Pacific, Doc. No. 1007-056.PRP, dated July 15, 2010

Dear Mr. and Ms. Koligian,

In accordance with your authorization of the referenced proposal, we have completed the field work, laboratory testing, and foundation analysis phases of our soils engineering report for your proposed residence. This work is in addition to the Geologic Coastal Study that we prepared in May of 2009.

As part of the soils engineering investigation, two borings were drilled at the subject site on July 26, 2010. A Mobile Drill Rig, Model B-53 equipped with an 8-inch outside diameter hollow stem auger was used, with an automatic trip hammer for sampling. The borings were drilled to depths of 71.5 and 51.5 feet at the approximate locations shown on the attached Boring Location Map. As the borings were drilled, soil samples were retrieved via a ring-lined barrel sampler, and Standard Penetration Tests were conducted at selected depths. Bulk soil samples were also obtained from the auger cuttings. Testing of selected soil samples for unit bulk density, maximum dry density versus optimum moisture content, and gradation has also been accomplished. Copies of the boring logs as well as a boring log legend are attached.

Generally, alluvium consisting of poorly graded sand was encountered from the surface to depths of 13.5 and 15 feet in the borings. This material varied from loose to very dense. Beneath the poorly graded sand were layers of clayey sand, lean clay, sandy lean clay, and well graded sand with gravel. In the deeper boring, poorly graded sand and poorly graded sand with gravel were found below a depth of 60 feet. The clay soils were found to be medium stiff to very stiff while the sand soils beneath the clays were generally medium dense to dense. A layer of loose conditions was found in the well graded sand with gravel from 28 to 40 feet. Cobbles were also present in this layer.



The surface soils were generally moist with free subsurface water and wet conditions present below a depth of 5 feet.

Analysis indicated that there is a significant potential for liquefaction to occur from the subsurface water level (at a depth of 5 feet during the field investigation) to a depth of about 15 feet. Above the water level, the lack of free water prevents liquefaction and below 15 feet, the soils are too dense, too well graded, too clayey, or a combination thereof, to be prone to liquefaction. If liquefaction were to occur in the upper 15 feet, it is estimated that the ground surface could settle about 3 to 5 inches.

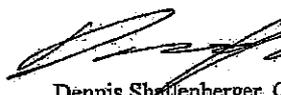
Based upon the results of the liquefaction analysis, it appeared that a driven pile foundation bearing below the liquefaction depth would be appropriate. We then analyzed a 14-inch diameter steel pipe pile foundation system. Our analysis indicated that allowable capacities of 40 to 60 kips would be possible on such piles driven to depths of about 30 to 45 feet. Lateral loads could be resisted by the cantilevered vertical piles or by battered piles acting in compression.

The results of our analyses indicate that a driven pile foundation is feasible and would be the foundation type that would cause the least environmental damage. A foundation of driven steel pipe piles, filled with concrete at the architect/engineer's discretion, is our recommendation.

Please let me know if you have any questions or wish further discussion of this issue.

Sincerely,

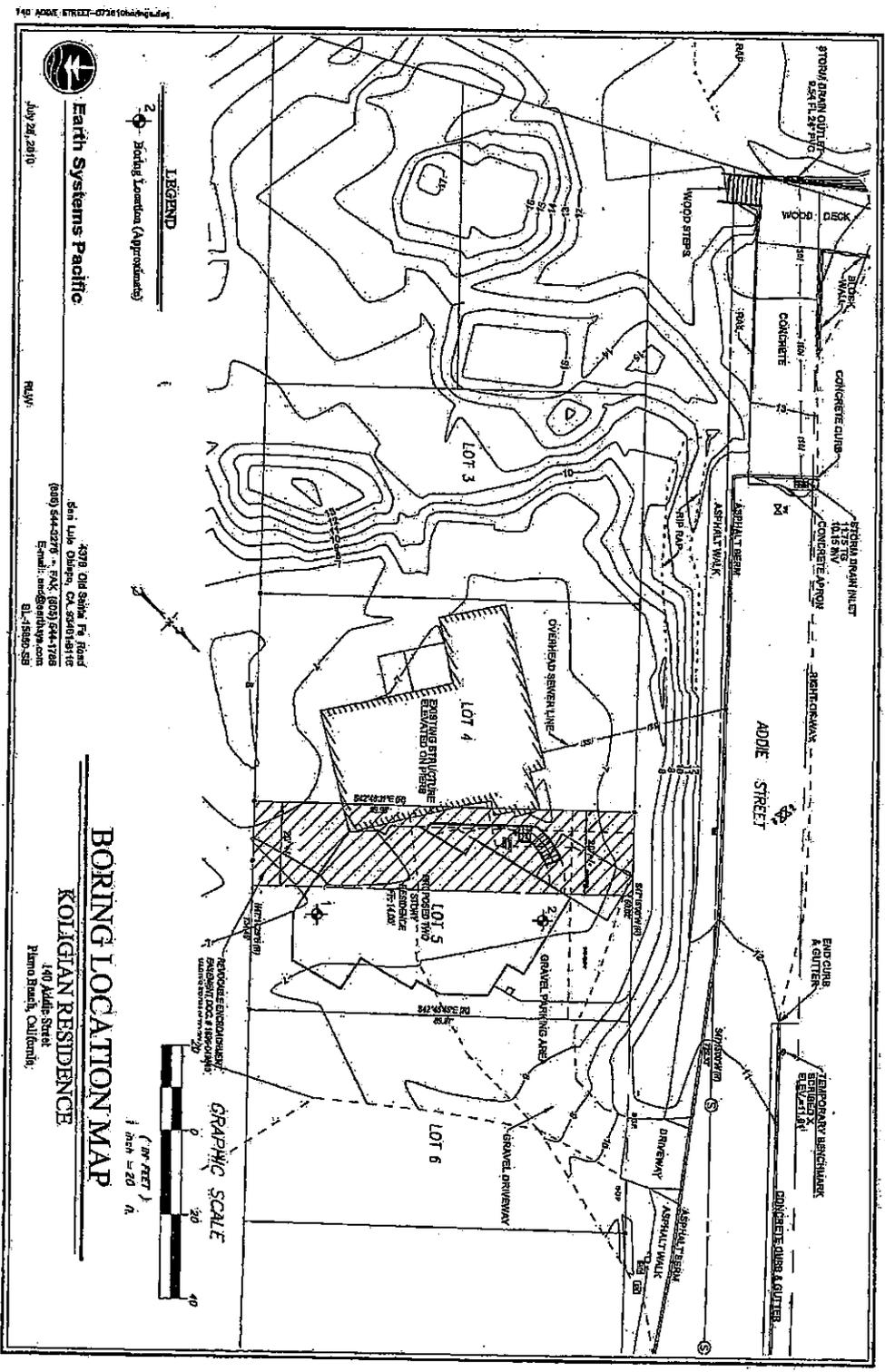
Earth Systems Pacific


Dennis Shallenberger, C.E.
Principal Engineer



Attachments: Boring Location Map
Boring Log Legend
Boring Logs

Doc. No.: 1008-055.LTR/jr



LEGEND

2 Boring Location (Approximate)

Earth Systems Pacific

July 26, 2010

4378 Old Shina Pt Road
 San Luis Obispo, CA 93401-8116
 (805) 544-4275 FAX: (805) 544-1726
 E-mail: and@earthsp.com
 BL-1500-SB

BORING LOCATION MAP
KOLIGIAN RESIDENCE
 140 Addie Street
 Pismo Beach, California





Earth Systems Pacific

Boring No. 1

LOGGED BY: R. Gorman
 DRILL RIG: Mobile Drill, Model B-53 w/ Autohammer
 AUGER TYPE: 8" Hollow Stem

PAGE 1 OF 3
 JOB NO.: SL-15860-SB
 DATE: 07/26/10

Surface elev. +/- 7.0 ft.

| DEPTH (feet) | USCS CLASS | SYMBOL | KOLIGIAN RESIDENCE 140 Addie Street Pismo Beach, California | SAMPLE DATA | | | | |
|-------------------------|------------|--------|---|-----------------|-------------|-------------------|--------------|-----------------|
| | | | | INTERVAL (feet) | SAMPLE TYPE | DRY DENSITY (pcf) | MOISTURE (%) | BLOWS PER 6 IN. |
| SOIL DESCRIPTION | | | | | | | | |
| 0 | SP | | POORLY GRADED SAND: light brown, medium dense; moist (alluvium) | | | | | |
| 1 | | | | | | | | |
| 2 | | | | | | | | |
| 3 | | | | | | | | |
| 4 | | | loose | | | | | |
| 5 | | | light gray, wet | 5.0-6.5 | ■ | 104.1 | 20.9 | 3 7 9 |
| 6 | | | | | | | | |
| 7 | | | | | | | | |
| 8 | | | | | | | | |
| 9 | | | | | | | | |
| 10 | | | | 10.0-11.5 | ● | | | 0 1 1 |
| 11 | | | | | | | | |
| 12 | | | | | | | | |
| 13 | | | | | | | | |
| 14 | | | | | | | | |
| 15 | SC | | CLAYEY SAND; mottled gray/brown, medium dense, wet | 15.0-16.5 | ● | | | 3 5 8 |
| 16 | | | | | | | | |
| 17 | | | | | | | | |
| 18 | | | | | | | | |
| 19 | CL | | LEAN CLAY; brown, medium stiff, wet | 20.0-21.5 | ● | | | 2 3 4 |
| 20 | | | | | | | | |
| 21 | | | | | | | | |
| 22 | | | | | | | | |
| 23 | | | | | | | | |
| 24 | | | | | | | | |
| 25 | CL | | SANDY LEAN CLAY; mottled gray/brown, medium stiff, wet | 25.0-26.5 | ● | | | 2 2 4 |
| 26 | | | | | | | | |

LEGEND: ■ Ring Sample ○ Grab Sample □ Shelby Tube Sample ● SPT
 NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.



Earth Systems Pacific

Boring No. 1

PAGE 2 OF 3

LOGGED BY: R. Gorman

DRILL RIG: Mobile Drill, Model B-53 w/ Autohammer

JOB NO.: SL-15860-SB

AUGER TYPE: 8" Hollow Stem

Surface elev. +/- 7.0 ft.

DATE: 07/26/10

| DEPTH (feet) | USCS CLASS | SYMBOL | SOIL DESCRIPTION | SAMPLE DATA | | | | |
|-----------------|------------|--------|---|--------------------|----------------|----------------------|-----------------|--------------------|
| | | | | INTERVAL (feet) | SAMPLE TYPE | DRY DENSITY (pcf) | MOISTURE (%) | BLOWS PER 6 IN. |
| 27 | CL | | SANDY LEAN CLAY: as above | | | | | |
| 28 | SW | | WELL GRADED SAND WITH GRAVEL: brown, loose, wet | 30.0-31.5 | | | | 2 |
| 29 | | | | | | | | 3 |
| 30 | | | | | | | | 5 |
| 31 | | | | | | | | |
| 32 | | | cobble layer | | | | | |
| 33 | | | | | | | | |
| 34 | | | | | | | | |
| 35 | | | cobbles end | 35.0-36.5 | | | | 2 |
| 36 | | | | | | | | 5 |
| 37 | | | | | | | | 5 |
| 38 | | | | | | | | |
| 39 | | | | | | | | |
| 40 | | | medium dense | 40.0-41.5 | | | | 5 |
| 41 | | | | | | | | 7 |
| 42 | | | | | | | | 10 |
| 43 | | | | | | | | |
| 44 | | | | | | | | |
| 45 | | | | 45.0-46.5 | | | | 3 |
| 46 | | | | | | | | 6 |
| 47 | | | | | | | | 10 |
| 48 | | | | | | | | |
| 49 | | | | | | | | |
| 50 | | | | | | | | 4 |
| 51 | CL | | SANDY LEAN CLAY: gray, stiff, wet | 50.0-51.5 | | | | 5 |
| 52 | | | | | | | | 7 |
| 53 | | | | | | | | |

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT
 NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.



Earth Systems Pacific

Boring No. 1

LOGGED BY: R. Gorman

PAGE 3 OF 3

DRILL RIG: Mobile Drill, Model B-53 w/ Autohammer

JOB NO.: SL-15860-SB

AUGER TYPE: 8" Hollow Stem

Surface elev. +/- 7.0 ft.

DATE: 07/26/10

| DEPTH (feet) | USCS CLASS | SYMBOL | SOIL DESCRIPTION | SAMPLE DATA | | | | |
|-----------------|------------|--------|--|--------------------|----------------|----------------------|-----------------|--------------------|
| | | | | INTERVAL (feet) | SAMPLE TYPE | DRY DENSITY (pcf) | MOISTURE (%) | BLOWS PER 6 IN. |
| 54 | CL | | SANDY LEAN CLAY: as above | | | | | 4 |
| 55 | SC | | CLAYEY SAND: gray, medium dense, wet | 55.0-56.5 | ● | | | 6 9 |
| 56 | | | | | | | | |
| 57 | | | | | | | | |
| 58 | | | | | | | | |
| 59 | | | | | | | | |
| 60 | SP | | POORLY GRADED SAND: gray, medium dense, wet | 60.0-61.5 | ● | | | 5 11 13 |
| 61 | | | | | | | | |
| 62 | | | | | | | | |
| 63 | | | | | | | | |
| 64 | | | | | | | | |
| 65 | | | | 65.0-66.5 | ● | | | 2 7 7 |
| 66 | | | | | | | | |
| 67 | | | | | | | | |
| 68 | | | | | | | | |
| 69 | | | | | | | | |
| 70 | SP | | POORLY GRADED SAND WITH GRAVEL: gray, dense, wet | 70.0-71.5 | ● | | | 7 15 27 |
| 71 | | | | | | | | |
| 72 | | | End of Boring @ 71.5' | | | | | |
| 73 | | | Subsurface water encountered @ 5.0' | | | | | |
| 74 | | | | | | | | |
| 75 | | | | | | | | |
| 76 | | | | | | | | |
| 77 | | | | | | | | |
| 78 | | | | | | | | |
| 79 | | | | | | | | |
| 80 | | | | | | | | |

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT
 NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.



Earth Systems Pacific

Boring No. 2

PAGE 1 OF 2

LOGGED BY: R. Gorman

DRILL RIG: Mobile Drill, Model B-53 w/ Autohammer

JOB NO.: SL-15860-SB

AUGER TYPE: 8" Hollow Stem

Surface elev. +/- 7.0 ft.

DATE: 07/26/10

| DEPTH (feet) | USCS CLASS | SYMBOL | SOIL DESCRIPTION | SAMPLE DATA | | | | | |
|-----------------|------------|--------|--|--------------------|----------------|----------------------|-----------------|--------------------|--|
| | | | | INTERVAL (feet) | SAMPLE TYPE | DRY DENSITY (pcf) | MOISTURE (%) | BLOWS PER 6 IN. | |
| 0 | SP | | POORLY GRADED SAND: yellow brown, very dense, moist (alluvium) | 2.0-4.0 | | | | | |
| 1 | | | | | | | | | |
| 2 | | | | 2.0-3.5 | | 112.1 | 19.8 | 8 18 45 | |
| 3 | | | | | | | | | |
| 4 | | | | | | | | | |
| 5 | | | medium dense, wet | 5.0-6.5 | | 102.7 | 23.9 | 6 11 22 | |
| 6 | | | | | | | | | |
| 7 | | | | | | | | | |
| 8 | | | loose | | | | | | |
| 9 | | | | | | | | | |
| 10 | | | | 10.0-11.5 | | | | 1 1 1 | |
| 11 | | | | | | | | | |
| 12 | | | | | | | | | |
| 13 | | | | | | | | | |
| 14 | CL | | SANDY LEAN CLAY: brown, medium stiff, wet | 15.0-16.5 | | | | 2 6 9 | |
| 15 | | | | | | | | | |
| 16 | | | | | | | | | |
| 17 | | | | | | | | | |
| 18 | | | | | | | | | |
| 19 | | | | | | | | | |
| 20 | | | | 20.0-21.5 | | | | 2 2 3 | |
| 21 | | | | | | | | | |
| 22 | | | | | | | | | |
| 23 | | | | | | | | | |
| 24 | | | | | | | | | |
| 25 | | | | | | | | | |
| 26 | | | | | | | | | |

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT
 NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.



