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original staff report

# W24a

**Prepared January 6, 2015 (for January 7, 2015 hearing)**

**To:** Commissioners and Interested Persons  
**From:** Susan Craig, District Manager  
Brian O'Neill, Coastal Program Analyst  
**Subject:** **STAFF REPORT ADDENDUM for W24a**  
**Appeal Number A-3-PSB-14-0057 (Silver Shoals LLC)**

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The purpose of this addendum is to supplement the recommended findings with additional clarification. Specifically, this addendum responds to comments received by the Central Coast District Office on December 29, 2014 from one of the Appellants regarding visual resources, development hazards, and natural resources (see the Sierra Club's December 23, 2014 letter attached). Therefore, a "Response to Comments" section is added to the staff report as Section F just prior to the staff report's "Conclusion" section (thus renaming the Conclusion as Section G), starting on staff report page 13, to provide additional context regarding these and related issues. These changes to the staff report do not alter staff's recommendation that the Commission find that the appeal contentions do not raise a substantial issue.

Thus, the staff report dated December 18, 2014 is modified to add Section F (Response to Comments) and Exhibit 7 ("Sierra Club's December 23, 2014 Letter"; see attached) as follows (where references to "this report" are references to the staff report itself):

## **F. RESPONSE TO COMMENTS**

### **Visual Resources**

One of the Appellants submitted comments asserting that the City-approved project does not adequately protect public views, specifically citing to inconsistencies with LCP Policies LU-D-3 and LU-B-5 (see **Exhibit 7**). As discussed in this report starting on page 9, the LCP includes a series of policies intended to protect public views. As applied in this subdivision context, the important public views are those from Shell Beach Road and Highway 101, both of which are located inland of the site and both of which are designated scenic by the LCP (see **Exhibit 6**, pages 2-3). Importantly, the LCP is not intended to suggest that nothing can be developed within such public viewsheds, but rather recognizes that there will be development within infill sites in the public viewshed, such as the site in question here, and provides a means of accommodating same while addressing public view impacts. In fact, LUP Policy LU-B-5 cited in the Appellant's December 23, 2015 letter identifies very specific parameters that must be met in this regard in the LCP's South Palisades Planning Area (e.g., 60% of the area retained in open space; 15-foot

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height limits nearest the bluff, and 25-foot height limits extending inland; two-stories only allowed where views of the ocean will not be blocked or substantially impaired; setbacks of 20 feet from right of ways; and arranging open space to maximize view corridors) (see **Exhibit 6**, page 3). The City-approved project meets all of these tests. The project includes a view corridor along the southern portion of the site that measures some 50 feet from the property line to the residences, and it also provides a view over the top of the structures that ensures that blue water view access remains from Highway 101, the primary and most critical public view affected by the project. Yes, the project affects the public viewshed, but in a way that is allowed for such infill development on residentially-zoned property in this case, and in a way that appropriately provides view protection as dictated by the LCP.

With respect to the other policy cited by the Appellant in their letter, LCP Policy LU-D-3a, the Appellant asserts that this report inappropriately relies on the language in that policy referring to preserving “some” significant views as implying retention of any amount of said view meets this standard (see LCP Policy D-3a on page 3 of **Exhibit 6**). Three things need be noted here. First, this policy is geared toward protecting private views, and not public views. Public views are only cited in the policy as a means of meeting the policy objective relating to private views. The Coastal Act and LCP priority is to protect public views, not private views. As a result, and the second thing to note, the policy is not mandatory, indicating instead that some of these private views “should be” protected. And third, the project does in fact protect some of these private views by making sure LCP-required yard setbacks are adhered to.

The Appellant also takes exception to this report indicating that the City-approved project is similar to existing subdivisions in the area, such as the adjacent North Silver Shoals subdivision located immediately upcoast of this project. However, this report’s statement about similarity is in regards to the height of structures, setbacks and general layout, including the loop road and public parking spaces fronting the required blufftop open space park, and not to the number of structures. Yes, the North Silver Shoals subdivision contains about half the number of residential structures as were approved for this project, but that is a different issue. In this case, the City-approved project incorporated a 20-foot setback, 15-foot height requirement for the most seaward lots, and a 25-foot height requirement for all other lots. The North Silver Shoals subdivision also has a 20-foot setback, a 15-foot height limit for the most seaward lots, an 18-foot height limit for the next six inland lots, and a 25-foot height limit for the lots adjacent to Shell Beach Road. This report was not referring to the density level of the project in comparison to existing subdivisions per se (although the project is similar in density to the existing subdivision immediately adjacent to North Silver Shoals along Beachcomber Drive, which has 22 lots compared to 19 for this project). Rather, this report was identifying that the approved subdivision was not unlike others in the area in terms of its public view impacts.

The Appellant also suggests that this site represents “the last place in the area from which the public can enjoy white water views of the ocean.” This is simply incorrect. The Pismo Beach shoreline includes a series of public trails along the bluffs that afford white water views, as well as a number of public streets that are located along the bluffs without any intervening development that might block such views.

Finally, the Appellant also suggests that the condition to cluster the townhomes at a zero lot line, which was removed by the City Council, would better protect public views. However, as noted on page 10 of this report, this type of zero setback condition would be inconsistent with standards for a minimum 10-foot separation between buildings and LCP policies that discourage massed buildings.

### **Hazards**

One of the Appellants also suggests that this report erred by stating that LCP Policy PR-23 regarding bluff-top development trumps LCP Policy S-2 regarding minimizing development hazards to an acceptable level of risk (see Appellant's letter in **Exhibit 7**). This is incorrect. First, this report does not make any such claim. Second, Policy PR-23 implements, rather than trumps, within the South Palisades Planning Area the general objective in Policy S-2 and sets the specific requirements to minimize risk for bluff-top development. Policy PR-23 requires a setback for structural development equal to the 100-year bluff retreat line plus 100 feet, and allows encroachments of up to 35 feet from the bluff retreat line for roadway extensions that incorporate public parking opportunities. All areas seaward of the required setback and roadway encroachment must be dedicated as bluff-top conservation and lateral access zone. In this case, the only development in the setback area are public trails that make their way along the bluffs and down to the beach, as is consistent with the way in which this setback has been applied in Pismo Beach, including per LCP policy PR-23 that specifies public access trails go in these areas. The LCP Policy cited on page 2 of Exhibit 6 of the Staff Report does not include the entire policy. Policy PR-23 also states that "[d]evelopment of structures shall be prohibited within the [public access] zone, except for public amenities such as walkways, benches, and vertical beach access stairs." The project meets the requirements set out in Policy PR-23 and thus is also consistent with Policy S-2.

### **Natural Resources**

One of the Appellants also suggests that the project does not adequately address the lack of nesting habitat in the Shell Beach area for native birds (again see **Exhibit 7**). The project protects the existing stand of 19 mature Monterey Pine trees adjacent to the site, which do provide potential nesting habitat. The project limits the height of new trees at the site to the height limit established on each lot in order to preserve public views, but does not discourage the planting of trees. The trees on site will still provide nesting habitat for native birds.

With respect to potential coastal scrub issues, the Appellant notes that they "are satisfied that the coastal scrub on the site will be suitably replaced and restored" (see **Exhibit 7**).

### **Other Contentions**

One of the Appellants also suggests that mitigation for alleged violations should be incorporated into this appeal to discourage developers from committing violations prior to submitting CDP applications in order to avoid appeal issues. The Central Coast District received a complaint regarding unpermitted grading on the project site in 2012, and that violation is still pending with the City (i.e., the site is in the City's enforcement jurisdiction). Although development has taken place prior to Commission review of this appeal, consideration of the appeal by the Commission has been based solely upon the policies of the certified LCP and applicable Coastal Act policies. Commission review and action on this appeal permit does not constitute a waiver of any legal

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action with regard to the violations, nor does it constitute an implied statement of the Commission's position regarding the legality of any development undertaken on the subject site without a coastal development permit, or that all aspects of the violation have been fully resolved.

Moreover, the alleged violation did not alter the project site in any way that would have an effect on this CDP or the project's compliance with the City's LCP. Any unpermitted grading is a potential violation because the grading occurred without a CDP, and not because such grading activities are inconsistent with the LCP. The grading did not impact any wetlands, streams, or native plants. In fact, the Wetland Delineation Report prepared for the project in 2007, before the grading occurred, found that the site did not contain any wetland indicators or meet the Coastal Commission's definition of a stream. The area consisted mostly of invasive nonnative ice plant. The report noted that a gully formed along the site as a result of a culvert that discharges storm water from Highway 101 and Shell Beach Road, leading to localized drainage.

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

**W24a**

Appeal Filed: 10/15/2014  
 49th Day: Waived  
 Staff: B. O'Neill - SC  
 Staff Report: 12/18/2014  
 Hearing Date: 1/7/2015

## APPEAL STAFF REPORT: SUBSTANTIAL ISSUE DETERMINATION ONLY

**Appeal Number:** A-3-PSB-14-0057

**Applicants:** Silver Shoals Investors, LLC

**Appellant:** Sierra Club, Alan Stocker, Marilyn Hansen, and Delwyn Wayner

**Local Government:** City of Pismo Beach

**Local Decision:** Coastal Development Permit number P12-000098 was recommended for approval with conditions by the City of Pismo Beach Planning Commission and approved with conditions by the City Council on September 16, 2014.

**Location:** 2900 Shell Beach Road in the City of Pismo Beach (APN 010-152-007)

**Project Description:** Subdivision of a 3.7 acre parcel into 19 parcels, including ten townhouse parcels and nine single-family parcels, as well as a one acre public bluff top park, 14 public parking spaces, and related improvements.

**Staff Recommendation:** No Substantial Issue

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### SUMMARY OF STAFF RECOMMENDATION

The City of Pismo Beach approved a coastal development permit (CDP) to subdivide a 3.7 acre

parcel into 19 parcels (ten parcels for townhouses and nine single-family parcels). The approved project also includes development of a one-acre public bluff top park, 14 public parking spaces, and related improvements on a vacant lot located at 2900 Shell Beach Road in the South Palisades Planning Area of the City of Pismo Beach, San Luis Obispo County. The Project site is on a bluff top situated between an existing residential subdivision and an undeveloped stand of trees.

The Appellants contend that the approved project is inconsistent with the Coastal Act's public access provisions and with the City of Pismo Beach Local Coastal Program policies related to development hazards, visual resources, and natural resources. After reviewing the local record, Commission staff has concluded that the approved project does not raise a substantial issue with respect to the project's conformance with the Coastal Act or Local Coastal Program.

Specifically, in terms of public access, the open space park will provide lateral access to the bluff top and two staircases within 800 feet of the project site provide adequate vertical access to the sandy beach below the cliffs. In terms of development hazards, the project will minimize development risks associated with the soil's load bearing capacity by incorporating all of the mitigation measures identified in a Soils Engineering Report that was completed for the project and by retaining a qualified engineering geologist who will provide additional on-site recommendations during construction. In terms of visual resources, the approved project does not block ocean views from Highway 101 and preserves some ocean views from Shell Beach Road through the use a 50-foot setback from the southern boundary of the tract and a comprehensive landscape design requirement that will allow for a significant public view corridor. Finally, the approved project is located on a vacant lot that contains minimal biological and ecological resources, and the plans have also incorporated a number of mitigation measures designed to ensure that the project adequately protect and enhance natural resources at the site.

As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial Coastal Act or Local Coastal Program conformance issue, and that the Commission decline to take jurisdiction over the Coastal Development Permit for this project. The single motion necessary to implement this recommendation is found on page 4 below.

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### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

Exhibit 1 – Project Location Maps

Exhibit 2 – Project Site Images and View Analysis

Exhibit 3 – City’s Final Local Action Notice

Exhibit 4 – Approved Project Plans

Exhibit 5 – Appeal of the City’s CDP Decision

Exhibit 6 – Applicable Coastal Act provisions, LCP Policies, and Development Standards

## I. MOTION AND RESOLUTION

Staff recommends that the Commission determine that **no substantial issue** exists with respect to the grounds on which the appeal was filed. A finding of no substantial issue would mean that the Commission will not hear the application de novo and that the local action will become final and effective. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission determine that Appeal Number A-3-PSB-14-0057 raises no substantial issue with respect to the grounds on which the appeal has been filed under Section 30603. I recommend a yes vote.*

***Resolution to Find No Substantial Issue.** The Commission finds that Appeal Number A-3-PSB-14-0057 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.*

## II. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION AND LOCATION

The City-approved project is located at 2900 Shell Beach Road in the South Palisades Planning Area of the City of Pismo Beach (the “City”), San Luis Obispo County. Shell Beach Road is a designated scenic road that runs parallel to U.S. Highway 101 with intermittent views of the ocean on one side and Pismo foothills on the other. The site is located on a bluff top 150 yards south of the intersection of North Silver Shoals Drive and Shell Beach Road. The parcel is zoned Planned Residential (P-R), which allows for medium density multi- and single-family development with requirements to preserve ocean views from Highway 101, maintain a minimum of 60 percent open space, and dedicate a 100-foot wide lateral access to the City for public parks along the cliff, among others. For new subdivisions at this site, the LCP requires a minimum parcel size of 5,000 square feet and a maximum residential density of 15 units per acre. The site is situated between a residential subdivision to the north and an undeveloped stand of 19 Monterey Pine trees on the Everett home site to the south.

Currently, the project site is a 3.7 acre vacant lot. The City-approved project allows for the subdivision of the existing parcel into 19 residential parcels, nine of which are for single-family residences (with the lots ranging in size from 5,100 square-feet to 8,640 square-feet) and ten of which are for townhomes (with the lots ranging in size from 2,627 square-feet to 4,507 square-feet). In addition, the approved CDP includes a 40,732 square-foot open space park that extends laterally along the bluff edge and includes public access amenities, and a one-way looped road that connects North Silver Shoals Drive back to Shell Beach Road. The City’s CDP is for the subdivision and townhomes; it does not authorize development of the single-family residences. Therefore, single-family residence projects allowed by this subdivision will require separate subsequent CDP approval.



See Exhibit 1 for location maps; see Exhibit 2 for photographs of the site and surrounding area; and see Exhibit 4 for the approved project plans.

## **B. CITY OF PISMO BEACH CDP APPROVAL**

On September 16, 2014 the Pismo Beach City Council adopted the Planning Commission's recommendation to approve a Coastal Development Permit ("CDP") for the proposed subdivision project. See Exhibit 3 for the City's Final Local Action Notice.

The City's Final Local Action Notice was received by the Coastal Commission's Central Coast District Office on Friday, October 3, 2014. The Coastal Commission's ten-working day appeal period for this action began on Monday, October 6, 2014 and concluded at 5pm on Friday, October 17, 2014. One valid appeal (see below) was received during the appeal period.

## **C. APPEAL PROCEDURES**

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

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the certified LCP or to the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to consider a CDP for an appealed project de novo unless a majority of the Commission finds that "no substantial issue" is raised by such allegations.<sup>1</sup> Under Section 30604(b), if the Commission conducts the de novo portion of an appeals hearing and ultimately approves a CDP for a project, the Commission must find that the proposed development is in conformity with the certified LCP. If a CDP is approved for a project

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

that is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone, Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act. This project is located between the nearest public road and the sea and thus this additional finding would need to be made if the Commission were to approve the project following the de novo portion of the hearing.

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

#### **D. SUMMARY OF APPEAL CONTENTIONS**

The Appellants contend that the City-approved project is inconsistent with the Coastal Act's public access and recreational policies, as well as LCP policies related to development hazards, protection of visual resources, and protection of natural resources. Specifically, the Appellants contend that the approved project would violate the Coastal Act and applicable LCP policies because: 1) it will block access to the beach and established trails; 2) the site's soil lacks the resistance necessary to support traffic loads; 3) it fails to protect public view corridors from Shell Beach Road and Highway 101; and 4) the project does not adequately protect native vegetation and nesting birds. The Appellants also raise an issue of alleged unpermitted grading activity at the project site. Please see Exhibit 5 for the appeal contentions.

#### **E. SUBSTANTIAL ISSUE DETERMINATION**

##### **Public Access**

Coastal Act Section 30604(c) requires that every coastal development permit issued for any development between the nearest public road and the sea "shall include a specific finding that the development is in conformity with the public access and public recreation policies of [Coastal Act] Chapter 3." The approved project is located seaward of the first through public road (Shell Beach Road). Coastal Act Sections 30210 through 30224 specifically protect public access and recreation. In particular, Coastal Act Section 30211 states that development shall not interfere with the public's right of access to the sea. See Exhibit 6 for the applicable Coastal Act and LCP policies.

The Appellants contend that the project is inconsistent with the Coastal Act's public access provisions because the approved road would block access to established trails. The Appellants explain that residents and visitors have used this bluff top area "for hiking, trails, dog walking, and access to the beach for over 20 years." To ensure consistency with the Coastal Act, the Appellants suggest that the Commission require a "no road" subdivision so that no road is constructed in the trail area.

