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Filed: 10/15/2014
Action Deadline: None
Staff: Brian O'Neill - SC
Staff Report: 9/18/2015
Hearing Date: 10/7/2015

STAFF REPORT: DE NOVO HEARING

Application Number: A-3-PSB-14-0057

Applicants: Silver Shoals Investors, LLC

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

Project Description: Subdivision of a vacant 3.7 acre parcel into 19 parcels, including ten townhouse parcels and nine single-family parcels; construction of ten townhouse residential units; construction of a one-acre public bluff-top park; a 24-foot wide cul-de-sac road; ten public parking spaces; and related improvements.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The Applicant proposes to subdivide a 3.7-acre parcel into 19 parcels (ten parcels for townhouses and nine single-family parcels). The proposed project also includes development of a one-acre public bluff-top park, development of the ten townhouses, a new cul-de-sac road, ten 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, in San Luis Obispo County. The Project site is on a bluff-top situated between an existing residential subdivision and an undeveloped parcel.

On January 7, 2015, the Commission found that the City's action approving the subdivision and associated development raised a substantial issue of conformance with the City's LCP and took jurisdiction over the CDP application. Specifically, there were questions raised regarding the

project's impact on views from Highway 101 and Shell Beach Road, as well as the proposed density as compared to other subdivisions in the surrounding area.

As currently proposed, the project is inconsistent with the City of Pismo Beach Local Coastal Program (LCP) and Coastal Act policies related primarily to public access and recreation, visual resource protection, public services, and hazards. The project is for the subdivision of a vacant parcel that does not have significant site constraints, which provides the Applicant maximum flexibility to address these critical resource issues. As detailed in the findings below, the recommended conditions are necessary to address the requirements of the LCP and the Coastal Act while still allowing for reasonable residential development of the project site.

With respect to public access and recreation, both the LCP and Coastal Act require new development to maximize access to coastal resources and provide for recreational opportunities. Public access includes both lateral and vertical access along the coast, as well as adequate parking and access signage. The project includes a bluff-top park that provides lateral access to coastal resources, but does not provide vertical access to the sandy beach below the bluff as required by the LCP and the Coastal Act. Additionally, the project does not provide adequate parking as required by the LCP and Coastal Act because the proposed road includes public parking on only one side of the street, while all other roads in the area provide parking on both sides of the street. No public access signage is proposed for the project. Thus, Staff recommends a special condition to require the development and implementation of a Public Access Management Plan that includes a vertical accessway to the beach, widening of the proposed road to allow public parking on both sides of the road, public access signage, and other public access amenities.

With respect to visual resource protection, the LCP requires that new development retain ocean views from Highway 101 to the maximum extent feasible and preserve public view corridors from Shell Beach Road. The project proposes structural heights at the maximum allowed under the LCP (15 feet for lots adjacent to the bluff and 25 feet on all other lots), which would block 50% of the scenic ocean views as currently seen from Highway 101. Contrary to the requirements of the LCP, the proposed heights will cause the maximum view blockage possible at the site. Thus, Staff recommends a special condition to allow 15-foot-tall structures on the lots adjacent to the bluff, with all other lots required to be limited to below the line of sight as seen from three feet above the southbound travel lane of Highway 101 and the front lots. This condition will retain 80% of the scenic overviews as seen from Highway 101 and ensure that no additional view blockage above the 15-foot-tall structures will occur, while still allowing for reasonable residential development to occur. Additionally, the proposed road, especially as widened, will create a new public view corridor through the project site from Shell Beach Road. Two interior view corridors would be created through the use of a clustered design on some of the lots. Staff recommends a special condition to retain these view corridors as proposed.

With respect to public services, the LCP requires that new development ensure that the City has adequate public services to serve the project and also requires new development to implement various water conservation measures. Additionally, the Governor of the State of California recently declared a Continuing State of Emergency in Executive Order B-29-15 due to the ongoing drought, which requires a statewide 25% reduction in potable urban water usage (as compared to the amount used in 2013) through February 28, 2016. The proposed project does not adequately address whether the recent constraints on the State's water supply have impacted the

City's ability to adequately serve the project's water needs. Additionally, no water conservation measures were included in the proposed project. Thus, Staff recommends a special condition to require the Applicant to submit evidence that adequate public services, including water and sewer, are available to serve the project, a water conservation plan to identify specific measures to conserve water, and a water retrofitting plan to offset the project's anticipated water needed and to ensure the project is water neutral.

With respect to hazards, the LCP requires a structural setback line at the 100-year bluff retreat line plus 100 feet, prohibits shoreline protective devices to protect new development, and requires Applicants to assume the risks of coastal development. The Applicant and Coastal Commission staff worked together extensively to identify the required setback line and ensure that structural development will not encroach into the setback in conformance with the LCP. However, the proposed project does not expressly prohibit future use of shoreline protective devices or require the Applicant to assume the risk of coastal development. Thus, Staff recommends a special condition to prohibit future shoreline protective devices, ensure the Applicant assumes the risks of coastal development, and includes measures for the relocation and/or removal of the public access amenities along the bluff-top in the event that any such amenities are threatened by coastal hazards.

Therefore, as conditioned to address public access and recreation, visual resource protection, public services, and hazards, as well as additional conditions to protect water quality, natural resources, and archeological resources, the proposed project can be found consistent with the City of Pismo Beach LCP and the public access and recreation policies of the Coastal Act. The motion and resolution to approve the project subject to the staff recommendation are found on page 5 of this report.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Project Location Maps

Exhibit 2 – Project Site Images

Exhibit 3 – Proposed Project Plans

Exhibit 4 – Proposed Project View Analysis

Exhibit 5 – Assessor’s Parcel Maps and Photos of Adjacent Subdivisions

Exhibit 6 – Applicable LCP Tables and Figures

Exhibit 7 – Executive Order B-29-15

Exhibit 8 – 100-Year Bluff Retreat Setback Line

Exhibit 9 – Correspondence

I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number A-3-PSB-14-0057 pursuant to the staff recommendation, and I recommend a yes vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number A-3-PSB-14-0057 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with City of Pismo Beach Local Coastal Program policies and Coastal Act access and recreation policies. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

II. STANDARD CONDITIONS

This permit is granted subject to the following standard conditions:

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

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Site Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two full-size sets of Final Site Plans to the Executive Director for review and approval. The Final Site Plans shall be in substantial conformance with the proposed plans submitted to the Coastal Commission (titled “Vesting Tentative Map for Tract No. 3043” prepared by Garing Taylor & Associates, dated August 12, 2015 and submitted to the Coastal Commission on August 14, 2015, see **Exhibit 3**) except that they shall be revised and supplemented to comply with the following requirements:
 - a. **South Silver Shoals Drive Design and Parking.** South Silver Shoals Drive shall provide access to the bluff-top open space park by maximizing parking along both sides of the road. The road shall include a full-bulb at the road’s terminus and be a minimum of 40 feet in width to provide for two 12-foot wide travel lanes and two eight-foot wide parking lanes on each side of the road. The plans shall indicate the location and number of all on-street public parking spaces. All parking shall remain free and open to the public in perpetuity.
 - b. **Public Sidewalk.** A public sidewalk shall be located along both sides of South Silver Shoals Drive. Each sidewalk shall be a minimum of 4½ feet in width measured from the base of the curb, except that no sidewalk shall be required immediately adjacent to the bluff-top open space park.
 - c. **Building Setbacks.** The plans shall indicate a minimum building setback of 20 feet from the edge of road right-of-ways.
 - d. **Building Heights.** The plans shall limit the structural height of lots 1, 2, and 3 to 15 feet above natural grade at the center of the lots. All other lots shall be restricted to a structural height below the line of sight (shown in **Exhibit 4**) as seen from three feet above the southern travel lane of Highway 101 to 15 feet above natural grade at the center of the lots adjacent to the bluff.
 - e. **View Corridors.** The plans shall include a clustered design to maximize the view corridors identified as “Section A: View Corridor,” “Section B: Street View Corridor,” and “Section C: Interior View Corridor” on the plans titled “Site Development Plan South Silver Shoals” prepared by Firma Landscape Architects, dated prepared February 2, 2015 (see **Exhibit 4**). At a minimum, development on lots 10, 11, 18, and 19 shall be clustered.
 - f. **Open Space.** The plans shall clearly indicate that a minimum of 60% of the project’s net site area (gross lot area minus road right-of-ways) shall be retained in open space. No more than 50% of the required open space may be located on privately owned properties. The open space calculation shall not include buildings or structures, driveways, roads, or any other impervious surface. The demarcated open space area shall be used for recreational or environmental amenities, including landscaping.
 - g. **Undergrounding Utilities.** The plans shall indicate that all utility lines will be placed

underground.

- h. Drainage and Runoff Control.** The plans shall include a post-construction drainage and erosion control system that is sited and designed: to collect, filter, treat, and direct all site drainage and runoff in a manner designed to protect and enhance coastal resources; to prevent pollutants, including increased sediments, from entering coastal waters to the maximum extent feasible; to retain runoff from roofs, driveways, decks, and other impervious surfaces onsite to the greatest degree feasible; to use low impact development BMPs; to be sized and designed to accommodate drainage and runoff for storm events up to and including at least the 85th percentile 24-hour runoff event (allowing for runoff above that level to be likewise retained and/or conveyed in as non-erosive a manner as feasible); and to include maintenance and management procedures applicable for the life of the project (including with respect to any Homeowners Association agreements as appropriate).

The Permittee shall undertake development in accordance with the approved Final Site Plans. All requirements above and all requirements of the approved Final Site Plans shall be enforceable components of this CDP.

- 2. Public Access Management Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit for Executive Director review and approval two full-size sets of a public access management plan (Access Plan). The Access Plan shall clearly describe the manner in which general public access associated with the approved project is to be provided and managed, with the objective of maximizing public access to the public access areas of the site (including the lateral bluff-top open space park, public access stairway, public sidewalks, and public parking spaces.). The Access Plan shall at a minimum include the following:
 - a. Clear Depiction of Public Access Areas and Amenities.** All public access areas and amenities, including all of the areas and amenities described in **Special Conditions 2b through 2f** below and in **Special Conditions 1a and 1b** above (regarding public parking and the public sidewalk), shall be clearly identified as such on the Access Plans (including with hatching and closed polygons so that it is clear what areas are available for public access use).
 - b. Public Access Signs/Materials.** The Access Plan shall identify all signs and any other project elements that will be used to facilitate, manage, and provide public access to the approved project, including identification of all public education/interpretation features that will be provided on the site (educational displays, interpretive signage, etc.). Sign details showing the location, materials, design, and text of all public access signs shall be provided. The signs shall be designed so as to provide clear information without impacting public views and site character. At a minimum, public access directional signs shall be placed on Shell Beach Road where it meets South Silver Shoals Road, and at the bluff-top entrance to the vertical accessway. Signs informing the public that parking (as required and described in **Special Condition 1a**) is for coastal access shall be placed at appropriate intervals along South Silver Shoals Road. All directional signs shall include the Commission's access program "feet and wave" logo. At a minimum, at least one public access interpretive sign (appropriate to San Luis Obispo Bay issues, information,

and/or history) shall be located at an appropriate location along the lateral accessway. The interpretive sign(s) shall include the California Coastal Trail and California Coastal Commission emblems and recognition of the Coastal Commission's role in providing public access at this site.

- c. Public Access Use Hours.** All public access areas and amenities shall be available to the general public free of charge 24 hours per day.
- d. Amenities.** Public access amenities (such as benches, bicycle racks, picnic tables, trash and recycling receptacles, etc.) shall be provided at appropriate locations along the lateral accessway, where space allows.
- e. Public Access Areas and Amenities Maintained.** The public access components of the project shall be maintained by the City in their approved state in perpetuity.

The Permittee shall undertake development in accordance with the approved Access Plan, which shall govern all general public access to the site pursuant to this coastal development permit. All requirements above and all requirements of the approved Access Plan shall be enforceable components of this CDP.

- 3. Public Open Space Park Dedication.** Prior to occupancy of the townhouses approved under this permit, and in order to implement the Applicant's proposal, the Applicant shall submit to the Executive Director for review and approval evidence that the Applicant has executed and recorded a dedication to the City of Pismo Beach of a fee interest of the Public Open Space Park. The dedicated area shall include all areas of the subject property seaward of the 100-year bluff retreat line measured from the seaward property line plus 100 feet landward of the 100-year bluff retreat line and South Silver Shoals Drive (see **Exhibit 3**). The grant of the Public Open Space Park shall indicate that the land is only for Open Space Park Use and subject to the terms of the Public Access Management Plan approved by the Executive Director under **Special Condition 2** of this permit. The Executive Director-approved Public Access Management Plan shall be included as an exhibit to the grant of the Public Open Space Park. The recorded document shall include legal descriptions of both the entire project site and the area of dedication. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

Prior to issuance of the coastal development permit, the Applicant shall submit documentation to the Executive Director, for review and approval, which identifies the following areas in the Public Open Space Park and shall be included as exhibits to the dedication:

- a. Lateral Accessway.** The open space park shall include an improved lateral access pathway a minimum of six feet wide that connects to the existing lateral pathway to the north of the project site. The lateral access pathway shall also provide access to the vertical accessway described below.
- b. Vertical Accessway.** An improved vertical accessway shall be provided from the bluff-top to the sandy beach below the cliffs. The accessway shall be built into the existing slope, blend into the bluff face, be visually appealing, and be constructed of non-

toxic materials. The Permittee shall consult with the City of Pismo Beach City Engineer to develop an appropriate design for the vertical accessway.