Earth Systems Pacific

Boring No. 2

PAGE 2 OF 2

LOGGED BY: R. Gorman
 DRILL RIG: Mobile Drill, Model B-53 w/ Autohammer
 AUGER TYPE: 8" Hollow Stem

JOB NO.: SL-15860-SB

Surface elev. +/- 7.0 ft.

DATE: 07/26/10

| DEPTH (feet) | USCS CLASS | SYMBOL | KOLIGIAN RESIDENCE 140 Addie Street Pismo Beach, California | SAMPLE DATA | | | | |
|-----------------|------------|--------|---|--------------------|----------------|----------------------|-----------------|--------------------|
| | | | | INTERVAL (feet) | SAMPLE TYPE | DRY DENSITY (pcf) | MOISTURE (%) | BLOWS PER 6 IN. |
| | | | SOIL DESCRIPTION | | | | | |
| 27 | CL | | SANDY LEAN CLAY: as above | | | | | |
| 28 | SW | | WELL GRADED SAND WITH GRAVEL: brown, loose, wet | | | | | |
| 30.0 | | | | 30.0-31.5 | ● | | | 2 4 3 |
| 40.0 | | | medium dense | 40.0-41.5 | ● | | | 5 8 9 |
| 50.0 | CL | | SANDY LEAN CLAY: gray, very stiff, wet | 50.0-51.5 | ● | | | 3 8 11 |
| 51.5 | | | End of Boring @ 51.5' Subsurface water encountered @ 5.0' | | | | | |

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT
 NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling.
 Subsurface conditions may differ at other locations and times.



sage institute

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Fax: 805-980-5886

April 23, 2010.

David Foote
Firma Consultants
1034 Mill Street
San Luis Obispo, CA 93401

SUBJECT: Wetland Determination and Biological Assessment for the 140 Addie Street, Koligian Residence Project, Pismo Beach, California (APN: 005-163-029)

Dear David:

Sage Institute, Inc. (SII) is pleased to submit this wetland determination and biological assessment for the 140 Addie Street, Koligian Residence Project, Pismo Beach, California (APN: 005-163-029). We have prepared this letter report at your request based on the information you provided and our field surveys as described below. The purpose of this study is to provide a site specific wetland determination and biological assessment to address agency comments and information requirements submitted as part of the City of Pismo Beach environmental review for the proposed project. It is our understanding in conducting this analysis that all project-related disturbance would be restricted to the parcel limits on the west, south, and east, but would extend to Addie Street to the north as shown in the attached Figure 1.

1.0 METHODS

SII reviewed available background information that included the 2008 proposed Mitigated Negative Declaration (MND), agency comment letters on the MND, site plans, and available aerial photography of the proposed project site dating back to 1994. The Earth Systems Pacific May 13, 2009, *Geologic Coastal Study Phase I, Koligian Residence, 140 Addie Street, Pismo Beach, California (Geologic Coastal Study)*, prepared for the project site was reviewed to assess the potential tidal influence on the parcel. SII Principal Ecologist and wetland scientist David Wolff conducted field surveys of the proposed project site on January 19, February 18 and 19, and March 23, 2010 to document existing parcel-specific conditions. The primary purpose of the field surveys was to determine if any wetland habitat or other waters of the U.S. that meet the state or federal technical criteria occur on the site. In addition, the field surveys evaluated the site as suitable habitat for special-status plant or wildlife species. SII evaluated the site for wetlands based on observations of vegetation, soil, and hydrology indicators of potential wetlands in accordance with the U.S. Army Corps of Engineers (Corps) three parameter criteria. The tidal datum and analysis in the *Geologic Coastal Study* was used to determine the potential for tidal influence on the project site. Given the proposed project site is within the Coastal Zone and near the Pismo Creek lagoon, the one parameter method was used in evaluating the potential for wetlands in accordance with accepted California agencies' definition of wetlands.

2.0 RESULTS

The MND provided an appropriate context for the proposed project site considering its close proximity to the Pismo Creek lagoon, dune, and beach habitats. Special-status species occurrences are recorded throughout the adjacent upland, wetland, dune, beach, and ocean habitats from Pismo Beach to the Guadalupe dunes. The MND adequately evaluated potential biological resource impacts and offered mitigation measures to reduce

potentially significant impacts to a less than significant level. Because of the content presented in the MND, the California Coastal Commission (CCC), California Department of Fish and Game (CDFG), and the U.S. Fish and Wildlife Service (USFWS) provided detailed comments to address species and habitat issues to avoid and mitigate for potential significant impacts resulting from the proposed project. The results of this study focus on evaluating the parcel-specific biological resources to provide a more refined and accurate portrayal of the existing conditions and potential significant project-related impacts on biological resources.

2.1 EXISTING CONDITIONS OF PARCEL APN: 005-163-029

The proposed project parcel is bordered by Addie Street, beach parking and residential development on the north, a residence on piers on the west leading to the beach, a small remnant dune and Pismo Creek lagoon immediately to the south, and vacant parcels dominated by ice plant (*Carpobrotus* sp.) and a residence on the east. The proposed project parcel does not support a native dune plant community as it is composed mostly of dense patches of ice plant and a narrow fringe of ruderal non-native grassland species. A compacted parking area void of vegetation comprises approximately 40 percent of the parcel (see Figures 1 & 2). The area adjacent to Addie Street has a 100 percent cover of ice plant and the center of the parcel is compacted ground lacking vegetation as shown in Photos 1 and 2 in Figure 2. The southern edge of the parcel supports ruderal plant community composed of ice plant, sweetclover (*Melilotus* sp.), riggut brome (*Bromus diandrus*), rat tail fescue (*Vulpia* sp.), and spikeweed (*Hemizonia* sp.). There are a few stems of marsh baccharis (*Baccharis douglasii*), beach bur (*Ambrosia chamissonis*), and patches of salt grass (*Distichlis spicata*) located in the southern fringe of the parcel but combined constitute less than 5 percent cover in that area. One small arroyo willow (*Salix lasiolepis*) shrub occurs next to the residence to the west (see Photos 3 through 5).

2.2 WETLAND JURISDICTIONAL DETERMINATION

Field surveys conducted by SII evaluated the proposed project parcel for evidence of wetland indicator plant species (hydrophytic plants), indicators of hydric (wetland) soils, and wetland hydrology in accordance with the Corps methodology. As described in section 2.1 above, the vegetated areas of the proposed project parcel are dominated by ice plant and upland ruderal species. Two wetland indicator species observed included marsh baccharis (OBL) and salt grass (FACW); however, combined they comprised less than five percent cover within a small area of the parcel that does not satisfy the criteria for a wetland plant community. A minimum of 20 percent aerial cover would need to be present to be considered a dominant species in a wetland determination. Greater than 50 percent absolute aerial cover of dominant wetland indicators species would be required to meet the hydrophytic (wetland) vegetation criteria. Even obligate wetland plants have a 1% chance of occurring in non-wetlands as is the case here. The one small arroyo willow shrub (FACW) next to the existing house also does not comprise a dominant wetland plant community as there are no other wetland plants around it (only upland non-native grasses) and it is not contiguous with a riparian setting.

The lack of a wetland plant community typically satisfies a non-wetland determination without any further data collection. However, to be certain, several soil test pits were excavated to search for any evidence of hydric soils. The soils test pits on the 140 Addie Street parcel revealed pure sandy soils with no hydric soil field indicators such as mottling or organic streaking that might be expected in sandy soils that are saturated enough to exhibit wetland characteristics. The evaluation for wetland hydrology revealed no evidence of an ordinary high water mark (OWHM) or other primary or secondary indicators of wetland hydrology representing any other physical indication of saturation, inundation, flowing, or ponding water. For comparison a soils test pit was excavated in the coastal salt marsh fringe on public lands adjacent to Pismo Creek to the southeast of the project site (see Figure 1 and Photos 7 & 8). The sandy soil at that location did exhibit black organic streaking in the sandy soils that does represent a field indicator of hydric soils. This offsite location also supported a greater than 50 percent aerial cover of silverweed (*Potentilla anserina*; OBL) and was in a topographic low swale area adjacent to the creek. The correlation of hydric soil indicators with a dominance of wetland plants provided an appropriate wetland reference site for comparison with the non-wetland determination on the 140 Addie Street parcel.

Based on the lack of any of the three wetland parameters on the 140 Addie Street parcel as described above, it is our determination that no wetlands satisfying the Corps wetland definition occur on the proposed project parcel. Given that no one wetland parameter was observed, our non-wetland determination extends to the CCC and CDFG definitions that would be satisfied if any one wetland parameter were present.

Given the close proximity of the proposed project parcel to the Pismo Creek lagoon and the Pacific Ocean, the site was inspected for evidence of tidal influence that would fall under the jurisdiction of the Corps. The lateral extent of Corps jurisdiction under Section 404 of the Clean Water Act in tidal areas extends to the high tide line that is defined in 33CFR Section 328.3 as:

*d. The term "high tide line" means the line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency **but does not include storm surges in which there is a departure from the normal or predicted reach of the tide (emphasis added)** due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.*

Review of January and February tide charts for Pismo Beach showed several high tides above six feet in MLLW (mean-low low water) tidal datum that represent some of the highest tides for the area. Review of the entire year of high tides suggests the highest high tides reach around the 7-foot MLLW tidal elevation. There was no physical evidence of any tidal influence on the proposed project parcel from deposits of drift material such as seaweed, driftwood, shell debris, trash, or any other material indicating a high tide line. There was such evidence along the bank of the lagoon well away from the southern boundary of the proposed project parcel. The *Geologic Coastal Study* included a tidal and flood analysis to determine the appropriate floor elevation for the proposed building that would be above the 100 year flood elevation. In developing the analysis, this study showed the observed highest water on January 18, 1973 in MLLW tidal datum of 7.65 feet that included two feet of storm surge. Converted to land topographic datum NGVD29 (National Geodetic Vertical Datum) this converts to the 4.64 topographic contour. Using the NOAA converter, assuming the highest non storm influenced high tide is approximately 7-foot MLLW, the topographic contour on the land would be approximately the NGVD29 4.2 foot elevation. The lowest topographic contour on the site appears to be about the 7-foot contour that is well above the non-influenced high tide and the recorded high water even with the two-foot storm surge added as converted to NGVD29 datum.

Anecdotal reports of site flooding under flood and storm surge conditions are not sufficient to meet the wetland criteria for frequent flooding, and the onsite plant community lacking sufficient density of wetland plants further supports the non-wetland finding. This analysis and observations of existing conditions supports our determination that the proposed project parcel does not support wetlands or fall below the high tide line within the jurisdiction of the Corps as a waters of the U.S.

The extent of CDFG 1600 jurisdiction subject to the Streambed Alteration Agreement program is typically considered the top of a stream bank or the furthest extent of riparian habitat away from a stream or lake. As described above there is no riparian habitat on the site and there is no riparian habitat along the banks of the Pismo Creek lagoon. As such, it would be our determination that the extent of CDFG 1600 jurisdiction would be the top of bank along the Pismo Creek lagoon that is to the south of the proposed project parcel and does not extend onto the project site (see Photo 7).

2.3 BIOLOGICAL ASSESSMENT

The MND and agency comment letters place the proposed project parcel in a context with a host of special-status species known from the dune/beach, aquatic, and estuarine habitats in the vicinity of the project site. The purpose of this biological assessment is to refine the context of potential special-status species issues to a project-specific review and evaluation. As described above the proposed project parcel supports a mostly disturbed site dominated by bare ground, ice plant, and a ruderal non-native plant community. No wetlands, aquatic, or riparian habitats occur on the site and it is separated from the beach/dune community by an existing residence. No special-status plant species have been observed on the proposed project parcel. Furthermore, the site is located in a small triangle of land wedged between the lagoon and existing urban development with virtually no terrestrial habitat connectivity to the east except for a narrow strip of armored creek bank adjacent to developed land. The adjacent residence and a small ice plant-dominated dune separate the proposed project parcel from the coastal strand and open beach. As such, the proposed project parcel site does not represent an Environmentally Sensitive Habitat Area (ESHA) as defined by the CCC.

The proposed project parcel does not support any wetland, riparian, aquatic or estuarine habitat and has little or no vegetated cover for aquatic species inclined for overland movement such as the California red-legged frog or southwestern pond turtle. As such, development of the proposed project parcel with the MND-required minimum 25-foot setback from the top of the creek bank would not have a significant impact on or adversely affect any aquatic/estuarine species.

Special-status bird species such as the western snowy plover, brown pelican, terns, shore birds, wading birds, and water birds that have been observed or are known from the vicinity of the proposed project parcel would find little to no suitable upland habitat on the project site. Use is improbable, or infrequent and short duration resting at best, and the disturbed nature of the site provides little food resources to attract such species. The western snowy plover has been observed nesting in its typical location along the wrack line of the beach beyond the residence and intervening small dune area to the west. It would not be expected to nest in the compacted ground, ice plant, or ruderal vegetation that comprise the onsite habitats. As such, development of the proposed project parcel would not have a significant impact on or adversely affect any special-status bird species.

3.0 CONCLUSIONS AND RECOMMENDATIONS

The site-specific analysis of existing conditions within the proposed project parcel revealed the site does not support a native plant community and lacks any wetland, aquatic, riparian habitat resources. The review and analysis of tidal datum supports the determination that the site does not fall within the Corps jurisdiction as a waters of the U.S. below the high tide line. While in close proximity to habitats that could support special-status species, the site does not, and its position wedged between developed areas makes any significant use of the site improbable at best. The proposed native species landscaping around the proposed residence and MND mitigation measure to enhance the setback area with native species plantings along with invasive species removal would enhance the habitat values over existing conditions that are dominated by ice plant and other non-native plant species.

In addition to the pre-construction nesting bird surveys within 200 feet of the proposed project parcel, and environmental monitoring during ground disturbing activities, it is recommended that at a minimum the perimeter of the project site be defined with silt fence and orange construction fencing to prevent offsite sediment transport into the lagoon and to avoid encroachment into adjacent areas. This would contain all construction materials to the site and provide a barrier for local wildlife from entering the construction site.

|||||

Thank you for the opportunity to provide environmental consulting services for this project. Please contact me if you have any questions or need any additional information.