As explained above, the project includes a 40,732 square-foot open space park with public access amenities stretching along the entire bluff top area and a one-way looped road that connects North Silver Shoals Drive back to Shell Beach Road. The open space park will include public benches, picnic tables, bike racks, and a six-foot-wide meandering sidewalk that will be

connected to an existing pedestrian path. Five public parking spaces will be provided on the bluff side of the one-way looped road.

In terms of access to and along the coast, the City found in its analysis that the approved project will not adversely impact recreational opportunities or public access to the bluff top. The approved open space park and road would be constructed atop undeveloped trails that currently provide the public with lateral access along the bluff. See Exhibit 2 for images of the existing trail system along the bluff. The approved meandering sidewalk, public amenities, and additional parking spaces will provide improved access and recreation opportunities to the public, particularly for those with limited mobility, because the existing undeveloped trails will be replaced with an extension of the formal coastal trail. The approved road would provide additional access to the open space park and to coastal resources, rather than interfere with access as the Appellants suggest. Residents and visitors will still be able to hike, walk their dogs, and access the beach at the project site. A sidewalk and bike lane along the approved road will provide public access to the open space park from Shell Beach Road. At the local level, questions were raised regarding whether a one-way road is consistent with access policies and the LCP. Due to a mandatory 35-foot setback set back from the 100 year bluff retreat line and alignment of the current road, a two-way road is not possible without encroaching into the bluff setback or removing the public parking spaces provided along the road. A loop road system is encouraged in this area when feasible, but LCP Policy LU-B-4 does not require, nor prefer, two-way roads over one-way. As designed, the loop road system provides adequate access to the bluff top park, five additional parking spaces along the bluff, and is consistent with the LCP. The Applicant could seek a Permit amendment from the City if the Applicant is able to secure a portion of the corner lot of the adjacent subdivision to make a two-way road possible without encroaching into the bluff setback or removing public parking. Regardless of whether the loop road is redesigned or remains one-way, the road would be consistent with the Coastal Act and the LCP. Because the approved project will provide improved lateral access to the public by extending the existing lateral bluff top recreation area across the entire Planning Area, the approved project is not inconsistent with the applicable public access and recreation policies of the Coastal Act.

In terms of vertical access, the approved project will not interfere with the public's ability to access the sandy beach below the bluff. While the approved project does not include an additional staircase, there are two existing public staircases near the project site that provide adequate vertical access when the tide is low enough to expose the sandy beach. There is a staircase approximately 665 feet to the north at the end of Beachcomber Drive, while the other staircase is located at the Cliffs Resort approximately 795 feet south of the site. See Exhibit 2 for photos of the location of the existing staircases. Moreover, the Applicant is required as a condition of the CDP to contribute to the City's Stairway Fund to help pay for repair and maintenance of the City's staircases. Additionally, there is an informal undeveloped trail on the project site that currently provides vertical access from the bluff top to the sandy beach below. The approved sidewalk and road would not block public access to this trail in any way and would provide easier access than currently exists. Because the project site is in close proximity to two existing staircases and the approved development will not block access to the existing trail, the project provides adequate vertical access to the sea and is thus not inconsistent with the applicable public access and recreation policies of the Coastal Act.

In sum, the approved project replaces informal trails with an extension of the existing lateral bluff top park, provides a loop road system with public parking to access the park, and maintains the area's existing access points to the sandy beach below the bluffs. Thus the approved project does not raise a substantial issue of Coastal Act conformance with respect to public access.

### **Development Hazards**

The City's LCP is designed to ensure that new development reduces potential natural and man-made hazards in order to minimize injury and loss of life, damage to public and private property, and social and economic dislocations. Policy S-2 states that new development "shall be designed to withstand natural and man-made hazards to acceptable levels of risk by . . . [r]equiring new development to avoid portions of sites with high hazard levels." The City has several LCP policies specifically regarding bluff top development in the South Palisades Planning Area, including a setback distance of 100 feet beyond the 100 year bluff retreat line for all structural development and 35 feet for nonstructural development, as well as a mandatory site-specific geological report. See Exhibit 6 for the applicable LCP policies.

The Appellants contend that the approved project raises LCP consistency questions related to development hazards because the City's Environmental Impact report found that "[o]n-site soils have the potential to lack the resistance required to support the type of loads imposed by traffic." The Appellants claim that the project is inconsistent with Coastal Act Section 30253 regarding erosion and alteration of natural landforms along bluffs, as well as inconsistent with LUP Policy S-2 that requires new development to be sited outside of high hazard areas.

As explained above, the project includes a residential subdivision, an open space park along the bluff, and a one-way loop road. First, while the Appellants cite inconsistency with Coastal Act Section 30253, because the City has a certified LCP, Coastal Act Section 30253 is not a proper ground for appeal, as explained above. Section 30253 is implemented through the LCP policies regarding bluff top development, such as the setback requirement mentioned above. After analyzing the site's rate for bluff retreat using the Coastal Commission's guidelines, including extensive collaboration with Commission staff on determining the precise location of the edge of the bluff, the City determined that the project complies with the LCP's policies regarding bluff top development because none of the approved and future structural development will occur within 100 feet of the 100 year bluff retreat line.<sup>2</sup>

Despite the potential for on-site soil settlement referenced by the Appellants, a Soil Engineering Report prepared for the project found that "[t]he site is suitable, from a soils engineering standpoint, for proposed development, provided the recommendations in the report are implemented in the design and construction." The report makes many recommendations such as over-excavating to a depth of three feet in certain areas, using either native moisture-conditioned compacted soil or other non-expansive fill, and compacting the top 12 inches of substrate to a minimum of 95 percent maximum dry density to withstand traffic loads. CDP Mitigation

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<sup>2</sup> The City found that portions of the open space park are within the 100-foot setback from the 100 year bluff retreat line, but this is not inconsistent with the LCP because the open space park only contains non-habitable and non-structural development.

Measure 6A explicitly incorporates all the recommendations in the Soils Engineering Report and requires compliance monitoring by a City Building Official (see Exhibit 3). Moreover, Mitigation Measure 6B requires the Applicant to retain a qualified engineering geologist to review the existing report and make additional geotechnical modifications as needed. These mitigation measures, in addition to the required setback, are consistent with LCP Policy S-2 because the project is designed to withstand hazards to an acceptable level of risk.

For all of the above reasons, the approved project does not raise a substantial issue of LCP conformance with respect to development hazards.

### **Visual Resources**

A guiding principle of the City LCP is the preservation and enhancement of visual resources “for the aesthetic enjoyment of both residents and visitors and the economic wellbeing of the community.” Ocean views are of particular importance in the LCP, which explains that “[t]he feeling of being near the sea should be emphasized.” Views of the ocean from both Shell Beach Road and Highway 101 are offered special protection in LCP Policies D-26 and D-23, respectively. For the South Palisades Planning Area, Policy LU-B-5 states that “the size and location of structures shall retain to the maximum extent feasible intermittent views of the ocean from U.S. Highway 101.” This policy also provides specific height, setback, and open space requirements to protect visual resources in this area. The City provides additional guidance for new subdivisions in LUP Policy D-3 b, which states that “[p]rojects should be designed to preserve some of the significant views enjoyed by residents of nearby properties, which could be blocked by the project. Especially on larger sites, clustering the buildings or creating new public viewpoints can preserve portions of these views.” See Exhibit 6 for the applicable LCP policies and standards.

The Appellants contend that the approved project raises LCP consistency questions relating to the protection of visual resources because ocean views will be blocked from Shell Beach Road, Highway 101, and the existing subdivision to the north of the project site. The Appellants suggest that these views could be preserved by a “condition requiring no space between the buildings and a 15-foot wide unobstructed view corridor from Shell Beach Road.”

The project site is currently vacant and provides unobstructed views of the ocean from Shell Beach Road. The approved development standards for the future structures on the lots immediately landward of the bluff are restricted to a height of 15 feet, while all other lots are restricted to a structural height of 25 feet as required by Section 17.081.020.3 of the Implementation Plan. There is a 50-foot building setback from the southern boundary of the site, which allows for a 24-foot wide paved road for travel and public parking. The project plans state that the interior side yard setback will be designed with minimum separation between buildings, but not less than ten feet as required by Section 17.033.120.7 of the IP. Additionally, the City Council modified the project plan to require a comprehensive landscape plan designed to identify and protect public view corridors.

With respect to impacts on visual resources from Highway 101, the approved project will not block travelers’ views of the ocean. The City found that the project “will include structures similar in size and massing as those located on the parcel to the north, representing a

continuation of existing development consistent with the surrounding environment.” See Exhibit 2 for images of the ocean view from Highway 101 at the project site and existing subdivision to its north, and the City’s visual analysis. Because Highway 101 is elevated in topography from the project site, in addition to the structural height restrictions imposed on the project, the ocean will still be visible from the Highway and thus the approved project exceeds the LCP requirement to maintain intermittent ocean views from the highway.

With respect to views from Shell Beach Road, the future residential structures will partially obstruct views from this road. Because the project site is currently vacant, any structural development will impact views from Shell Beach Road in a similar manner as the surrounding subdivisions. The project parcel is within a P-R zoning district, which envisions both multi- and single family residences in the area. The City LCP recognizes that new subdivisions will impact visual resources, and only requires that a project “be designed to preserve *some* of the significant views . . . which could be blocked by the project.” (emphasis added). LCP Policy D-3b states that “creating new public viewpoints can preserve portions of these views” and thus would bring a project into compliance with the LCP. The project’s 50-foot setback from the south boundary, in addition to a 20-foot setback from Shell Beach Road, will create a substantial new public view corridor to preserve some the views that will be blocked by the future residential structures and thus is consistent with the LCP. Moreover, the City Council modified the project’s landscaping condition to require that the Applicant submit a comprehensive landscaping plan to specifically identify and preserve public views.

The future residential structures will also impact views of residents in the adjacent subdivision, who currently enjoy unobstructed views of the ocean across the vacant project site. The project is consistent with all of the South Palisades Planning Area requirements to protect visual resources found in LCP Policy LU-B-5. Moreover, a requirement of no space between buildings suggested by the Appellants is inconsistent with the Area’s Development Standards, which require a ten-foot separation between buildings, and with LCP Policies LU-H4a and D2, which require smaller massed structures rather than large buildings.

As stated above, the project is located in a P-R zoning district that allows for new subdivisions, which the LCP recognizes will necessarily obstruct some views. The current project is sited to retain portions of existing views, including those from Highway 101 and Shell Beach Road, adheres to all pertinent development requirements, and is very similar to many of the existing subdivisions in the area. For these reasons, the approved project does not raise a substantial issue of LCP conformance with respect to visual resources.

### **Natural Resources**

The City’s LCP explains that the conservation of natural resources is a key foundation to all aspects of the community and is a focus of its planning objectives. LCP Policy CO-31 regarding grading and draining regulations, which are applicable to all development and construction projects, states that “[n]ative vegetation shall be preserved to the maximum extent possible.” See Exhibit 6 for the applicable LCP policies.

The Appellants contend that the approved project raises LCP consistency questions related to the protection of native vegetation because the City’s Environmental Determination identified 7,270

square feet of Southern Coastal Bluff Scrub habitat that may be disturbed by the development. The project plans call for the replacement of 4,346 square feet of the displaced Scrub that “will result in the net loss of 2,924 s.f. of Southern Coastal Bluff Habitat,” which the Appellants contend is not “sufficient to protect this coastal resource.” The Appellants suggest that this mitigation measure is inconsistent with LCP Policy CO-31 regarding the preservation of native vegetation.

Additionally, the Appellants explain that native birds are not adequately protected because most of the City’s bluffs have been developed and tree removal “has virtually eliminated colony nesters in the area.” The Appellants do not refer to a specific LCP policy, but suggest that the Commission should nonetheless find a substantial issue with the CDP in order “to condition the permit with significantly more mitigation and restoration than contemplated by the City in order to restore coastal habitat.”

As mentioned above, the project site is a vacant lot located on a bluff top situated between a residential subdivision and a stand of 19 Monterey Pine trees. The project calls for a 40,732 square-foot open space park along the bluff edge, a minimum of 60 percent open space for the entire project site, and the preservation of all Monterey Pine trees on the adjacent property.

In terms of impacts to native vegetation, the City’s Environmental Impact report found that the site consists “primarily of non-native grassland . . . and include[s] a predominance of invasive non-native plants.” All structural development is located in this area, which consists entirely of non-native grasses. The area that was identified as “highly degraded” coastal scrub habitat is located mostly in the area that will be dedicated as an open space park and seaward of the park, where no development will occur. The approved road will displace 7,270 square feet of this highly degraded habitat, and native vegetation in this area is minimal. A 2014 site visit found that “coastal scrub vegetation present was sparse, with few understory species present,” and only a “small area of native coastal scrub dominated by coyote brush was present along the bluff top and face.” This native vegetation is located seaward of the open space park and will not be disturbed by the approved road. Although native vegetation at the site is minimal, CDP Condition B. 42 still requires that the project’s grading designs comply with all City ordinances, including LCP Policy CO-31(e), which states that native vegetation should be preserved to the maximum extent possible during grading activities. The Applicant must gain approval for the grading designs by the City Engineer, who will ensure that the grading designs are in compliance with LCP Policy CO-31. Moreover, the CDP requires that the Applicant submit landscape plans to the City for review. Although the use of native plants is not specifically mentioned in the CDP, Condition B. 7 (see Exhibit 3) will allow the City to ensure that only native plant species are used in landscape designs to replace the invasive species currently occupying the vacant lot, as required by LCP Policy D-17.<sup>3</sup>

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<sup>3</sup> LCP Policy D-17 states that “[n]ative and drought tolerant landscaping with drip irrigation shall be required within all new and rehabilitated development.”

Additionally, the CDP adequately offsets any impacts to Southern Coastal Bluff Scrub habitat in Mitigation Measure 4A, which requires the Applicant to submit a Habitat Mitigation Plan that mitigates direct and indirect impacts to Scrub habitat at a 1:1 ratio. The Applicant's draft landscape design plan goes beyond the City's mitigation requirement, calling for mitigation at slightly more than a 1.5:1 ratio and incorporating a three-year monitoring plan with specific benchmarks to measure success. The figure cited by the Appellants refers only to the 4,346 square feet of Scrub habitat that will be replaced in areas that do not currently consist of this habitat, but the Appellants fail to mention the 7,000 square feet of restoration that will also occur on-site. Finally, the project is not located in an Environmentally Sensitive Habitat Area as defined by the LCP because the site does not impact the Pismo Creek riparian zone, Pismo Lake Ecological Preserve, Monarch butterfly habitat, or native Oak trees, all specifically listed types of ESHA. The LCP does not contain any special protections or mitigation requirements for Southern Coastal Bluff Scrub habitat. The required conditions and mitigation plan ensure that the CDP adequately protects natural resources and is thus consistent with the LCP.

In terms of impacts to native birds, the City's Environmental Impact report states that no bird species were present during a 2014 site visit. The report noted that "limited foraging opportunities remain" at the site, and it is "not a significant resource for native or migratory birds due to its small size and lack of habitat diversity." The City determined that the "only potentially significant biological impact [is] the potential disturbance of nesting birds if construction activities occur during nesting season." The CDP adequately addresses this potential impact in Mitigation Measure 4B, which does not allow for construction activities to take place during nesting season unless a qualified biologist determines that no nesting birds will be adversely impacted.

In sum, the CDP incorporates conditions to preserve native vegetation, mitigates impacts to coastal scrub habitat, and protects nesting birds. For these reasons, the approved project does not raise a substantial issue of LCP conformance with respect to natural resources.

### **Other Contentions**

The Appellants contend that the Applicant may have participated in unpermitted grading activity at the site in June 2012, contrary to LCP Policy CO-31k3, which requires permit approval prior to any grading. The alleged activity, considered weed abatement by the Applicant, "was performed by a tractor with a front end loader . . . to an average depth of six inches." The Appellants suggest that additional mitigation measures should be incorporated into this CDP to compensate for the June 2012 activity at the site. However, the only appropriate grounds for an appeal are issues related to the current CDP's consistency with the City's certified LCP and the Coastal Act's public access policies. Thus any unpermitted grading that occurred two years prior to the CDP's approval is an enforcement issue, not a proper ground for this appeal. Moreover, the site was inspected in 2014, where the City found "current conditions to be very similar to the descriptions and photographs presented in the [2007 and 2008] reports." This suggests that the 2012 activity, whether grading or weed abatement, had relatively little impact on the site. Additionally, a Wetland Delineation Report conducted for the study determined that no wetland indicators were present at the site and concluded no wetlands or streams are located at the site. Thus, even construing this contention broadly, this contention does not raise a substantial issue.



## F. CONCLUSION

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

In this case, consideration of these five factors supports a conclusion that this project does not raise a substantial issue of Coastal Act or LCP conformance. First, in terms coastal access, the approved project would increase public access to the bluff and is within close proximity to vertical access to the sea. In terms of the development hazards contention, the approved project is outside the 100-foot setback from the 100 year bluff retreat line, and a soil engineering report concluded that the area can withstand traffic loads with proper design and construction. In terms of visual resources, the City found that all setback, height, and open space requirements were met, and also found that the project retained some ocean views from Highway 101 and Shell Beach Road. In terms of impacts to natural resources, a biological assessment found that the project site consists of degraded habitat with minimal native plant or animal life, and the Habitat Mitigation Plan will ensure that any adverse impacts to birds are avoided and impacts to sensitive habitats are properly mitigated at a 2.8:1 ratio.