All public access components of the lateral and vertical accessways of the approved project shall be constructed and ready for use prior to occupancy of the townhouses approved under this permit.

- 4. Landscape Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for Executive Director review and approval two full-size sets of a Landscape Plan. With the exception of the bluff-top open space park (see **Special Condition 5**) and the single-family lots (lots 1-9) (see **subsection e** below), the Landscape Plan shall apply throughout the site and shall clearly describe the species and density of plants to be used (including the zones in which the species will be planted), identify all trees to be planted, provide monitoring and performance criteria, describe all water conservation measures (including both temporary and permanent irrigation systems), and include all erosion control measures. The Landscape Plan shall be substantially in conformance with the plans submitted to the Coastal Commission (see **Exhibit 3**), except as modified by these special conditions, and shall at a minimum include the following:
 - a. Drought-tolerant plants.** The plans shall include only noninvasive drought-tolerant plants. All landscaped areas on the project site shall be maintained in a litter-free, weed-free, and healthy growing condition. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be so identified from time to time by the State of California, and no plant species listed as a 'noxious weed' by the State of California or the U.S. Federal Government, shall be planted or allowed to naturalize or persist on the site.
 - b. View Corridors.** The plans shall specifically identify and protect the view corridors identified in **Special Condition 1(e)** to maintain unobstructed public views through the site from both Shell Beach Road and Highway 101. No plantings may occur in these view corridors that would obstruct public views.
 - c. Tree and Shrub Heights.** The mature height of shrubs and trees shall not exceed the maximum structural height of adjacent buildings.
 - d. Drip or micro-spray irrigation.** The plans shall only allow drip or micro-spray irrigation systems for both temporary and permanent irrigation.
 - e. Single-family lots.** Future development of single-family residences on lots 1-9 will require CDPs from the City of Pismo Beach. The landscaping requirements in **subsections a through d** above shall also be required for development of the single-family residences on Lots 1-9.

The Permittee shall undertake development in accordance with the approved Landscape Plan, and all requirements above and all requirements of the approved Landscape Plan shall be enforceable components of this CDP.

- 5. Bluff Restoration Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two copies of a Bluff Restoration Plan to the Executive

Director for review and approval. The Plan shall describe the manner in which the site of the bluff-top open space park shall be replanted and restored so as to create a functioning coastal bluff habitat. The Bluff Restoration Plan shall, at a minimum, include the following:

- a. **Nonnative plant removal.** The plans shall indicate the areas where all nonnative plant species will be removed.
- b. **Central Coast Bluff Scrub habitat.** The plans shall provide mitigation for any loss or degradation of Central Coast Bluff Scrub habitat at a minimum of a 3:1 ratio. The plan shall clearly describe the species and density of plants to be used. The plans shall use only native and drought-tolerant plants that are found in Central Coast Bluff Scrub habitat.
- c. **Mitigation Monitoring Plan.** The plan shall include a minimum five-year monitoring program to be carried out by a qualified biologist. The monitoring plan shall include appropriate performance criteria and annual monitoring reports to be submitted to the Executive Director.
- d. **Installation of plants.** Installation of all plants shall be completed prior to occupancy of the residential units. Within 30 days of completion of native plant installation, the Permittee shall submit a letter to the Executive Director from a qualified biologist indicating that plant installation has taken place in accordance with the approved restoration plan, describing long-term maintenance requirements for the restoration, and identifying the annual monitoring submittal deadlines (see **Special Condition 4c** above).

6. Construction Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two copies of a Construction Plan to the Executive Director for review and approval. The Construction Plan shall, at a minimum, include the following:

- a. **Construction Areas.** The Construction Plan shall identify the specific location of all construction areas, all staging areas, and all construction access corridors in site plan view. All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to have the least impact on public access and ocean resources, including by using inland areas for staging and storing construction equipment and materials as feasible.
- b. **Construction Methods.** The Construction Plan shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from bay and public recreational use areas (including using unobtrusive fencing (or equivalent measures) to delineate construction areas).
- c. **Construction BMPs.** The Construction Plan shall also identify the type and location of all erosion control/water quality best management practices that will be implemented during construction to protect coastal water quality, including the following: (a) silt fences, straw wattles, or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from discharging to the bay; (b) equipment washing, refueling, and/or servicing shall take place at least 50 feet from the bluff edge. All construction equipment shall be inspected and maintained at an off-site location to prevent leaks and spills of hazardous materials at the project site;

(c) the construction site shall maintain good construction housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the site); and (d) all erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each work day.

- d. Construction Site Documents.** The Construction Plan shall provide that copies of the signed coastal development permit and the approved Construction Plan be maintained in a conspicuous location at the construction job site at all times, and that such copies are available for public review on request. All persons involved with the construction shall be briefed on the content and meaning of the coastal development permit and the approved Construction Plan, and the public review requirements applicable to them, prior to commencement of construction.
- e. Construction Coordinator.** The Construction Plan shall provide that a construction coordinator be designated to be contacted during construction should questions arise regarding the construction (in case of both regular inquiries and emergencies), and that the construction coordinator's contact information (i.e., address, phone numbers, etc.) including, at a minimum, a telephone number that will be made available 24 hours a day for the duration of construction, is conspicuously posted at the job site where such contact information is readily visible from public viewing areas, along with indication that the construction coordinator should be contacted in the case of questions regarding the construction (in case of both regular inquiries and emergencies). The construction coordinator shall record the name, phone number, and nature of all complaints received regarding the construction, and shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry.
- f. Notification.** The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least 3 working days in advance of commencement of construction, and immediately upon completion of construction.
- g. Daylight Work Only.** All work shall take place during daylight hours (i.e., from one hour before sunrise to one hour after sunset). Nighttime work and lighting of the work area are prohibited.

Minor adjustments to the above construction requirements may be allowed by the Executive Director in the approved Construction Plan if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources. All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this coastal development permit. The Permittee shall undertake construction in accordance with the approved Construction Plan.

7. Archeological Monitor. In the event that any article of historical or cultural significance is encountered during construction activities, all activity that could damage or destroy these resources must cease and the Executive Director and the Native American Heritage Commission must be notified so that the articles may be suitably protected or flagged for future research. A

qualified archaeologist and/or the Native American Heritage Commission shall be consulted in order to examine the site and obtain recommendations for subsequent measures for the protection and disposition of significant artifacts. Mitigation measures shall be developed and submitted to the Executive Director for review and approval that address and proportionately offset the impacts of the project on archaeological resources.

8. Sensitive Bird Species. During the period February 1 through August 31, a qualified biologist shall conduct a pre-construction survey for the presence of nesting birds at the project site or in the trees adjacent to the downcoast property line. The survey shall be done immediately prior to the commencement of significant construction activities (those with potential noise impacts). If an active nest of a federally or state-listed threatened or endangered bird species, bird species of special concern, or any species of raptor is identified during preconstruction surveys, or is otherwise identified during construction, the Permittee shall notify all appropriate State and Federal agencies within 24 hours, and shall develop an appropriate action specific to each incident that shall be consistent with the recommendations of those agencies. The Permittee shall notify the Executive Director in writing by facsimile or e-mail within 24 hours and consult with the Executive Director regarding the determinations of the State and Federal agencies. At a minimum, if the active nest is located within 250 feet of construction activities (within 500 feet for raptors), the Permittee shall submit a report, for Executive Director review and approval, that demonstrates how construction activities shall be modified to ensure that nesting birds are not disturbed by construction-related noise.

9. Coastal Hazards Risk. By acceptance of the CDP, the Applicant acknowledges and agrees, on behalf of itself and all successors and assigns, to the following:

- a. Coastal Hazards.** That the site is subject to coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction and the interaction of same.
- b. Assume Risks.** To assume the risks to the Applicant and the properties that are the subject of this CDP of injury and damage from such coastal hazards in connection with the permitted development.
- c. Waive Liability.** To unconditionally waive any claim of damage or liability against the Coastal Commission, its officers, agents, and employees for injury or damage from such coastal hazards.
- d. Indemnification.** To indemnify and hold harmless the Coastal Commission, its officers, agents, and employees with respect to the Commission's approval of the development against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards.
- e. Property Owner Responsible.** That any adverse effects to property caused by the permitted development shall be fully the responsibility of the property owner.

10. Coastal Hazards Response. By acceptance of the CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that:

- a. Intent of CDP.** The intent of this CDP is to allow for the approved development to be constructed and used consistent with the terms and conditions of the CDP for only as long as the approved development remains safe for occupancy and use without additional measures beyond ordinary repair and/or maintenance to protect it from coastal hazards. The intent is also to ensure that development is removed and the affected area restored under certain circumstances (including as further described and required in this condition), including that endangered development is required to be removed as described in this condition.
- b. Shoreline Protective Structures Prohibited.** Shoreline protective structures that protect the approved development (including but not limited to seawalls, revetments, retaining walls, tie backs, caissons, piers, groins, etc.) shall be prohibited.
- c. Section 30235 and LCP Waiver.** Any rights to construct such shoreline protective structures, including rights that may exist under Public Resources Code Section 30235, the Pismo Beach Local Coastal Program, or any other applicable law are waived.
- d. Reporting Requirement/Ten-foot Trigger.** This CDP requires the construction and maintenance of the following development in perpetuity: a bluff-top open space recreational park in all areas seaward of the 100-year bluff retreat line plus 100 feet, the public cul-de-sac road, and public parking (see **Special Conditions 1(a), 1(b), and 3**). In the event the bluff edge recedes to within ten feet of any public amenities provided in the bluff-top open space park and/or the cul-de-sac, the Permittee shall retain a licensed geologist or civil engineer with experience in coastal processes and hazard response to prepare a geotechnical investigation that addresses whether any portions of the public access amenities are threatened by coastal hazards. The report shall identify all those immediate or potential future ordinary repair and/or maintenance measures that could be applied to address the threat and maintain the required open space park and cul-de-sac without shoreline protective structures. The investigation shall be submitted to the Executive Director and appropriate local government officials for review and approval. If the approved geotechnical investigation concludes that the open space park and/or a portion of the cul-de-sac are unsafe for use, and/or that any portion of the open space park or cul-de-sac will be subject to erosion thereby reducing their required width, the Permittee shall submit a Removal and Restoration Plan (see **subsection (e)** below).
- e. Removal and Restoration.** If an appropriate government agency or the above-referenced approved geotechnical investigation determines that any portion of the bluff-top open space park or cul-de-sac is not to be occupied or used due to any coastal hazards, thereby reducing their required width, and such safety concerns cannot be abated by ordinary repair and/or maintenance, the Permittee shall submit two copies of a Removal and Restoration Plan to the Executive Director for review and approval. If the Executive Director determines that an amendment to the CDP or a separate CDP is legally required in order to accomplish the removal and restoration, the Permittee shall immediately

submit the required application, including all necessary supporting information to ensure it is complete. The Removal and Restoration Plan shall clearly describe the manner in which the bluff-top open space park and public road and parking (as described in **Special Conditions 1(a), 1(b), and 3**) shall be relocated inland so as to ensure their required width and configuration. Any of the bluff-top park and cul-de-sac areas affected by coastal hazards, including erosion, are to be removed and the affected area(s) restored so as to best protect coastal resources. These restoration and removal activities shall be implemented immediately upon Executive Director approval, or Commission approval of the CDP or CDP amendment application, if necessary.

11. Water Conservation. The approved project shall institute the following water conservation measures:

- a. Water Conservation.** PRIOR TO ISSUANCE OF THE CDP, the Applicant shall submit to the Executive Director, for review and approval, a Water Conservation Plan for the ten townhouses (lots 10-19) it intends to construct. The Water Conservation Plan shall include the following water conservation features: recycled waterlines for irrigation and toilets to connect to the City's future planned recycled water system; on-demand hot water heaters; high-efficiency low-flow toilets. In addition, the Water Conservation Plan shall ensure that the ten townhouse residences shall make maximum use of other water conservation fixtures and equipment (including but not limited to high efficiency washing machines and dishwashers, recirculation pumps, low-flow showerheads, shower shut-off valves, faucet aerators, etc.). In addition, the Water Conservation Plan shall include an analysis of the feasibility of using gray water collection and onsite reuse of gray water for irrigation purposes.