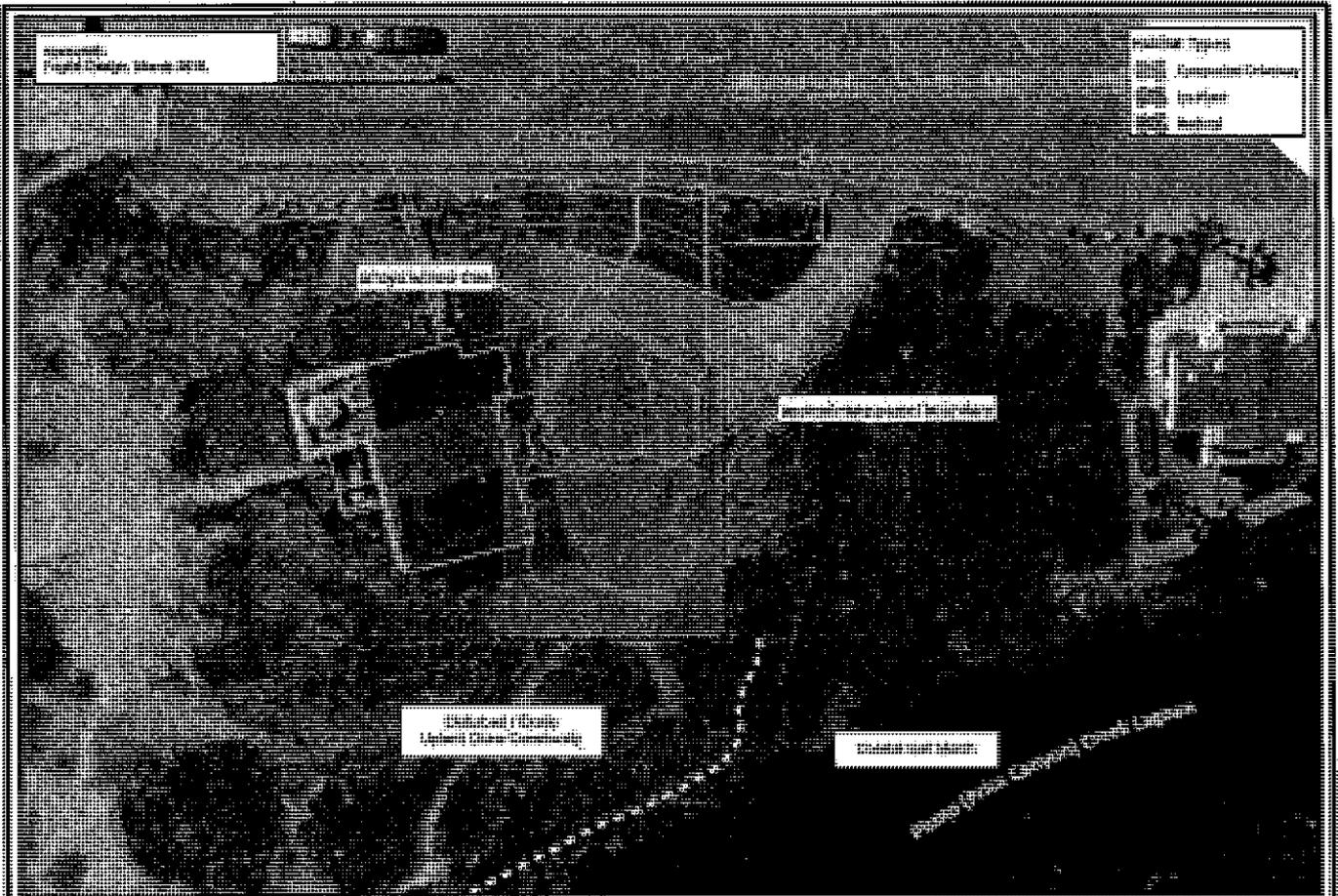
Very truly yours,



David K. Wolff
Principal Ecologist, Vice President
Certified Professional Wetland Scientist

Attachments

- Figure 1 – Habitat Map
- Figure 2 – Representative Photographs



| | | |
|--|---|------------------------------------|
| | <p>140 Acacia Street, Flaming Beach</p> <p>Biological B. Wetland Assessment</p> | <p>Figure 1</p> <p>Wetland map</p> |
|--|---|------------------------------------|



Photo 1 - View of house and porch from street, 1/10/2008

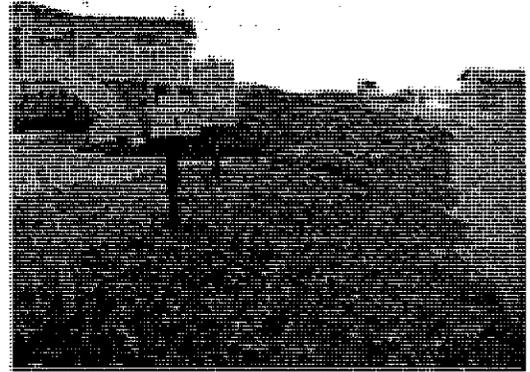


Photo 2 - View of house and porch from street, 1/10/2008



Photo 3 - View of house and porch from street, 1/10/2008



Photo 4 - View of house and porch from street, 1/10/2008

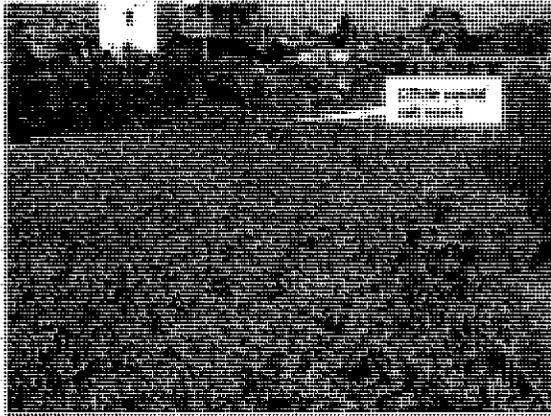
Figure 2 - 140 Addie Street, Koligian Residence Project, Representative Photographs



Photograph 1 - SE parcel corner (red dot) in upland habitat. 3/23/2010



Photograph 2 - SE parcel corner (red dot) in upland habitat. 3/23/2010



Photograph 3 - SE parcel corner (red dot) in upland habitat. 3/23/2010



Photograph 4 - At coastal salt marsh grading into upland ice plant. 3/23/2010

Figure 2 – 140 Addie Street, Koligian Residence Project, Representative Photographs



sage institute

| | |
|--|--|
| Southern California Office 2001 Townsend Road, Suite 213 Westlake Village, CA 91361 tel 805.497.8557 fax 805.496.4939 | Central Coast Office 7343 El Camino Real, #135 Atascadero, CA 93422 tel 805.494.2804 fax 805.680.5886 |
| www.sagein.com | sage@sagein.com |

August 11, 2010

David Foote
Firma Consultants
187 Tank Farm Road, Suite 230
San Luis Obispo, CA 93401

SUBJECT: Response to California Coastal Commission Comments on the Wetland and Biological Assessment for the 140 Addie Street, Koligian Residence Project, City of Pismo Beach, California (APN: 005-163-029)

Dear David:

Sage Institute, Inc. (SII) is pleased to submit this response to the California Coastal Commission (CCC) August 5, 2010 comments regarding the SII wetland determination and biological assessment for the 140 Addie Street, Koligian Residence Project, Pismo Beach, California (APN: 005-163-029). In summary, I suggest that the April 23, 2010 SII report includes and presents all the necessary and appropriate data for a coastal zone wetland delineation. I have provided the following for clarification:

- The report describes and Figure 1 delineates the ruderal vegetation plant community within the 140 Addie Street parcel that was evaluated to determine if any wetland habitat meeting federal and/or coastal zone definitions occurs on the parcel. This area constitutes the data observation point and is described in depth in report and should be considered in the absence of a specific mapped data point. Additionally, the text, Figure 1, and representative photographs 6, 7, and 8 describe and illustrate the disturbed/exotic upland dune community intervening between the 140 Addie Street parcel and the coastal salt marsh wetland habitat.
- The report documents the review, evaluation, and determination of the three wetland parameters based on the federal technical criteria for hydrophytic vegetation, hydric soils, and wetland hydrology. None of the three wetland parameters were met on the 140 Addie Street parcel. A coastal zone wetland delineation would make a wetland determination based on meeting any one of the three wetland parameters. Since none were met, the wetland delineation in the report is accurate in delineating only upland habitat on the parcel and does provide the necessary information on each parameter to make a coastal zone wetland determination.

The report describes the existing conditions of the southernmost vegetated area of the parcel as ruderal vegetation dominated by upland species with less than five percent cover of two wetland indicator species. For clarification this determination was based on relative cover of all species considered. As described in text and shown in the representative photographs the ruderal vegetation is a near 100 percent relative and absolute cover of ice plant and non-native grasses. As such, the less than five percent relative cover of wetland indicator species observed

would not aggregate in any fashion to be considered a dominant species comprising at least 20 percent relative cover. Therefore, the conclusion that the site does not support a hydrophytic (wetland) plant community where dominant wetland indicator species exceed 50 percent of the dominant species is accurate and appropriately determined. The black and white dashed line on Figure 1 delineates the coastal salt marsh wetland habitat on adjoining property from the upland edge of the upland dune community. The report establishes the non-storm influenced high-high tide elevation at approximately the 4.2 foot elevation (NGVD29) that would be considered the upper limits and lateral extent of the waters of the U.S. jurisdiction. The lowest contour on the 140 Addie street parcel is approximately the 7.0 foot elevation (NGVD29) well above the highest reach of non-storm influenced tides. Further, the two foot storm surge influenced elevation falls at the 4.64 topographic contour (NGVD29) also well below the 7.0 foot lowest elevation of the parcel. The black and white dashed line depicts the furthest edge (highest elevation) of observed dominance by the wetland indicator silverweed (*Potentilla anserine*) above the high-high tide line on the land adjacent to the 140 Addie Street parcel. This line showing the delineation between upland and wetland habitats can be used to evaluate any features of the proposed project relative to the nearest edge of wetland habitat.

- The wetland delineation is based on accepted tide datum identifying the physical limits of predicted tides, along with observations of the soils, indicators of wetland hydrology, and the surface expression of upland and wetland plants consistent with accepted wetland delineation practices. The report acknowledges anecdotal evidence that the site may be flooded under some combination of circumstances. However, the observed evidence of soils, hydrology, and plants on the 140 Addie Street parcel does not indicate a frequency or duration of hydrology sufficient to support wetlands under either the federal or coastal definitions. In contrast the field indicators of hydric soils and expression of wetland indicator plant species did delineate the wetland salt marsh habitat on adjoining land between 140 Addie Street and the estuary. Therefore, based on the regulatory criteria for wetland determination, the black and white dashed line on Figure 1 delineating the coastal salt marsh from the upland dune has been clearly and accurately delineated.

Thank you for the opportunity to provide this clarification of our technical biological and wetland study for this project. Please contact me if you have any questions or need any additional information.

Very truly yours,



David K. Wolff
Principal Ecologist, Vice President
Certified Professional Wetland Scientist

**Initial Study Figure 2 – 140 Addie Street,
Koligian Residence Project, Representative Photographs**

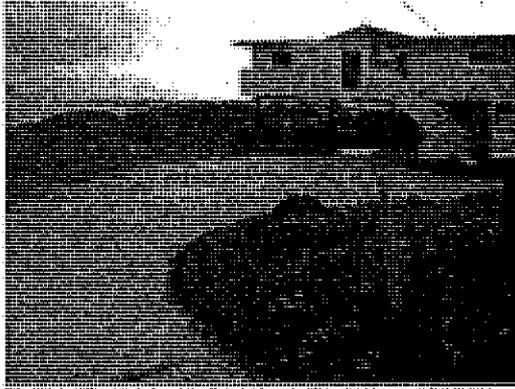


Photo 1 – View north from near SW parcel corner. 2/19/2010



Photo 2 – View north from near SW parcel corner. 2/19/2010



Photo 3 – View north from near SW parcel corner. 2/19/2010



Photo 4 – View north from near SE parcel corner. 2/19/2010

Figure 2 – 140 Addie Street, Koligian Residence Project, Representative Photographs



Photo 3 - View north along eastern parcel boundary and approximately 1/2 parcel corner (red dot) in captured habitat. 8/14/2015



Photo 4 - View north along eastern parcel boundary and approximately 1/2 parcel corner (red dot) in captured habitat. 8/14/2015

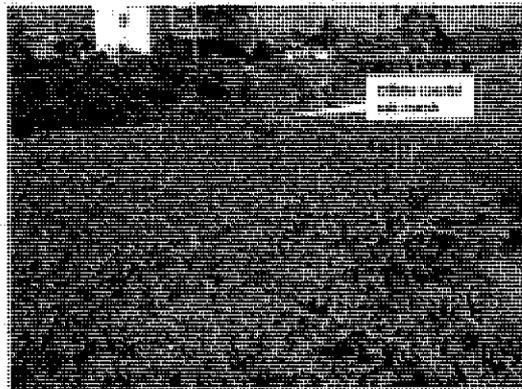


Photo 5 - View north showing narrow ridge of grass-covered mound along creek drainage (red arrow, 1/2 parcel corner (red dot)). 8/14/2015



Photo 6 - View north of close up of grass mound south of parcel 1/2 parcel corner (red arrow) in captured habitat. 8/14/2015

Figure 2 – 140 Addie Street, Koligian Residence Project, Representative Photographs

Attachment 2

CITY OF PISMO BEACH
COASTAL DEVELOPMENT PERMIT AND CONDITIONAL USE PERMIT
PLANNING COMMISSION MEETING OF August 24, 2010
PERMIT NO. 08-0163, CDP & CUP
LOCATION: 140 Addie Street APN: 005-163-029

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

AUTHORIZATION: Subject to the conditions stated below, approval of Permit 08-163 grants planning permits for development of a duplex at 140 Addie Street as shown on the approved plans with City of Pismo Beach stamp of August 24, 2010. The project includes site preparation, demolition of a portion of the 136 Addie which extends on to the 140 Addie Street property, utility and right of way improvements, construction of a site access bridge structure and a 3,651 s.f. duplex structure on raised pilings, chain link fencing, property side and rear perimeter and *(stricken by Planning Commission 8/24/2010)* front yard fencing. Approval is only granted for the development and use as herein stated and shown on the August 24, 2010 stamped plans; any proposed changes shall require approval of amendments to these permits by the City of Pismo Beach.

EFFECTIVE DATE: This permit shall become effective upon the passage of 10 days following the Planning Commission approval, provided that an appeal has not been filed to the City Council within those 10 working days. The filing of an appeal shall stay the effective date until an action is taken on the appeal.

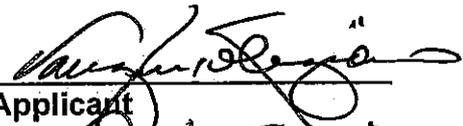
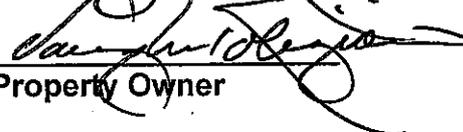
EXPIRATION DATE: The applicant is granted two years for inauguration (i.e. building permits issued and construction begun) of this permit. The permits will expire on August 24, 2012 unless inaugurated prior to that date. Time extensions are permitted pursuant to Zoning Code Section 17.121.160 (2).

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

COMPLIANCE AGREEMENT: I have read and understood, and I will comply with all applicable requirements of any law or agency of the State, City of Pismo Beach and any other governmental entity at the time of construction. The duty of inquiry as to such

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

I HAVE READ AND UNDERSTOOD, AND I WILL COMPLY WITH ALL ATTACHED STATED CONDITIONS OF THIS PERMIT
Approved by the Planning Commission on August 24, 2010.


Applicant

Property Owner

8/21/10
Date
8/21/10
Date

CONDITIONS, POLICIES, SELECTED CODE REQUIREMENTS, AND MITIGATION MEASURES FOR PROJECT No. 08-0163; 140 Addie street

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. PROJECT MITIGATIONS

| MITIGATION MEASURES |
|---|
| <p>Mitigation Measure 1d. To reduce obtrusive glare impacts, all flood lighting and other types of lights that illuminate areas off of the site, such as the creek or beach, shall be prohibited. A lighting plan shall be required showing all exterior and landscape lighting for the project to be low wattage, and downward directed so as to avoid glare or spill of light to adjacent properties.</p> |
| <p>Mitigation Implementation/Monitoring</p> <ul style="list-style-type: none">1) Performance Standard: prevent glare impacts2) Contingency Measure: none3) Implementation Responsibility: project applicant4) Implementation Schedule: Prior to construction5) Monitoring Method: building permit review and project site inspector |
| <p>Mitigation Measure 3b-c. To mitigate fugitive dust emissions related to project construction, the following shall be implemented:</p> <p style="text-align: center;">Prepare a Fugitive Dust Control Plan to be reviewed and approved by the</p> |

City, which should include the following as applicable:

- Water all active construction areas at least twice daily. Frequency should be based on the type of operation, soil, and wind exposure.
 - Prohibit all grading activities during periods of high wind (one-hour average speeds of over 15 mph as measured at a height of approximately 10 feet above ground level within areas scheduled for grading).
 - Apply chemical soil stabilizers on inactive construction areas (disturbed lands within construction projects that are unused for at least four consecutive days).
 - Apply non-toxic binders (e.g., latex acrylic copolymer) to exposed areas after cut and fill operations, and hydro-seed area.
 - Haul trucks shall maintain at least 2'0" of freeboard.
 - Cover all trucks hauling dirt, sand, or loose materials.
 - Plant vegetative ground cover in disturbed areas as soon as possible.
 - Cover inactive storage piles.
 - Install wheel washers at the entrance to construction sites for all exiting trucks.
 - Sweep streets if visible soil material is carried out from the construction site
- Construction-related vehicles and mobile equipment access routes shall be specified – and roadway and parking lot (re)paving shall be sequenced within the overall construction schedule – so that such vehicles and equipment can make the maximum practical use of paved internal roadways and parking lots, either existing or improved/reconfigured as part of the project

Mitigation Implementation/Monitoring

- 1) **Performance Standard:** Implement Standard dust control measures
- 2) **Contingency Measure:** Determine in field
- 3) **Implementation Responsibility:** project applicant
- 4) **Implementation Schedule:** During construction
- 5) **Monitoring Method:** Project site inspector

Mitigation Measure 3b. To mitigate greenhouse gas related impacts the following measures shall be implemented:

1. Implement safe walking or bicycling connectivity to/from and on the site;
2. Implement green building techniques such as:
 - Building positioning and engineering that eliminate or minimize the development's active heating and cooling needs;
 - Implement solar systems to reduce energy needs;
 - Increase the building energy efficiency rating by 20% above what is required by Title 24 requirements.
 - Plant native, drought resistant landscaping;
 - Use locally or nearby produced building materials;
 - Use renewable or reclaimed building materials;
 - Install outdoor electrical outlets to encourage the use of electric appliances and tools

Mitigation Implementation/Monitoring

- 1) **Performance Standard:** Implement Standard GHG control measures
- 2) **Contingency Measure:** Determine at Plan Check
- 3) **Implementation Responsibility:** project applicant
- 4) **Implementation Schedule:** During construction
- 5) **Monitoring Method:** Project site inspector

Mitigation Measure 4a-c: To mitigate potential impacts on Estuary or Snowy Plover habitats:

- No development shall be permitted in connection with the project that would restrict water flow below the residential structure, other than the pilings that support the structure.
- Structures shall be setback a minimum of 25 feet from the top of the creek bank or identified ESHA habitat, consistent with the LCP and Wetland and Biological Assessment dated March 2010.
- In addition to proposed native landscaping, a pioneer dune restoration program is required within the creek setback area to treat and remove any invasive species and provide improved habitat quality along the creek. Restoration plan work shall be monitored for three years by a biological monitor.
- Prior to the nesting season for the Western Snowy Plover (from March 1st through September 30th) a qualified biologist shall review the area of potential Snowy Plover habitat on the open sand dune within 200 feet of the Project site for nesting Plovers. If nesting birds or nests are observed, the biologist shall notify the City, the California Department of Fish and Game and the US Fish and Wildlife Service to consult on avoidance measures such as monitoring and implement construction activity minimization strategies until after the nests are vacated.
- The perimeter of the project site shall be defined with silt fence and orange construction fencing to prevent offsite sediment transport into the lagoon and to avoid encroachment into adjacent areas, consistent with measure 8e.
- The use of natural fiber, biodegradable meshes, and coir rolls shall only be allowed for erosion control and landscape specifications.