Thus the City has provided adequate factual and legal support for its decision that the approved development would be consistent with the certified LCP. The approved project is a similar to existing subdivisions in an area zoned for this type of development, and it will not significantly impact coastal resources. Because the project is consistent with the LCP, a finding of no substantial issue will not create an adverse precedent for future interpretation of the LCP. Finally, the project does not raise issues of regional or statewide significance.

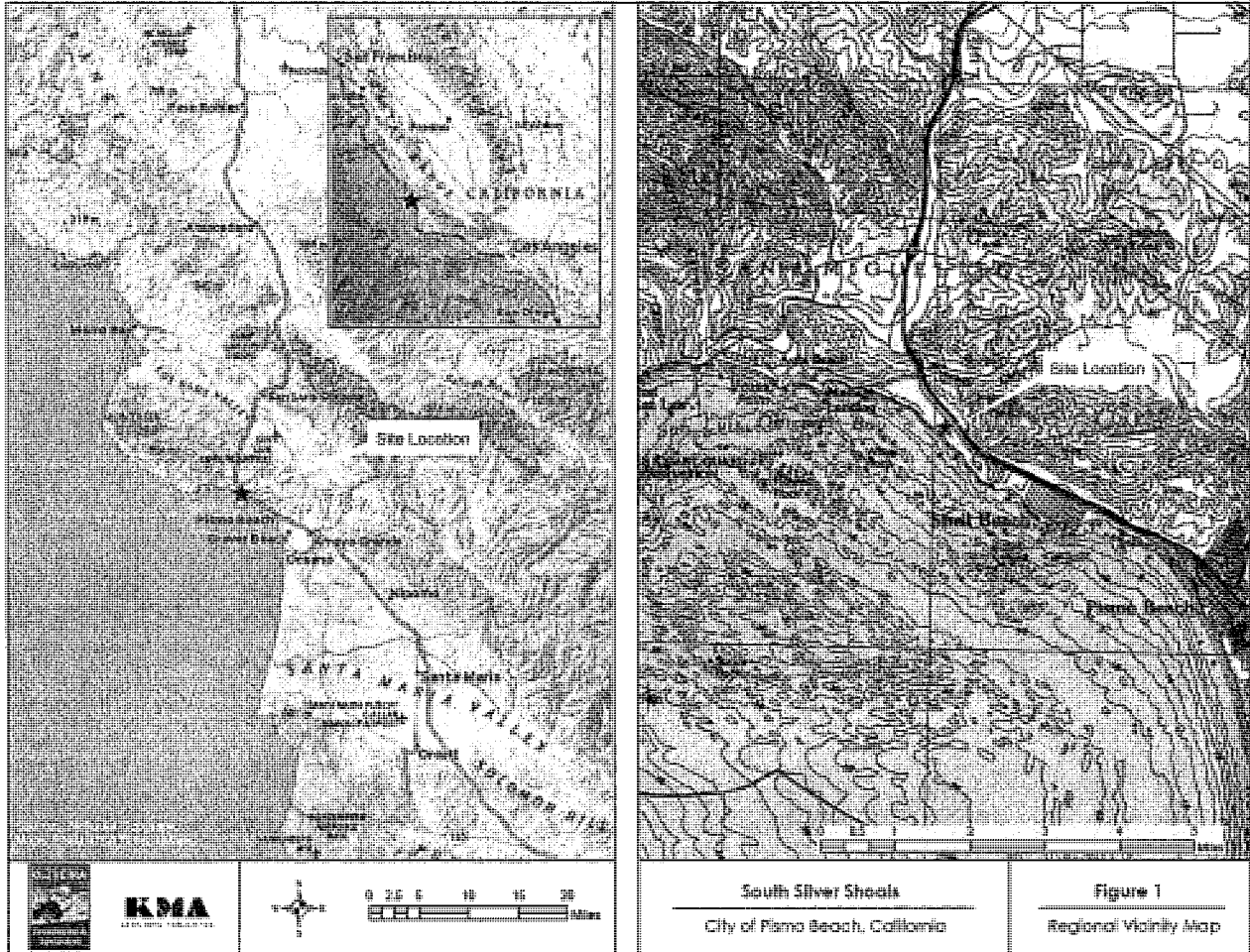
For the reasons stated above, the Commission finds that Appeal Number A-3-PSB-14-0057 does not present a substantial issue with respect to the grounds on which the appeal has been filed under Section 30603 of the Coastal Act and is consistent with the certified LCP and the public access policies of the Coastal Act.

**APPENDIX A: SUBSTANTIVE FILE DOCUMENTS**

1. *Soils Engineering Report South Silver Shoals*, Erath Systems Pacific, September 11, 2006.
2. *South Silver Shoals Pismo Beach, California Ecological Assessment*, LFR Inc. January, 2008.
3. *Biological Resources Assessment and Wetland Delineation Report – Silver Shoals*, WRA Environmental Consultants, September, 2007
4. *Updated Biological Resources Assessment – Silver Shoals*, WRA Environmental Consultants, June, 2009.
5. *Initial Study of Environmental Impact and Mitigated Negative Declaration – South Silver Shoals Subdivision*, City of Pismo Beach, July 2014.

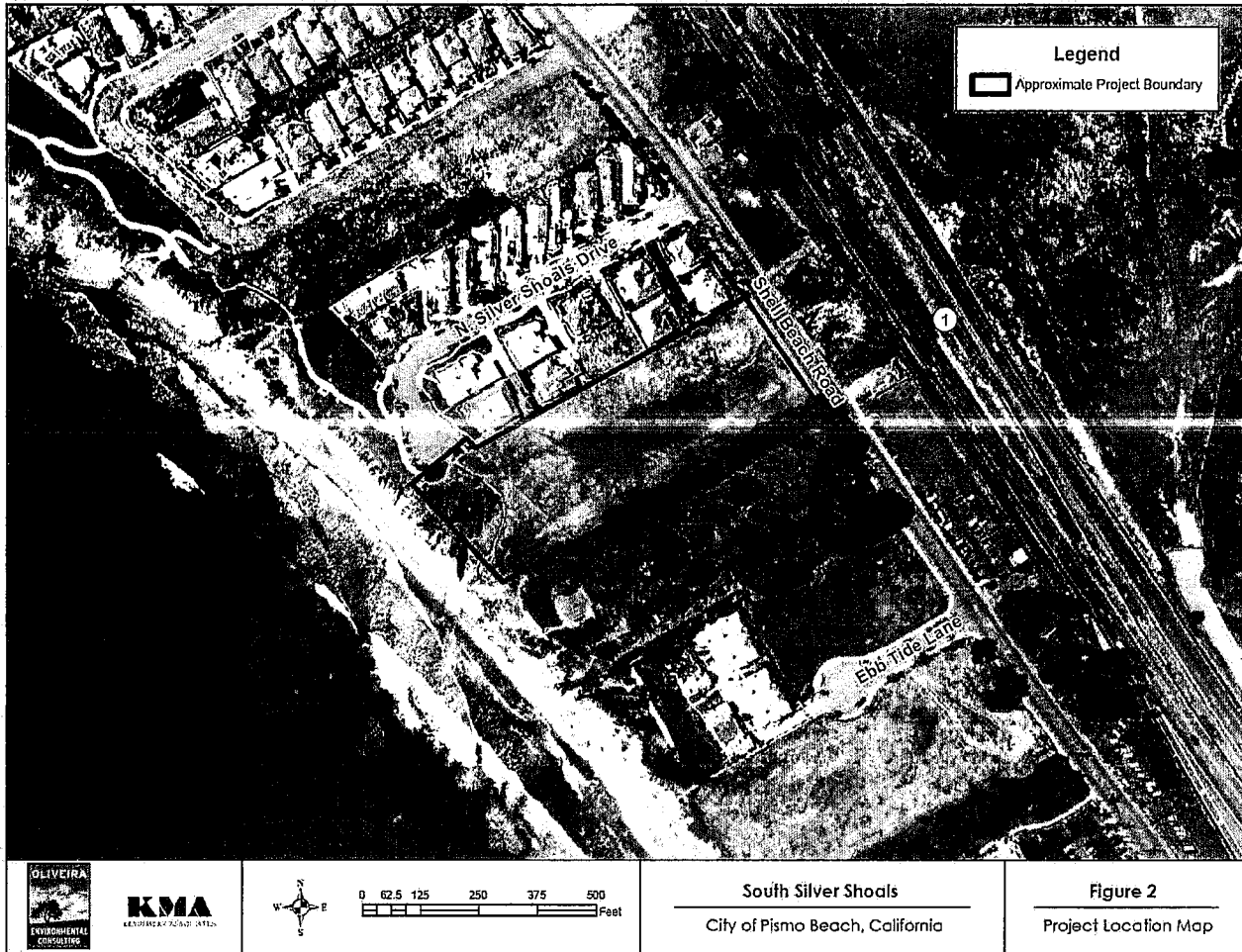


**FIGURE 1  
 VICINITY/PROJECT LOCATION**





**Figure 2**  
**PROJECT PLAN MAP**








2900 Shell Beach Road









Beachcomber Drive Staircase, 665 ft.

Project Site

Cliffs Resort Staircase, 795 ft.

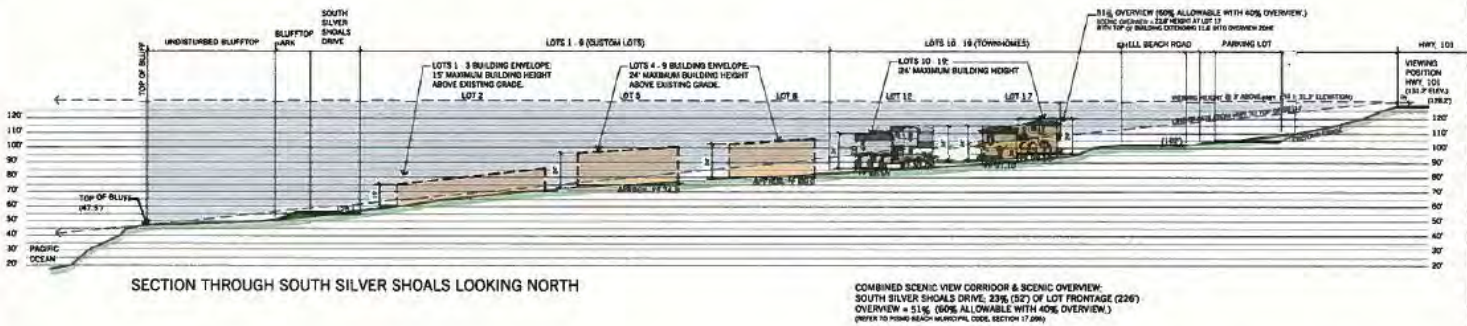








# EXHIBIT 3 VIEW ANALYSIS



SECTION THROUGH SOUTH SILVER SHOALS LOOKING NORTH

COMBINED SCENIC VIEW CORRIDOR & SCENIC OVERVIEW:  
SOUTH SILVER SHOALS DRIVE, 23% (527' OF LOT FRONTAGE (226'))  
OVERVIEW = 51% (20% ALLOWABLE WITH 40% OVERVIEW.)  
(REFER TO PISMO BEACH MUNICIPAL CODE, SECTION 17.2896)

Scale: 1" = 30'-0"  
0 10 20 30 40 50 60 70 80 90 100 110 120



Visual Section Through Site  
South Silver Shoals Pismo Beach, CA

L-2  
APRIL 15, 2014



**FINAL LOCAL ACTION NOTICE**

3-PSB-14-0876

REFERENCE # \_\_\_\_\_

APPEAL PERIOD 10/17/14 to 10/17/14

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

October 01, 2014

OnTrac # B10276770083

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

ATTN: Daniel Robinson

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

**Applicant Info:**

Name: STEVE PUGLISI ARCHITECTURE  
 Address: 583 Dana Street, San Luis Obispo, CA 93401  
 Telephone: 805-595-1962  
 Project No: P12-000098  
 Site Address: 2900 Shell Beach  
 APN #

**Project Summary:** REVIEW OF THE PLANNING COMMISSION'S RECOMMENDATION TO APPROVE PROJECT NO. P12-000098 COMPRISED OF A COASTAL DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT, ARCHITECTURAL REVIEW PERMIT, MITIGATED NEGATIVE DECLARATION AND VESTING TENTATIVE TRACT MAP 3043 FOR A RESIDENTIAL SUBDIVISION OF 10 TOWNHOUSE LOTS, 9 SINGLE-FAMILY RESIDENTIAL LOTS, A ONE ACRE PUBLIC BLUFF TOP PARK, 10 SPACE PUBLIC PARKING LOT, BETWEEN SHELL BEACH ROAD AND HIGHWAY 101, AND RELATED IMPROVEMENTS.

Date of Action: 09/16/2014  
 Action: Approved  
 Attachments: Resolutions: CC R-2014-099, PC-R-2014-025  
 Approved Plans – Approved by City Council 9/16/14  
 Staff Reports & Meeting Minutes: CC 9/16/14, PC 07/08/14  
 Legal Ads: CC 9/16/14, PC 9/16/14, PC-MND Review  
 Appeal Status: Appealable

**RECEIVED**  
 OCT 03 2014  
 CALIFORNIA  
 COASTAL COMMISSION  
 CENTRAL COAST AREA

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.

**RECEIVED**

OCT 03 2014

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



**CERTIFICATION**

I, **Elaina Cano**, City Clerk, do hereby certify that the foregoing is a true and correct copy of **RESOLUTION NO. R-2014-099, "APPROVING A COASTAL DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT, ARCHITECTURAL REVIEW PERMIT, MITIGATED NEGATIVE DECLARATION AND VESTING TENTATIVE TRACT MAP 3043 FOR A RESIDENTIAL SUBDIVISION OF 10 TOWNHOUSE LOTS, 9 SINGLE-FAMILY RESIDENTIAL LOTS; 1 ACRE PUBLIC BLUFF TOP PARK, AND RELATED IMPROVEMENTS. THE TOWNHOUSES WILL RANGE IN SIZE FROM 2,104 TO 2,166 SQUARE FEET AT 2900 SHELL BEACH ROAD, PROJECT NO. P12-000098,"** adopted by the Pismo Beach City Council on September 16, 2014.

**WITNESS MY HAND AND THE SEAL OF THE CITY OF PISMO BEACH.**

DATE: October 1, 2014

A handwritten signature in black ink, appearing to read "Elaina Cano", is written over a horizontal line.

Elaina Cano, CMC  
City Clerk



**RECEIVED**

OCT 03 2014

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**RESOLUTION NO. R-2014-099**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH APPROVING A COASTAL DEVELOPMENT PERMIT, CONDITIONAL USE PERMIT, ARCHITECTURAL REVIEW PERMIT, MITIGATED NEGATIVE DECLARATION AND VESTING TENTATIVE TRACT MAP 3043 FOR A RESIDENTIAL SUBDIVISION OF 10 TOWNHOUSE LOTS, 9 SINGLE-FAMILY RESIDENTIAL LOTS; 1 ACRE PUBLIC BLUFF TOP PARK, AND RELATED IMPROVEMENTS. THE TOWNHOUSES WILL RANGE IN SIZE FROM 2,104 TO 2,166 SQUARE FEET AT 2900 SHELL BEACH ROAD, PROJECT NO. P12-000098**

---

**WHEREAS**, Silver Shoals LLC ("Applicant") submitted an application to the City of Pismo Beach for Vesting Tentative Tract Map No. 3043, Coastal Development, Conditional Use, and Architectural Review Permits for a residential subdivision of 10 townhouse lots, 9 single-family residential lots, 1 acre public bluff top park, 10 space public parking lot between Shell Beach Road and Highway 101, and related improvements; and

**WHEREAS**, on July 8, 2014, the Pismo Beach Planning Commission held a duly noticed public hearing at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, the Planning Commission reviewed the environmental Initial Study and the proposed Mitigated Negative Declaration, and recommended adoption of the Mitigated Negative Declaration; and

**WHEREAS**, the Planning Commission recommended changes to the project including the elimination of the 10-space temporary parking lot on the east side of Shell Beach Road, inclusion of clustering of townhomes to provide additional view corridors, and limits on new tree heights; and

**WHEREAS**, on September 16, 2014, the City Council held a duly noticed public hearing at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, the City Council has considered the draft Negative Declaration with Mitigation, in accordance with section 15074(a) of the Government Code (CEQA Guidelines) and finds it to be a complete and adequate informational document.

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

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

1. The project consists of a residential subdivision of 10 townhouse lots, 9 single-family residential lots, 1 acre public bluff top park, 10 public parking spaces and related improvements.