Future development of single-family residences on lots 1-9 will require CDPs from the City of Pismo Beach. The water conservation features described in the paragraph above shall also be required for development of the single-family residences on Lots 1-9.

- b. Water and Sewer Services.** PRIOR TO ISSUANCE OF THE CDP, the Applicant shall submit, for the review and approval of the Executive Director, evidence that adequate water and sewer services are available to serve the development without resulting in adverse impacts to coastal resources, and that the City of Pismo Beach will serve the property with water and sewer services.
- c. Water Retrofitting.** The approved project shall be required to offset its anticipated water usage at a 1.5:1 ratio through the retrofit of existing water fixtures within the City of Pismo Beach. PRIOR TO ISSUANCE OF THE CDP, the Applicant shall provide to the Executive Director for review and approval the following:
 - 1) A list of all existing fixtures to be retrofitted and their associated water flow (e.g., gallons/second).
 - 2) A list of all proposed fixtures to be installed in the approved project and their associated water flow; and,
 - 3) The estimated annual water savings resulting from the proposed retrofit, showing

all calculations and assumptions. The amount of water savings must be at a minimum equal to that of the anticipated water usage of the approved project.

The Applicant shall provide a report to the Executive Director confirming the water usage savings one year after construction of the townhomes. The requirements in in **subsections c(1) through c(3)** above shall also be required for future development of the single-family residences on Lots 1-9.

12. Deed Restriction/Covenants Conditions & Restrictions. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall do one of the following:

- a. Deed restriction.** Submit to the Executive Director, for review and approval, documentation demonstrating that the Applicant has executed and recorded against the parcels governed by this permit a deed restriction in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property subject to this CDP. The deed restriction shall include a legal description of the entire parcel or parcels against which it is recorded. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property, or;
- b. Covenants, Conditions, and Restrictions (CC&Rs).** Submit to the Executive Director, for review and approval, documentation demonstrating that the Applicant has executed and recorded the Declaration of Restrictions or CC&Rs, as applicable, in a form and content acceptable to the Executive Director, which incorporates the Special Conditions of CDP #A-3-PSB-14-0057 as covenants, conditions and restrictions on the use and enjoyment of the property subject to this CDP. The CC&Rs shall not be removed or changed without a Coastal Commission-approved amendment to this coastal development permit.

IV. FINDINGS AND DECLARATIONS

In this de novo review of the proposed CDP application, the standard of review is the City of Pismo Beach certified LCP and, because the project is located between the first public road and the sea, the public access and recreation policies of the Coastal Act.

A. PROJECT DESCRIPTION AND LOCATION

The proposed project is located on an undeveloped 3.7-acre parcel at 2900 Shell Beach Road in the South Palisades Planning Area ("South Palisades") of the City of Pismo Beach (the "City"),

in 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 of the 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 has a land use designation of Medium Density Residential, which allows residences at a maximum density of 9-15 units per acre, and is zoned Planned Residential (P-R), which allows for multi- and single-family development. The site is situated between a residential subdivision consisting of ten single-family homes to the north (North Silver Shoals) and a large private residential parcel to the south.

The proposed project includes 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). The Applicant seeks approval, via this CDP, to construct the ten townhomes, with four of the townhomes using a clustered design (lots 10 and 11; and lots 18 and 19). Future development of single-family residences on the nine new lots created by this subdivision would require separate subsequent CDP approvals. As proposed, development of single-family residences on the three lots adjacent to the bluff will be restricted to a structural height of 15 feet, while development on all other lots will be restricted to 25 feet in height. In addition, the project proposes the construction and dedication to the City of a 40,732-square-foot open space park that would extend laterally along the bluff edge and contain public access amenities including two public benches, bike racks, and picnic tables. The project will provide for restoration of approximately 20,400-square-feet of degraded coastal scrub habitat along the top of the bluff in the open space park. Outside of the bluff-top park and single-family lots, drought-tolerant noninvasive plants will be planted throughout the remaining portions of the site. The project will also include the construction of a new 24-foot wide cul-de-sac with a half-bulb (South Silver Shoals Drive) on the southern portion of the project site. The half-bulb at the road's terminus will include a semi-circle curb line on the northern portion of the bulb and a straight curb line on the southern portion that runs parallel to the southern property line, as opposed to a standard cul-de-sac design that incorporates a full-bulb with a fully circular curb line.

See **Exhibit 1** for location maps; see **Exhibit 2** for photographs of the site and surrounding area; and see **Exhibit 3** for the proposed project plans.

B. PUBLIC ACCESS

Coastal Act Section 30604(c) requires that every CDP issued for 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) and therefore must be in conformity with the public access and public recreation policies of the Coastal Act. In particular, the Coastal Act requires maximum access that is conspicuously posted, prohibits development from interfering with the public's right of access to the sea, and further requires that new development enhance public access to the coast by providing adequate parking. Applicable Coastal Act policies and standards include:

Coastal Act 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.

Coastal Act 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.

Coastal Act Section 30212(a) New development projects. 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.

Coastal Act Section 30252(4) Maintenance and enhancement of public access. The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities or providing substitute means of serving the development with public transportation . . .

The City's LCP has a number of policies designed to provide coastal access and recreation in South Palisades. In particular, the LCP requires dedication of a bluff-top open space park, adequate vertical access, access signs, and adequate parking for development proposed in this area. Applicable LCP policies and standards include:

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 LU-B-4 Road System. A loop road system is required and will provide public access to the linear bluff-top park and visual access to the ocean. Where the loop road system is infeasible due to bluff retreat, a cul-de-sac may be constructed for remaining parcels that have not yet been subdivided. The loop system or cul-de-sac will be funded by future development and shall provide for public parking, as well as bicycle paths, which shall connect with the bluff top trail along the lateral blufftop conservation/open space and access dedication requirement noted in Policy LU-B-3. The number of public parking spaces available to serve the bluff-top park shall be maximized, and if a cul-de-sac system is planned, the number shall be no less than what would have been provided if a loop road configuration was constructed (including by providing public off-street parking, if

necessary). Future development in this area shall be subject to the requirements of Design Element Policy D-40.

LCP Policy LU-B-6 Stairway Access to the Beach. *One new stairway access to the beach shall be provided. (See Parks, Recreation & Access Element, Table PR-4 and Figure PR-3.) All developments within the South Palisades Planning Area shall contribute fees for construction of the stairways. The city may require, as a condition of approval of development projects, the installation of beach stairways, with reimbursement as fees are collected.*

LCP Policy LU-B-8 Public Parking. *All existing public on-street and off-street parking spaces, including the 255 spaces identified in this area in a 2008 field survey, shall be maintained. Additionally, adequate signing notifying the public of the public parking opportunities and identifying the location of the accessway shall be provided.*

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

Bluff-Top Access Dedication - To ensure public safety, provide for protection of fragile ocean bluff-tops, and permit enjoyment by the public of oceanfront amenities and recreation, all development on the bluff edge should be required to dedicate in fee or by an easement in perpetuity a bluff-top conservation and public access zone. The width of the area to be dedicated shall be a distance equal to the estimated 100-year bluff retreat plus a minimum of 25 feet additional inland from that line. In certain areas the width of the bluff-top dedication should be greater as provided in the land use element. Existing single-family lots on the bluff less than 10,000 feet in area are exempted from requirements of dedication of the bluff-top area, if another lateral public access route (beach, sidewalk or separate path) is or will be available nearby so as to provide for continuity of the Coastal Trail. The extent of the bluff retreat shall be determined through a site-specific geological study conducted by a qualified registered geologist. The dedication should be made to the City of Pismo Beach or other appropriate public agency as determined by the city.

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. Development of structures shall be prohibited within the zone, except for public amenities such as walkways, benches, and vertical beach access stairs. Landscaping and irrigation of these areas shall be designed to avoid or minimize bluff-top erosion problems.

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). Existing bluff-top single-family lots less than 10,000 sq. ft. in area are exempted from this requirement.*

LCP Policy PR-26 Access Parking Area Required. *Parking, consistent with site constraints, shall be provided in conjunction with vertical and lateral access-ways wherever necessary to*

ensure the use of the access-way. Dedication shall be required for such parking when appropriate.

LCP Policy PR-28 Access Signs Required. *Signs should be located at all access points and streets leading to access points to assist the public in recognizing and using major coastal access points. Such signs should be designed and located for easy recognition.*

Analysis

As explained above, the proposed project includes the construction and dedication to the City of an open space park with public access amenities stretching along the entire bluff-top area. The open space park will include public benches, picnic tables, bike racks, and a six-foot-wide meandering sidewalk that will connect to the existing upcoast pedestrian path. As proposed, a 24-foot wide cul-de-sac road will provide four public parking spaces in the proposed half bulb of the cul-de-sac, with an additional six public parking spots provided by bump-outs on the residential side of the road.

1. Bluff-top Park

LCP Policy LU-B-3 requires all areas seaward of the 100-year bluff retreat line plus 100 feet landward of the 100-year bluff retreat line to be dedicated to the City for an open space park that provides lateral access to the bluff-top and incorporates public access amenities. The Applicant and the City worked extensively with Commission staff to determine the top of the bluff at the 47-foot contour line (see **Exhibit 8**). The Applicant and Commission staff confirmed a bluff retreat rate of 4 inches per year for most of the site and 2.5 inches per year at the head of the arroyos, based upon photo documentation of historic retreat at the site. The proposed project includes an open space park in this area and includes public access amenities such as a meandering public path, bike racks, and benches (see page 10 of **Exhibit 3**) as required by the LCP. The open space park 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. The open space park would improve upon the existing public lateral access, particularly for those with limited mobility, because the existing undeveloped trails will be replaced with an extension of the formal wheelchair accessible coastal trail. Residents and visitors will still be able to walk and access the bluff-top at the project site. **Special Condition 2** requires the Applicant to develop a final Public Access Management Plan (Access Plan) that clearly describes the manner in which public access associated with the entire project will be provided for and managed and maintained. **Special Condition 3** requires that all areas seaward of the 100-year bluff retreat line plus 100 feet from that line, based on the agreed upon top of bluff and retreat rates described above, will be dedicated to the City in order to ensure public lateral access along the bluff-top. **Special Condition 2** requires adequate public access amenities at appropriate intervals within the park. Thus the project, as conditioned, is consistent with the City's LCP and the access and recreation policies of the Coastal Act with regard to lateral access along the bluff-top.

2. Vertical Accessway

LCP Policy PR-24 states that vertical access to the beach “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 [**Exhibit 6**]).” LCP Policy LU-B-6 states that one new stairway access to the beach must be provided in South Palisades. The policy states that the City “may require, as a condition of approval of development projects, the installation of beach stairways, with reimbursement as fees are collected.”

The LCP contemplates a total of three public staircases in South Palisades. There are currently two existing public staircases in South Palisades that are beyond 500 feet from the project site. One staircase is located at the end of Beachcomber Drive approximately 680 feet to the north, 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. However, pedestrians are unable to access the Cliffs Resort staircase by walking along the bluff-top because the lateral open space park envisioned in this neighborhood does not yet exist on the private residential parcel located immediately south of the project site. Consequently, the public must walk back to Shell Beach Road, south to the Cliffs Resort, and then back to the bluff to access the Cliffs Resort staircase. This makes the actual distance that the public must travel to reach the Cliffs Resort staircase from the proposed bluff-top park approximately 2,100 feet, or just under a half-mile. The two existing public staircases are thus beyond the 500-foot distance that the LCP deems sufficient to provide adequate vertical access from a development project and therefore the project is inconsistent with LCP Policy PR-24.

There is an informal vertical access trail at the project site that has historically been used by the public to access the sandy beach below the cliffs (see page 2 of **Exhibit 2**). However, the informal accessway is very steep and difficult for most members of the public to use. Uncontrolled access down the bluff also contributes to increased erosion of the bluff and damage to native plants. The historic use of this informal access point demonstrates that the project site is an ideal location for a third vertical public accessway as contemplated by the LCP. An improved vertical accessway would allow for maximum vertical access for the public and also ensure that pedestrians stay within a designated path, thus preventing further erosion and environmental damage to the bluff face. The Applicant has expressed a willingness to construct a more formal vertical accessway in this location and has submitted a preliminary design (see page 11 of **Exhibit 3**). **Special Condition 3** requires that the final Access Plan include improvements to the informal vertical accessway to provide maximum access to the beach and the sea. The vertical accessway shall be constructed with steps that are built into the existing bluff slope, shall blend in visually with the beach/bluff aesthetic, and shall be constructed of non-toxic materials.. Thus the project, as conditioned, can be found consistent with the public access and recreation policies of the Coastal Act and the City’s LCP with regard to vertical access.