Mitigation Implementation/Monitoring

- 1) **Performance Standard:** Plan conformity to measure, field verification
- 2) **Contingency Measure:** determined by biological monitor
- 3) **Implementation Responsibility:** project applicant
- 4) **Implementation Schedule:** During construction
- 5) **Monitoring Method:** Project site inspector / biological monitor

Mitigation Measure 5b. Due to the project's location within the Archaeological Resources overlay zone and the proximity to the coast the standard mitigation measure shall be included which requires the cessation of on-site construction activities if archaeological resources are discovered. At that point, a qualified observer would be retained, and a mitigation plan developed to respond to the

discovery and to protect the resources.

Mitigation Implementation/Monitoring

- 1) **Performance Standard:** Implement standard archaeological resources protections
- 2) **Contingency Measure:** none
- 3) **Implementation Responsibility:** project applicant
- 4) **Implementation Schedule:** During construction
- 5) **Monitoring Method:** Project site inspector

Mitigation Measure 6a. To mitigate potential geological impacts, the applicant shall obtain and submit a geotechnical and soils report, prepared by a qualified professional, to be reviewed and approved by the City Building Official prior to the issuance of building permits. The soils geotechnical and soils report shall specifically address the soil condition and seismic characteristics encountered at the project site, and the appropriate engineering design criteria for responding to such concerns. Implementation of this mitigation measure would reduce geological impacts to a less than significant level.

Mitigation Implementation/Monitoring

- 1) **Performance Standard:** mitigate potential geological impact
- 2) **Contingency Measure:** none
- 3) **Implementation Responsibility:** City Building Official
- 4) **Implementation Schedule:** prior to building permit issuance
- 5) **Monitoring Method:** building permit review

Mitigation Measure 8e. As stated in General Plan Policy CO-10, Best Management Practices (BMPs) shall be incorporated into the project design in the following progression:

- Site Design BMPs (any project design feature that reduces the generation of pollutants or reduces the alteration of the natural drainage features, such as minimizing impervious surfaces or minimizing grading);
- Source Control BMPs (practices that prevent release of pollutants into areas where they may be carried by runoff, such as covering work areas and trash receptacles, practicing good housekeeping, and minimizing use of irrigation and garden chemicals);
- Treatment Control BMPs (a system designed to remove pollutants from runoff including the use of gravity settling, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process).

Mitigation Implementation/Monitoring

- 1) **Performance Standard:** mitigate potential water quality impact
- 2) **Contingency Measure:** none
- 3) **Implementation Responsibility:** project applicant
- 4) **Implementation Schedule:** prior to building permit issuance
- 5) **Monitoring Method:** building permit review

Mitigation Measure 8g. To mitigate potential impacts on the structure and occupants in the event of a flood/storm surge event:

- The lowest structural member – except poles, piers and columns – must be no lower than elevation 10.89.
- The space below the habitable area must be open or enclosed with breakaway material.
- The structure must meet the anchoring and other structural requirements to resist the various hydrostatic and hydrodynamic forces involved.
- The use of fill for structural support of buildings or man-made alteration of sand dunes which would increase potential flood damage is prohibited.

Mitigation Implementation/Monitoring

- 1) **Performance Standard:** mitigate potential flood/storm surge impacts
- 2) **Contingency Measure:** none
- 3) **Implementation Responsibility:** project applicant
- 4) **Implementation Schedule:** prior to building permit submittal
- 5) **Monitoring Method:** building permit review and project site inspector

Mitigation Measure 11d. To mitigate construction noise impacts, construction activities, such that the noise or vibration creates a disturbance across a property line, shall be limited to the hours of 7 a.m. to 7 p.m. and shall not be permitted on Sundays or holidays. Neighbors within 100 feet shall be notified as to when pile driving activities will occur.

Mitigation Implementation/Monitoring

- 1) **Performance Standard:** Implement construction noise control measures
- 2) **Contingency Measure:** none
- 3) **Implementation Responsibility:** project applicant
- 4) **Implementation Schedule:** During construction
- 5) **Monitoring Method:** Project site inspector

B. 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 | Approved |
|---|---|
| Max bldg height | 32.5' from site grade |
| Max Building Area (include garage) | 3,651 sf, |
| *Lot coverage ratio | 2,267 s.f. |
| Planting Area Ratio | 30%, 1,735 s.f. |
| Garage setback from property line Front yard setback from property line Side Setback (interior) Rear Setback | 18'. 15' from the property line. 5' 10' |
| Minimum parking spaces | 1. 4 spaces, two, 2 car garages, each with a 20' x 20' clearance maintained and clearly shown from the interior dimensions of each garage without projections, i.e., FAU, water heater, washers and dryers. Parking spaces shall not be blocked by storage area infringement. |

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. Said color board to be submitted to the Planning Division for approval.

2. 4. FENCING. No solid fences, hedges or walls over 42 inches in height shall be permitted in the front yard setbacks. Additionally, no fences ~~exceeding 6 feet in height shall be permitted within the rear yard setback.~~ ***Are permitted in the side and rear yard setbacks or under the building platform. (added by Planning Commission 8/25/2010)***

3.
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 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. The Plans shall be consistent with Chapter 15.48 of the City Of Pismo Beach Municipal Code. The landscape plan shall include the following provisions:

- a. Use of low-water-using irrigation systems. Drip irrigation shall be used where feasible.
- b. Landscape Design Plan (including plant list)
- c. Irrigation Design Plan
- d. Tree list, including mature height of all trees.
- e. Street trees consistent with the requirements of section 16.40.190 of the City Of Pismo Beach Municipal Code (Species of tree for the project site is Queen Palm, planted a minimum of 60' on center). Given the location of the driveway at the center of the project site, one queen palm shall be planted on either side of the entryway to provide symmetry/balance.
- f. Street trees shall be maintained consistent with Chapter 12.12 of the Municipal Code.

6. DEED RESTRICTION - 700 S.F. DWELLING UNIT.

A deed restriction shall be recorded specifying the use of the smaller 700 s.f. unit as a vacation rental. Condition The Applicant shall secure a business license and register for payment of Transient Occupancy tax for the use of the smaller unit as a vacation rental.

BUILDING:

7. The title sheet of the plans shall include:
- Street address, lot, block, track and Assessor Parcel number.
 - Description of use type of construction
 - Height of the building
 - Floor area of building (s)
 - Vicinity map

8. All construction shall conform to the 2001 California Building Code (1997 UBC and California amendments), 2001 California Mechanical Code (2000 IAPMO, UMC and California amendments), 2001 Plumbing Code (2000 IAPMO UPC and California amendments), 2004 California Electrical Code (2002 NEC and California amendments), Accessibility Standards where applicable and all City codes as they apply to this project.
9. Code adoption dates are subject to change. The code adoption year is established by application date of plans submitted to Building Division for plan review.
10. Permits -

A separate grading plans complying with Appendix Chapter 33, UBC, and Title 15 PMBC, may/shall be required. The applicant shall obtain a demolition permit only for the subject property prior to issuance of a building permit, and appropriate fire protection separation shall be maintained from the adjoining property line.
11. Building permit plans shall be submitted by a California licensed architect or engineer when required by the Business & Professions Code, except when otherwise approved by the Chief Building Official.
12. The owner shall designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others including phased and daggged submittal items, for compatibility with design of the building.
13. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer of record or architect responsible for the structural design, to perform structural observation as defined in Section 220. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies that, to the best of the structural observer's knowledge, have not been resolved.
14. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
15. Projects shall comply with current City and State water conservation regulations.
16. Deferred submittals are no longer allowed, i.e. fire sprinkler plans and calculations, spiral staircases, and truss calculations.

17. A soils investigation performed by a qualified professional shall be required for this project. All cut and fill slopes shall be provided with subsurface drainage as necessary for stability; details shall be provided.

ENGINEERING DIVISION:

18. The applicant shall prepare a site and public improvement plan consistent with the City of Pismo Beach's standard conditions, plans and specifications. The plan shall also include two-way traffic on Addie Street with an 18-foot minimum curb-to-curb dimension. The site plan shall be consistent with the site plan submitted and approved by the Pismo Beach Planning Commission and include:

- Concrete curb gutter and sidewalk along the Addie Street frontage with appropriate transitions
- All roof and surface improvements shall drain to Addie Street through an appropriately sized curb drain and storm water treatment device
- Electrical utilities shall be placed underground

FIRE DEPARTMENT:

19. Address Numbers – Plans for address numbers on each structure shall meet the following requirements:
- Numbers shall be plainly visible from the frontage street
 - Numbers shall be five (5) inches in height
 - Numbers shall contrast with their background
20. Waterlines and Hydrant Distribution – Prior to construction, plans for waterlines and hydrant locations shall be submitted to the Fire Department for approval. No construction shall be allowed until the required hydrants and waterlines are installed. Water mains should be a minimum of 8" diameter in size. Hydrants spacing must meet CFC Appendix III-B (minimum 400' for residential).
21. Waterlines and hydrant distribution must be consistent with the City adopted Water Master Plan.
22. Fire Hydrants – All fire hydrants shall conform to the Pismo Beach water distribution system materials list.
- Each hydrant shall have one 4.5" outlet and two 2.5" outlets Pismo Beach Standard.
 - Each hydrant shall be painted OSHA yellow

- Rolled curbs will not be allowed within 15" of a hydrant. Sidewalks shall be a minimum of 40" wide behind hydrant center line
 - Curb shall be painted red 15" both sides of hydrant
 - A blue reflective marker shall be installed 6" off center of street in line with hydrant
23. Fire Flow – Required fire flow must meet the minimum requirements of the California Fire Code Appendix III-A and the City adopted Water Master Plan. In all cases the minimum acceptable residual pressure shall be 20 psi.
24. Utilities – If any part of the utility system, gas meters, electric utilities and the Fire Water Protection System are subject to vehicular damage, impact protection shall be provided.
25. Clearances – Driveways, common access roads and required fire lanes shall be constructed to accommodate emergency vehicles. Dead end fire apparatus access roads exceeding 150' in length are not allowed.
- A minimum of 13'6" overhead clearance is required
 - A minimum of 24' clear width is required for all fire access roads with no parking. Parking requires an additional 8 feet for each side of the road with parking. No Parking signs will be required.
 - The gradient for fire apparatus access roads shall not exceed the maximum, 16% unless approved by the Fire Chief
 - All roads shall provide free access to existing roads without obstructions
26. Smoke Detectors – Smoke detectors shall be provided conforming to State Fire Marshall Standard 12-72-2 and CFC and CBC.
- Detectors shall be installed in accordance with the approved manufacturer's instructions
27. Refuse Areas – Dumpsters and containers with an individual capacity of 1.5 cubic yards (40.5 cubic feet) or more:
- Refuse containers shall be stored away from buildings and combustible construction a minimum of 5 feet.
 - Permanent refuse areas within 5 feet of combustible construction shall have automatic sprinklers installed
28. Automatic Fire Protection Sprinkler System –Automatic Fire Sprinkler System shall be provided and monitored by an approved U.L. listed central station.
- This system shall comply with requirements of the Fire Department and NFPA standards
 - NFPA standard 13R for system installed in Multi Family Dwellings
29. Four sets of plans and two sets of calculations shall be submitted and approved prior to the issuance of a building permit.

30. Residential fire service laterals and meters serving the property shall be sized to meet the minimum demand for domestic and Fire Flow requirements.
31. Sprinklers shall be required in attics, crawl spaces and other concealed spaces that are intended for living purposes or storage.
32. Forced Air Unit(s) or other open flame appliances located in concealed areas (i.e. attics, sub-floor areas) shall be protected by sprinklers.
33. Provide a minimum of six spare sprinklers and a wrench in the spare head box located at or near the fire riser.
34. Sprinkler system design shall include provision for a reduction in available water of 10%.
35. Spark Arresters – Chimneys serving fireplaces, barbeques, incinerators, and or decorative heating appliances in which solid or liquid fuel in being used, shall be provided with spark arrester. Spark arresters shall be constructed of woven or welded wire screening of 12 USA standards gauge wire having openings not exceeding .5 inch.
36. Vents – Attic ventilation openings, foundations or under floor vents, or ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches each.
 - Vents shall be covered with non-combustible corrosion-resistant mesh with openings not to exceed .25"
 - Under floor ventilation openings shall be located as close to grade as practical
37. Building/Tenant Improvements – All future building/tenant improvements shall be forwarded to the Fire Department for review and approval prior to the issuance of a building permit.
38. Fire Safety during Construction - Prior to construction, an operational water supply system and established access roads must be installed. CFC Section 902 & 903. During construction all applicable Public Resources Codes must be complied with to prevent a wildfire. These will include spark arresters, clearance around welding operations, smoking restrictions and extinguishers on site. The Industrial Operations Fire Prevention Field Guide will assist the applicant.
39. Landscape – All zone 3 landscapes shall be of level 3 A Fire Resistive Type
40. Fire Extinguishers – Fire Extinguishers shall be installed and maintained un U.F.C. Standards #10-1.
 - Portable fire extinguishers shall have a minimum rating of 2A-10BC.

C. 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 said maintenance.
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.
3. Certification of compliance with the soils report shall be submitted to the Building Division prior to foundation approvals. A final report certifying compliance with the soils report or grading plans shall be submitted to the Building Division prior to final approvals.
4. A licensed surveyor or engineer shall verify pad elevations, setbacks, prior to foundation inspection, and roof elevations, prior to roof sheeting inspection, when determined necessary by the Planning Department.

D. 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.

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

PLANNING DIVISION:

1. COMPLETION OF LANDSCAPING. All landscaping and irrigation systems shown on the approved plans shall be installed by the applicant and shall be subject to

inspection and approval by the project planner prior to the issuance of a Certificate of Occupancy.