2. Potential environmental effects have been evaluated in an environmental initial study, in accordance with the guidelines of the California Environmental Quality Act.
3. That the Mitigation and Monitoring program attached to the Mitigated Negative Declaration and included in the conditions of the subject project, has been reviewed and determined to be adequate in mitigating or avoiding potentially significant environmental effects.
4. The City Council has reviewed the initial study and proposed Mitigated Negative Declaration and finds it to be a full and complete informational document.

**B. FINDINGS FOR APPROVAL OF THE CONDITIONAL USE PERMIT, COASTAL DEVELOPMENT PERMIT AND ARCHITECTURAL REVIEW PERMIT and VESTING TENTATIVE TRACT MAP:**

1. The project improvements comply with the public access and public recreation policies of Chapter 3 (commencing with Section 30220) of the California Coastal Act of 1976.
2. The development was designed subject to the PR Zone Standards and utilizing the South Palisades Specific Plan in an advisory capacity for establishment of residential structures that are appropriate in size so as to be compatible with each other and with other residential structures in the vicinity.
3. The architectural and general appearance of structures that are designed in conformance with the development and design standards will be compatible with the visual quality and character of the surrounding area and compatible with the immediate neighborhood.
4. The proposed vesting tentative map is consistent with the General Plan, Local Coastal Program and with the General Plan Land Use Plan category of Medium Density Residential.
5. The development and design standards will assure that new residences are compatible with nearby existing uses and are not detrimental to the health, safety, morals, comfort and general welfare of persons living or working in the vicinity of the proposed project.
6. The proposed vesting tentative map will not be detrimental to the orderly development of improvements in the surrounding area, and will not be detrimental to the orderly and harmonious development of the City.
7. The proposed vesting tentative map will not impair the desirability of investment or occupation in the neighborhood.
8. The proposed map is consistent with the General Plan, Local Coastal Plan and the zoning categories of Planned Residential (PR).

9. The design of the subdivision and proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

10. The street design will result in a one way street at Silver Shoals between South Silver Shoals and North Silver Shoals because of bluff top erosion conditions and existing roadway improvements at North Silver Shoals. South Silver Shoals will be used as a temporary two-way street to preserve the stand of Monterey Pine trees along the south property line until such time as the property to the south is developed.

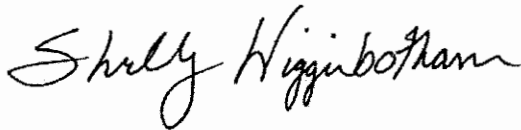
The City Council hereby adopts the Mitigated Negative Declaration and approves the Conditional Use Permit, Coastal Development Permit, Architectural Review Permit, and Vesting Tentative Tract Map 3043 based on all of the above findings and subject to the recommended Conditions attached as Exhibit A.

**UPON MOTION OF** Council Member Waage seconded by Council Member Vardas the foregoing resolution was adopted by the City Council of the City of Pismo Beach this 16th day of September 2014, by the following roll call vote:

<b>AYES:</b>	<b>4</b>	<b>Council Members Waage, Vardas, Reiss, Higginbotham</b>
<b>NOES:</b>	<b>1</b>	<b>Council Member Howell</b>
<b>ABSENT:</b>	<b>0</b>	
<b>ABSTAIN:</b>	<b>0</b>	

**Approved:**

**Attest:**



---

**Shelly Higginbotham**  
**Mayor**



---

**Elaina Cano, CMC**  
**City Clerk**

**EXHIBIT A**  
**PERMIT NO. P12-0000998, CDP / CUP / ARP / VTTM**  
**CIT COUNCIL MEETING OF SEPTEMBER 16, 2014**  
**2900 Shell Beach Road, ~~APN: 010-184-017~~**

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

**AUTHORIZATION:** Subject to the conditions stated below, approval of Permit P12-000098 grants planning permits for residential subdivision of 10 townhouse lots, 9 single-family residential lots, 1 acre public bluff top park, and related improvements, as shown on the approved plans with City of Pismo Beach stamp of September 16, 2014. Approval is granted only for the construction and use as herein stated; any proposed changes shall require approval of amendments to these permits by the City of Pismo Beach.

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

**EFFECTIVE DATE:** This permit shall become effective upon the passage of 10 days following the receipt of notice of this action by the California Coastal Commission, effective after a City Council approval, granted that an appeal has not been filed to the Coastal Commission within the above 10 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 two years after the City Council approval date unless inaugurated prior to that date. Time extensions are permitted pursuant to Zoning Code Section 17.121.160 (2).

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

**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 City Council on September 16, 2014.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**CONDITIONS, POLICIES AND SELECTED CODE REQUIREMENTS  
FOR PROJECT No. P12-000098**

**2900 Shell Beach Road, APN # 010-152-007-~~8-036~~**

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

**A. CONDITIONS TO BE MET PRIOR TO RECORDATION OF FINAL MAP OR ISSUANCE OF A BUILDING PERMIT:**

**1. All of the environmental mitigation measures are herein incorporated as conditions of approval, as follows:**

**Mitigation Monitoring Plan**

**Mitigation Measure 1A: Lighting Plans.** A detailed lighting plan shall be provided for all common and parking areas with a maximum of 1.0 foot candle to case on parking and paved areas, and shall be shielded so as not to case beyond property lines. Energy conserving lighting and systems shall be utilized.

**Mitigation Implementation/Monitoring**

**Performance standard:** Lighting plans shall be reviewed by the Planning Department

**Contingency Measure:** None

**Implementation Responsibility:** Applicant

**Implementation Schedule:** Prior to submitting building plans, the above measures shall be clearly printed on all plans.

**Monitoring Method:** Once, upon building plan submittal, and by environmental monitor.

**Mitigation Measure 3A:** To mitigate fugitive dust emissions related to project construction, the following shall be implemented:

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible;
- c. All dirt stock pile areas should be sprayed daily as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;

### Mitigation Monitoring Plan

- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers with reclaimed water should be used where feasible;
- l. All of these fugitive dust mitigation measures shall be shown on grading and building plans; and
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints, reduce visible emissions below 20% opacity, and to prevent transport of dust offsite. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

### Mitigation Implementation/Monitoring

**Performance standard:** Dust mitigation plans shall be reviewed by the Planning and Engineering Divisions.

**Contingency Measure:** None

**Implementation Responsibility:** Applicant

**Implementation Schedule:** Prior to submitting building plans, the above measures shall be clearly printed on all plans. Measures to be implemented throughout construction.

**Monitoring Method:** Once, upon building plan submittal, and by Engineering Division

**Mitigation Measure 3B.** The required mitigation measures for reducing nitrogen oxides (NOx), reactive organic gases (ROG), and diesel particulate matter (DPM) emissions from construction equipment are listed below:

- Maintain all construction equipment in proper tune according to manufacturer's specifications;
- Fuel all off-road and portable diesel powered equipment with ARB certified motor vehicle
  - diesel fuel (non-taxed version suitable for use off-road);
- Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State off-Road Regulation;
- Use on-road heavy-duty trucks that meet the ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation;
- Construction or trucking companies with fleets that do not have engines in their fleet that meet the engine standards identified in the above two measures (e.g. captive or NOx exempt area fleets) may be eligible by proving alternative compliance;
- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs

### **Mitigation Monitoring Plan**

shall be posted in the designated queuing areas and or job sites to remind drivers and operators of the 5 minute idling limit;

- Diesel idling within 1,000 feet of sensitive receptors is not permitted;
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
- Electrify equipment when feasible;
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible; and,
- Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.

### **Mitigation Implementation/Monitoring**

**Performance standard:** The applicant shall ensure compliance with the DPM avoidance measures during site construction.

**Contingency Measure:** As determined by environmental monitor or building official

**Implementation Responsibility:** Applicant

**Implementation Schedule:** throughout construction

**Monitoring Method:** Applicant shall consult with and apply for any appropriate permits with the San Luis Obispo Air Pollution Control District

**Mitigation Measure 3C.** In order to reduce project operational emissions to less than significant levels, the following measures shall be required:

1. Roof materials shall have a solar reflectance value meeting the EPA/DOE Energy Star rating to reduce summer cooling needs;
2. Appliances in any units shall be built-in and energy efficient;
3. Windows shall be double-paned or of equal energy efficiency;
4. Lighting in parking areas shall be low-energy (e.g., sodium);
5. Interior lighting shall be energy-efficient;
6. Space heating shall be high-efficiency or gas;

### **Mitigation Implementation/Monitoring**

**Performance standard:** Applicant shall submit proof of incorporation of the above, as appropriate, to the City Planning Division prior to final inspections.

**Contingency Measure:** None

**Implementation Responsibility:** Applicant/City

**Implementation Schedule:** Evidence submitted to the Planning Department prior to permit issuance and measures implemented prior to final inspection.

**Monitoring Method:** Monitoring by the Building Official or his/her designee.

**Mitigation Measure 3D: Naturally Occurring Asbestos.** The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. IF NOA is not present, an exemption must be filed with the District. If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM.

### **Mitigation Implementation/Monitoring**

**Mitigation Monitoring Plan**

**Performance standard:** The applicant shall prepare a geologic study to determine if Naturally Occurring Asbestos is within the project site, and shall subsequently file a letter of exemption to the San Luis Obispo County Air Pollution Control District or ensure compliance with ATCM requirements.

**Contingency Measure:** As determined by environmental monitor or building official

**Implementation Responsibility:** Applicant

**Implementation Schedule:** Prior to issuance of building permits

**Monitoring Method:** Monitoring by the Building Division during Plan Check

**Mitigation Measure 4A:** Prior to recordation of the Tract Map, the applicant shall submit to the City of Pismo Beach for their approval a Habitat Mitigation Plan to be approved by the City to mitigate for impacts to the Southern Coastal Bluff Scrub habitat. The plan shall quantify direct and potential indirect impacts, and provide for mitigation for areas on-site. Mitigation shall include, but not be limited to, avoidance of disturbance through buffer areas, non-native plant species removal and habitat restoration. The result of the mitigation shall be required to meet the standards set forth in the previously prepared biological investigations.

***Mitigation Implementation/Monitoring***

**Performance standard:** the applicant shall submit to the City of Pismo Beach for their approval a Habitat Mitigation Plan to be approved by the City to mitigate for impacts to the Southern Coastal Bluff Scrub habitat.

**Contingency Measure:** As determined by environmental monitor or building official

**Implementation Responsibility:** Applicant

**Implementation Schedule:** Prior to recordation of the Tract Map

**Monitoring Method:** Monitoring by the Planning Division

**Mitigation Measure 4B:** Prior to commencement of construction, to avoid conflicts with nesting birds, construction activities shall not be allowed during the nesting bird season (March to September), unless a City-approved, applicant funded qualified biologist has surveyed the impact zone and determined that no nesting bird activities would be adversely impacted. At such time, if any evidence of nesting activities is found, the biologist will determine if any construction activities can occur during the nesting period and to what extent. The results of the surveys will be passed immediately to the City with possible recommendations for variable buffer zones, as needed, around individual nests.

***Mitigation Implementation/Monitoring***

**Performance standard:** to avoid conflicts with nesting birds, construction activities shall not be allowed during the nesting bird season (March to September), unless a City-approved, qualified biologist has surveyed the impact zone and determined that no nesting bird activities would be adversely impacted.

**Contingency Measure:** As determined by environmental monitor or building official

**Implementation Responsibility:** Applicant

**Implementation Schedule:** Prior to commencement of construction

**Monitoring Method:** Environmental monitor report to City Monitoring by the Planning Division

**Mitigation Measure 6A:** The recommendations of the September 11, 2006 Soils Engineering Report shall be incorporated into the project plans, including but not limited

**Mitigation Monitoring Plan**

to measures required for site preparation, grading, utility trenches, foundations, retaining walls, interior slabs-on-grade and exterior flatwork, surface improvements, drainage around improvements, and measures associated with observation and testing. Please refer to the referenced report for a detailed discussion of required measures.

**Mitigation Implementation/Monitoring**

**Performance standard:** Project plans shall note required elements.

**Contingency Measure:** To be shown on plans prior to issuance of building permits.

**Implementation Responsibility:** Applicant

**Implementation Schedule:** Prior to building plan approval.

**Monitoring Method:** Construction contractor report to City Building Official.

**Mitigation Measure 6B.** It should be noted that the soils engineering report discussed above was prepared for a previous version of proposed site development. Because of considerations relative to the site conditions and the currently proposed development, the applicant shall be required to retain a qualified engineering geologist to review the existing report and make modifications to the geotechnical recommendations as appropriate. Recommendations could include, but would not be limited to, design recommendations for site treatment of soils to ensure load bearing capability and modifications to the design and construction specifications recommended as part of the 2006 report.

**Mitigation Implementation/Monitoring**

**Performance standard:** Applicant shall retain a qualified engineering geologist to modify the engineering and design recommendations as appropriate for the currently proposed development.

**Contingency Measure:** To be shown on plans prior to issuance of building permits.

**Implementation Responsibility:** Applicant

**Implementation Schedule:** During construction

**Monitoring Method:** City Building Official to assure measures have been updated as appropriate and implemented.

**Mitigation Measure 7A:** The details of the applicant's proposed remediation plan shall be considered a required element of the project in order to ensure that the contamination on-site is fully remediated.

**Mitigation Implementation/Monitoring**

**Performance standard:** Project plans shall note required elements.

**Contingency Measure:** To be shown on plans prior to issuance of building permits.

**Implementation Responsibility:** Applicant

**Implementation Schedule:** Prior to final inspection

**Monitoring Method:** Construction contractor report to City Building Official.

**Mitigation Measure 11A:** In order to reduce impacts related to the exposure of future project residents to noise levels (interior and exterior) in excess of the City standards discussed above, the applicant shall implement the recommendations from the project acoustic survey. This includes recommendations for deck front construction, east-facing wall assembly, vents and roof penetrations, walls, windows, doors, and double door construction.

## Mitigation Monitoring Plan

### **Mitigation Implementation/Monitoring**

**Performance standard:** Noise mitigation in accordance with recommendations from the project acoustic survey.

**Contingency Measure:** To be shown on project plans.

**Implementation Responsibility:** Applicant

**Implementation Schedule:** Prior to building plan approval.

**Monitoring Method:** City Building Division plan check.

**Mitigation Measure 11B.** Stationary construction equipment that generates noise that exceeds 65 dBA at the project boundaries shall be shielded with the most modern and effective noise control devices (i.e., mufflers, lagging, and/or motor enclosures to City's satisfaction). Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed-air exhaust from pneumatically powered tools. Where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed-air exhaust shall be used. All equipment shall be properly maintained to ensure that no additional noise, due to worn or improperly maintained parts, is generated. Stockpiling and vehicle staging areas shall be located as far as practical from sensitive noise receptors. Every effort shall be made to create the greatest distance between noise sources and sensitive receptors during construction activities.

### **Mitigation Implementation/Monitoring**

**Performance standard:** Noise mitigation shall be implemented throughout construction period as appropriate.

**Contingency Measure:** To be shown on project plans.

**Implementation Responsibility:** Applicant

**Implementation Schedule:** During construction

**Monitoring Method:** Building Division

## **B. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING PERMIT OR FINAL MAP APPROVAL**

### **Building Division:**

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

### **Planning Division:**

2. **COMPLIANCE WITH CITY COUNCIL 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 City Council's approval and these conditions. Project shall comply with these standards:



3. **SINGLE FAMILY HOME *AND TOWNHOUSE* APPROVALS:**

A) The applicant shall be required to provide design guidelines for the individual homes subject to Planning Commission review and approval prior to recordation of the final map. The design guidelines shall include a palette of complementary color options, exterior finish materials and options for roofing materials and colors. Design guidelines shall be included in the CC&R's for the subdivision.

B) The 9 residential single-family lots will be reviewed and approved at the Planning Commission level consistent with the requirements established by this approval, the General Plan/Local Coastal Plan, and the PR zone requirements. Required notice will be given to surrounding property owners and a letter of approval from the Home Owners Association shall accompany all applications. The standards shall include the following:

Item	Required
Lot Area	Minimum 5,000 square feet
Building Height	See Condition B-6
Building Floor Area	60% maximum
Lot Coverage	40% maximum
Planting Area	40% minimum
Front Setback	15' (Lots 1-3)
Side Setback	5' (all lots)
Rear Setback	10' (all lots)
Street Side Setback	15' (Lots 3, 4, 9)
Parking Spaces	Two spaces within a garage, total 20' x 20'

~~**C) The applicant shall look at clustering the townhouses at a zero lot line to reduce the appearance of project massing and to provide view corridors. (Amended by the Planning Commission on July 8, 2014) (Removed by the City Council on September 16, 2014)**~~

4. **COLOR AND MATERIALS.** Color and materials for the townhomes shall be as shown on the color board as approved by the Planning Commission.

5. **FENCING.** No solid fences, hedges or walls over 42 inches in height shall be permitted in the front yard setbacks in accordance with the City's Zoning Ordinance. No solid fences greater than 42 inches are permitted within the subdivision. All fencing that exceeds 42 inches is to be a minimum of 60% see through and maximum of 6-feet in height. Prior to recordation of the Final Map, the applicant shall submit a fencing detail to be utilized throughout the development. Fencing type to be reviewed and approved by the Planning Division.