3. Road Design and Parking

LCP Policy LU-B-4 requires a loop road system except where a loop road system is infeasible due to bluff retreat, in which case a cul-de-sac may be constructed. The policy also states that “[t]he number of public parking spaces shall be maximized” along new roads. LCP Policy PR-26 further states that “[p]arking, consistent with site constraints, shall be provided in conjunction with vertical and lateral access-ways wherever necessary to ensure the use of the access-way.” Due to the required bluff setbacks described in the “Bluff-top Park” section above, a loop road system connecting to North Silver Shoals Drive is infeasible. Thus, under LCP Policy LU-B-4, a cul-de-sac design is permissible. The Applicant proposes a 24-foot wide road (South Silver

Shoals Drive) with a half-bulb at the road's terminus (see page 1 of **Exhibit 3**).¹ All roads within the South Palisades area (including Searidge Court, Beachcomber Drive, North Silver Shoals Drive, and Ebb Tide Lane) provide parking along both sides of the road. In contrast, the proposed road only provides four parking spots in the half-bulb at the road's terminus and six additional spots in bump outs along the proposed 24-foot wide road. Public parking in the area, however, is already heavily used and the new vertical and lateral access created by this project will only exacerbate public demand for parking. Although the Applicant may need to reduce the size of the proposed residential lots to accommodate a wider road, no site constraints prevent the Applicant from constructing a full-bulb at the road's terminus and providing adequate public parking on both sides of the road. The proposed road design is thus inconsistent with LCP requirements to maximize parking and provide adequate parking for access to the bluff-top park because the project limits parking to a combined total of ten spots in the half-bulb and on one side of the road, when it is possible to provide more parking along the proposed road. The proposed road is thus also inconsistent with Coastal Act Section 30252, which requires that new development enhance public access to the coast by providing adequate parking. **Special Condition 1a** requires the Applicant to redesign the South Silver Shoals cul-de-sac to provide a road width of 40 feet, which will allow for a full-bulb at the road's terminus and eight-foot-wide parking lanes on along both sides of the entire road. This design will maximize parking at the project site by providing a total of 30 parking spaces (compared to the ten proposed parking spaces) and will provide for increased and maximized access to the open-space park as required by the Coastal Act and the LCP. To further facilitate public access to the bluff-top park and vertical accessway, **Special Condition 1b** requires that a public sidewalk be located along both sides of South Silver Shoals Drive. Thus the project, as conditioned, can be found consistent with the Coastal Act and the City's LCP with regard to public parking and public access.

4. Public Access Signs

Both Coastal Act Section 30210 and LCP Policy PR-28 require conspicuously posted signs directing the public toward coastal access points. LCP Policy LU-B-8 also requires signs notifying the public that parking is reserved for coastal access and to identify coastal access points. No public access or parking signs were included in the proposed project plans and thus the project is inconsistent with the Coastal Act's and LCP's signage requirements. **Special Condition 2** requires the Access Plan to include conspicuously posted access and parking signs that provide clear information regarding public parking and access opportunities. Thus, as conditioned, the project can be found consistent with the Coastal Act and the City's LCP with regard to public access signage.

5. Other Public Access Requirements

Coastal Act 30210 requires maximum public access to the coast and Coastal Act Section 30211 prohibits development from interfering with the public's access to the sea. Moreover, Coastal

¹ The Applicant states that the proposed road would be widened to accommodate parking on both sides of the street and a full-bulb will be constructed when the property immediately south of the project site (which contains one residence) is subdivided and redeveloped. However, subdivision and redevelopment of that property is speculative and not part of the current project proposal. Thus any possible future road design and parking configuration that is dependent on subdivision and redevelopment of the adjacent property is not being considered for the purposes of this CDP approval.

Act Section 30212 requires an appropriate entity to accept responsibility for maintenance of accessways prior to public use. To provide maximum public access and ensure the proposed development does not interfere with that access, **Special Condition 2** requires the public access amenities to be open to the public 24 hours a day free of charge and also requires the access amenities to be constructed and available prior to occupancy of the residential units. **Special Condition 3** requires that all public access areas and amenities be dedicated to the City prior to construction of any of the residential units. As required by Coastal Act Section 30212, **Special Condition 2** requires the City to maintain the public access areas and amenities in perpetuity. Thus, as conditioned, the project can be found consistent with the Coastal Act with regard to the prohibition on interference with public access and maintenance of public accessways and amenities.

6. Public Access Conclusion

In sum, the project as proposed does not provide maximum access to coastal resources and thus cannot be approved as proposed. However, as conditioned to provide additional parking and to require development of a Public Access Management Plan that includes a clear depiction of all public access areas and amenities, including a bluff-top park and associated lateral access, an improved vertical accessway, amenities such as picnic tables, benches, etc., appropriate public access signs, and also provides for maintenance of the public access components of the project, the project can be found consistent with the public access and recreation provisions of the Coastal Act and the City's LCP.

C. VISUAL RESOURCES

A guiding principle of the City's 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." The LCP includes several policies and standards regarding the protection of views, including:

***LCP Policy D-3 Subdivision Design Criteria [in relevant part]... (b) 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, portions of these views can be preserved by clustering the buildings or creating new public view points.*

***LCP Policy D-40 Street Layouts.** New streets shall be laid out so as to emphasize views. In many cases this means streets should be laid out perpendicular to the view shown in Figure D-4. [Exhibit 6] For example, streets perpendicular to the ocean should be open at the end toward the ocean and not blocked with landscaping or buildings.*

***LCP Policy LU-2 Residential Uses [in relevant part]... (b) Cluster Development Encouraged.** Cluster developments are encouraged where they provide increased open space, better visual qualities, additional preservation of sensitive sites, decreased cost of municipal services, or an opportunity to provide affordable housing.*

Views of the ocean from both Shell Beach Road and Highway 101 are offered special protection in various LCP policies, which include:

LCP Policy D-23 U.S. 101 Freeway. [in relevant part] *The U.S. 101 Freeway, also known as El 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; . . . Exceptions will be allowed only for 1) residential or visitor serving commercial structures where no other use of the property is feasible, and 2) signs, utility structures, and public buildings where there is no feasible alternative and all appropriate mitigations measure are applied to minimize adverse visual impacts.*

LCP Policy D-26 Shell Beach Road. [in relevant part] *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 D-28 Visual Quality. [in relevant part] *Any new development along city-designated scenic highways should meet the following criteria: (a). Development should not significantly obscure, detract from nor diminish the scenic quality of the highway. In those areas where design review is required, or the protection of public views as seen from U.S. Highway 101 is an issue or concern, the City shall require by ordinance a site specific visual analysis. Such analysis shall utilize storypoles, photo montages, or other techniques as deemed appropriate in order to determine expected visual impacts, prior to approval of new development; documentation shall be retained for evaluation of permit conformance...*

LCP Policy D-36 Undergrounding Required. *The long term goal shall be to place all overhead utilities underground. Undergrounding of utilities shall be required in all new subdivisions as well as for individual lot development when possible.*

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:*

- (1) The building pads for all development shall be at or below existing grade.*
- (2) Residential units shall be predominantly attached and clustered.*
- (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.

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.*

LCP Policy LU-B-2 Open Space. *The area between Shell Beach Road and the 101 Freeway shall be retained as permanent open space. No further land division shall be approved in this area. Density transfers, public acquisition or other methods shall be used to achieve the open space goal. Properties for density transfer need not be in the same ownership. Where the same owner owns properties on both sides of Shell Beach Road, no development shall be allowed between Shell Beach Road and the 101 Freeway. Where a structure already exists within the open space area, it will be permitted to remain until the parcel in the same ownership is developed. At that time, the building shall be either moved out of the open space or demolished. Density transfer on a 3:1 basis may be allowed. Any development that may be approved on-site shall be required to maintain the open space character. The amount of site area that may be developed with improvements shall not exceed 5,000 sq. ft., or 60% of gross site area, whichever is lesser.*

Analysis

The project site is currently vacant and provides unobstructed views of the ocean from Shell Beach Road and U.S. Highway 101. The project proposes a maximum building height of 15 feet on the three lots immediately landward of the bluff, while all other lots would allow a structural height of 25 feet. The proposed project includes a 50-foot building setback from the southern boundary of the site, which includes a 10-foot buffer from the Monterey cypress trees on the adjacent property, a 24-foot wide paved road,² and a 15-foot front yard setback from the road right-of-way. The proposed project restricts the size of the second floors on lots 6 and 7, in addition to clustering townhouse lots 10 and 11, and townhouse lots 18 and 19 (see **Exhibit 3** for

² As discussed in the "Public Access" section above, Special Condition 1a requires that the road width equal 40 feet.

the project plans). These restrictions and clustering design creates two interior view corridors that are approximately 10 feet wide. The proposed landscape plan for the townhouse lots identify and protect these public view corridors by using low-lying plant species. Future development of the single-family lots will also be required to protect the proposed view corridors.

There are three LCP standards regarding ocean views from Highway 101 that are applicable to this project. LCP Policy D-23 requires that development must “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-28 states that “[d]evelopment should not significantly obscure, detract from nor diminish the scenic quality of the highway.” Additionally, LCP Policy LU-B-5 requires that “the size and location of structures shall retain to the maximum extent feasible intermittent views of the ocean from U.S. Highway 101” in South Palisades. Implementation Plan (IP) Section 17.081.020.3 provides an additional standard, which states that two-story structures are only allowable in South Palisades if they will not “substantially block ocean overviews.” However, the LCP also states that standards in the IP are subordinate to and must conform with LUP policies. Thus the above LUP policies are controlling with respect to this project.

Although not directly applicable to this project, the latest Pismo Beach LCP amendments approved by the Commission further demonstrate the importance that both the LCP and the Commission place on preventing any reduction of blue water views as seen from Highway 101. LCP Policy LU-B-2, as certified in 2014,³ states that all development within the open space area between Highway 101 and Shell Beach Road “shall not extend into the view corridor and blue water views from Highway 101 . . . Development shall be sited, designed and screened so as to be completely concealed from motorist views from Highway 101.” The most recent Pismo Beach LCP amendment, approved by the Commission in June 2015,⁴ allows for deviations from various zoning regulations for affordable housing projects. However, that approval made it clear that no deviation from the Highway 101 visual policies is allowed and also required that any proposed affordable housing project’s⁵ “height, size, location, and design must be modified to ensure conformance with this critically important LUP visual protection performance standard.”

Of all the LCP visual policies, the three standards that are most applicable to this project are 1) development must be modified to not block, reduce, or degrade blue water views as seen from Highway 101 (LCP Policy D-23); 2) development must not significantly obscure, detract, nor diminish scenic qualities of the highway (LCP Policy D-28); and 3) structures must maintain intermittent ocean views to the maximum extent feasible (LCP Policy LU-B-5). Although these three standards may include slightly different wording, all of the various policies read together demonstrate that the LCP undoubtedly places a high priority on preserving ocean views from Highway 101, which provide the traveling public “the only ocean view between the Golden Gate Bridge and Gaviota, a distance of 310 miles.” Regarding Highway 101, the LCP further

³ LCP-3-PSB-14-0756-1 (Open Space Development Standards).

⁴ LCP-3-PSB-14-0830-3 (PDP and Affordable Housing).

⁵ The proposed project does not include an affordable housing component.

elaborates that “[i]t is one of the major scenic highways in the United States; the scenic qualities are among the best in the world. The highway dominates the City of Pismo Beach, and it is precisely the spectacular qualities of the U.S. 101 corridor along the central spine of the community that gives the city a special identity and defines its sense of place.” The LCP sends a clear mandate that development projects must make every feasible effort to not degrade these critically important views from Highway 101. The proposed project fails to meet that mandate.

The visual simulations provided by the Applicant illustrate that the proposed structures as seen from Highway 101 would extend well beyond the bluff-top and would significantly reduce current blue water views over the project site. See **Exhibit 4** for the visual simulations and view analysis. The Applicant’s view analysis estimates that the proposed project would result in a 49 percent reduction in blue water views as seen from Highway 101⁶, which is plainly inconsistent with LCP Policy D-23’s requirement that development not reduce or degrade blue water views. A loss of almost half of the current blue water views enjoyed by the public from Highway 101 would undoubtedly detract and diminish the quality of this designated scenic highway, which is inconsistent with LCP Policy D-28. Further, the Applicant has not accepted any deviation from the structural heights as originally proposed, which the Commission previously determined raised a substantial issue of LCP conformance with respect to views from Highway 101. The partial second-story restrictions on two of the lots may create an additional interior view corridor through the site as seen from Shell Beach Road, but the visual simulations show that this restriction will do nothing to preserve ocean views from Highway 101. The proposed structural height of 15 feet on lots adjacent to the bluff and 25 feet on all other lots is the absolute maximum height allowed by the LCP. The structural height of 15 feet on the three lots adjacent to the bluff will not substantially block blue water views from Highway 101. However, because the Applicant proposes the maximum structural height allowed by the LCP for the remaining lots, i.e. 25 feet, development of these lots will consequently cause the maximum amount of Highway 101 view degradation that is possible. Proposing structural heights at the absolute maximum allowable height ignores the requirement in Policy LU-B-5, which is that structures must be modified in height to maintain ocean views to the maximum extent feasible. Thus, as proposed, the project cannot be found consistent with the above-cited LCP policies with regard to views from Highway 101.