F. CONDITIONS SUBJECT TO ONGOING COMPLIANCE:

1. **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.
2. **HOLD HARMLESS.** The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

G. 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:
 - i. Assessment district charges.

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

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060-4508
 VOICE (831) 427-4863 FAX (831) 427-4877

**APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT**

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Commissioner Sara Wan and Commissioner Mark Stone, California Coastal Commission

Mailing Address: 45 Fremont Street, Suite 2000

City: San Francisco, CA

Zip Code: 94105

Phone: 415 904-5200

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Pismo Beach (Koligian)

2. Brief description of development being appealed:

Construction of a 3,651 square foot duplex residential structure supported by raised pilings, demolition of a portion of the neighboring structure, which extends onto the project site, construction of a site access bridge, utility and right of way improvements, and front yard fencing.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

140 Addie Street, Pismo Beach (San Luis Obispo County)

4. Description of decision being appealed (check one.):

- Approval; no special conditions
 Approval with special conditions:
 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-PSB-10-062

DATE FILED: December 6, 2010

DISTRICT: Central Coast

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COASTAL COMMISSION
CENTRAL COAST AREA**RECEIVED**

DEC 06 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

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

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

6. Date of local government's decision: 10/19/2010

7. Local government's file number (if any): PM08-0163

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:

Vaughn and Mary Ann Koligian
5660 N. Van Ness Boulevard
Fresno, CA 93711

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

(1) San Luis Obispo Coastkeeper
EPI-Center
1013 Monterey Street
San Luis Obispo, CA 93401

(2)

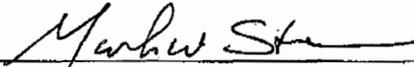
(3)

(4)

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent

Date: _____

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)

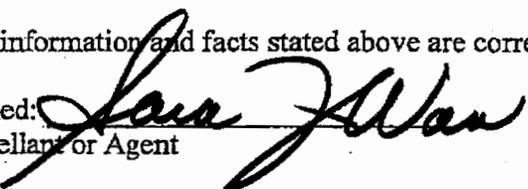
Date: _____

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.)

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.

Signed: 
Appellant or Agent

Date: _____

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

(Document2)

Attachment A: Appeal Reasons

The City of Pismo Beach approved a 3,651 square foot duplex residential structure supported by raised pilings, demolition of a portion of the neighboring structure, which extends onto the project site, construction of a site access bridge, utility and right of way improvements, and front yard fencing, on a site adjacent to the mouth of Pismo Creek. The project approval is inconsistent with the City's LCP policies for protection of visual resources, avoidance of coastal hazards, development in a floodplain, and protection of biological resources.

First, the height, size and bulk of the duplex present significant visual issues. The certified LCP requires new development to be sited and designed to reflect the small scale character of the City, and to protect and enhance views of the ocean, creek, and marsh. In conflict with these requirements, the approved residence would be a large and bulky structure that would obstruct public views of Pismo Creek, the lagoon, and the Pacific Ocean, including as seen from the public street and various locations along the public recreation trail.

Second, the approved residence is located in an area of high geologic, flood and shoreline hazards. The LCP requires that all new development be sited and designed to minimize risk from such hazards by, among other means, avoiding the placement of development in high hazard areas, or by identifying and establishing appropriate long-term development setbacks based upon a geologic review of all existing and potential impacts. In addition, the LCP requires the preparation of a geotechnical report by a qualified engineer to assess the nature of flood risks, identify the boundary of the 100-year flood plain, and specify mitigation measures that will need to be implemented to minimize potential loss of life and property. All critical facility construction must be designed and engineered to withstand the force of an 8.5 magnitude earthquake. In addition, new development may not be permitted where it is determined that shoreline protection and/or other shoreline altering development will be necessary for protection of the development now or at any time in the future based on at least a 100-year time frame taking into account all relevant coastal hazards.

The project site is directly adjacent to the mouth of Pismo Creek, where it outlets to the Pacific Ocean. The site is in FEMA's VE zone, which indicates it is an area subject to the 100-year coastal flood with wave velocity. In addition, coastal flooding at this location would be exacerbated in the future due to sea level rise, and the site is subject to tsunami hazards and liquefaction. In its approval, the City relied on a preliminary geological report and a portion of the proposed geotechnical engineering report, but did not require the completion of the geotechnical report, as required by the LCP, which is necessary in order to evaluate the project for consistency with the hazards policies of the LCP. In addition, although the project was designed to avoid the risks of sea level rise, the geological report estimated just two feet of sea level rise over the next 100 years, which is below current higher-end estimates. Given the proximity of the project site to Pismo Creek and the Pacific Ocean and given the geologic conditions of the site, it is essential for the City to have all of the necessary information to ensure the project is sited and designed to avoid risk from hazards, and to minimize those that are unavoidable. Therefore, because the City did not require all of the necessary geotechnical information, and because the geological report did not adequately address the risks due to sea level rise, it is unclear whether the project has been designed to minimize hazards and the project approval is inconsistent with the LCP.

Finally, the duplex would be adjacent to, and potentially within, wetlands and other environmentally sensitive habitat areas. The LCP requires a minimum setback of at least 25 feet from the inland extent of such habitat areas. In its approval, the City did not have the necessary information to evaluate the project for consistency with the LCP protecting biological resources. To begin, the wetlands delineation that the City relied on does not provide the information necessary for a coastal zone wetland delineation. In addition, the delineation does not include a map of the adjacent wetlands, so setbacks cannot be determined, as required by the LCP. Moreover, the habitat of sensitive species, such as California Red-Legged Frog, was not surveyed using the necessary protocols, or mapped on a site plan, so the appropriate habitat setbacks could not be determined.

In summary, the City did not have sufficient information to determine the project's consistency with the LCP. Based on the information available, it appears that the approved project is inconsistent with LCP policies related to visual resources, hazards and biological resources.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
726 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060-4508
VOICE (831) 427-4883 FAX (831) 427-4877



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: San Luis Obispo Coastkeeper

Mailing Address: EPI-Center 1013 Monterey Street

City: San Luis Obispo

Zip Code: 93401

Phone: 805-781-9932

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Pismo Beach

2. Brief description of development being appealed:

Project No. 08-0163 (140 Addie Street, Pismo Beach CA): MND, CDP, & CUP for a 3,651 s.f. duplex on raised pilings adjacent to Pismo Creek Lagoon.

3. Development's location (street address, assessor's parcel no., cross street, etc.):

140 Addie Street, Pismo Beach, CA (APN: 005-163-029)

4. Description of decision being appealed (check one.):

- Approval; no special conditions
Approval with special conditions:
Denial

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CALIFORNIA COASTAL COMMISSION CENTRAL DISTRICT OFFICE

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

TO BE COMPLETED BY COMMISSION:
APPEAL NO: A-3-PSB-10-062
DATE FILED:

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

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

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

6. Date of local government's decision: October 19, 2010

7. Local government's file number (if any): 08-0163

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:

Vaughn and Maryann Koligian
C/O Steven Puglisi Architecture
583 Dana Street
San Luis Obispo, CA 93401

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

(1) US FWS,
Ventura Fish and Wildlife Office
2493 Portola Road, Suite B
Ventura, CA 93003

(2) California Department of Fish and Game
C/O David Hacker: DHACKER@dfg.ca.gov

(3) CA Department of Parks and Recreation
340 James Way, Suite 270
Pismo Beach, CA 93449

(4)

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

SECTION IV. Reasons Supporting This Appeal

PLEASE NOTE:

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

San Luis Obispo Coastkeeper, a program of Environment in the Public Interest, has consistently participated in the permit process regarding water pollution, environmental impact, and endangered species via public comments throughout San Luis Obispo County. As such, SLO Coastkeeper has a direct interest in the City of Pismo Beach approval of the Koligian Project proposed at 140 Addie Street because members of the organization use Pismo Creek, lagoon/estuary, and beach for recreational, scientific, economic, and aesthetic purposes.

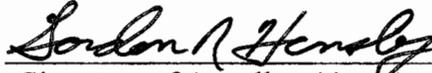
SLO Coastkeeper believes the action of the City of Pismo Beach conflicts with the Certified General Plan/Local Coastal Plan the Conservation and Open Space Element (section CO-21), Building and Site Design Element (section D-2 paragraph a & c), and the Safety Element (section s-9 paragraph 2 & 3). In addition SLO Coastkeeper believes approval of this project conflicts with other State and Federal regulations as well (California Environmental Quality Act; Coastal Act Section 30101; California Endangered Species Act; and US Endangered Species Act).

Our specific reasons follow on the attached 3 pages and exhibits A-D.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 4)

SECTION V. Certification

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



Signature of Appellant(s) or Authorized Agent

Date: 22 November 2010

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: _____

1. APPROVAL CONFLICTS WITH GP/LCP CONSERVATION AND OPEN SPACE ELEMENT POLICIES:

The City's Conservation and Open Space Element Principles speak directly to the essential principles that guide City decisions. The principles that serve as the foundation for C&OS policies protecting the unique resources that sustain the character of the City and the quality of life enjoyed by residents and visitors to Pismo Beach. In contrast to the principles espoused in the City's GP/LCP to protect the shoreline and ocean resources in the City's jurisdiction and the specific intent of Policy CO-21 to protect Pismo Creek, the City's approval allows a 3,651 ft² building to be constructed in the Pismo Creek floodplain.

Recommending approval, the August 24 Staff Report (p. 20) indicates that the site does not contain a native plant community or wetland and states it is "improbable to ever support such habitat". Unfortunately, this opinion is unsupported by the entirety of the record.

For instance, in 1994 a biological survey of the site was conducted demonstrating that the presence of the one single willow remaining on the site "... indicates that the area may be capable of supporting a riparian woodland in the floodplain if left undisturbed for a period of time." (Holland, December 1994, p13).

In addition, the July 15, 2010 Geotechnical Engineering Report conducted by Earth Systems Pacific characterizes the soil on site as "alluvium" (i.e. sediment deposited by flowing water). The Boring Logs provided by the geotechnical consultant indicate saturated soils at a depth of 5 feet across the entire site profile (see attached Exhibit A). Earth Systems Pacific, commenting on the potential for liquefaction further emphasized this point stating: "The surface soils were generally moist with free subsurface water and wet conditions below a depth of 5 feet." (Dennis Shallenberger, Registered Professional Engineer, August 11, 2010 letter to Vaughan and Mary Ann Koligian).

However, while field investigations presented to the City Planning Commission and the City Council identified both hydric soil and one facultative wetland plant (*Salix lasiolepis*), Staff and consultant reports failed to disclose the presence of an additional wetland indicator plant (*Argentina anserine*) on a portion of the building envelope (see attached Exhibit B).

While the site has for some time been significantly disturbed by a compacted driveway access and parking lot for the existing rental on the adjacent lot, the presence of hydric soils and wetland vegetation clearly supports a conclusion that the upland limit of on site wetland extends far into the approved building envelope. This error renders the setbacks and buffers permitted by the City in conflict with the Certified LCP.

2. APPROVAL CONFLICTS WITH GP/LCP DESIGN ELEMENT BUILDING AND SITE DESIGN CRITERIA D-2(c):

Design Element Policy D-2(c) of the City's General Plan/Local Coastal Program states

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

It is clear from the story pole exhibit (p.162 of 8/24/2010 PC Staff Report) that the requirements of Policy D-2(a) and D-2(c) have not been met and the proposed structure presents a significant conflict with requirements to protect and enhance public views of Pismo Creek, lagoon, and the ocean (see attached Exhibit C).

David Foote, environmental consultant to the City of Pismo Beach for this project, confirms the lack of visual resource protection in written comment to City Planning Commission Chair Mark Burnes, stating: "... any residence built on this site in compliance with flood level protection elevation would block views to the south and southwest from Addie Street to the ocean and estuary..." (September 10, 2010, Pismo Beach Planning Commission Item 7.B Staff Report, p 70)

3. APPROVAL CONFLICTS WITH GP/LCP SAFETY ELEMENT POLICIES S9(2&3):

Pismo Creek drains a 47 square mile (28,403 acre) watershed entering the Pacific Ocean through the lagoon adjacent to the 140 Addie Street property. The City's "Local Hazard Mitigation Plan" (January 2007) identifies serious flood events in 1969, 1971, 1977-1978, 2001, and 2004 and FEMA identifies the project site is a high flood hazard area. In addition, substantial evidence was submitted at the August 24, 2010 Planning Commission hearing demonstrating that the 140 Addie Street property is occasionally inundated by flood waters (see attached Exhibit D).

Contrary to the requirements of GP/LCP Safety Element S9(2&3) and City Municipal Code 15.44.220 evaluation of measures to avoid or reduce flood hazard risks to the general public and neighboring properties as well as the applicant is absent from the record. This is an especially important consideration for this project as a visitor serving rental business is proposed.

4. APPROVAL CONFLICTS WITH ADDITIONAL STATE REGULATIONS:

1. In addition to the GP/LCP inconsistencies noted above, a primary guiding principle of the California Environmental Quality Act is direction to attempt to avoid adverse environmental impacts before considering mitigation measures. There have been several projects proposed for this property over the years, the latest attempt coming forward in various forms since 2005.

In October 2008 the subject project was submitted as a Negative Declaration for a Residence Project to the State Clearinghouse by the environmental consultant David Foote on behalf of the City (SCH Number 2008091044). The IS as used for the August 24, 2010 Planning Commission review had been routed to responsible agencies beginning in 2008 and in response to comments changes were made and the environmental document was changed to a Mitigated Negative Declaration, but the IS was not recirculated and the new MND was not submitted to the State Clearinghouse. In 2010 both the State Department of Parks and Recreation and the California Coastal Commission provided substantial comment requesting additional information needed to make the IS adequate yet no additional changes were made. In light of the entire record, it is likely the Mitigated Negative Declaration being used is legally deficient to support a finding that the CDP is consistent with CEQA section 13096.

2. In the face of the full record, the City has failed to demonstrate that the proposed project satisfies Coastal Act regulations regarding coastal-dependent development (Public Resources Code 30101). The City of Pismo Beach currently has thousands of lots that could be developed or re-developed and the record is silent on any consideration of an alternatives analysis.

EXHIBIT A



August 11, 2010

FILE NO.: SL-15860-SB

Vaughn and Mary Ann Koligian
5660 N. Van Ness
Fresno, CA 93711-1207

PROJECT: KOLIGIAN RESIDENCE
140 ADDIE STREET
PISMO BEACH, CALIFORNIA

SUBJECT: Report of Findings and Recommended Foundation Type

REF: Proposal for Phased Geotechnical Engineering Report, Koligian Residence, 140 Addie Street, Pismo Beach, California, by Earth Systems Pacific, Doc. No. 1007-056.PRP, dated July 15, 2010

Dear Mr. and Ms. Koligian,

In accordance with your authorization of the referenced proposal, we have completed the field work, laboratory testing, and foundation analysis phases of our soils engineering report for your proposed residence. This work is in addition to the Geologic Coastal Study that we prepared in May of 2009.

As part of the soils engineering investigation, two borings were drilled at the subject site on July 26, 2010. A Mobile Drill Rig, Model B-53 equipped with an 8-inch outside diameter hollow stem auger was used, with an automatic trip hammer for sampling. The borings were drilled to depths of 71.5 and 51.5 feet at the approximate locations shown on the attached Boring Location Map. As the borings were drilled, soil samples were retrieved via a ring-lined barrel sampler, and Standard Penetration Tests were conducted at selected depths. Bulk soil samples were also obtained from the auger cuttings. Testing of selected soil samples for unit bulk density, maximum dry density versus optimum moisture content, and gradation has also been accomplished. Copies of the boring logs as well as a boring log legend are attached.

Generally, alluvium consisting of poorly graded sand was encountered from the surface to depths of 13.5 and 15 feet in the borings. This material varied from loose to very dense. Beneath the poorly graded sand were layers of clayey sand, lean clay, sandy lean clay, and well graded sand with gravel. In the deeper boring, poorly graded sand and poorly graded sand with gravel were found below a depth of 60 feet. The clay soils were found to be medium stiff to very stiff while the sand soils beneath the clays were generally medium dense to dense. A layer of loose conditions was found in the well graded sand with gravel from 28 to 40 feet. Cobbles were also present in this layer.



The surface soils were generally moist with free subsurface water and wet conditions present below a depth of 5 feet.

Analysis indicated that there is a significant potential for liquefaction to occur from the subsurface water level (at a depth of 5 feet during the field investigation) to a depth of about 15 feet. Above the water level, the lack of free water prevents liquefaction and below 15 feet, the soils are too dense, too well graded, too clayey, or a combination thereof, to be prone to liquefaction. If liquefaction were to occur in the upper 15 feet, it is estimated that the ground surface could settle about 3 to 5 inches.