6. BUILDING HEIGHT. The maximum allowable height of the structure shall be shown on the construction plans, to be consistent with those elevations and heights noted in the following table, including the adjustment of townhome lot 16 to meet the height 25' height limit:

**Pad Elevations and Maximum Height limitations**

Lot #'s	Existing Grade Elevation	Max Height	Max Elevation	Proposed
1	70'	15'	85'	n/a
2	70'	15'	85'	n/a
3	70'	15'	85'	n/a
4	76'	25'	101'	n/a
5	77'	25'	102'	n/a
6	78'	25'	103'	n/a
7	84'	25'	109'	n/a
8	82'	25'	107'	n/a
9	81'	25'	106'	n/a
10	85'	25'	110'	109.26'
11	85.75'	25'	110.75'	109.52'
12	86.5'	25'	111.5'	110.47'
13	86.75'	25'	111.75'	110.47'
14	87.5'	25'	112.75'	110.27'
15	93.5'	25'	118.5'	118.22'
16	92.75'	25'	117.75'	117.75'
17	93'	25'	118'	117.68'
18	93'	25'	118'	117.68'
19	93.5'	25'	118.5'	118.14'

7. LANDSCAPING AND IRRIGATION PLANS. Landscaping and irrigation plans for open space lots and for each residential lot shall be submitted by the project applicant to the City for review and approval by the project planner. ~~Tree heights shall be limited to the height of the proposed residences, with the exception palm trees placed outside of view corridors.~~ Plans shall be consistent with Chapter 15.48 landscape requirements. **A comprehensive landscape plan for the project that identifies and emphasizes the preservation of public views through the selection and placement of plant species shall be submitted to the City for approval by the Planning Commission. (Amended by the Planning Commission on July 8, 2014, modified by the City Council on September 16, 2014)**

Condominium/Townhome Lots and common area: Landscape plan shall be consistent with the requirements found in Chapter 15.48 of the Municipal Code. The landscape plan should clearly call out the following:

- a. Use of low-water-using irrigation systems. Drip irrigation shall be used where feasible.
- b. Landscape Design
- c. Irrigation Design Plan

~~d. Maximum height of trees shall not exceed 25 feet and shall be placed in locations where outside the established view corridors for the subdivision. Trees shall be maintained at or below the 25-foot maximum height limitation.~~  
**(Modified by the City Council on September 16, 2014)**

Residential lots: Detailed calculations shall be provided on the face of each residential lot plan indicating the provision of a minimum of 40% landscape area with no greater than 10% provided as lawn area. The landscape plan for each residential lot 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 that includes a variety of native plants.
- c. Irrigation Design Plan
- d. Maximum height of trees shall not exceed that established for any given lot. Trees shall be maintained at or below the maximum height established for each lot. **(Modified by the City Council on September 16, 2014)**

8. **PARK DEVELOPMENT FEES.** The Park Development fees for each residential unit of the subdivision shall be allocated specifically for development of recreational facilities on lot 20. Prior to issuance of a building permit, the City shall set up a specific account for fees associated with development of lot 20.

9. **OUTDOOR LIGHTING.** That the applicant shall submit a outdoor lighting plan for both the exterior of the condominium buildings as well as for the street and common parking areas. Proposed lighting shall be decorative in nature, low level pedestrian oriented and street and parking lights shall be shielded from above. Said plan shall be submitted to the Planning Division, Engineering Division, and Building Division. The lighting plan shall include:

- a. Locations and voltage of all fixtures
- b. Height and design of standards and fixtures
- c. Foot candles of illumination for all lighting fixtures
- d. Location, height and voltage of any exterior wall-mounted lighting
- e. Low level decorative light fixtures and standards. Light standards shall be shielded from above.

10. **BIKE LANE/PUBLIC PATH DEDICATION:** The applicant shall dedicate a 10' right-of-way on the bluff side of Shell Beach Road for a class 1 bike path/public access path. The applicant shall be required to construction the class I bike path improvements as part of the subdivision improvements. Class I Bike Path design shall be submitted to the Engineering and Planning Division for approval.

11. **BLUFF TOP PARK & ACCESS DEDICATION:** The applicant shall offer for dedication a 130 to 133 feet consistent with the Cleath Bluff Studies rates of 3'.6" to 4" per year plus 100 feet for a recreational bluff top open space park, public parking and roadway. The Final Map shall reflect an offer of dedication of this area to the City for open space and recreational purposes. The park area and related improvements shall be consistent with those approved by the City. The applicant shall dedicate the bluff top park in lieu of paying the park impact fees for the subdivision. The applicant shall be

responsible for improving the entire bluff top park and pathway access to the satisfaction of the Engineering and Planning Divisions. The park access path shall be constructed of concrete or other similar material approved by the Engineering and Planning Divisions and shall provide connections to adjacent properties.

12. OPEN SPACE REQUIREMENT: The project shall maintain a minimum of 60% of the site, minus right of way square footage, in open space. The construction documents shall clearly show that there is at least 84,164 square feet of Open Space within the development with no greater than 50% of that provided on privately owned lots.

13. TEMPORARY PUBLIC PARKING: The applicant shall *not* provide for a temporary 10-space public parking lot on APN: 010-152-036. ~~This lot shall be improved prior to issuance of building permits for individual residences or townhomes and shall be constructed in conjunction with street improvements and public beach access improvements on Lot 20. This parking lot shall be removed at owner's expense once the property to south is developed and South Silver Shoals has two lanes of traffic and two rows of public parking. Applicant shall work with Planning Staff to develop parking alternatives on the property to the west side of Shell Beach Road. (Amended by the Planning Commission on July 8, 2014)~~ Project is amended to delete the ten (10) public parking spaces at a lot on the east side of Shell Beach Road and the lighted crosswalk across Shell Beach Road and in the alternative fourteen (14) on-street public parking spaces shall be provided at the locations on the proposed streets identified in the revised Vesting Tentative Tract Map submitted by the property owner's representatives and reviewed by the City Council. **(Amended by the City Council on September 16, 2014)**

14. LATERAL BEACH ACCESS: A lateral public access dedication shall be made for that portion of the property extending from the ocean side parcel boundary to the top of the bluff.

15. BLUFFTOP RESTRAINT SYSTEM. Prior to Final Map approval, the Applicant shall provide plans to the Planning Division for the bluff top restraint system noted on page of the Vesting Tentative Tract Map. The plans shall be reviewed by the Planning Commission with approval required by the City Council.

16. AFFORDABLE HOUSING. That the applicant shall comply with the City of Pismo Beach inclusionary housing requirements and affordable housing incentives as listed in Chapter 17.26 of the 1998 Zoning Code. The applicant shall be required to comply with one of the following methods:

a. Construct the required number of affordable housing units, as specified in Chapter 17.26

b. Pay an in-lieu fee as described in chapter 17.26

c. Dedicate existing dwelling units for affordable housing equal to or greater than the equivalent value to the applicable in-lieu fee which would otherwise be required by Chapter 17.26

d. Dedicate real property for affordable housing equal to or greater than the equivalent value to the applicable in-lieu fee which would otherwise be required by chapter 17.26

e. Use a combination of the above methods subject to the approval of the City.

17. **BEACH ACCESS SIGNAGE AND STAIRWAY IMPROVEMENTS:** The applicant shall provide beach access signage at the corner of Shell Beach Road and South Silver Shoals consistent with City standards. Fees shall be collected pursuant Ordinance 86-14 for provision of beach access stairways on adjacent properties.

18. **NO PARKING:** The applicant shall provide note on site plan and Vesting Tentative Map that no parking is permitted on South Silver Shoals until such time as the Everett property next door is developed and two lanes of travel separated by a landscape median is provided. Signage shall be provided indicating that on street parking is not permitted.

19. **PUBLIC PARKING.** Public parking shall be provided along the one-way section of Silver Shoals adjacent to the bluff top park. ~~A public 10 parking space lot shall also be provided on the parcel between Shell Beach Road and Highway 101, which be removed, at developer's expense, when APN 101-152-008 is developed and two lanes of travel separated by a landscape median is provided at South Silver Shoals. Applicant shall work with Planning Staff to develop parking alternatives on the property to the west side of Shell Beach Road. (Amended by the Planning Commission on July 8, 2014)~~ Project is amended to delete the ten (10) public parking spaces at a lot on the east side of Shell Beach Road and the lighted crosswalk across Shell Beach Road and in the alternative fourteen (14) on-street public parking spaces shall be provided at the locations on the proposed streets identified in the revised Vesting Tentative Tract Map submitted by the property owner's representatives and reviewed by the City Council. *(Amended by the City Council on September 16, 2014)*

#### BUILDING DIVISION:

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

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

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

21. 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.
22. The owner shall designate on the building permit application a registered design professional who shall act as the Registered Design Professional in Responsible Charge. The Registered Design Professional in Responsible Charge shall be responsible for reviewing and coordinating submittal documents prepared by others including phased and staggered submittal items, for compatibility with design of the building.
23. The owner shall comply with the City's Structural Observation Program. The owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer of record or architect responsible for the structural design, to perform structural observation as defined in Section 220. Observed deficiencies shall be reported in writing to the owner's representative, special inspector, contractor and the building official. The structural observer shall submit to the building official a written statement that the site visits have been made and identify any reported deficiencies that, to the best of the structural observer's knowledge, have not been resolved.
24. The owner shall comply with the City's Special Inspection Program. Special inspections will be required by Section 1704 of the California Building Code. All Special Inspectors shall first be approved by the Building Official to work in the jurisdiction. All field reports shall be provided to the City Building Inspector when requested at specified increments in order for the construction to proceed. All final reports from Special Inspectors shall be provided to the Building Official when they are complete and prior to final inspection.
25. Mitigation measures for natural occurring asbestos require approval from San Luis Obispo County Air Pollution Control District.
26. Projects shall comply with current City and State water conservation regulations.
27. Deferred submittals are not allowed, i.e. fire sprinkler plans and calculations, spiral staircases, and truss calculations.
28. 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
29. Site retaining walls require a separate building permit. Please provide a separate soils report and engineering calculations for the site walls at the time of permit application.
30. Fire sprinklers, shall be required by City Codes.

## **ENGINEERING DIVISION:**

### **General Improvement Requirements which shall be met prior to issuance of a grading permit:**

31. Engineering standard conditions (notes): Shall be placed on the plans at time of submittal. A copy may be obtained through the Engineering Department.
32. Project improvements shall be designed and constructed in accordance with City standards and specifications and in accordance with all applicable City Ordinances. The decision of the City Engineer shall be final regarding the specific standards that shall apply.
33. Appropriate City standards shall be referred to on the plans and shall be included on a detail sheet within the plan set.
34. The applicant will be responsible for obtaining an encroachment permit for all work within a public right of way.
35. The City Engineering Division shall approve any landscaping or irrigation within a public right of way or otherwise to be maintained by the City.
36. Intersection site distances shall be graphically represented on the plans for all intersections within the project, including the project entrance(s). Landscaping shall be taken into account.
37. Dead end parking areas must be provided with adequate turn-around area, assuming all spaces are filled.
38. The applicant shall provide a current title report to the Engineering Division.
39. Driveways and driveway approaches shall be located and constructed per City of Pismo Beach standards. Profiles shall be provided for all interior driveways.

### **Grading and Drainage Plans**

40. The following conditions shall be met during construction:
  - A. Owner and/or owner's contractor are to take precaution against damaging road surfaces. Note: The existing street sections adjacent the property may be substandard and may be subject to damage by heavy loading/equipment during construction. The owner is responsible for protection against and/or repair of, at owner's expense, any/all damage incurred during and/or due to construction.
  - B. Encroachment Permits are required prior to any/all work in the public right of way. City Streets are to remain open to through traffic at all times. A traffic control plan shall be submitted to the Engineering Division for approval prior to detours or rerouting of traffic. Excavation within the streets shall be covered or backfilled and paved prior to the end of work

each day. No temporary or long term parking, storage, or disposal of construction equipment or materials within the right-of-way shall occur without prior issuance of an encroachment permit.

- C. Erosion and Drainage control features are to be available to be placed in the event of rain or other erosive action to prevent any sediment or refuse from leaving the site. Erosion control devices shall be installed and in place following daily construction activities. The applicant shall notify the Engineering Division of any changes in construction which will require additional erosion control measures.

41. A Preliminary Soils and/or Geology Report providing technical specifications for grading of the site shall be prepared by a Geotechnical Engineer.

42. All grading and drainage improvements shall be designed and constructed in accordance with the City Grading Ordinance and subject to approval by the City Engineer.

43. The project shall conform to the City's Storm Water Discharge Ordinance.

44. Drainage shall not be allowed to flow in concentrated or altered form onto City Park.

45. Drainage shall not be allowed to flow over the bluff.

46. Tract design shall incorporate groundwater removal system designed by a qualified Engineer.

47. A sub-drainage system shall be constructed along Shell Beach Road to protect the Tract against groundwater.

48. Lots must drain to street, or approved drainage device. Cross lot drainage shall not be allowed.

49. Public storm drain system shall be approved by the Engineering division.

50. In order for the proposed development to maintain conformance with the City's Regional Stormwater Permit, implementation of Low Impact Development (LID) source control, site design, and stormwater treatment onsite or at a joint stormwater treatment facility shall be required. The stormwater design shall be submitted for review and approval by the City Engineer and shall provide mitigation for post development runoff versus pre-development runoff.

51. Calculations and/or a drainage report must be submitted with the plans.

52. The applicant shall submit a composite utility plan.

53. All off-site public improvement plans shall be prepared by a registered civil engineer and shall be submitted to the City Engineer for review and approval. The

improvements shall be designed and placed to the Public Works Department Standards and Specifications.

54. Landscape and irrigation plans for the public right-of-way shall be incorporated into the improvement plans and shall require approval by the Streets Division Supervisor and the Community Development Department.

55. No Building Permits will be issued without prior approval of the Engineering Division and an approved erosion and sediment control plan and construction schedule. Erosion control measures shall be in place and approved by the Engineering Division prior to the start of construction.

56. An Erosion and Drainage Control Plan shall be submitted in accordance with the City Grading Ordinance. The plan shall reflect "Best Management Practices" as proposed in the California Regional Water Quality Control Board Erosion and Sediment Control Field Manual, and shall include both temporary measures (to be used during construction, and until permanent measures are completed/established) and permanent measures. Plan shall include both source control and perimeter containment measures. All Drainage and Erosion Control Measures shall be designed and/or sized by a qualified professional.

57. A Storm Water Pollution Prevention Plan per the State General Permit for Storm Water Discharges Associated with Construction Activity shall be provided for any site that disturbs greater than or equal to one acre, including projects that are less than one acre that are part of a larger plan of development or sale that would disturb more than one acre.

58. A bluff top geologic hazards report shall be submitted in accordance with the City Zoning Ordinance.

### **Utilities**

59. The applicant shall install all utilities.

60. All utilities shall be extended to the boundaries of the project.

#### **61. Sewer System Requirements**

- A. The applicant must have a video inspection performed on the existing sewer line to confirm the condition and material, and provide the Public Works department with a copy of the video for review.
- B. Applicant is responsible for all costs, materials and labor for the installation of a new sewer main and laterals.
- C. Onsite sewer system shall be a private system to the point of connection with the City system in South Silver Shoals.

#### **62. Water System Requirements**

- A. Applicant is required to show the size of the proposed lateral and proposed water meter on the plans.



- B. Applicant shall install a recycled waterline in South Silver Shoals for landscape irrigation per the Direction of the City engineer.
- 63. The applicant is responsible for securing Public Utility signatures for proposed utility relocations. Utility comments shall be forwarded to the City Engineer for approval.
- 64. All wire utilities located on the property and property frontages shall be located underground.
- 65. Street lights shall be installed at locations approved by the City Engineer.

### **Public Improvement Plans**

- 66. Public improvement plans shall be prepared by a registered Civil Engineer and approved by the Public Works Department, Engineering Division and include the following:
  - A. Grading, drainage and erosion control.
  - B. Street paving, curb, gutter and sidewalk as determined necessary by the City Engineer.
  - C. Public utilities: Reclaimed/Recycled waterline, Sewer, Storm Drain
  - D. If deemed necessary by the City Engineer, plans within the right-of-way shall include profile drawings. Improvement plans shall accurately identify the size and location of all existing public and private utilities within 25' of the property, and in all public right-of ways fronting the property. Show all proposed private utilities and Tie-in locations.
- 67. City Park (lot 20)
  - A. Maximize park improvements to the 100yr bluff retreat line.
  - B. 10 foot wide meandering sidewalk and bike path to match up with existing.
  - C. Bench and table locations to be approved by the Public Works Director.
- 68. The applicant shall submit three sets of public improvement plans to the engineering department on the City of Pismo Beach title block as a separate submittal.
- 69. Upon approval of the improvement plans, the applicant shall provide a reproducible mylar set and 3 sets of prints of the improvements for inspection purposes.
- 70. The applicant shall provide an engineer's estimate for all work on public improvement plan.
- 71. Applicant shall provide a Developer's Statement to the City.
- 72. Prior to any plan check, the applicant shall enter into an Engineering Plan Check and Inspection Services Agreement with the City based on 5% of the engineer's estimate for all work on public improvement plan.
- 73. Building plans will not be approved by the Engineering Department until Public Improvement Plans are approved; i.e approved mylars signed by the City Engineer.