Although other subdivisions in the area may degrade views in a similar manner as the proposed project⁷, that is not a valid reason for new development to be inconsistent with the multitude of

⁶ The Applicant believes that the City allows a 60 percent reduction in scenic overviews based on Implementation Plan section 17.18.060(F)(2). However, this standard is inapplicable to this project for two reasons. First, this Implementation Plan section applies to the North Spyglass and Motel District Planning Areas, not the South Palisades Planning Area. Second, as explained above, the LCP states that Implementation Plan provisions are subordinate to LCP Policies. Thus the proper standard of review includes the three LCP Policies shown above, i.e. Policies D-23, D-28, and LU-B-5.

⁷ For example, in the North Silver Shoals Subdivision appeal (A-3-PSB-96-059), the staff report did not extensively analyze the project’s impact on views from Highway 101. The report devoted one sentence to views from Highway 101, erroneously stating that the development would “not block either surf or blue water ocean views, the surf not being visible due to the height of the bluffs and the blue water ocean views being retained due to the highway’s elevation above the site.” Photographs of North Silver Shoals from Highway 101 demonstrate that the staff report’s conclusion was incorrect (See **Exhibit 4**), as the structures clearly block blue water ocean views from Highway 101. Thus the structures on North Silver Shoals as-built are inconsistent with the LCP and should not have been approved as proposed.

LCP policies that prohibit degradation of ocean views from Highway 101. This project site is of particular importance because the site is one of the last remaining undeveloped parcels in South Palisades. Because the project site is currently vacant, almost any development on the lot will have some impact on views. LCP Policy D-23, which prohibits any reduction in blue water views, does provide an exception for residential uses where no other use is feasible. However, the proposed project fails to take all of the steps necessary in order to ensure that views are preserved to the maximum extent feasible. The LCP requires further height modifications to ensure that development reduces degradation of scenic overviews.

The view analysis provided by the Applicant demonstrates that if no structures were allowed to rise above the line of sight from Highway 101 to the bluff edge, thus avoiding all view blockage, only the 10 most landward lots could be developed with 15-foot tall structures and a moderate amount of grading. However, this would leave approximately 60% of the property undeveloped and would not be consistent with the medium-density residential development that the LCP envisions for South Palisades. The view analysis shows that significant grading, up to a depth of approximately 12 feet on some lots, would be required to develop the remaining portion of the property such that virtually no blue water view blockage from Highway 101 would occur. Such significant grading, however, would require massive retaining walls, pose significant design challenges, and would cause a large disturbance to the environment. Thus such a design is not a feasible option.

Fifteen-foot tall structures on all lots would provide a reasonable residential use of the entire property and would also carry out the LCP policies that encourage medium-density residential development in South Palisades. However, restricting structures on all lots to 15 feet in height is not necessary to protect views from the highway. In the Applicant's view analysis, shown below, a line of sight is drawn from the highway to the top of the proposed 15-foot tall structures on the most seaward lots.

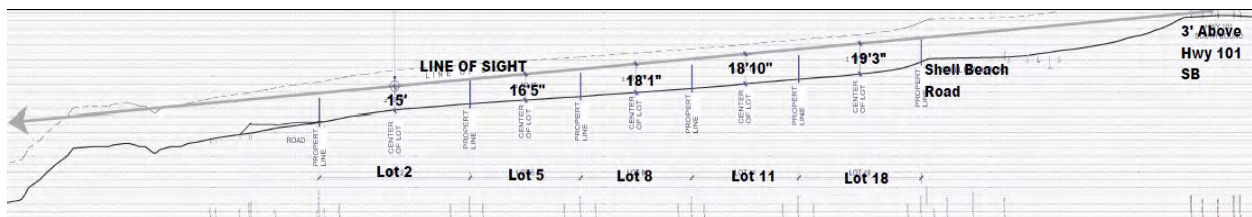


Figure 1. Line of Sight from Highway 101 to 15-foot-tall structures on front lots.

If all structures are restricted to a height below that line of sight, thus not creating additional view blockage beyond the minimum height necessary to provide reasonable residential use of the most seaward lots, the project would minimize view blockage while still allowing development as tall as 19 feet 3-inches on some lots. The view analysis demonstrates that if structures were built below that line of sight, the project would retain approximately 60% of the scenic overviews that would be blocked by the proposed buildings' height limits and preserve approximately 80% of the total scenic overviews over the project site. Limiting the heights to below this line of site would also allow residential development on all 19 proposed lots, and could support two-story structures on the 13 most landward lots without additional grading. Additionally, the adjacent North Silver Shoals Subdivision demonstrates that two-story structures on all lots would still be possible with additional grading. The most seaward

residences in the adjacent North Silver Shoals subdivision, which are limited in height to 15 feet above grade, were constructed as two-story houses with increased grading depths. See **Exhibit 5** for photos of the adjacent residences. Limiting heights to below the line of sight shown in Figure 1 above and **Exhibit 4** would therefore provide for the residential use envisioned for South Palisades, while preserving ocean views from Highway 101 to the maximum extent feasible.

Special Condition 1d thus requires the Applicant to submit final plans that limit development on lots 1 through 3 to fifteen feet above natural grade at the center of the lots and lots 4 through 19 to below the line of sight as seen from three feet above Highway 101⁸ to a height of 15 feet above natural grade at the center of the most seaward lots (as shown in Figure 1 above and in **Exhibit 4**). This condition does not prevent the Applicant from exploring other design options, such as lowering building pads below natural grade to provide additional structural height while maintaining the line of sight shown in Figure 1 above and in **Exhibit 4** to prevent structures from reducing scenic overviews as seen from Highway 101.

With respect to views from Shell Beach Road, the proposed residential structures will also partially obstruct ocean views from this road. The project parcel is within the P-R zoning district, which envisions both multi- and single-family residences in the area. LCP Policy D-3(b) recognizes that portions of views to the ocean from Shell Beach Road will necessarily be blocked by development and thus states that “portions of these views can be preserved by clustering the buildings or creating new public view points.” In order to create new view corridors, LCP Policy D-40 states that new streets shall be laid out so as to emphasize views and that “streets perpendicular to the ocean should be open at the end toward the ocean and not blocked with landscaping or buildings.” Additionally, LCP Policies LU-2 and LU-B-5(2) both require subdivisions to use predominantly attached and clustered designs to maximize view corridors.

The proposed bluff-top park will provide for a new public viewpoint, as required by LCP Policy D-3(b). The proposed South Silver Shoals Drive, which would be perpendicular to the ocean, would end in a cul-de-sac with no development other than low-lying public access amenities and native vegetation in the bluff-top park located seaward of the cul-de-sac, as required by LCP Policy D-40. As explained above, **Special Condition 1a** requires that South Silver Shoals Drive be a minimum of 40 feet in width in order to provide adequate parking and maximize public access. As an additional benefit, a wider road would also provide a significant public view corridor and enhanced ocean views from Shell Beach Road. The project proposes to cluster lots 10, 11, 18, and 19, which will also create two ten-foot wide interior view corridors through the project site in conformance with LCP Policies D-3(b), LU-2, and LU-B-5(2). However, the wider road required by **Special Condition 1a** will also require the Applicant to reconfigure the proposed lots. In order to ensure consistency with LCP Policies D-3(b), LU-2, and LU-B-5(2); **Special Condition 1e** requires the Applicant to submit final plans that maintains the proposed clustered design and preserves the proposed view corridors. Other special conditions are also included to ensure that the project adheres to the other design standards listed in Policy LU-B-5. Specifically, the final plans must maintain 60 percent landscaped and/or open space over the net

⁸ Or the typical visual height of a driver or a passenger traveling in a car on Highway 101.

project site⁹ (**Special Condition 1f**) and a minimum building setback of 20 feet from the road right-of-way (**Special Condition 1c**). **Special Condition 4** requires that landscaping, including trees, not block view corridors or exceed the height of adjacent buildings. To implement LCP Policy D-36, **Special Condition 1g** requires all utilities to be placed underground.

In sum, the project as proposed is inconsistent with the LCP's visual standards in regard to views from Highway 101 and Shell Beach Road and thus cannot be approved as proposed. However, as conditioned to limit the height of development on lots adjacent to the bluff to 15 feet above natural grade, limit the height of development on all other lots to below the line of sight from Highway 101 to the 15-foot high development on the bluff-top lots, increase the width of the cul-de-sac to 40 feet and cluster development to provide an enhanced view corridor from Shell Beach Road, , maintain 60 percent of the parcel in open space, provide a 20-foot road right-of-way development setback, and place all utilities underground, the project can be found consistent with the visual resource policies of the City's LCP.

D. LAND USE

The City's LCP includes different land use policies for each of the 18 individual neighborhood Planning Areas. The certified land use policies and standards applicable to this project include:

LCP Policy LU-2 Residential Uses. [in relevant part] Residential land uses include the categories of Low, Medium and High density. Specific policies for residential uses are: (a) Variety of Residential Land Uses Encouraged. In order to provide a variety of housing choices for all income groups and create residential areas with distinctive identity a wide variety of densities and housing types shall be encouraged. (b) Cluster Development Encouraged. Cluster developments are encouraged where they provide increased open space, better visual qualities, and additional preservation of sensitive sites, decreased cost of municipal services or an opportunity to provide affordable housing... (d) Densities. Permissible housing densities are established within three broad categories shown in Table LU-3.

Table LU-3 Housing Categories and Density

<i>Category</i>	<i>Density</i>
<i>Low Density</i>	<i>1 to 8 units per ac.</i>
<i>Medium Density</i>	<i>9 to 15 units per ac.</i>
<i>High Density</i>	<i>16 to 30 units per ac.</i>

These densities are maximums. It may not be desirable or appropriate to meet these densities in any specific situation.

LCP Policy LU-B-1 Concept. The South Palisades area is designated for Medium Density Residential development. The entire area is one neighborhood with an emphasis on open

⁹ The net project site is the gross site area minus the South Silver Shoals Drive right-of-ways. The open space area may include the bluff-top park, private yards, and any other landscaped area; but may not include buildings or structures, driveways, private roads, or any other impervious surface. No more than 50% of the open space area may be privately owned.

space and scenic corridors. A 100 ft. wide lateral bluff-top open space area/access-way is the focus for the area.

LCP Policy LU-B-4 Road System. *A loop road system is required and will provide public access to the linear bluff-top park and visual access to the ocean. Where the loop road system is infeasible due to bluff retreat, a cul-de-sac may be constructed for remaining parcels that have not yet developed. The loop system or cul-de-sac will be funded by future development and will provide for bicycle paths, which shall connect with the bluff top trail along the lateral blufftop conservation/open space and access dedication requirement noted in Policy LU-B-3. The number of public parking spaces shall be maximized, and if a cul-de-sac system is planned, the number shall be no less than what would have been provided if a loop road configuration was constructed (including by providing public off-street parking, if necessary). Future development in this area shall be subject to the requirements of Design Element Figure D-4.*

Analysis

As explained above, the proposed project includes a one-acre bluff-top open space park, a cul-de-sac, and 19 residential parcels on the 3.7 acre vacant lot. The proposed density would thus be approximately six units per acre. The proposed project would cluster development on townhouse lots 10 and 11, as well as on lots 18 and 19.

The LCP requires development in the South Palisades area to include a bluff-top open space park, a loop road system or cul-de-sac, a clustered design, and a maximum density of 15 units per acre. The proposed project includes the bluff-top open space park that is required for this area. A loop road system is infeasible due to bluff retreat and thus a cul-de-sac is proposed. The proposed project also includes clustering of several of the townhouse lots as encouraged by LCP Policy LU-2(b) (see also **Special Condition 1e**).

The proposal provides approximately six units per acre, which is well below the medium density level of 9-15 units per acre that was envisioned in South Palisades. While six units per acre is a higher density than the adjacent North Silver Shoals subdivision, LCP Policy LU-2(a) encourages a variety of densities “[i]n order to provide a variety of housing choices for all income groups and create residential areas with distinctive identit[ies].” Thus, the LCP does not require that the proposed density of South Silver Shoals match the density of North Silver Shoals. Moreover, a review of other existing subdivisions in the South Palisades area in close proximity to the project site shows that these subdivisions contain a variety of residential densities. For example, the northern side of Searidge Court provides 12 units, while the southern side of the Searidge Court provides 26 units on almost identical acreage. The subdivision immediately landward of the bluff on the northern side of Ebb Tide Way includes 12 units, while the subdivision to the south has four units on similar acreage. See **Exhibit 5** for Assessor’s Parcel Maps of the surrounding subdivisions. Thus, the proposed 19 units for South Silver Shoals, compared to 10 units on the roughly similar acreage of North Silver Shoals, will provide a variety in residential density that is encouraged in LCP Policy LU-2(a). Therefore, the proposed project is consistent with the LCP’s Land Use policies that require a bluff-top park, a loop road system or cul-de-sac, clustered design, and that allow for a variety of residential densities.