Based upon the results of the liquefaction analysis, it appeared that a driven pile foundation bearing below the liquefaction depth would be appropriate. We then analyzed a 14-inch diameter steel pipe pile foundation system. Our analysis indicated that allowable capacities of 40 to 60 kips would be possible on such piles driven to depths of about 30 to 45 feet. Lateral loads could be resisted by the cantilevered vertical piles or by battered piles acting in compression.

The results of our analyses indicate that a driven pile foundation is feasible and would be the foundation type that would cause the least environmental damage. A foundation of driven steel pipe piles, filled with concrete at the architect/engineer's discretion, is our recommendation.

Please let me know if you have any questions or wish further discussion of this issue.

Sincerely,

Earth Systems Pacific


Dennis Shallenberger, G
Principal Engineer



Attachments: Boring Location Map
Boring Log Legend
Boring Logs

Doc. No.: 1008-055.LTR/jr

| Earth Systems Pacific | | SOIL CLASSIFICATION SYSTEM | | | | |
|------------------------------------|---|--|--|---|---|--|
| BORING LOG LEGEND | | MAJOR DIVISIONS | GROUP SYMBOL | TYPICAL DESCRIPTIONS | GRAPH. SYMBOL | |
| SAMPLE / SUBSURFACE WATER SYMBOLS | | COARSE GRAINED SOILS <small>HIGHER THAN HALF OF MATERIAL IS TESTED OR JUDGED TO BE LARGER THAN 6000 SIEVE SIZE</small> | GW | WELL GRADED GRAVELS, GRAVEL-SAND MIXTURES, LITTLE OR NO FINES | | |
| CALIFORNIA MODIFIED | | | GP | POORLY GRADED GRAVELS, GRAVEL-SAND MIXTURES, LITTLE OR NO FINES | | |
| STANDARD PENETRATION TEST (SPT) | | | GM | SILTY GRAVELS, GRAVEL-SAND-SILT MIXTURES, NON-PLASTIC FINES | | |
| SHELBY TUBE | | | GC | CLAYEY GRAVELS, GRAVEL-SAND-CLAY MIXTURES, PLASTIC FINES | | |
| BULK | | | SW | WELL GRADED SANDS, GRAVELLY SANDS, LITTLE OR NO FINES | | |
| SUBSURFACE WATER DURING DRILLING | | | SP | POORLY GRADED SANDS, GRAVELLY SANDS, LITTLE OR NO FINES | | |
| SUBSURFACE WATER AFTER DRILLING | | | SM | SILTY SANDS, SAND-SILT MIXTURES, NON-PLASTIC FINES | | |
| | | | SC | CLAYEY SANDS, SAND-CLAY MIXTURES, PLASTIC FINES | | |
| | | | FINE GRAINED SOILS <small>HALF OR MORE OF MATERIAL IS TESTED OR JUDGED TO BE SMALLER THAN #60 SIEVE SIZE</small> | ML | INORGANIC SILTS AND VERY FINE SANDS, SILTY CLAYEY FINE SANDS, CLAYEY SILTS WITH SLIGHT PLASTICITY | |
| | | | | CL | INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS | |
| | | OL | | ORGANIC SILTS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY | | |
| | | MH | | INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SANDY, SILTY SOILS, ELASTIC SILTS | | |
| | | CH | | INORGANIC CLAYS OF HIGH PLASTICITY, FAT CLAYS | | |
| | | OH | | ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS | | |
| | | PT | | PEAT AND OTHER HIGHLY ORGANIC SOILS | | |
| OBSERVED MOISTURE CONDITION | | | | | | |
| DRY | SLIGHTLY MOIST | MOIST | VERY MOIST | WET | | |
| LITTLE NO MOISTURE | JUDGED BELOW OPTIMUM | JUDGED ABOUT OPTIMUM | JUDGED OVER OPTIMUM | SATURATED | | |
| TYPICAL CONSISTENCY | | | | | | |
| COARSE GRAINED SOILS | | | FINE GRAINED SOILS | | | |
| BLOWS/FOOT | | DESCRIPTIVE TERM | BLOWS/FOOT | | DESCRIPTIVE TERM | |
| SPT | CA SAMPLER | | SPT | CA SAMPLER | | |
| 0-10 | 0-10 | LOOSE | 0-2 | 0-3 | VERY SOFT | |
| 11-30 | 17-50 | MEDIUM DENSE | 3-4 | 4-7 | SOFT | |
| 31-50 | 51-80 | DENSE | 5-8 | 8-15 | MEDIUM STIFF | |
| OVER 50 | OVER 80 | VERY DENSE | 9-15 | 14-20 | STIFF | |
| | | | 16-30 | 20-30 | VERY STIFF | |
| | | | OVER 30 | OVER 50 | HARD | |
| GRAIN SIZES | | | | | | |
| U.S. STANDARD SERIES SIEVE | | | | CLEAR SQUARE SIEVE OPENING | | |
| # 200 | # 40 | # 10 | # 4 | 3/4" | 3" | |
| SILT & CLAY | | SAND | | GRAVEL | | |
| | FINE | MEDIUM | COARSE | FINE | COARSE | |
| | | | | COBBLES | BOULDERS | |
| TYPICAL ROCK HARDNESS | | | | | | |
| MAJOR DIVISIONS | TYPICAL DESCRIPTIONS | | | | | |
| EXTREMELY HARD | CORE, FRAGMENT OR EXPOSURE CANNOT BE SCRATCHED WITH KNIFE OR SHARP PICK; CAN ONLY BE CHIPPED WITH REPEATED HEAVY HAMMER BLOWS | | | | | |
| VERY HARD | CANNOT BE SCRATCHED WITH KNIFE OR SHARP PICK; CORE OR FRAGMENT BREAKS WITH REPEATED HEAVY HAMMER BLOWS | | | | | |
| HARD | CAN BE SCRATCHED WITH KNIFE OR SHARP PICK WITH DIFFICULTY (HEAVY PRESSURE); HEAVY HAMMER BLOW REQUIRED TO BREAK SPECIMEN | | | | | |
| MODERATELY HARD | CAN BE GROOVED 1/16 INCH DEEP BY KNIFE OR SHARP PICK WITH MODERATE OR HEAVY PRESSURE; CORE OR FRAGMENT BREAKS WITH LIGHT HAMMER BLOW OR HEAVY MANUAL PRESSURE | | | | | |
| SOFT | CAN BE GROOVED OR GOUGED EASILY BY KNIFE OR SHARP PICK WITH LIGHT PRESSURE; CAN BE SCRATCHED WITH FINGERNAIL; BREAKS WITH LIGHT TO MODERATE MANUAL PRESSURE | | | | | |
| VERY SOFT | CAN BE READILY INDENTED, GROOVED OR GOUGED WITH FINGERNAIL, OR CARVED WITH KNIFE; BREAKS WITH LIGHT MANUAL PRESSURE | | | | | |
| TYPICAL ROCK WEATHERING | | | | | | |
| MAJOR DIVISIONS | TYPICAL DESCRIPTIONS | | | | | |
| FRESH | NO DISCOLORATION, NOT OXIDIZED | | | | | |
| SLIGHTLY WEATHERED | DISCOLORATION OR OXIDATION IS LIMITED TO SURFACE OF, OR SHORT DISTANCE FROM; SOME FRACTURES PRESENT; FELDSPAR CRYSTALS ARE DULL | | | | | |
| MODERATELY WEATHERED | DISCOLORATION OR OXIDATION EXTENDS FROM FRACTURES, USUALLY THROUGHOUT; Fe-Mg MINERALS ARE "RUSTY"; FELDSPAR CRYSTALS ARE "CLOUDY" | | | | | |
| INTENSELY WEATHERED | DISCOLORATION OR OXIDATION THROUGHOUT; FELDSPAR AND Fe-Mg MINERALS ARE ALTERED TO CLAY TO SOME EXTENT OR CHEMICAL ALTERATION PRODUCES IN SITU DISAGGREGATION | | | | | |
| DECOMPOSED | DISCOLORATION OR OXIDATION THROUGHOUT, BUT RESISTANT MINERALS SUCH AS QUARTZ MAY BE UNALTERED; FELDSPAR AND Fe-Mg MINERALS ARE COMPLETELY ALTERED TO CLAY | | | | | |



Earth Systems Pacific

Boring No. 1

PAGE 1 OF 3

LOGGED BY: R. Gorman
 DRILL RIG: Mobile Drill, Model B-53 w/ Autohammer
 AUGER TYPE: 8" Hollow Stem

JOB NO.: SL-15880-SB

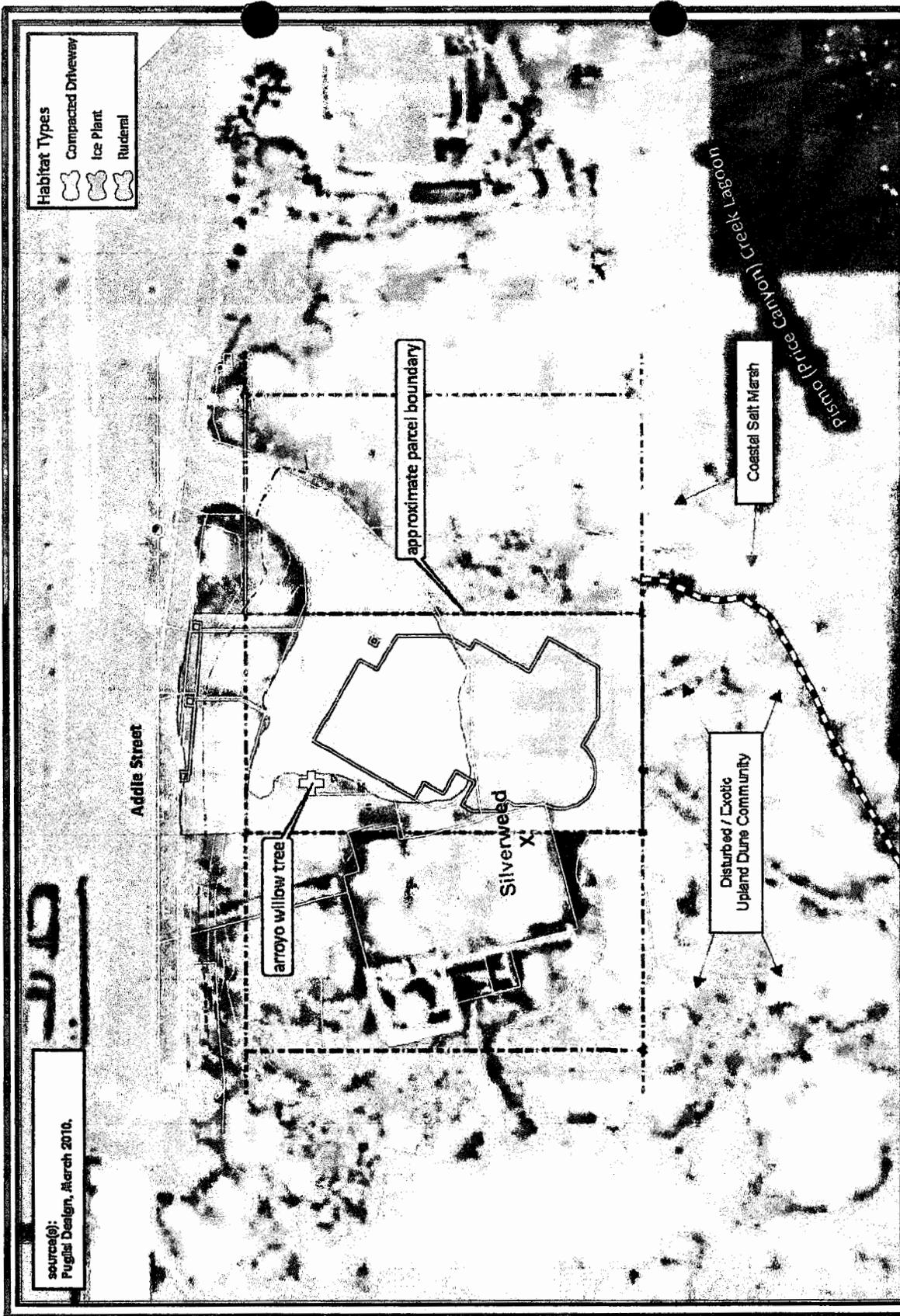
Surface elev. +/- 7.0 ft.

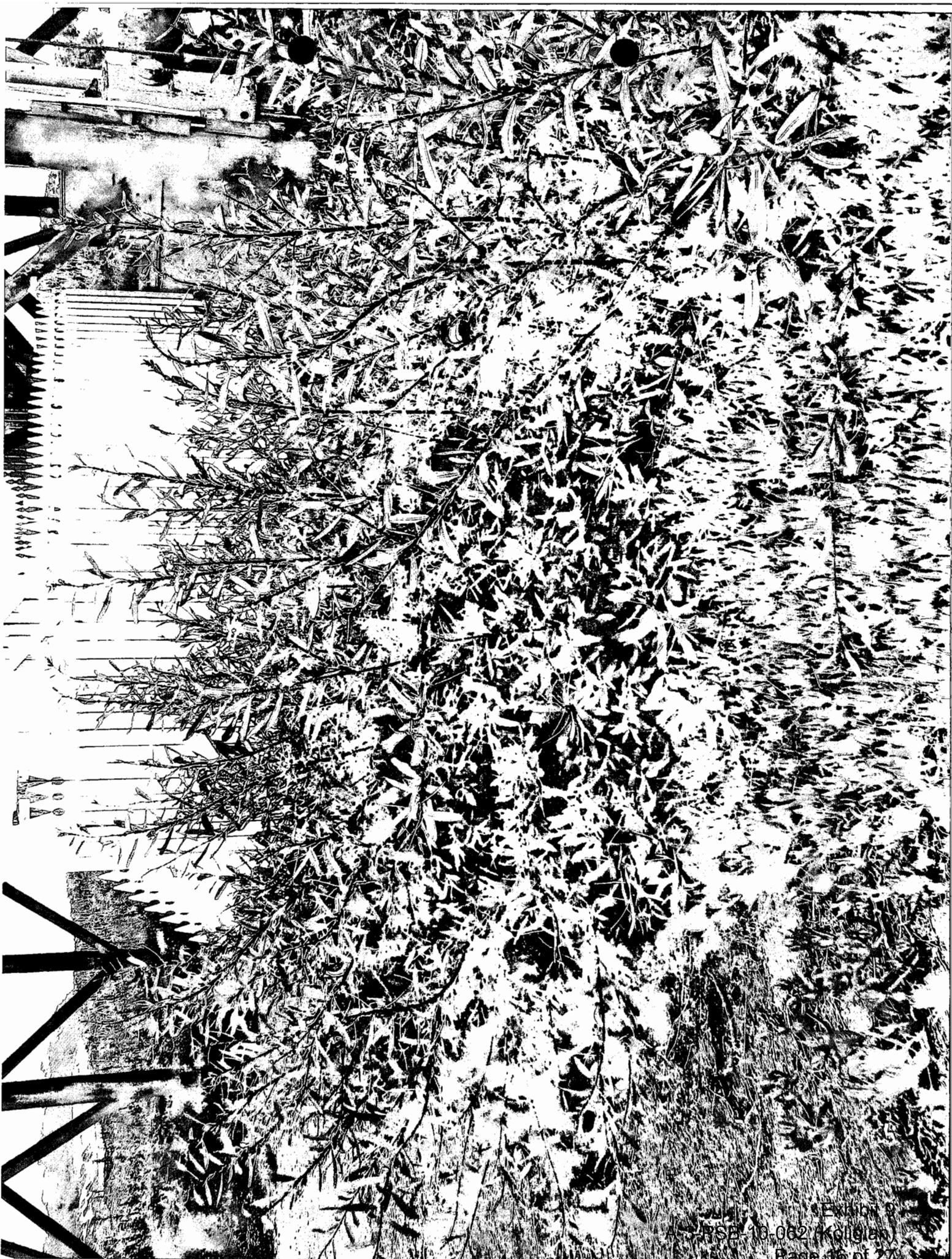
DATE: 07/28/10

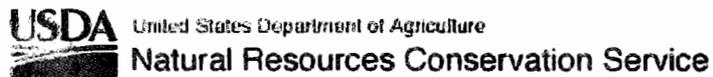
| DEPTH (feet) | USCS CLASS | SYMBOL | KOLIGIAN RESIDENCE 140 Addie Street Pismo Beach, California | SAMPLE DATA | | | | |
|------------------|------------|--------|---|-----------------|-------------|-------------------|--------------|-----------------|
| | | | | INTERVAL (feet) | SAMPLE TYPE | DRY DENSITY (pcf) | MOISTURE (%) | BLOWS PER 6 IN. |
| SOIL DESCRIPTION | | | | | | | | |
| 0 - 3 | SP | | POORLY GRADED SAND: light brown, medium dense, moist (alluvium) | | | | | |
| 3 - 5 | | | loose | 5.0-8.5 | | 104.1 | 20.9 | 3 7 9 |
| 5 - 10 | | | light gray, wet | 10.0-11.5 | | | | 0 1 1 |
| 10 - 15 | | | | 15.0-16.5 | | | | 3 5 8 |
| 15 - 19 | SC | | CLAYEY SAND: mottled gray/brown, medium dense, wet | | | | | |
| 19 - 20 | | | | 20.0-21.5 | | | | 2 3 4 |
| 20 - 25 | CL | | LEAN CLAY: brown, medium stiff, wet | | | | | |
| 25 - 26.5 | | | | 25.0-26.5 | | | | 2 2 4 |
| 26.5 - 28 | CL | | SANDY LEAN CLAY: mottled gray/brown, medium stiff, wet | | | | | |

LEGEND: Ring Sample Grab Sample Shelby Tube Sample SPT
 NOTE: This log of subsurface conditions is a simplification of actual conditions encountered. It applies at the location and time of drilling. Subsurface conditions may differ at other locations and times.