74. Prior to the final inspections and acceptance of the public improvements the applicant shall provide to the City Engineer record drawings, signed by the engineer of record:

- A. 1 set of reproducible mylars
- B. 3 sets of print of the approved record drawings (as built)
- C. An electronic AutoCAD drawing file registered to the City's benchmark system shall be provided.

75. Street Improvements

- A. Street improvements shall be designed and constructed to the following street standards:
  - a. 4 foot wide meandering Concrete Sidewalks, curb and gutter on both/one side of the street.
- B. Street structural sections shall be determined by an R-Value soil test. The Traffic Index for each street shall be 6.
- C. Curb return right of way dedications shall be a radius per the City municipal code.

## **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, such as debris and dust.
2. **ARCHAEOLOGICAL MATERIALS.** In the event unforeseen archaeological resources are unearthed during any construction activities, all grading and or excavation shall cease in the immediate area and the find left untouched. **The Building Official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, Native American, or paleontologist, whichever is appropriate.** The qualified professional shall evaluate the find and make reservations related to the preservation or disposition of artifacts in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the Building Official shall notify to county coroner. If human remains are found to be of ancient age and of archaeological and spiritual significance, the Building Official shall notify the Native American Heritage Commission. The developer shall be liable for costs associated with the professional investigation.
3. Certification of compliance with the soils report shall be submitted to the Building Division prior to foundation approvals. A final report certifying compliance with the soils report or grading plans shall be submitted to the Building Division prior to final approvals.
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.

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

### **PLANNING DIVISION:**

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

### **BUILDING DIVISION:**

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

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

**PLANNING DIVISION:**

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

**E. CONDITIONS TO BE MET PRIOR TO THE RECORDATION OF FINAL MAP**

1. The applicant shall pay any current and outstanding fees for Engineering Plan Checking and Construction Inspection services.
2. A current subdivision guarantee and preliminary tax bond shall be submitted to the Engineering Division prior to recordation of the Map.
3. All public improvements are completed and approved by the City Engineer, and accepted by the City Council for maintenance. If, at the time of approval of the final map, any required public improvements have not been completed and accepted by the City the owner shall be required to enter into a Subdivision Agreement with the City in accordance with the Subdivision Map Act

Bonds required and the amount shall be as follows:

Performance Bond.....100% of improvement costs.  
Labor and Materials Bond.. .....50% of performance bond.

4. The owner shall offer to dedicate to the City and improve the following street:
  - A. South Silver Shoals
5. The owner shall offer to dedicate to the City and improve the following:
  - A. Shell Beach Road - 10 foot wide bikeway and pedestrian access path.
6. Private easements shall be reserved on the map for the following:
  - A. Sewer.
  - B. Water.
  - C. Storm Drainage
7. A funding agreement for maintenance of the drainage, sewer, lighting, parkway landscaping, and roadway facilities shall be approved by the City Attorney. The City shall approve the related language in the CC&R's prior to the final map acceptance and recordation. Documents related to funding of maintenance shall be recorded.

8. Access shall be denied to Shell Beach Road from lots 15-19. Access denial shall be offered by the property owner and recorded on the map or separate document to be recorded with the map.
9. All final property corners shall be installed.

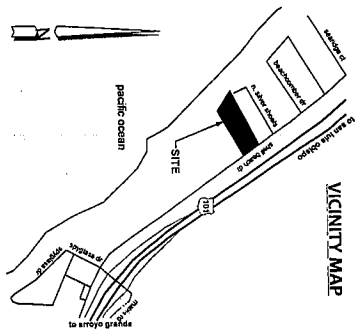
**F. CONDITIONS SUBJECT TO ONGOING COMPLIANCE:**

1. **ROOF-MOUNTED EQUIPMENT.** All roof-mounted air conditioning or heating equipment, vents or ducts shall be screened from view in a manner approved by the Project Planner.
2. **COMPLIANCE WITH APPLICABLE LAWS.** All applicable requirements of any law or agency of the State, City of Pismo Beach and any other governmental entity at the time of construction shall be met. The duty of inquiry as to such requirements shall be upon the applicant.
3. **HOLD HARMLESS.** The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. This condition and agreement shall be binding on all successors and assigns.

-END-



# South Silver Shoals



**DIRECTORY OWNERS:**

SILVER SHOALS LLC  
760 MATTHE ROAD, SUITE A1  
PISMO BEACH, CA 93449

**ARCHITECT:**

STEVEN PUGLISI ARCHITECTURE  
583 DANA STREET  
SAN LUIS OBISPO, CA 93401  
(0) 595-1962 (F) 595-1980

**CIVIL ENGINEER:**

GARING & TAYLOR  
141 S. ELM STREET  
ARROYO GRANDE, CA 93420  
(0) 489-1921 (F) 489-6723  
(0) 781-9800

**LANDSCAPE ARCHITECT:**

FIRMA  
187 TANK FARM ROAD #230  
SAN LUIS OBISPO, CA 93401  
(0) 781-9800

**GEOLOGIST:**

CLEATH & ASSOCIATES  
1545 LOS OSOS VALLEY ROAD, STE C3  
SAN LUIS OBISPO, CA 93401  
(0) 543-1413 (F) 543-1755

**BIOLOGIST:**

WRPA GROUP  
2169-G EAST FRANCISCO BLVD.  
SAN RAFAEL, CA 94901  
(0) 415-454-8868

**GENERAL SITE INFORMATION**

PROJECT ADDRESS: 2900 Shell Beach Road  
Pismo Beach, CA

ASSESSOR'S PARCEL NUMBER: 010-152-007

LOT SIZE: 3.70 acres

LAND USE PLANNING AREA: PLANNING AREA B  
SOUTH PALMSADES

ZONING: PR - PLANNED RESIDENTIAL

COASTAL APPEAL ZONE: YES

**SHEET INDEX**

P10 TITLE SHEET

SHEET 1 of 2 VESTING TENTATIVE MAP FOR TRACT No. 3043  
SHEET 2 of 2 VESTING TENTATIVE MAP FOR TRACT No. 3043

P2.0 PLAN A FLOOR PLANS  
P2.1 EXTERIOR ELEVATIONS  
P2.2 EXTERIOR ELEVATIONS  
P2.3 EXTERIOR ELEVATIONS  
P3.0 PLAN B FLOOR PLANS  
P3.1 EXTERIOR ELEVATIONS  
P3.2 EXTERIOR ELEVATIONS  
L-1 CONCEPT LANDSCAPE PLAN  
L-2 VISUAL SECTION THROUGH SITE

12/14/13  
-L-2  
P12-0000 Q8 2900 Shell Beach Rd



Steven Puglisi  
ARCHITECTURE  
383 Dana Street, San Luis Obispo, CA 93401  
Phone: 595.1962 Fax: 595.1980

**South Silver Shoals**  
for Silver Shoals LLC  
at 2900 Shell Beach Road, Pismo Beach, California

**Title Sheet**

Submittal Set  
to May 2013

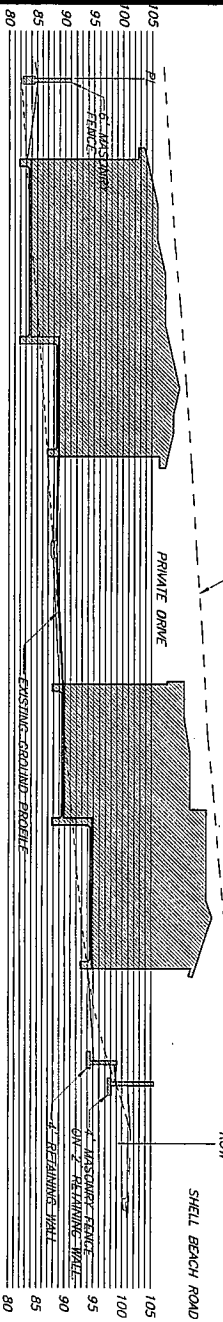
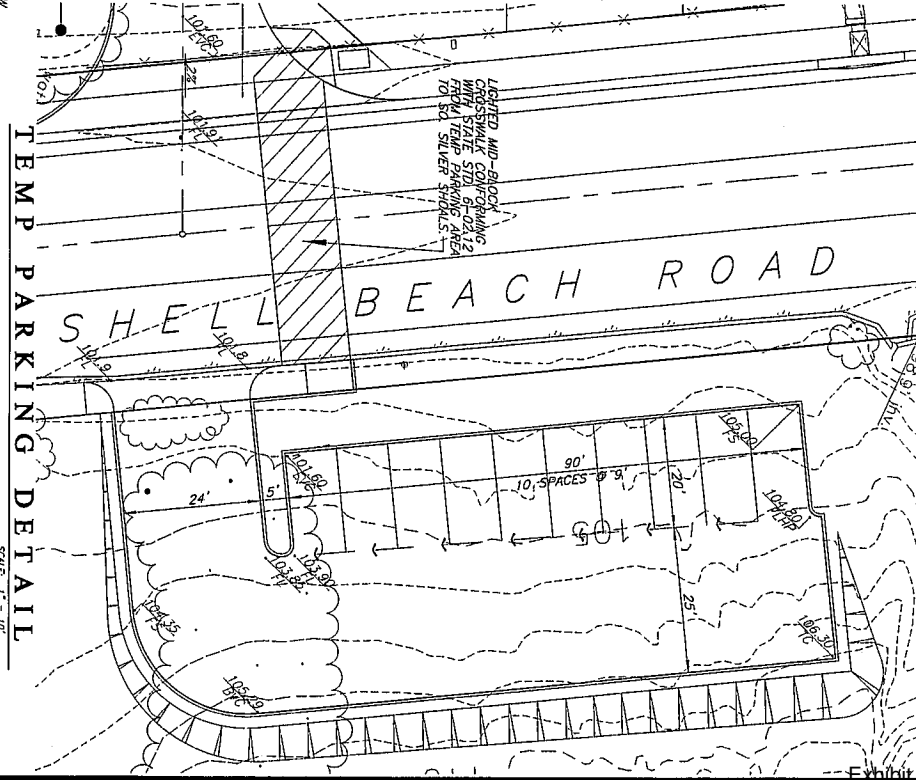
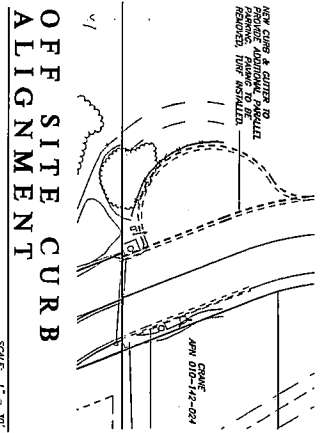
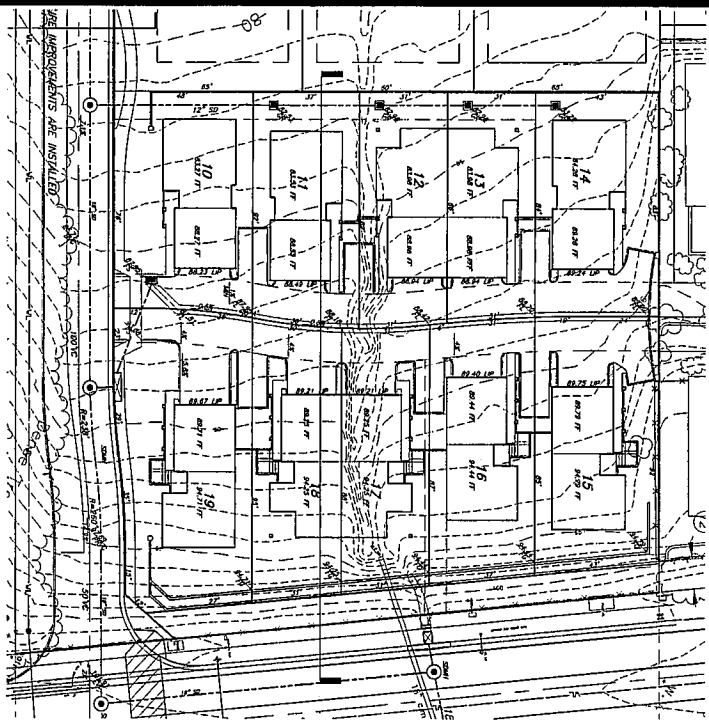


Project: 2900 Shell Beach Road, Pismo Beach, CA  
Scale: 1/8" = 1'-0"  
Date: 12/14/13  
Author: Steven Puglisi  
Check: Steven Puglisi  
Title: Architect

DATE:	12/14/2013
SCALE:	1/8" = 1'-0"
AUTHOR:	Steven Puglisi
CHECK:	Steven Puglisi
TITLE:	Architect

SHEET #  
**P1.0**





PREPARED FOR: SHELL BEACH, CALIFORNIA  
 ENGINEER: EDWARD B. JOHNSON, Professional Engineer  
 DATE: 05/11/14  
 SHEET NO. 05/11/14  
 SHEET 3 OF 2  
 PROJECT NO. 12345678  
 DRAWING NO. 12345678

VESTING TENTATIVE MAP  
 FOR  
 TRACT NO. 3043  
 SOUTH SILVER SHOALS SUBDIVISION  
 BEING A SUBDIVISION OF A PORTION OF LOT 4, 104/09/099, IN THE CITY OF PLEASANTON, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, AS SHOWN ON THE PLAT OF THE SAID TRACT, FILED FOR RECORD IN THE COUNTY OF SAN LUIS OBISPO, CALIFORNIA, ON 05/11/14, AND AS SHOWN ON THE PLAT OF THE SAID TRACT, FILED FOR RECORD IN THE COUNTY OF SAN LUIS OBISPO, CALIFORNIA, ON 05/11/14, AND AS SHOWN ON THE PLAT OF THE SAID TRACT, FILED FOR RECORD IN THE COUNTY OF SAN LUIS OBISPO, CALIFORNIA, ON 05/11/14.



Steven Puglisi  
ARCHITECTURE  
4200  
Pismo Beach, CA 93551-1900  
Tel: 805.551.1900  
Fax: 805.551.1900

South Silver Shoals  
for Silver Shoals LLC  
at 2900 Shell Beach Road, Pismo Beach, California

Plan A

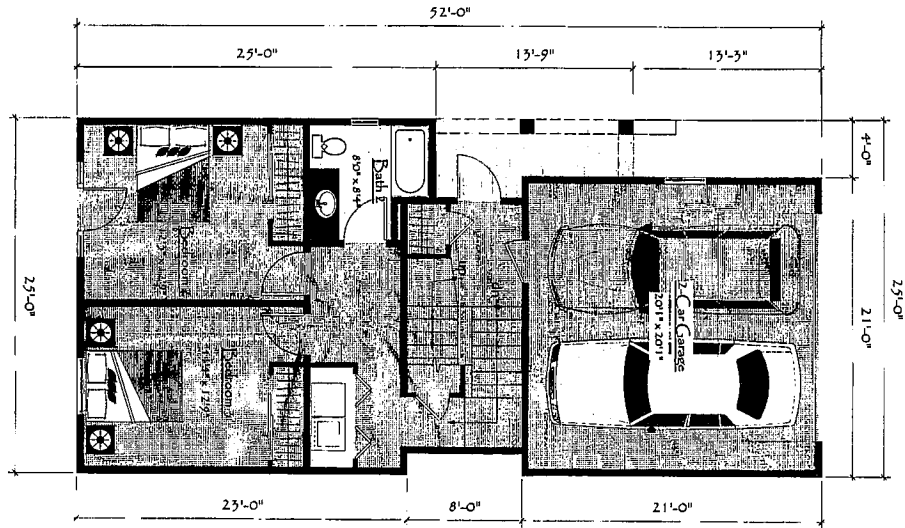
Lower floor - 730 square feet  
(681 s.f. option)  
upper floor - 993 square feet  
total - 1,723 square feet  
(1,676 s.f. option)  
garage - 441 square feet