E. PUBLIC SERVICES

A guiding principle of the City's LCP is to "ensure that public facilities are available to adequately serve all new and existing development." The City places particular emphasis on the adequacy of current water supply, recognizing that "[o]ne of the long-term and primary constraints for Pismo Beach is the availability and quality of water." The LCP also explains that the City has previously overcommitted its water supply and underestimated water demand of new development, which led to strict emergency measures. To help avoid another water shortage emergency, the LCP includes a number of policies regarding water supply including:

LCP Policy F-37 Water Reserves. *The City shall maintain water reserves at 5% over average daily demand at all times and maintain a summer peaking supply of 130% over average weekly demand.*

LCP Policy F-38 Storage Capacity. *The City shall require a minimum storage capacity in conformance with San Luis Obispo County standards for fire and other emergency needs prior to approval of development projects.*

LCP Policy F-39 Water Conservation - New Development. *The City shall require water-conserving features in all new development (i.e. low-flow fixtures, drought-tolerant landscaping, automatic timing for irrigation, etc.).*

In addition to the LCP Policies regarding water supply listed above, the Governor of the State of California recently proclaimed a Continued State of Emergency in response to the severe ongoing drought throughout the State. The Governor issued Executive Order B-29-15 in response to the drought emergency, which requires cities and towns to reduce water usage as compared to the amount used in 2013 in order to reach the goal of a statewide 25 percent reduction in potable urban water usage. The Executive Order also requires drip or microspray irrigation for new homes and encourages drought-tolerant landscaping and other conservation measures. See **Exhibit 7** for the full text of Executive Order B-29-15.

Analysis

The LCP requires that the City maintain water reserves at 5 percent over average daily demand at all times and 130 percent over average weekly demand during the peak summer months, in addition to a minimum storage capacity for fire and other emergency needs. The most recent water monitoring report released by the Northern Cities Management Area Technical Group, dated April 28, 2014, states that the City of Pismo Beach's water demand in 2013 was 2,148 acre feet (AF), while the City's water supply was approximately 32% above that demand at 2,836 AF. Thus the City does appear to be in compliance with the LCP's water supply requirements. Currently, the City's supply of water is sourced from Lopez Lake (896 AF), the State Water Project (1,240 AF), and local groundwater (700 AF). However, the 2014 water monitoring report also notes that all three water sources are under threat by continued drought. Lopez Lake is currently at 38 percent capacity, the Department of Water Resources is contemplating further State Water Project delivery reductions, and groundwater levels are at historic lows. The Mitigated Negative Declaration (MND) prepared for the project does not address whether the City is able to expand water service to new development in light of the recent water reductions

required by Executive Order B-29-15. Additionally, the MND for the project determined that the City has the wastewater treatment capacity to serve the project, but based its determination on a 2011 population expansion prediction rather than current population statistics. In order to ensure that the City has adequate water and sewer services to meet the proposed project's needs as required by the LCP, **Special Condition 11b** requires the Applicant to submit evidence that the City has adequate water and sewer services to serve the development without resulting in adverse impacts to coastal resources, and that the City will serve the property with water and sewer services.

LCP Policy F-39 requires that new development institute various water conserving features to limit a project's impact on the City's increasingly scarce water resources. Executive Order B-29-15 further states that water conservation features for new development are a critical component in curbing water demand during this continued drought emergency. The City has previously required a 1.5:1 water offset¹⁰ for new development, such as during the 1989 water shortage emergency. A water offset requirement is a common LCP requirement to address water supply issues in other jurisdictions, such as the North Coast Area Plan for San Luis Obispo County. A water offset at a ratio of 1.5:1 is appropriate to ensure that the water supply is not burdened by development in future years, which is particularly important during this time of historic drought. The City has required 1.5:1 water offsets in recent CDP approvals, such as the Pismo Beach Hotel. The proposed project, however, does not incorporate any water conservation measures as required by the LCP. **Special Condition 11a** addresses this by requiring submittal of a Water Conservation Plan to include various water conservation features including, but not limited to, drip or micro-spray irrigation, on-demand water heaters, and dual piping for future connections to a potential recycled water line. **Special Condition 4** also requires the Applicant to submit a final landscape plan that includes noninvasive drought-tolerant plants and uses micro-spray or drip irrigation. Additionally, **Special Condition 11c** requires the Applicant to offset the proposed project's anticipated water use at a 1.5:1 ratio by retrofitting existing fixtures within the City of Pismo Beach with new water-saving fixtures to make the project water neutral.

In sum, the project as proposed is inconsistent with the LCP in regard to the project's impact on public services. However, as the project as conditioned to provide evidence of adequate water and sewer services, to implement water conservation measures, to drought-tolerant noninvasive plants, and to offset anticipated water use can be found consistent with the public services policies of the City's LCP and also meets the directives of Executive Order B-29-15.

F. 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 also has several LCP policies specifically regarding bluff-top development.

¹⁰ Water offsets are accomplished through retrofitting existing developments with water saving appliances and fixtures.

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:*

- (a) Adoption of the most recent safety requirements in the Building and Fire Code.*
- (b) Using the planning and technical criteria presented in the Safety Element, as basic guidelines for all new public facilities.*
- (c) Evaluating new development, particularly industrial, commercial or utility development, to ensure that construction or operation of the project will not cause hazardous conditions at an unacceptable level of risk.*
- (d) Requiring new development to avoid portions of sites with high hazard levels.*

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

LCP Policy S-5 Development on Bluff Face. *No additional development shall be permitted on any bluff face, except engineered staircases or access-ways to provide public beach access, and pipelines for scientific research or coastal dependent industry. Drain-pipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe and beach. Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face, toe and beach.*

LCP Policy S-6 Shoreline Protective Devices. *Shoreline protective devices, such as seawalls, revetments, groins, breakwaters, and riprap shall be permitted only when necessary to protect existing principal structures, coastal dependent uses, and public beaches in danger of erosion. If no feasible alternative is available, shoreline protection structures shall be designed and constructed in conformance with Section 30235 of the Coastal Act and all other policies and standards of the City's Local Coastal Program. Devices must be designed to eliminate or mitigate adverse impacts on local shoreline sand supply, and to maintain public access to and along the shoreline. Design and construction of protective devices shall minimize alteration of natural landforms, and shall be constructed to minimize visual impacts. The city shall develop detailed standards for the construction of new and repair of existing shoreline protective structures and devices. As funding is available, the city will inventory all existing shoreline protective structures within its boundaries.*

LCP Policy PR-23 Lateral Bluff-Top Open Space and Access Required. *Bluff-Top Access Dedication - To ensure public safety, provide for protection of fragile ocean bluff-tops, and permit enjoyment by the public of oceanfront amenities and recreation, all development on the bluff edge should be required to dedicate in fee or by an easement in perpetuity a bluff-top conservation and public access zone. The width of the area to be dedicated shall be a distance equal to the estimated 100-year bluff retreat plus a minimum of 25 feet additional inland from that line. In certain areas the width of the bluff-top dedication should be greater as provided in the land use element. Existing single-family lots on the bluff less than 10,000*

feet in area are exempted from requirements of dedication of the bluff-top area, if another lateral public access route (beach, sidewalk or separate path) is or will be available nearby so as to provide for continuity of the Coastal Trail. The extent of the bluff retreat shall be determined through a site-specific geological study conducted by a qualified registered geologist. The dedication should be made to the City of Pismo Beach or other appropriate public agency as determined by the city.

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. Development of structures shall be prohibited within the zone, except for public amenities such as walkways, benches, and vertical beach access stairs. Landscaping and irrigation of these areas shall be designed to avoid or minimize bluff-top erosion problems.

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.*

Analysis

As explained above, the proposed project includes an open space park in the areas seaward of the 100-year bluff retreat line plus 100 feet. All of the proposed lots that would allow structural development are located inland of this area except for the proposed cul-de-sac, which does not encroach more than 35 feet into the required setback area.

LCP Policy LU-B-3 requires all development in South Palisades to be set back 100 feet from the 100-year bluff retreat line, with all areas seaward of that line to be dedicated as open space. The LCP allows roads to encroach 35 feet into the open space zone and also provides exceptions for public access amenities. The 100-foot setback from the 100-year bluff retreat line (see **Exhibit 8**) was established through extensive collaborations with Commission staff and the Applicant to identify the bluff edge at the 47 foot contour line and analyze the site using a bluff retreat rate of 4.0 inches per year over most of the site and 2.5 inches per year at the heads of the arroyos, which was based upon photographic evidence of past erosion at the site. The Applicant has redesigned the road to include a cul-de-sac that does not encroach beyond 35 feet into the open space park area. Thus, the project complies with the LCP policies LU-B-3 and PR-23 regarding bluff-top development and setbacks. 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 LCP Policy PR-23 provides an exception to the setback requirement for public access amenities such as the proposed meandering walkway and public benches. Similarly, the public vertical accessway required by **Special Condition 3** is not inconsistent with the restrictions on bluff face development because accessways are expressly exempted in LCP Policies S-5 and PR-23. Thus the proposed open space park, the stairway to the beach, and the cul-de-sac are consistent with the bluff setback policies of the LCP.

The LCP recognizes that South Palisades is a sensitive area and that development atop the bluff faces significant risks. LCP Policy S-6 places the risks of bluff-top development on property owners by limiting the use of shoreline protection devices except “to protect *existing* principal structures, coastal dependent uses, and public beaches in danger of erosion.” The proposed project setbacks are designed to provide some protection from coastal hazards, but the project does not adequately address the prohibition on shoreline protection devices for new development and does not address all the risks associated with bluff-top development over the life of the project. **Special Condition 9** ensures that the Applicant acknowledges and accepts the risks from coastal hazards, while **Special Condition 10** prohibits the use of future shoreline protection in order to carry out LCP Policy S-6 and also requires removal of portions of the park and cul-de-sac developments to ensure public safety if necessary over time. Specifically, the condition requires the Permittee(s) to retain a qualified geologist to investigate the threat to safety if the bluff edge retreats to within ten feet of any public access amenities, including the cul-de-sac and associated parking, and to develop possible solutions to any identified threats. If any portion of the public access amenities is determined to be unsafe for use, the Permittee is required to remove and relocate the threatened portion of the open space park and/or cul-de-sac and restore the land to protect coastal resources. Thus, the project as conditioned is consistent with the LCP with regard to shoreline protective devices and assumption of risk.

The terms and conditions of this approval are meant to be perpetual. In order to inform future property owners of the requirements of the permit, **Special Condition 12** of this approval requires recordation of a deed restriction or amending the CC&Rs that will record the project conditions against the affected property as covenants, conditions and restrictions for the.

In sum, as conditioned to ensure the Applicant acknowledges and accepts all risks from developing at this location, to prohibit future shoreline protection devices, to relocate any portions of the open space park and cul-de-sac if threatened by erosion, and record all the conditions of this permit against the affected properties in perpetuity, the proposed project is consistent with the City’s LCP with respect to development hazards.

G. WATER QUALITY

The LCP states that the “*ocean shore is, and shall continue to be, the principle open space feature of Pismo Beach.*” To protect the marine environment, the LCP further states that “[o]cean front land shall be used for open space, recreation and related uses where feasible and where such uses do not deteriorate the natural resource.” To help meet this goal, LCP Policy CO-31 includes extensive grading and drainage regulations that are applicable to all development and construction projects, while LCP Policy LU-B-7 requires geological reports in South Palisades specifically due to its sensitive nature.

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 policies:*

(a) Development plans shall minimize cut and fill operations, and any development requiring extensive cut and fill may be denied if it is determined that the development could be carried out with less alteration to the natural terrain.