EXHIBIT B







Wetland Indicator Status

Wetland Indicator Status for common name = Arroyo Willow

State Distribution = U.S. States (California)

Region = 0

1 records returned

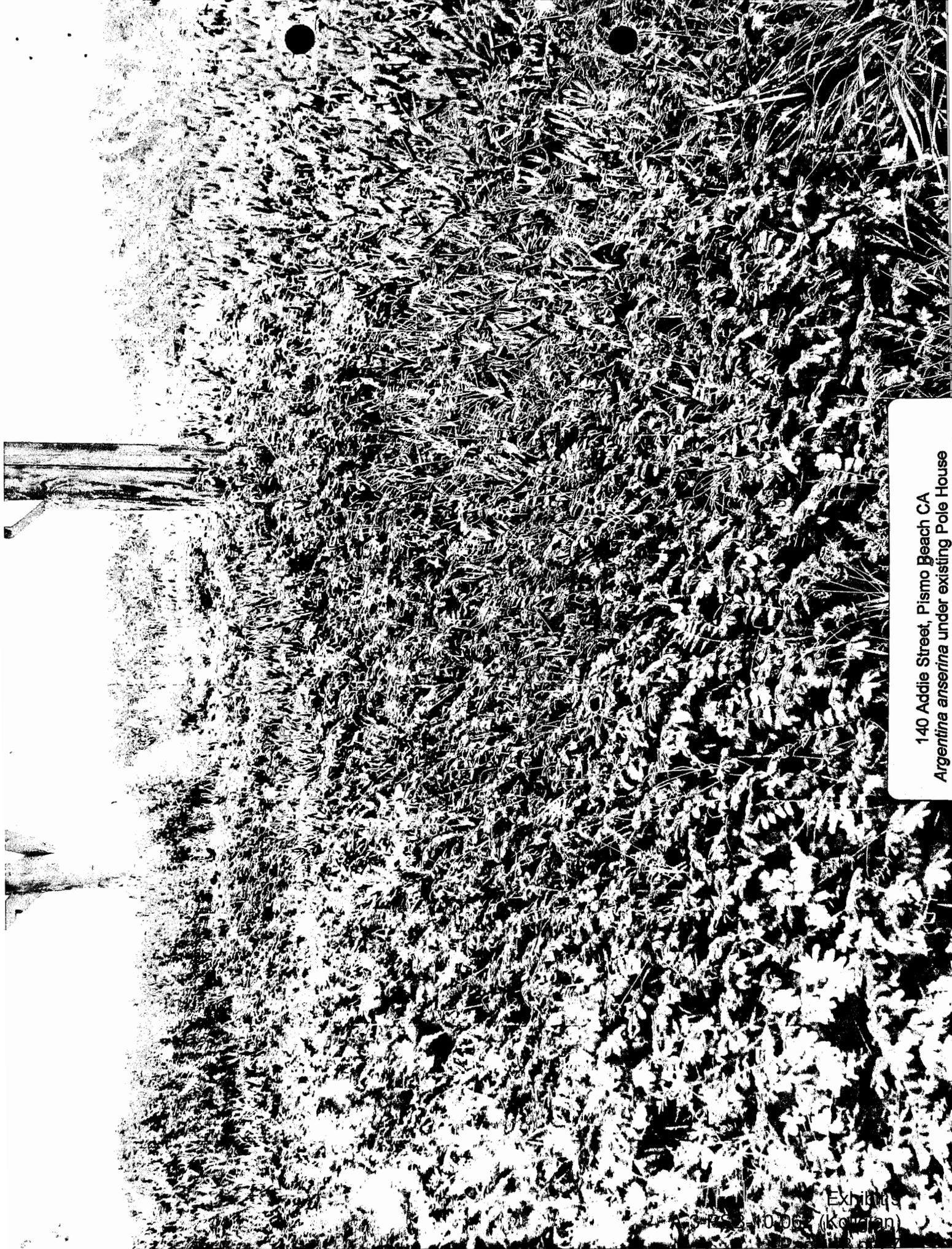
Wetland plants that are synonyms retain their wetland status, and are indented beneath the current PLANTS accepted name.

| Symbol | Scientific Name | Common Name | Nat. Ind. | R0 |
|-----------------------|-------------------------|---|-----------|------|
| SALA6 | <i>Salix lasiolepis</i> | arroyo willow | FACW | FACW |
| Indicator Code | Wetland Type | Comment | | |
| FACW | Facultative Wetland | Usually occurs in wetlands (estimated probability 67%-99%), but occasionally found in non-wetlands. | | |

Code Region Geographic areas in region

0 California CA

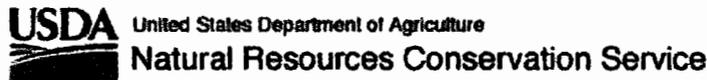
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140 Addie Street, Pismo Beach CA
Argentina anserina under existing Pole House



Argentina anserina (formerly Potentilla anserina)
silverweed



Characteristics

Conservation Plant Characteristics

***Argentina anserina* (L.) Rydb.**
silverweed cinquefoil
ARAN7

Summary

| | | |
|---------------|-----------------------------------|----------------------------|
| Duration | Perennial | Federal T/E Status |
| Growth Habit | Forb/herb | National Wetland Indicator |
| Native Status | L48 (N), AK (N), CAN (N), SPM (N) | |

Morphology/Physiology

| | | | |
|-----------------------------|-------------------|-----------------------------|---------------|
| Active Growth Period | Spring and Summer | Fruit/Seed Conspicuous | No |
| After Harvest Regrowth Rate | | Growth Form | Stoloniferous |
| Bloat | None | Growth Rate | Rapid |
| C:N Ratio | Low | Height at Base Age, Maximum | |
| Coppice Potential | No | Height at Maturity | 0.5 |
| Fall Conspicuous | No | Known Allelopath | No |
| Fire Resistant | No | Leaf Retention | No |
| Flower Color | Yellow | Lifespan | Short |
| Flower Conspicuous | Yes | Low Growing Grass | No |
| Foliage Color | Green | Nitrogen Fixation | None |
| Foliage Porosity Summer | Porous | Resprout Ability | No |
| Foliage Porosity Winter | Porous | Shape and Orientation | Decumbent |
| Foliage Texture | Fine | Toxicity | None |
| Fruit/Seed Color | Brown | | |

Growth Requirements

| | | | |
|----------------------------------|--------|------------------------------------|------|
| Adapted To Coarse Textured Soils | Yes | Moisture Use | High |
| Adapted To Medium Textured Soils | Yes | pH, Minimum | 7.0 |
| Adapted To Fine Textured Soils | Yes | pH, Maximum | 8.0 |
| Anaerobic Tolerance | Medium | Planting Density Per Acre, Minimum | |
| CaCO3 Tolerance | Medium | Planting Density Per Acre, Maximum | |
| Cold Stratification Required | Yes | Precipitation, Minimum | 11 |

| | | | |
|--------------------------|--------|---------------------------|----------|
| Drought Tolerance | Low | Precipitation, Maximum | 40 |
| Fertility Requirement | Low | Root Depth, Minimum | 6 |
| Fire Tolerance | Medium | Salinity Tolerance | Low |
| Frost Free Days, Minimum | 200 | Shade Tolerance | Tolerant |
| Hedge Tolerance | Medium | Temperature, Minimum (°F) | -23 |

Reproduction

| | | | |
|-------------------------|---------------------|------------------------|---------|
| Bloom Period | Spring | Propagated By Cuttings | No |
| Commercial Availability | Routinely Available | Propagated By Seed | No |
| Fruit/Seed Abundance | High | Propagated By Sod | No |
| Fruit/Seed Period Begin | Summer | Propagated By Sprigs | No |
| Fruit/Seed Period End | Fall | Propagated By Tubers | No |
| Fruit/Seed Persistence | No | Seed Per Pound | 1200000 |
| Propagated By Bare Root | Yes | Seed Spread Rate | Rapid |
| Propagated By Bulbs | No | Seedling Vigor | High |
| Propagated By Container | No | Small Grain | No |
| Propagated By Corms | No | Vegetative Spread Rate | Rapid |

Suitability/Use

| | | | |
|------------------------|----|-------------------------|--------|
| Berry/Nut/Seed Product | No | Palatable Browse Animal | Medium |
| Christmas Tree Product | No | Palatable Graze Animal | Medium |
| Fodder Product | No | Palatable Human | No |
| Fuelwood Product | | Post Product | No |
| Lumber Product | No | Protein Potential | Medium |
| Naval Store Product | No | Pulpwood Product | No |
| Nursery Stock Product | No | Veneer Product | No |

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Close Window

EXHIBIT C

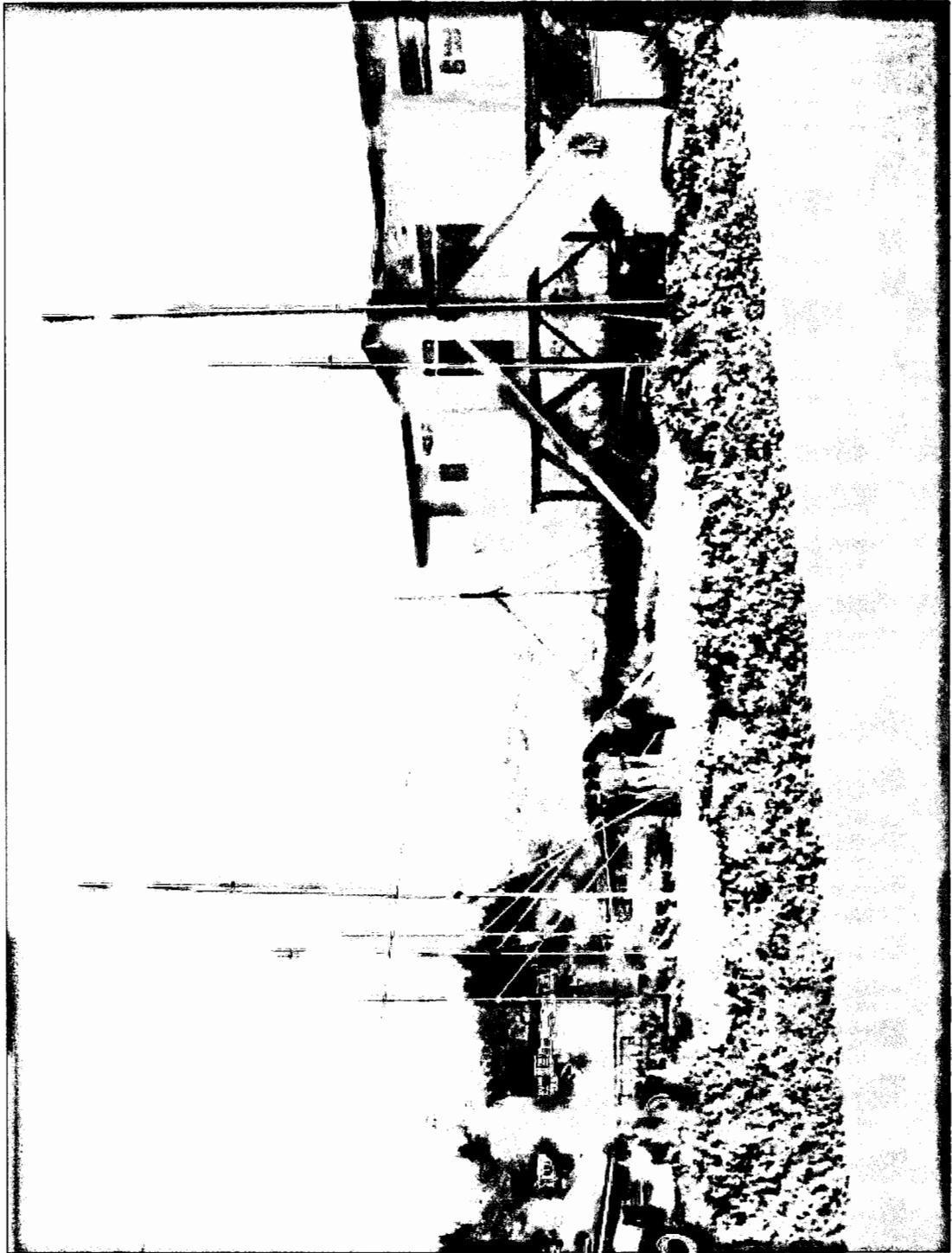
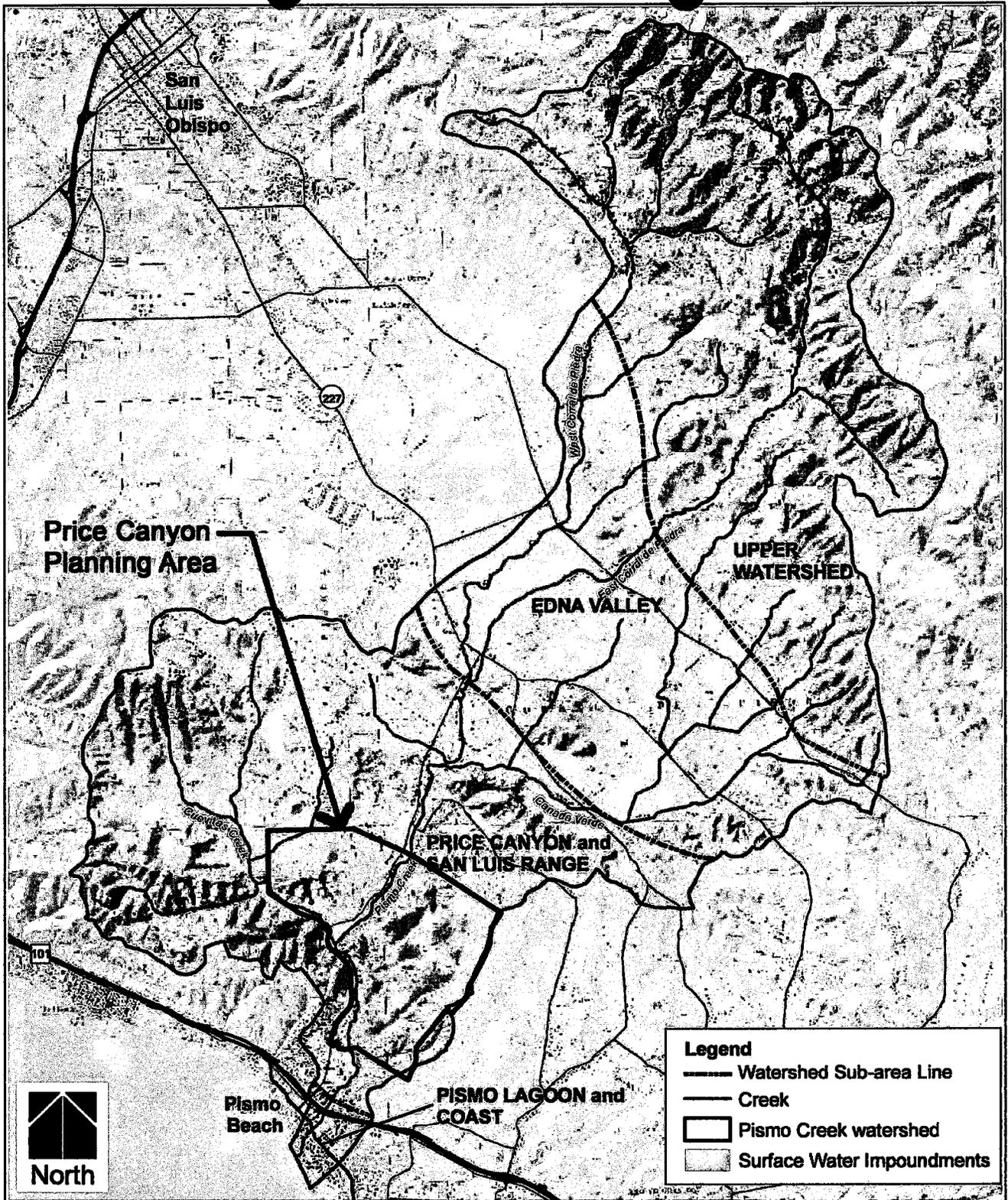