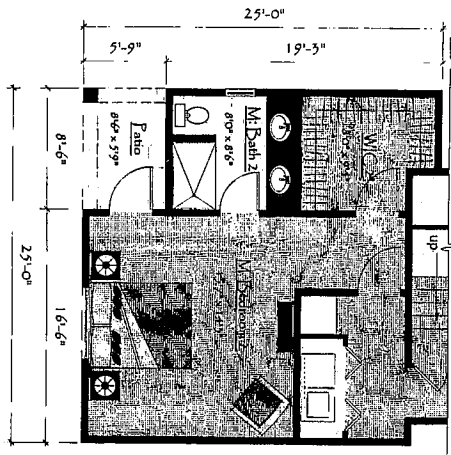
DATE: 11/11/11  
SCALE: AS SHOWN  
DESIGNER: SP  
CHECKER: SP  
APPROVER: SP

SHEET #  
**P.2.0**

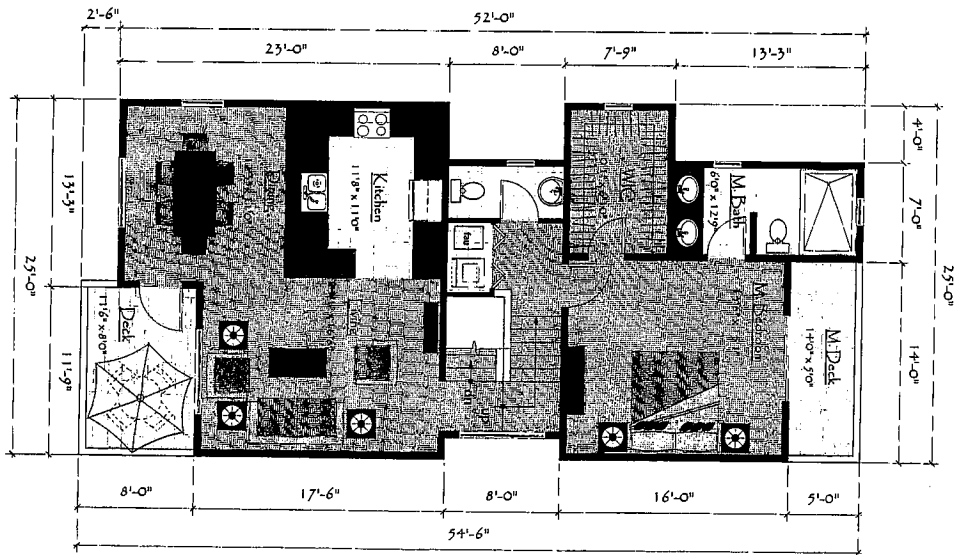
Lower Floor Plan



Lower Floor Plan  
Master Suite Option



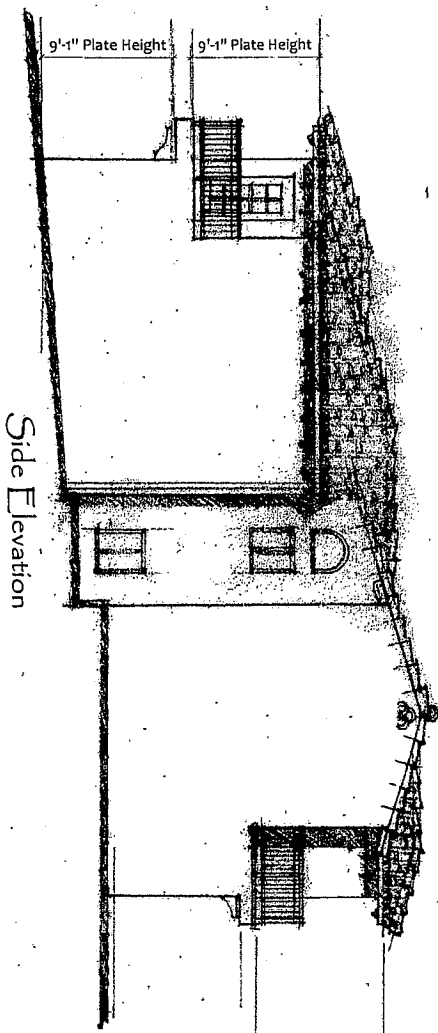
Upper Floor Plan





Front Elevation

STILE ROOF  
 EXPOSED RAFTER TAILS  
 WINDOW with DARK FRAME  
 FAUX WINDOW SHUTTERS  
 STUCCO EXTERIOR FINISH  
 EXTERIOR LIGHT



Side Elevation

**MAXIMUM HEIGHT ALLOWED**  
 Maximum Height Allowed  
 25.00'

**PROPOSED BUILDING HEIGHT**

Plate Height	9.08
Floor Framing	1.23
Plate Height	9.08
Roof Truss Height (12'6" @ 3.5:12)	3.64
Truss Heel & Sheathing	0.35
Roof Tile	0.50
<b>TOTAL PROPOSED BUILDING HEIGHT</b>	<b>23.88</b>

Steven Puglisi  
 ARCHITECTURE  
 583 Dana Street, San Luis Obispo, CA 93401  
 Phone: 805.575.1765 Fax: 805.575.1760

South Silver Shoals  
 for Silver Shoals LLC  
 at 2900 Shell Beach Road, Pismo Beach, California

Plan A  
 Exterior Elevations

Proposed  
 building height  
 23.88'



ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DELAYS OR OMISSIONS BY OTHERS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY CHANGES TO THE PROJECT MADE BY OTHERS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY COSTS INCURRED BY OTHERS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES TO PERSONS OR PROPERTY. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY INJURY TO PERSONS OR PROPERTY. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DEATH OR PERSONAL INJURY. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY PROPERTY DAMAGE. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY CONSTRUCTION DEFECTS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DEFECTS IN MATERIALS OR WORKMANSHIP. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DEFECTS IN DESIGN OR CONSTRUCTION. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DEFECTS IN THE PROJECT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DEFECTS IN THE PROJECT. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DEFECTS IN THE PROJECT.

DATE:	11/20/2012
SCALE:	AS SHOWN
DRAWN BY:	AP
CHECKED BY:	SP
DATE:	11/20/2012

SHEET #  
**P2.1**





Entry Side Elevation

**MAXIMUM HEIGHT ALLOWED**  
Maximum Height Allowed 25.00'

**PROPOSED BUILDING HEIGHT**

Plate Height	9.08
Floor Framing	1.23
Plate Height	9.08
Roof Truss Height (21.6' @ 3.5:12)	3.64
Truss Heel & Sheathing	0.35
Roof Tile	0.50
<b>TOTAL PROPOSED BUILDING HEIGHT</b>	<b>33.88</b>

Alternate Entry Side Elevation

**Steven Puglisi**  
**ARCHITECTURE**  
383 Dana Street, San Luis Obispo, CA 93401  
Phone: 805.593.1988 Fax: 805.593.1989

**South Silver Shoals**  
*for Silver Shoals LLC*  
at 2900 Shell Beach Road, Pismo Beach, California

**Plan A**  
**Exterior Elevations**

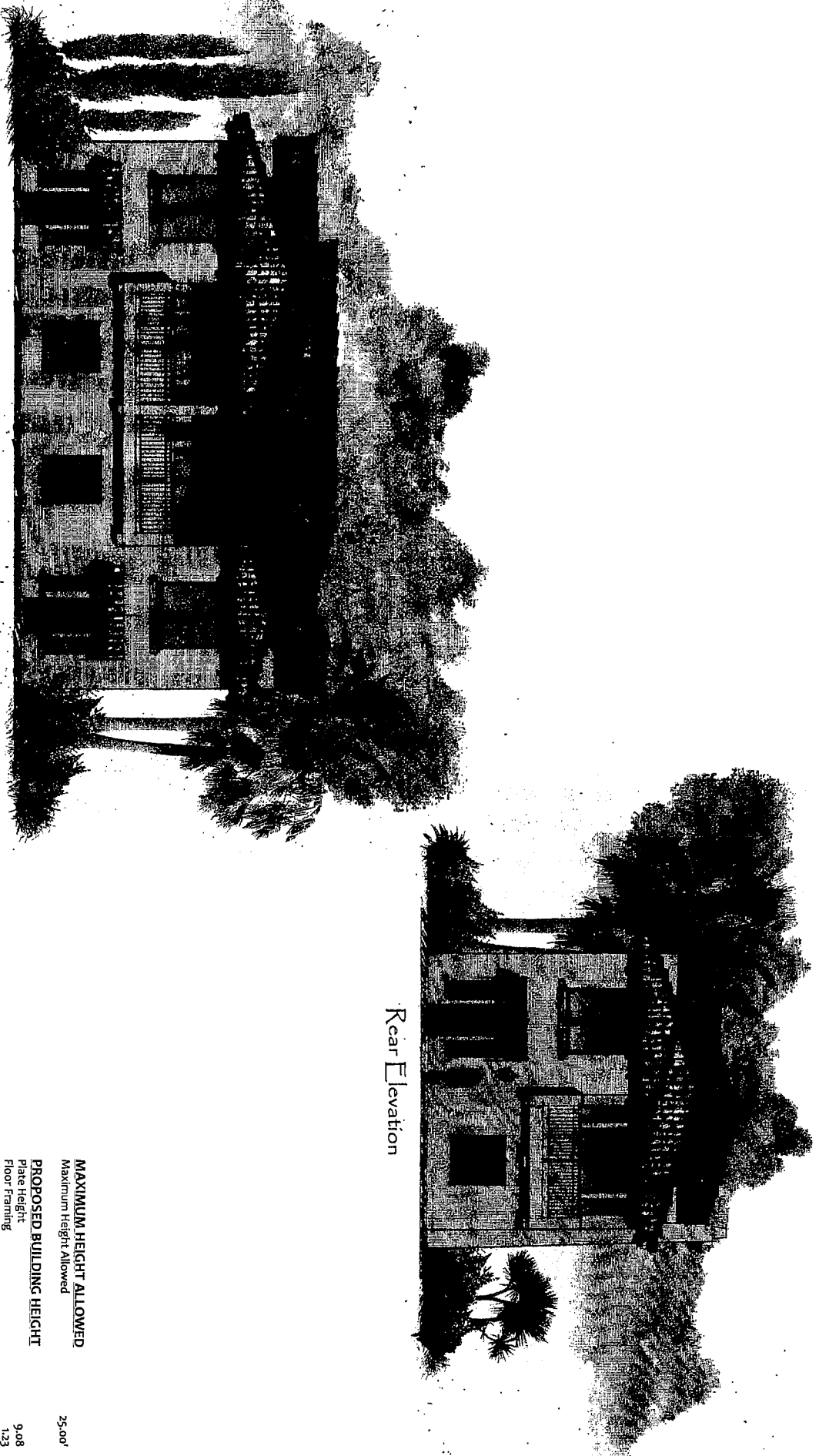
proposed building height  
23.88'



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DATE	APPROVED DATE
SCALE	AS SHOWN
DESIGNER	ARCHITECT

**SHEET #**  
**P2.2**



Duplex Rear Elevation

Rear Elevation

**MAXIMUM HEIGHT ALLOWED**  
Maximum Height Allowed 25.00'

**PROPOSED BUILDING HEIGHT**

Plate Height	9.08
Floor Framing	1.23
Plate Height	9.08
Roof Truss Height (276" @ 3.5:12)	3.64
Truss Head & Sheathing	0.35
Roof Tile	0.50
<b>TOTAL PROPOSED BUILDING HEIGHT</b>	<b>23.88</b>

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South Silver Shoals  
for Silver Shoals LLC  
at 2900 Shell Beach Road, Pismo Beach, California

Plan A  
Exterior Elevations

Proposed building height  
23.88'



Professional Seal Information: This seal is the property of the State Board of Architecture and is to be used only by the holder thereof. It is to be placed on all drawings and specifications prepared by the holder and is to be kept in the possession of the holder. It is to be used only for the purpose of certifying that the holder is a duly licensed architect and is not to be used as a guarantee of the quality of the work or as a recommendation of the State Board of Architecture. The seal is to be used only for the purpose of certifying that the holder is a duly licensed architect and is not to be used as a guarantee of the quality of the work or as a recommendation of the State Board of Architecture.

SCALE	As Shown
DATE	1/2012
PROJECT	South Silver Shoals

SHEET #  
**P2.3**



**Steven Puglisi**  
**ARCHITECTURE**  
 382 Duva Street, San Luis Obispo, CA 93401  
 Phone: 805.563.1798 Fax: 805.563.1790

**South Silver Shoals**  
 for Silver Shoals LLC  
 at 2900 Shell Beach Road, Pismo Beach, California

**Plan B**

lower floor - 599 square feet  
 (518 s.f. option)  
 upper floor - 1,011 square feet  
 total - 1,610 square feet  
 (1,529 s.f. option)  
 garage - 494 square feet

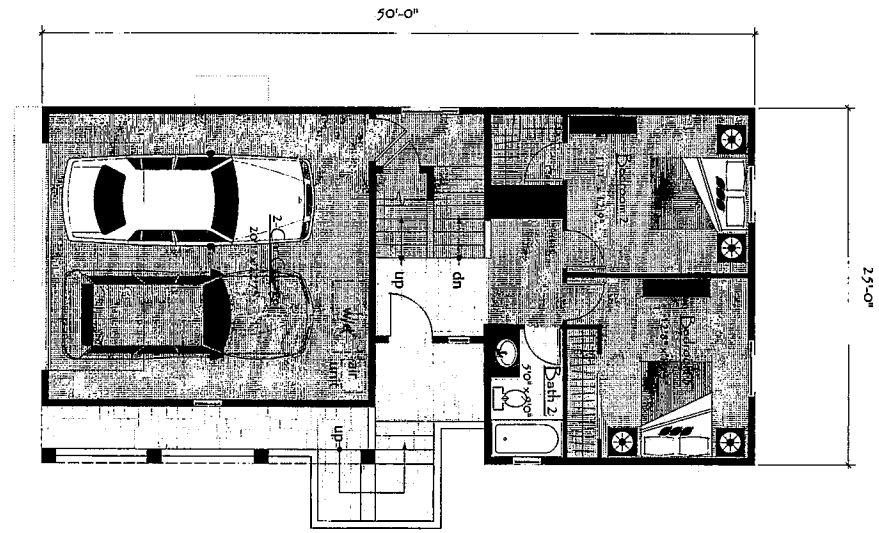


**DATE:** 11/20/2013  
**SCALE:** AS SHOWN  
**DRAWN:** J. PUGLISI  
**EXTENDED:**

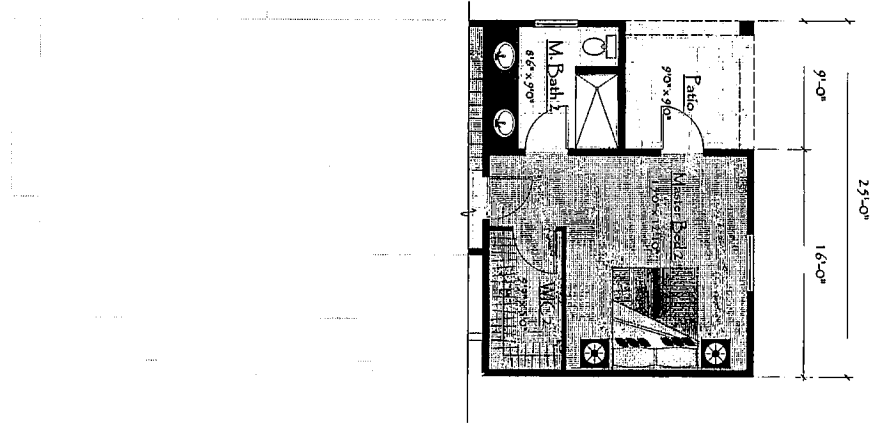
DATE	11/20/2013
SCALE	AS SHOWN
DRAWN	J. PUGLISI
EXTENDED	

**SHEET #**  
**P3.0**

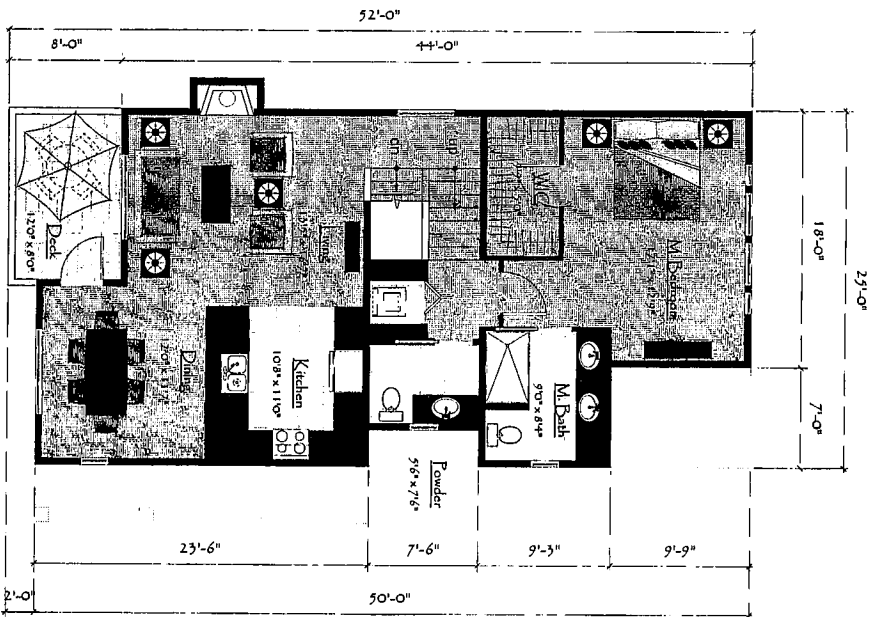
lower floor plan



lower floor plan  
 master suite option



upper floor plan





- BARREL TILE ROOF
- EXPOSED RAFTER TAILS
- WINDOW WITH DARK FRAME
- FAUX WINDOW SHUTTERS
- STUCCO EXTERIOR FINISH
- EXTERIOR LIGHT