- (b) Development shall be designed to fit or complement the site topography, soils, geology, and any other existing conditions and be oriented to minimize to the extent of grading and other site preparation.*
- (c) Retaining walls should be of minimum height and length. Earth colored materials shall be preferred. Long, straight-line retaining walls shall be prohibited.*
- (d) Finished grading shall avoid a manufactured appearance by creating flowing contours of varying gradients generally not exceeding slopes of 4:1. Sharp cuts, fills and long straight-line slopes of uniform grade should be avoided.*
- (e) Native vegetation shall be preserved to the maximum extent possible. (See Policy CO-1S regarding oak trees.)*
- (f) All measures for removing sediments and stabilizing slopes shall be in place by November 1 prior to the beginning of the rainy season.*
- (g) Sediment basins shall be required in conjunction with initial grading operations, and maintained throughout the development process as necessary.*
- (h) All cut and fill slopes in a completed development shall be stabilized immediately with planting of native grasses and shrubs, or appropriate nonnative plants within accepted drought-tolerant landscaping practices.*
- (i) Surface runoff waters that will occur as a result of development shall be conducted to storm drains or suitable watercourses to prevent erosion.*
- (j) Degradation of the water quality of the groundwater basins, streams, or wetlands shall not result from development of a project. Pollutants such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or along side streams or wetlands during or after construction.*
- (k) A runoff control plan designed by a licensed engineer qualified in hydrology and soil mechanics shall be required for all development on slopes greater than 10 percent to mitigate any increase in peak runoff. The runoff control plan, including supporting calculations shall be subject to the review and approval of the City Engineer prior to commencement of construction. Such a plan shall include the following provisions:*
 - (1) Runoff control shall be accomplished by minimizing grading and utilizing nonstructural techniques such as on-site percolation galleries. Energy dissipating devices at the terminus of outflow drains shall be required.*
 - (2) All permanent erosion control devices shall be developed and installed prior to or concurrent with any on-site grading activities.*
 - (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.*
 - (4) Prior to the issuance of a permit for development, a detailed landscape plan indicating the type, size, extent and location of plant materials, the proposed irrigation system, and other landscape features shall be submitted for approval. Drought tolerant, native plant materials shall be utilized to the maximum extent feasible.*
- (l) All grading activities for roads, building pads, utilities and the installation of erosion and sedimentation control devices shall be prohibited within the period from November 1 to March 31 of each year, except that the following grading activities may be permitted outside the above time constraints:*

- (1) Grading on slopes if they do not drain into an environmentally sensitive habitat area.*
- (2) Grading on slopes less than 10 percent, if the amount of material to be graded does not exceed 50 cubic yards.*
- (m) All areas disturbed by grading shall be planted with temporary or, in case of finished slopes, permanent erosion retardant vegetation. Native species shall be planted wherever feasible. Such plantings shall be accomplished under a plan prepared and submitted by a licensed landscape architect and shall consist of seeding, mulching, fertilization and irrigation adequate to provide 90 percent coverage within 90 days of the time of planting. Planting shall be repeated if the required level of coverage is not established within the time period stipulated above. This requirement shall apply to all disturbed soils, including stockpiles, and to all building pads and road cuts.*

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.*

Analysis

LCP Policy LU-B-7 requires a geological report for development due to the sensitive nature of South Palisades, while LCP Policy CO-31 contains various grading standards to protect coastal resources. A Soil Engineering Report was prepared for the project and 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. Such excavation, fill, and grading activities could have a negative impact on water quality and public access if materials were not adequately contained. **Special Condition 6** requires the Applicant to submit a Construction Plan that identifies all construction areas and staging areas, incorporates Best Management Practices (BMPs) to protect coastal marine resources, requires the Applicant to retain a construction coordinator to ensure the BMPs are followed and to respond to any emergencies, and requires a that the construction documents be maintained at the site. Thus the project as conditioned is consistent with the LCP with regard to water quality and marine resources. In addition, **Special Condition 1h** requires the Applicant to submit a post-construction drainage plan that protects coastal resources to the maximum extent feasible through methods such as infiltration, retention, or treatment of all site drainage and runoff.

In sum, as conditioned to require the submission of a post-construction drainage plan and final construction plans that incorporate BMPs to protect coastal resources, the proposed project is consistent with the City’s LCP with respect to marine resources and water quality.

H. NATURAL RESOURCES

The City’s LCP explains that 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 (cited above)

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.” Other LCP natural resources policies include:

LCP Policy D-12 Special Tree Preservation. *A number of special and important trees or tree groupings exist within Pismo Beach and these trees should be preserved. Examples include:*

- (a) Oak Trees*
- (b) Monterey Pines and Monterey Cypress*
- (c) Eucalyptus Trees*
- (d) Monkey Trees*
- (e) Sycamores*

IP Section 17.006.0435. Environmentally Sensitive Habitat Areas. *Those identifiable resources within the coastal zone which, due to their sensitivity or public value must be protected or preserved within the intent of Section 30230, 30231, 30233, 30236, and 30240 of the Coastal Act.*

Analysis

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 (these trees are located on an adjacent property, not on the project site). 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. A 2008 Ecological Assessment Report determined that the project site consists mostly of nonnative grasses and a small area of coastal bluff scrub habitat near the bluff edge. No wildlife species of special concern were found at the project site at the time of the report or during subsequent site visits by Coastal Commission and City of Pismo Beach staff. There have been sightings of migratory birds within the area of the project site.

The LCP specifically lists the Pismo Creek riparian zone, Pismo Lake Ecological Preserve, monarch butterfly habitat, and native oak trees as recognized types of environmentally sensitive habitat areas (ESHA) within the City. The project site is not located in or near any of these identified types of ESHA. Additionally, a Wetland Delineation Report conducted for the project determined that no wetland indicators were present and thus concluded that no wetlands or streams are located at the site. The project’s Biological Resources Assessment found that the site is not ESHA because it consists “primarily of non-native grassland . . . and include[s] a predominance of invasive non-native plants.” All structural development is located in this area of nonnative grasses. A 2014 site visit by the Applicant’s environmental consultants found that only a “small area of native coastal scrub dominated by coyote brush was present along the bluff-top and face” and that “coastal scrub vegetation present was sparse, with few understory species present.” This area of “highly degraded” native vegetation is located mostly within the proposed open space park. Approximately 6,900 square feet of the highly degraded scrub habitat will be disturbed during grading activities for development of the road and public pathway along the bluff-top park. Approximately 5,700 square feet of that disturbed habitat will be restored and enhanced with additional native plantings after construction. Additionally, approximately 14,700 square feet of this highly degraded scrub habitat will be enhanced through removal of nonnative vegetation and additional native plantings. Thus the proposed landscape design plan would result

in 20,400 square feet of enhanced scrub habitat in the area of the open space park, which mitigates the proposed habitat disturbance at a ratio of almost 3:1. The proposed plans also incorporate a three-year monitoring plan with specific benchmarks to measure success. **Special Condition 5** requires the Applicant to submit final restoration plans that include nonnative plant removal, mitigation for disturbed habitat, and a mitigation monitoring plan for the area of the bluff-top park. **Special Condition 6** requires a Construction Plan that includes Best Management Practices designed to protect all natural resources in the area.

In terms of wildlife resources, previous sightings of migratory birds at the project sight have been reported and therefore the proposed project may have a negative impact on nesting birds during construction. To address possible impacts to nesting birds, **Special Condition 8** requires a preconstruction bird survey. If special status birds are found to be nesting on or directly adjacent to the site, the Permittee is required to notify the appropriate federal and state agencies and the Executive Director, and is also required to develop an appropriate response, consistent with the recommendations of these agencies and the Executive Director, to ensure that construction activities do not impact nesting birds.

As conditioned to require restoration of the bluff-top area with native vegetation, include appropriate Best Management Practices to protect natural resources during construction, perform preconstruction surveys for nesting birds, the proposed project adequately protects natural resources and is thus consistent with the natural resources policies and standards of the LCP.

I. ARCHEOLOGICAL RESOURCES

The City's LCP recognizes that archeological and cultural resources are an important and fragile coastal resource. To protect these resources the City has included the following policies:

LCP Policy CO-5 Protect Archaeological Resources. *Archaeological and paleontological resources are declared to be important to be conserved. The City shall have available a map that identifies the possible location of archeological resources. As part of the CEQA process for all new development projects, all known or potential archaeological resources shall be fully investigated by a qualified archaeologist recognized by the state Historic Preservation Office. Appropriate protections shall be determined as part of the review process including:*

- (a) Locations within the city known to have a high probability of occurrence of archeological sites shall be zoned in the Archeological Resources overlay district.*
- (b) Sites of statewide or national significance shall be nominated for inclusion in the Registry of California Historic Landmarks or National Historic Landmark Program.*
- (c) Specific recommendations prepared by the archaeologist shall be incorporated into project approval including: avoidance of portions of sites containing resources, minimizing the impacts of the development on the archaeological resources, preserving a full archaeological record, and/or partial site dedication, and providing a native American monitor onsite to observe excavations in locations where there is a possibility of discovery of human remains.*

LCP Policy CO-6 Construction Suspension. *Should archaeological or paleontological resources be disclosed during any construction activity, all activity that could damage or*

destroy the resources shall be suspended until a qualified archaeologist has examined the site. Construction shall not resume until mitigation measures have been developed and carried out to address the impacts of the project on these resources.

Analysis

The LCP requires an archeological survey for sites where archeological resources may be found and requires suspension of construction if such resources are found during construction activities. Due to the project's proximity to known archeological sites, a survey was conducted in preparation for the project. No surface archeological or cultural resources were discovered during the survey, nor were signs of potential resources discovered. However, it is possible that archeological resources are present beneath the soils of the project site. **Special Condition 7** requires an archeological monitor during grading activities and ensures that construction activities will be suspended if any archeological or paleontological resources are discovered during construction as required by the LCP. Therefore, as conditioned the project is consistent with respect to archeological resources.

J. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. The Commission has reviewed the relevant coastal resource issues associated with the proposed project, and has identified appropriate and necessary modifications to address adverse impacts to such coastal resources to the extent allowed while avoiding a taking of private property without just compensation. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

The Commission finds that only as modified and conditioned by this permit will the proposed project avoid significant adverse effects on the environment within the meaning of CEQA. As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects that approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. If so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

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



An aerial photograph of a coastal region. On the left, the dark blue ocean meets a sandy beach. A road, Beachcomber Drive, runs along the coastline. To the right of the road is a residential area with several houses. Further inland, there is a large, open, light-brown area, likely a field or undeveloped land. To the right of this area is a multi-lane highway. In the bottom right corner, there is a resort area with a swimming pool and a parking lot. Three yellow pushpin markers are placed on the map: one on Beachcomber Drive, one in the open field area, and one near the resort.

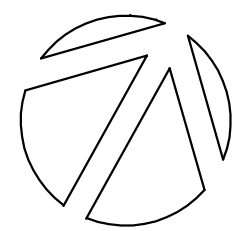
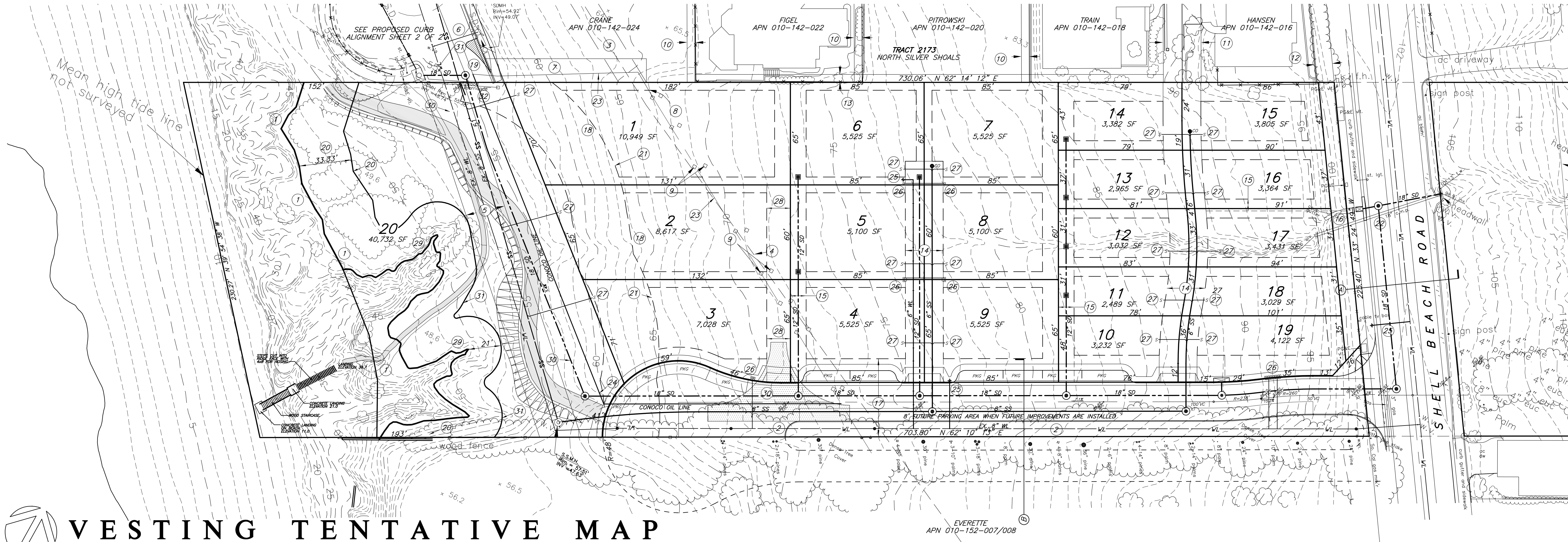
Beachcomber Drive Staircase, 665 ft.