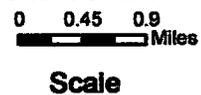
EXHIBIT D



SOURCE: Balance Hydrologics, Inc. 2008

Price Canyon Planning Area
EIR

Pismo Creek Watershed

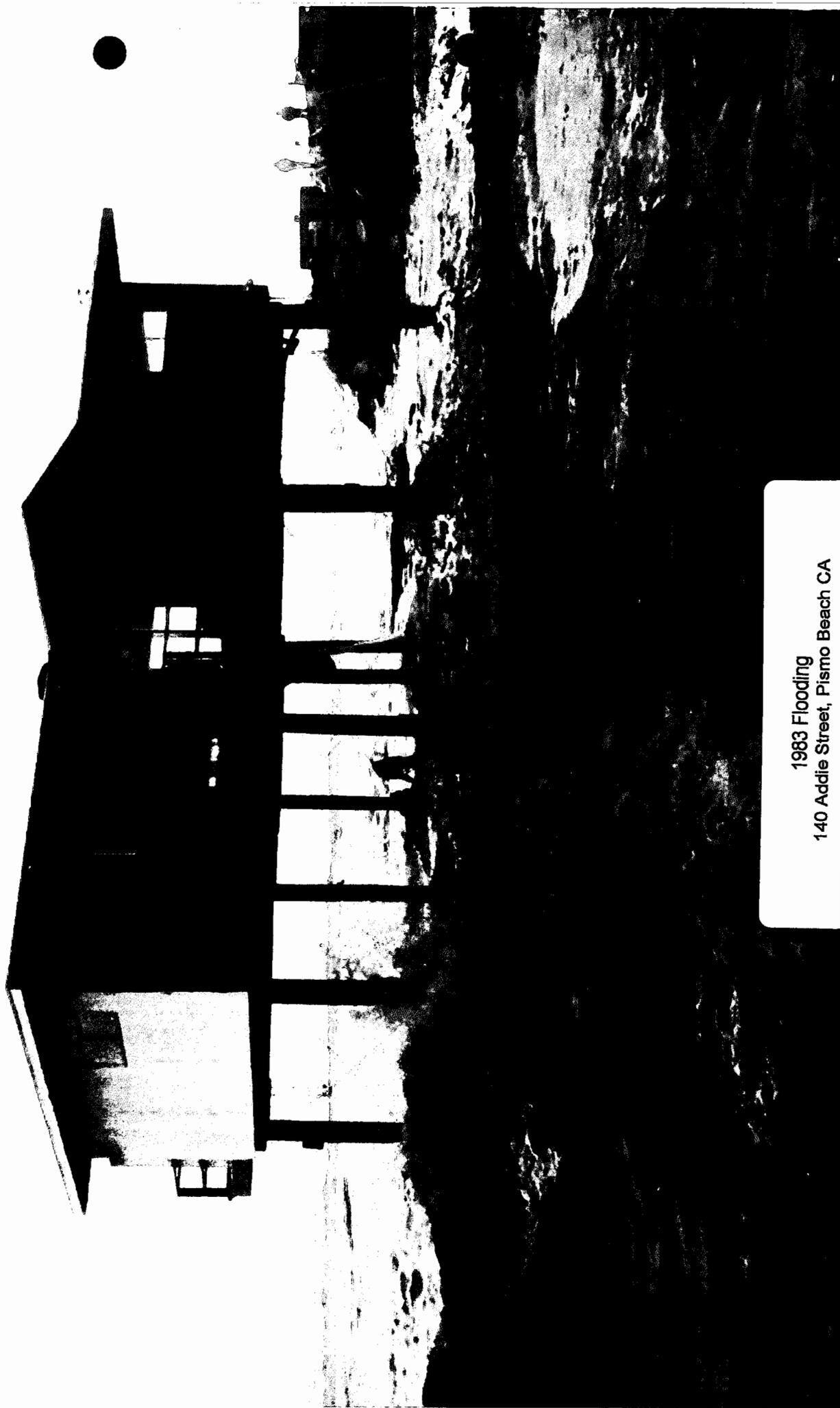


Map
IV-D.1

IV Drainage IV-57



1983 Flooding
140 Addie Street, Pismo Beach CA



1983 Flooding
140 Addie Street, Pismo Beach CA

EXHIBIT 3

Economic Feasibility Analysis
ECONOMIC FEASIBILITY ANALYSIS
140 ADDIE STREET, PISMO BEACH, CALIFORNIA
September 01, 2009

The purpose of this report is to assess the feasibility of "visitor serving" development for the property located at 140 Addie Street, Pismo Beach, California. It is anticipated that these "visitor serving" uses are not economically feasible, but ordinance requires that the property owner prepare a report to justify abandoning "visitor serving" development in favor of residential development on any property designated visitor serving. Although the report is predisposed to prejudice, we have attempted to be fair and accurate in our accounting.

This report is prepared in four sections, as follows:

1. General Plan Designation, Zoning Designation, Site statistics
2. Development Constraints
3. Development Scenarios
4. Conclusion

This is not an appraisal of the property and should not be considered as such. This report analyzes the development potential of the site based on the Pismo Beach 1983 Zoning Ordinance and the 1992 General Plan Local Coastal Plan. This document does not consider development that would require variance, in-lieu parking fees, rezoning or other esoteric and discretionary departures from current policies and ordinance in place at the time of analysis preparation. Local Commercial Realtors were contacted for confirmation of current land value which has been set at \$500,000.

This Analysis reviews the development potential for visitor serving uses including hotel, visitor-serving retail commercial, restaurant and vacation rental. Although *restaurant* is not an allowed use in this zone, other than when coincident with hotel development, it is understood that the City would consider such a use as appropriate given the visitor serving focus for this property. Similarly, *vacation rentals* are not specified as an allowed use. However, given their visitor-serving nature, it is understood that this zone would accommodate them as well.

Please Note: italicized copy is directly extracted from 1992 GP/LCP and 1983 Zoning Ordinance

1. GENERAL PLAN DESIGNATION, ZONING DESIGNATION, SITE STATISTICS

The property abuts Addie Street to the northwest and Pismo Creek to the southeast. Similarly zoned R-4 parcels bracket the site on each interior side. The property is located within the *Downtown Core Planning Area K, Mixed Residential (MR) District LU-K-3.1* "The Mixed Residential or MR District shall permit a mixture of hotels and motels along with apartments, condominiums and other similar residential uses. Restaurants

may be permitted when secondary to onside hotel use. It is expected that the visitor-serving uses will gravitate toward the beach and the major thoroughfares. Small convenience markets that serve the daily needs of residents and visitors would be allowed in this district.”

The property is designated R-4 Hotel-Motel and Visitor Serving Zone.

17.027.010 Purpose of Zone. The Hotel-Motel or R-4 zone is designated to accommodate and cater to the needs of tourist serving lodging and other facilities.

17.027.020 Permitted Uses In the Hotel-Motel Zone the following uses are permitted and are subject to the general provisions and exceptions set forth in Chapters 17.102 and 17.105

1. Hotels;
2. Motels;
3. Bed and Breakfast Inns
4. Restaurants and cocktail lounges associated with restaurants;
5. Other visitor-serving commercial uses.

17.027.030 Accessory Uses Permitted as an adjunct to a permitted use Small shops for retail sale of clothing articles, jewelry, souvenirs, books, magazines, and uses that are similar or accessory to permitted uses and cater primarily to guests of hotel, motel or restaurant. Specifically, sale of groceries or frozen food stuffs is not permitted.

17.027.040. Uses Requiring a conditional use permit

1. Permitted uses in the R-1, R-2 and R-3 zones;*
2. Residential and /or non-visitor serving commercial uses.*

* These residential and/or non-visitor serving uses may be allowed only if the applicant can substantially show that the size, shape or location of the parcel makes it infeasible for a visitor-serving use as stated pursuant to the Local Coastal Program land Use Plan and Chapter 17.099. Uses prohibited specifically from the zone shall include office space for general or medical businesses and non-retail commercial services.

ZONING ORDINANCE STANDARDS

| | | |
|-----------------------------|--------------------------------------|------------------|
| Lot size | (50 x 90) | 4500 square feet |
| General Plan Designation | Downtown Core (MR) Mixed Residential | |
| Building Height | 35 feet, 25 if residential | |
| Yard Setbacks | | |
| Front | 15 feet | |
| Rear | 10 feet | |
| Side | 5 feet | |
| Zoning | R-4 Hotel-Motel | |
| Minimum Lot Area | 20,000 square feet | |
| Minimum Lot Width | 75 feet | |
| Maximum Lot Coverage | 55% = | 2475 sq ft |
| Maximum Total Building Area | 125% = | 5625 square feet |

2. DEVELOPMENT CONSTRAINTS

The limited size of this parcel, which is only 4500 square feet, is the flaw that must be recognized. R-4 properties are intended to be developed as hotel-motel use. As witness, the zoning ordinance requires these parcels to be a minimum of 20,000 square feet with a minimum width of 75 feet. The property in question is less than 1/4 the minimum required size. The minimum required lot width of 75 feet is not arbitrary. A 75-foot wide lot will allow for double loaded parking and 5 foot side yard setbacks. Without this width, properties such as the one in question, are severely limited in their ability to provide on-site parking.

Due to the diminished lot width of this parcel, a double loaded parking area cannot be achieved. City ordinance requires 64 feet for 90 degree parking. Angled parking would require one way drives which could not be achieved on this parcel. It should also be noted that even with a single loaded parking area, a width of 44 feet is required. This width can be achieved at site grade but cannot be achieved on a raised platform as the required side yard setbacks could not be provided. For this reason, our development scenarios rely on "at grade" parking. The parking lot will be in the flood zone, which is allowed. The elevator is another issue. It is believed that the elevator, which is essential to successful multi-level commercial development, would be allowed in the flood zone. The commercial uses, be they hotel, restaurant, commercial retail or vacation rental, will be located above the parking lot on one or two levels dependent on the amount of building area required for the particular development.

Parking would be configured as follows: anticipating two stairways and an elevator, the 90 foot depth of the lot would allow for 5 passenger vehicles. One of which would be for an accessible van as required. The front setback would render 15 feet of the lot depth unavailable for "at grade" parking. The stair and elevator component would usurp an additional 18 feet minimum. Leaving 57 feet for parking. The HC van space will require 17 feet leaving 40 feet for the parking of 4 additional vehicles plus all structural supports. Given the requirement for a vehicle rotation area of at least 3 feet at the back of the parking area, 5 parking spaces may be unattainable.

3. DEVELOPMENT SCENARIOS

SCENARIO 1

Hotel: 3 sleeping rooms. Assume 1 sleeping room per unit, 700 square feet per unit. Floor area 2100 square feet plus 250 square feet for elevator and stairs @ \$200/sf

| | COST | |
|--|------|--------------------|
| Land | = | 500,000 |
| 2350 square feet x \$200 per square foot | = | 470,000 |
| Parking and Podium deck | = | 225,000 |
| FF&E \$20,000 + elevator cost \$13,000 | = | 100,000 |
| <u>Soft Costs and Fees</u> | = | <u>100,000</u> |
| Approximate Total Costs | | \$1,395,000 |

INCOME

| | | |
|---|----------|------------------|
| 365 nights @ 60% occupancy@ 3 rooms@ \$175 | = | 115,500 |
| less operating costs @ 65% = 35% debt service | = | 75,075 |
| 8% Capitalization rate value | = | \$938,437 |

Not economically feasible. Revenues inadequate to service debt.

SCENARIO 2

Restaurant: 5 x 75 sq. ft. customer use area. 375 square feet/15 equals 25 seats. Assume 60% customer use and 40% back of house. This building will require a greater back of house percentage because of the limited customer use area. Kitchen/bathrooms and storage will require at least 300 square feet. Assume building size 625 square feet plus 250 square feet for elevator and stairs @ \$225 /sf. Premium construction cost due to limited size of structure.

COST

| | | |
|---|----------|--------------------|
| Land | = | 500,000 |
| 875 square feet x \$300 per square foot | = | 262,500 |
| Parking and Podium deck | = | 225,000 |
| FF&E | = | 160,000 |
| <u>Soft Costs and Fees</u> | <u>=</u> | <u>100,000</u> |
| Approximate Total Costs | | \$1,247,500 |

INCOME

| | | |
|---|----------|------------------|
| \$15 x 25 seats x 3 turns per day | = | 1,125 |
| less operating costs @ 85% = 15% debt service | = | 169 |
| 350 days x 169 | = | 59,150 |
| 8% Capitalization rate value | = | \$739,375 |

Not economically feasible. Revenues inadequate to service debt.

SCENARIO 3

Commercial Retail: 5 X 300 sq feet equals 1500 square feet of retail. Assume 1000 square feet of sales and 500 square feet of service area plus 250 square feet for elevator and stairs @ \$175/sf. Due to the remote location of this property, the anticipated retail use rent must be discounted.

COST

| | | |
|--|----------|--------------------|
| Land | = | 500,000 |
| 1750 square feet x \$200 per square foot | = | 350,000 |
| Parking and Podium deck | = | 225,000 |
| FF&E inc. interiors, bathroom, elevator | = | 75,000 |
| <u>Soft Costs and Fees</u> | <u>=</u> | <u>100,000</u> |
| Approximate Total Costs | | \$1,590,000 |

INCOME

| | | |
|-------------------------------------|----------|------------------|
| \$2.25 per square foot | = | 47,250 |
| 8% Capitalization rate value | = | \$938,437 |

Not economically feasible. Revenues inadequate to service debt.

SCENARIO 4

Vacation Rental: 5 sleeping rooms total. Assume two 2-bedroom units and One 1-bedroom unit. The size of the structure for this project will be 3,000 square feet plus 250 square feet for elevator and stairs @\$200/sf.

| COST | | |
|---|---|--------------------|
| Land | = | 500,000 |
| 3250 square feet x \$200 per square foot | = | 650,000 |
| Parking and Podium deck | = | 225,000 |
| Interiors and elevator | = | 60,000 |
| Soft Costs and Fees | = | 100,000 |
| Approximate Total Costs | | \$1,535,000 |
| INCOME | | |
| 155 x 5 (bedrooms) x 185 days | = | 143,375 |
| less operating costs @40% = 60% debt service= | | 86,025 |
| 8% Capitalization rate value | = | \$1,075,313 |

Not economically feasible. Revenues inadequate to service debt

4. CONCLUSION

Based on the assumptions and economic modeling used in the four development scenarios, it is our opinion that none of the models are viable. It is therefore requested that the City Planning Commission acknowledge that residential uses are appropriate for this particular property.