Duplex Rear Elevation

Front Elevation

**MAXIMUM HEIGHT ALLOWED**  
Maximum Height Allowed 25.00'

**PROPOSED BUILDING HEIGHT**

Plate Height	9.08
Floor Framing	1.23
Plate Height	9.08
Roof Truss Height (12'1" @ 3:5:12)	3.72
Truss Heel & Roof Sheathing	0.35
Roof Tile	0.50
<b>TOTAL PROPOSED BUILDING HEIGHT</b>	<b>23.96</b>

Rear Elevation

Steven Puglisi  
ARCHITECTURE  
583 Dana Street, San Luis Obispo, CA 93101  
PHONE: 805.551.1985 FAX: 805.551.1980

South Silver Shoals  
for Silver Shoals LLC  
at 2900 Shell Beach Road, Pismo Beach, California

Plan B  
Exterior Elevations

proposed building height 23.96'



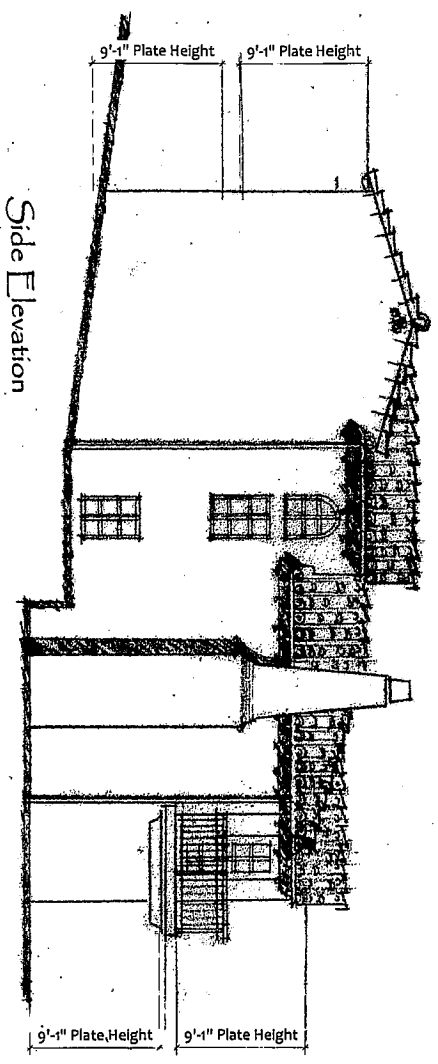
These drawings were prepared by Steven Puglisi Architecture, Inc. for the purpose of obtaining a building permit for the project described above. The drawings are not to be used for any other purpose without the written consent of Steven Puglisi Architecture, Inc. The drawings are the property of Steven Puglisi Architecture, Inc. and shall remain confidential. No part of these drawings may be reproduced or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Steven Puglisi Architecture, Inc.

DATE:	1/16/2014
SCALE:	AS SHOWN
DRAWN BY:	SP
CHECKED BY:	SP
APPROVED BY:	SP

SHEET #  
**P3.1**



Entry Side Elevation



Side Elevation

**MAXIMUM HEIGHT ALLOWED**  
Maximum Height Allowed 23.00'

**PROPOSED BUILDING HEIGHT**

Plate Height	9.08
Floor Framing	1.23
Plate Height	9.08
Roof Truss Height (12'6" @ 3.5'x2)	3.72
Truss Head & Roof Sheathing	0.35
Roof Tile	0.59
<b>TOTAL PROPOSED BUILDING HEIGHT</b>	<b>23.96</b>

**Steven Puglisi**  
**ARCHITECTURE**  
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Phone: (805) 595-1900 Fax: (805) 595-1980

**South Silver Shoals**  
for Silver Shoals, LLC  
at 2900 Shell Beach Road, Pismo Beach, California

**Plan B**  
**Exterior Elevations**

proposed building height  
23.96'



ALL WORK SHALL BE IN ACCORDANCE WITH THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE ORDINANCES. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE WORK SHOWN ON THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY OTHERS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DELAYS OR OMISSIONS BY OTHERS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY CHANGES TO THE WORK NOT SHOWN ON THESE PLANS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY COSTS INCURRED BY OTHERS. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DAMAGES TO PERSONS OR PROPERTY. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY INJURY TO PERSONS OR PROPERTY. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY DEATH OR DAMAGE TO PERSONS OR PROPERTY. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY OTHER DAMAGES TO PERSONS OR PROPERTY. THE ARCHITECT SHALL NOT BE RESPONSIBLE FOR ANY OTHER DAMAGES TO PERSONS OR PROPERTY.

DATE:	11/10/2010
SCALE:	AS SHOWN
DESIGNER:	S.P.
EXERCISE:	

**SHEET #**  
**P3.2**







STATE OF CALIFORNIA - THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060-4608  
VOICE (831) 427-4088 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: Sierra Club et al (see attached)

Mailing Address: P.O. Box 15755

City: San Luis Obispo

Zip Code: 93406

Phone: 805-543-8717

SECTION II. Decision Being Appealed

1. Name of local/port government:

City of Pismo Beach

2. Brief description of development being appealed:

"Silver Shoals" residential subdivision of 10 townhouse lots, 9 single-family residential lots and 1 acre public bluff top park, with public parking lot between Shell Beach Rd. and Highway 101.

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

2900 Shell Beach Road, Pismo Beach, CA

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

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

RECEIVED

OCT 15 2014

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

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

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-3-PSB-14-0057

DATE FILED: 10/15/2014

DISTRICT: Central Coast

Silver Shoals Subdivision Coastal Development Permit  
# P12-000098

**Co-Appellants:**

Alan Stocker  
109 N. Silver Shoals Drive  
Shell Beach, CA 93449

Marilyn Hansen  
PO Box 3002  
Shell Beach, CA 93449  
(805) 773-2773

Delwyn Wayner  
100 N. Silver Shoals Drive  
Shell Beach, CA 93449

**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: Sept. 16, 2014

7. Local government's file number (if any): # P12-000098

**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:

Silver Shoals Investors LLC  
760 Mattie Rd A1  
Pismo Beach, CA 93449

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) See Attachment 1.

(2)

(3)

(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.

The project is inconsistent with the Coastal Act policies assuring public access. This site has long been used by local residents and visitors creating a de facto prescriptive easement for hiking, trails, dog walking and access to the beach for over 20 years. The proposed road would block trail access, a Coastal Act inconsistency that could be alleviated by requiring a "no road" subdivision.

The project is inconsistent with GP/LCP policy S-2 New Development: "New development within the City's jurisdiction shall be designed to withstand natural and man-made hazards to acceptable levels of risk by: ...d. requiring new development to avoid portions of sites with high hazard levels." Portions of the South Silver Shoals Road extension are located within the setback area, despite the fact that "onsite soils have the potential to lack the resistance required to support the type of loads imposed by traffic." (Initial Study, p. 22.) Coastal Act Section 30253: "New development shall...neither create nor contribute significantly to erosion, geologic instability...or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs."

The project is inconsistent with Coastal Act and LCP policies protective of the public viewshed. Shell Beach Road is designated as a Pismo Beach Scenic Highway. The project site is the last 3 acre+ area in the community with a whitewater ocean view from Shell Beach Road, which is thus designated in the LCP: "Shell Beach Road is the scenic road that ties together much of Pismo Beach. Its character is derived from the views of the ocean on one side and the foothills on the other." (LCP D-26). Per GP/LCP policy D3b: Views Through the Site: "Projects should be designed to preserve some of the significant views enjoyed by residents of nearby properties, which could be blocked by the project. Especially on larger sites, clustering the buildings or creating new public viewpoints can preserve portions of these views," and GP/LCP policy LU-B-5 Visual Access: "The size and location of structures shall retain to the maximum extent feasible intermittent views of the ocean from U.S. Highway 101. ... Open space shall be arranged to maximize view corridors through the planning area from public viewing areas to protect and maintain views of both the ocean and coastal foothills, as well as the visual sense of the coastal terrace landform."

Views to the beach between the project and the adjoining present Silver Shoals subdivision will be blocked. These views could be preserved and open space arranged to maximize same by a condition requiring no space between the buildings and a 15-foot wide unobstructed view corridor from Shell Beach Road to the beach and requiring townhouse lots to be designed with no space between the buildings in order to preserve views of the ocean.

The project is inconsistent with GP/LCP policy policy CO-31e: "Native vegetation shall be preserved to



the maximum extent possible." The City's Environmental Determination appears to identify 7,270 square feet of Southern Coastal Bluff Scrub on the project site as an "area of proposed disturbance" and proposes the replacement of 4,346 s.f. of this scrub, with mitigation of impacts to this sensitive natural community via "further restoration of removed scrub." As it appears the applicant is proposing a mitigation measure that will result in the net loss of 2,924 s.f. of Southern Coastal Bluff Scrub, with no specificity as to the nature or location of the "further restoration," current measures do not appear sufficient to protect this coastal resource. The Habitat Mitigation Plan's proposed mitigation ratio of 1:1 would necessarily result in the overall loss of half the resource, and should be increased.

The project is inconsistent with GP/LCP policy CO-31k3: "Prior to the commencement of any grading activity, the permittee shall submit a grading schedule which indicates that grading shall be completed within the permitted time stipulated in Paragraph f and that any variation from the schedule shall be promptly reported to the City Engineer." The project has not considered potential impacts to coastal resources from the obliteration of the drainage gully that bisected the site via an unpermitted grading operation in June 2012, characterized as "weed abatement." Weed abatement of the dry gully could have been accomplished by a weed eater, but was performed by a tractor with a front end loader, grading to an average depth of six inches and crushing the sides of a gully that averaged four feet deep and six to twelve feet wide. No previous weed abatement operations on the site resulted in the obliteration of the drainage gully. ("The site ...appears to have been consistently mowed multiple times over the years for weed abatement..." -- Initial Study of Environmental Impact, p. 13). This operation was undertaken prior to the issuance of any permits and contrary to construction conditions of the project's Grading and Drainage Plans and has likely altered surface water drainage patterns on the project site, with former surface runoff patterns through the native plant community decreased since the time of grading, causing additional indirect impacts and requiring additional mitigation.

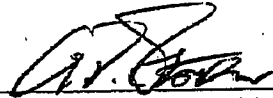
Two mature trees on the site were removed outside the permit sought in this application. Pismo Beach has allowed over 90 percent of its bluffs to be developed, in tandem with a long history of tree trimming, nest removal and tree removal without permits that has virtually eliminated colony nesters in this area. By 2008, the site at 2900 Shell Beach Road were virtually all that remained of the region's primary nesting habitat for herons, pelicans, cormorants, egrets, oyster catchers and peregrine falcons. It is the logical place to attempt some degree of environmental restoration. A finding of substantial issue would allow the Commission to condition the permit with significantly more mitigation and restoration than contemplated by the City in order to restore coastal habitat.

In light of the foregoing, significantly more mitigation and restoration, better defined, should be required as a condition of the permit for this project.

**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: 10/17/2014

**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: \_\_\_\_\_

**RECEIVED**

OCT 17 2014

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

***Section 30210 Access; recreational opportunities; posting***

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

***Section 30211 Development not to interfere with access***

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

***Section 30212 New development projects***

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where: (1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, (2) adequate access exists nearby, or, (3) agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

***Section 30221 Oceanfront land; protection for recreational use and development***

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

***Section 30222 Private lands; priority of development purposes***

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

***Section 30252 Maintenance and enhancement of public access***

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.

***LCP Policy PR-24 Perpendicular Access to Shoreline Required***

Public access perpendicularly from the nearest public roadway to the shoreline should be provided in new development projects except where protection of fragile coastal resources

prevents access or adequate public access already exists nearby (generally within 500 feet or as shown on Figure PR-3).

***LCP Policy S-2 New Development***

New development within the City's jurisdiction shall be designed to withstand natural and man-made hazards to acceptable levels of risk by:

- (d) Requiring new development to avoid portions of sites with high hazard levels.

***LCP Policy LU-B-3 Lateral Bluff-top Open Space and Access***

The width of the lateral bluff-top conservation/open space and access dedication requirement set forth in Policy PR-23 shall be increased to a distance equal to the 100-year bluff retreat line plus 100 ft. for all development on the shoreline in this planning area. Future park improvements and trail/bicycle path amenities shall be funded by new development in this area.

***LCP Policy PR-23 Lateral Bluff-Top Open Space and Access***

Encroachments into the bluff-top conservation and lateral access zone shall be limited to roadway extensions which incorporate public parking opportunities. Such encroachments shall not extend more than a depth of 35 feet into the conservation and public access zone.

***LCP Policy LU-B-7 Special Environmental Conditions***

Due to the sensitive nature of the South Palisades area, all developments shall include archaeological analysis, surface water runoff analysis, and U.S. Highway 101 noise mitigation. Geologic reports for development near the bluffs shall also be required.

***LCP Policy P-7 Visual Quality is Important***

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

***LCP 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.
- (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.

***LCP Policy D-23 U.S. 101 Freeway***

The U.S. 101 Freeway, also known as E1 Camino Real, is hereby designated as a Pismo Beach scenic highway. The portion of this highway within Pismo Beach provides travelers with the only ocean view between the Golden Gate Bridge (San Francisco) and Gaviota, a distance of

over 300 miles. The scenic views include the City and ocean on one side and the Pismo Foothills on the other. To implement this policy the City shall:

- (d) Require that new commercial signs, sound walls and other new developments be modified in height, size, location or design so that existing "blue water" ocean views from U.S. Highway 101 will not be blocked, reduced or degraded;

***LCP Policy D-26 Shell Beach Road***

Shell Beach Road is hereby designated as a Pismo Beach Scenic Highway. Shell Beach Road is the scenic road that ties together much of Pismo Beach. Its character is derived from the views of the ocean on one side and the foothills on the other. To implement this policy the City shall:

- (b) Require design review for development on all properties abutting the road right-of-way.

***LCP Policy LU-B-5 Visual Access***

Development of the South Palisades area shall protect visual access to the ocean and to dominant coastal landforms. Specifically, the size and location of structures shall retain to the maximum extent feasible intermittent views of the ocean from U.S. Highway 101. To accomplish these design objectives, the following standards shall be incorporated into the Specific Plan:

- (3) A minimum of 60 percent of each of the existing parcels within the planning area as of 1992 shall be retained in open space.
- (4) Structures immediately landward of the required bluff setback shall not exceed 15 feet in height from the existing natural grade.
- (5) Heights of structures other than those identified in subsection 4 above shall not exceed a maximum of 25 feet above natural grade. Two story structures shall be permitted only where it is determined that views of the ocean will not be blocked or substantially impaired. A visual analysis of potential view blockage shall be required for each development proposal.
- (6) Road right-of-way widths shall be complemented by an additional building setback of a minimum of 20 feet.
- (7) Open space shall be arranged to maximize view corridors through the planning area from public viewing areas to protect and maintain views of both the ocean and coastal foothills, as well as the visual sense of the coastal terrace landform. Accordingly, common open space shall have continuity throughout the development and shall not be interrupted by fences or other structures.

***LCP Policy D-3 Subdivision Design Criteria***

- (a) ***Views Through the Site*** Projects should be designed to preserve some of the significant views enjoyed by residents of nearby properties, which could be blocked by the project. Especially on larger sites, clustering the buildings or creating new public viewpoints can preserve portions of these views.



***LCP Policy 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.

***LCP Policy CO-31 Grading and Drainage Regulations***

The following specific grading and drainage policies shall be applicable to development and construction projects. The city's grading ordinance shall be revised to include these polities:

(e) Native vegetation shall be preserved to the maximum extent possible.

(k)(3) Prior to the commencement of any grading activity, the permittee shall submit a grading schedule which indicates that grading shall be completed within the permitted time stipulated in Paragraph f and that any variation from the schedule shall be promptly reported to the City Engineer.

***LCP Policy D-17 Native and Drought Tolerant Landscaping***

Native and drought tolerant landscaping with drip irrigation shall be required within all new and rehabilitated development requiring discretionary approval in conformance to city water conservation policies.

***IP Section 17.033.120.7 Site Planning Standards***

Separation Between Buildings. The minimum separation between main buildings in the development, including structures in both residential and non-residential developments, shall be not less than ten feet.

***IP Section 17.081.020.3 Height Limitations Overlay Zone Criteria and Standards***

In the South Palisades planning area, heights of all buildings shall vary from one to two stories, with two-story structures being allowable only in areas which will not substantially block ocean overviews from U.S. Highway 101. Heights of structures immediately landward of the required general plan bluff setback shall not exceed fifteen feet in height measured from the highest point of the roof to the center point of the building footprint at site grade existing as of January 23, 1981. Heights of other structures shall not exceed a maximum of twenty-five feet above the grade existing as of October 12, 1976.