Project Site

Cliffs Resort Staircase, 795 ft.







VESTING TENTATIVE MAP

SCALE: 1" = 30'

OPEN SPACE CALCS

OPEN SPACE REQUIRED:

161,115 SF	GROSS SITE AREA
20,841 SF	SOUTH SILVER SHOALS OFFER OF DEDICATION
140,274 SF	NET SITE AREA
x0.60	OPEN SPACE COEFFICIENT (60%)
84,164 SF	TOTAL OPEN SPACE REQUIRED

PUBLIC OPEN SPACE REQUIRED:

84,164 SF	TOTAL OPEN SPACE REQUIRED
x0.50	PUBLIC OPEN SPACE COEFFICIENT
42,082 SF	TOTAL PUBLIC OPEN SPACE REQUIRED

PUBLIC OPEN SPACE PROVIDED:

40,732 SF	LOT 20 COASTAL BLUFF OPEN SPACE
5,477 SF	FUTURE MEDIAN/TREE BUFFER
46,209 SF	TOTAL PUBLIC OPEN SPACE PROVIDED
46,209 SF PROVIDED > 42,082 SF REQUIRED, OK	

PRIVATE OPEN SPACE REQUIRED:

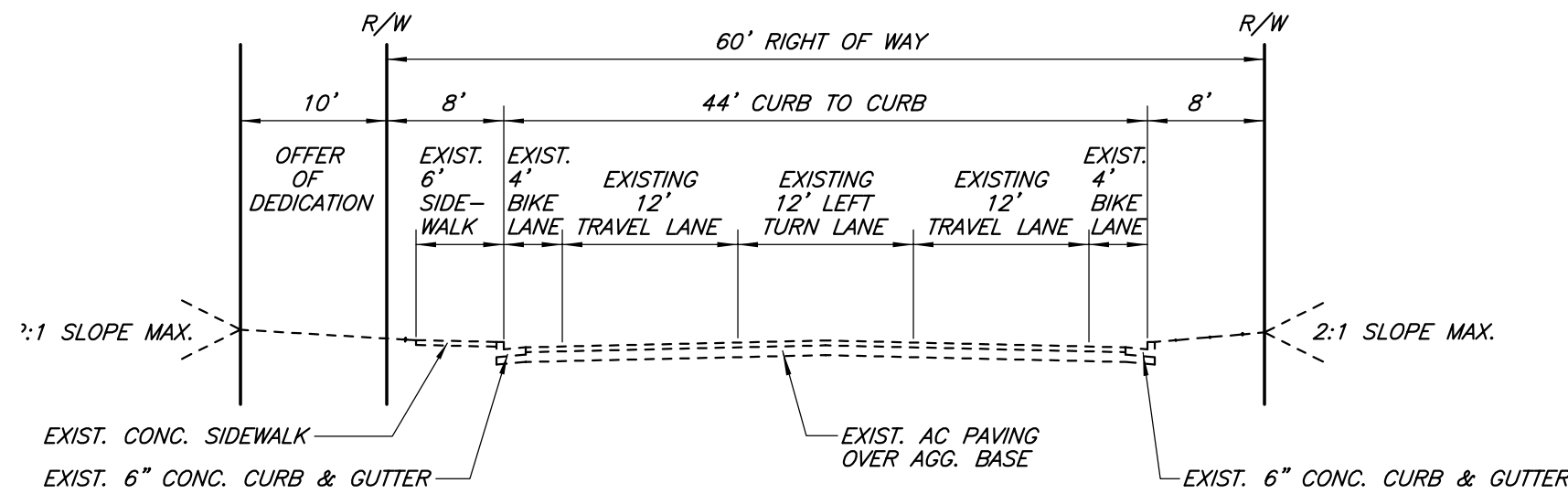
84,164 SF	TOTAL OPEN SPACE REQUIRED
-46,209 SF	TOTAL PUBLIC OPEN SPACE PROVIDED
37,955 SF	TOTAL PRIVATE OPEN SPACE REQUIRED

PRIVATE OPEN SPACE PROVIDED:

40,007 SF	PRIVATE OPEN SPACE PROVIDED LOTS 1-19
40,007 SF PROVIDED > 37,955 SF REQUIRED, OK	

TOTAL OPEN SPACE PROVIDED:

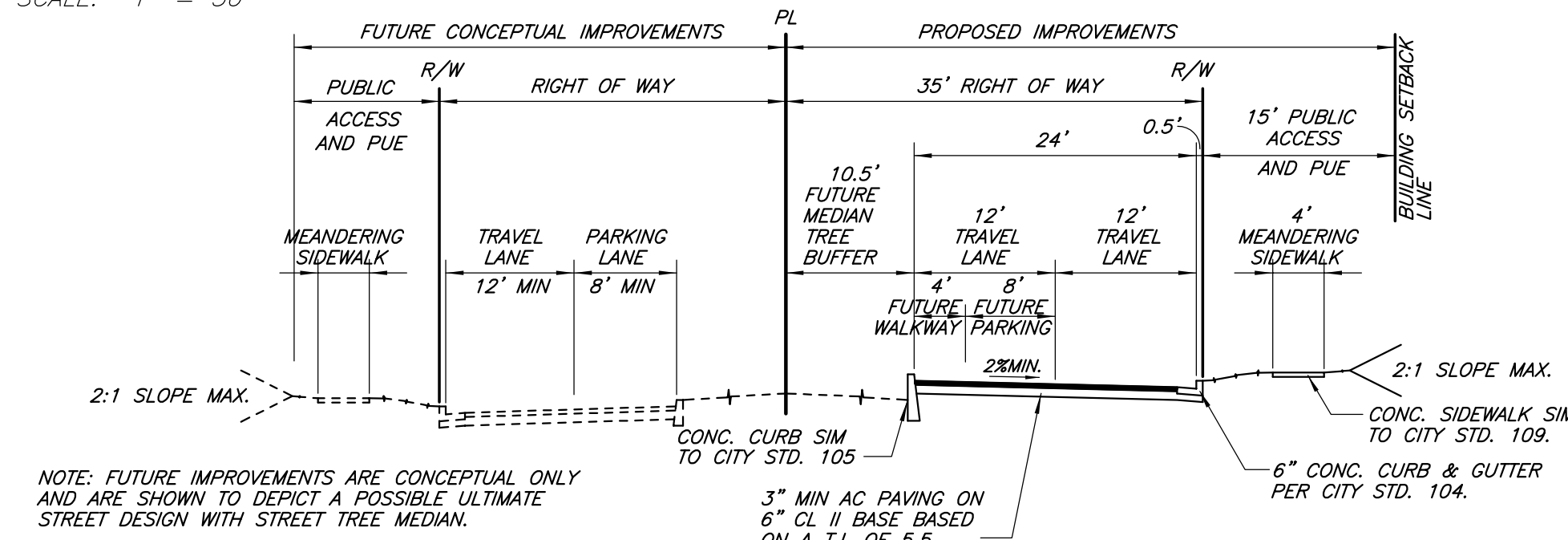
46,209 SF	TOTAL PUBLIC OPEN SPACE PROVIDED
40,007 SF	TOTAL PRIVATE OPEN SPACE PROVIDED
86,216 SF	TOTAL OPEN SPACE PROVIDED
86,216 SF PROVIDED > 84,164 SF REQUIRED, OK	
86,216 SF = 61.5% OPEN SPACE PROVIDED	



A SHELL BEACH ROAD

REFERENCE NOTES

- TOP OF BLUFF LINE AS MARKED BY TIM CLEATH & ASSOCIATES, APRIL 2006. BLUFF RESTRAINT SYSTEM CONSISTENT WITH CITY STANDARDS TO BE INSTALLED.
- 10' WIDE SEWER AND WATER EASEMENT TO CITY OF PISMO BEACH PER 2592 OR 852.
- UNION OIL EASEMENT PER 66 DD 275 AND 72 DD 42 TO BE ABANDONED BY SEPARATE INSTRUMENT PER 18 MB 22.
- APPROXIMATE CENTERLINE 6" WIDE OIL LINE EASEMENT PER 72 DD 42 MODIFIED BY 382 OR 388 WHICH STATES "CL OF EASEMENT TO BE MIDWAY BETWEEN THE EXISTING 6" AND 12" PIPE LINES".
- APPROXIMATE 25' WIDE SEWER AND WATER EASEMENT TO CITY OF PISMO BEACH PER 2592 OR 852.
- 15' EASEMENT TO TOSCO PER 18 MB 22.
- 15' TEMPORARY EASEMENT TO TOSCO PER 18 MB 22.
- CONOCO OIL CO. LINE PER FLAGS IN THE FIELD.
- STAKES ON SURFACE MARKING APPROXIMATE OIL LINE LOCATION BY OTHERS (TYP.).
- PRIVATE STORM DRAIN AND WALL MAINTENANCE EASEMENT PER 18 MB 22.
- PRIVATE ACCESS, SEWER, HOA, DRIVEWAY MAINTENANCE AND PUE PER 18 MB 22.
- 10' BIKEWAY AND PEDESTRIAN ACCESS, PUE, TREE AND LANDSCAPE EASEMENT PER 18 MB 22.
- PRIVATE STORM DRAIN EASEMENT PER 18 MB 22.
- NEW 24' WIDE PRIVATE DRIVEWAY, ACCESS AND PUE EASEMENT.
- NEW 7.5' WIDE PRIVATE DRAINAGE EASEMENT.



B SOUTH SILVER SHOALS

REFERENCE NOTES

- NEW 10' BIKEWAY AND PEDESTRIAN ACCESS, PUE, TREE AND LANDSCAPE EASEMENT.
- BUILDING SETBACK LINE 50 FEET FROM SOUTHERLY TRACT BOUNDARY.
- BUILDING SETBACK LINE AT 100 YEAR RETREAT PLUS 100 FEET.
- STORMWATER TREATMENT FACILITY TO BE LOCATED IN THE LAST DOWNSTREAM MAIN HOLE.
- 100 YEAR BLUFF RETREAT LINE.
- 100 FOOT SETBACK FROM 100 YEAR BLUFF RETREAT PER CITY POLICY LU-B-3.
- EXISTING 18" CMP TO BE REMOVED.
- PORTION OF EXISTING CONOCO OIL LINE TO BE REMOVED.
- LOCATION OF PROPOSED EXISTING CONOCO OIL LINE REALIGNMENT.
- NEW FIRE HYDRANT.
- NEW WATER SERVICE(S) PER CITY STANDARDS.
- NEW SEWER LATERAL PER CITY STANDARDS.
- 15 FOOT PRIVATE ACCESS EASEMENT AND PUE.
- TOP OF BLUFF/EROSION GULLIES DEFINED BY CLEATH HARRIS GEOLOGISTS 11/2/12.
- EMERGENCY VEHICLE TURN AROUND.
- 100 YEAR ARROYO RETREAT LINE.

NOTES

- PROJECT AREA = 3.70 ACRES
- ASSESSOR'S PARCEL NUMBER: 010-152-007.
- GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL.
- ZONING DESIGNATION: P-R, PLANNED RESIDENTIAL.
- WATER SERVICE SUPPLIED BY CITY OF PISMO BEACH.
- SEWAGE DISPOSAL BY CITY OF PISMO BEACH.

VESTING TENTATIVE MAP

FOR

TRACT No. 3043

SOUTH SILVER SHOALS SUBDIVISION

BEING A SUBDIVISION OF A PORTION OF LOT 4, 1031/OR/399, IN THE CITY OF PISMO BEACH, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA INTO 9 RESIDENTIAL PARCELS RANGING IN SIZE FROM 5,100 SF TO 8,640 SF, 10 TOWN HOME LOTS RANGING IN SIZE FROM 2,627 SF TO 4,507 SF AND ONE PARCEL WITH AN AREA OF 40,732 SF TO BE DEDICATED AS A PUBLIC PARK.

PISMO BEACH, CALIFORNIA

PREPARED FOR:
Owners/Applicant:

Stacy Bromley
214 Whitley Street
Arroyo Grande, CA 93420
(805) 459-9922

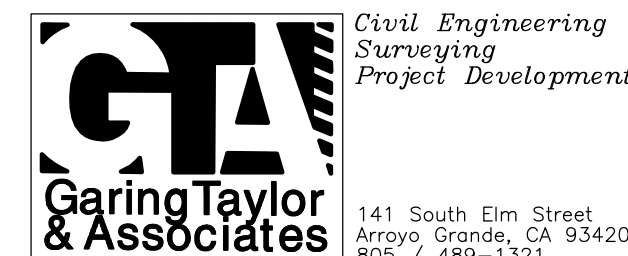
PREPARED BY:
Engineer:

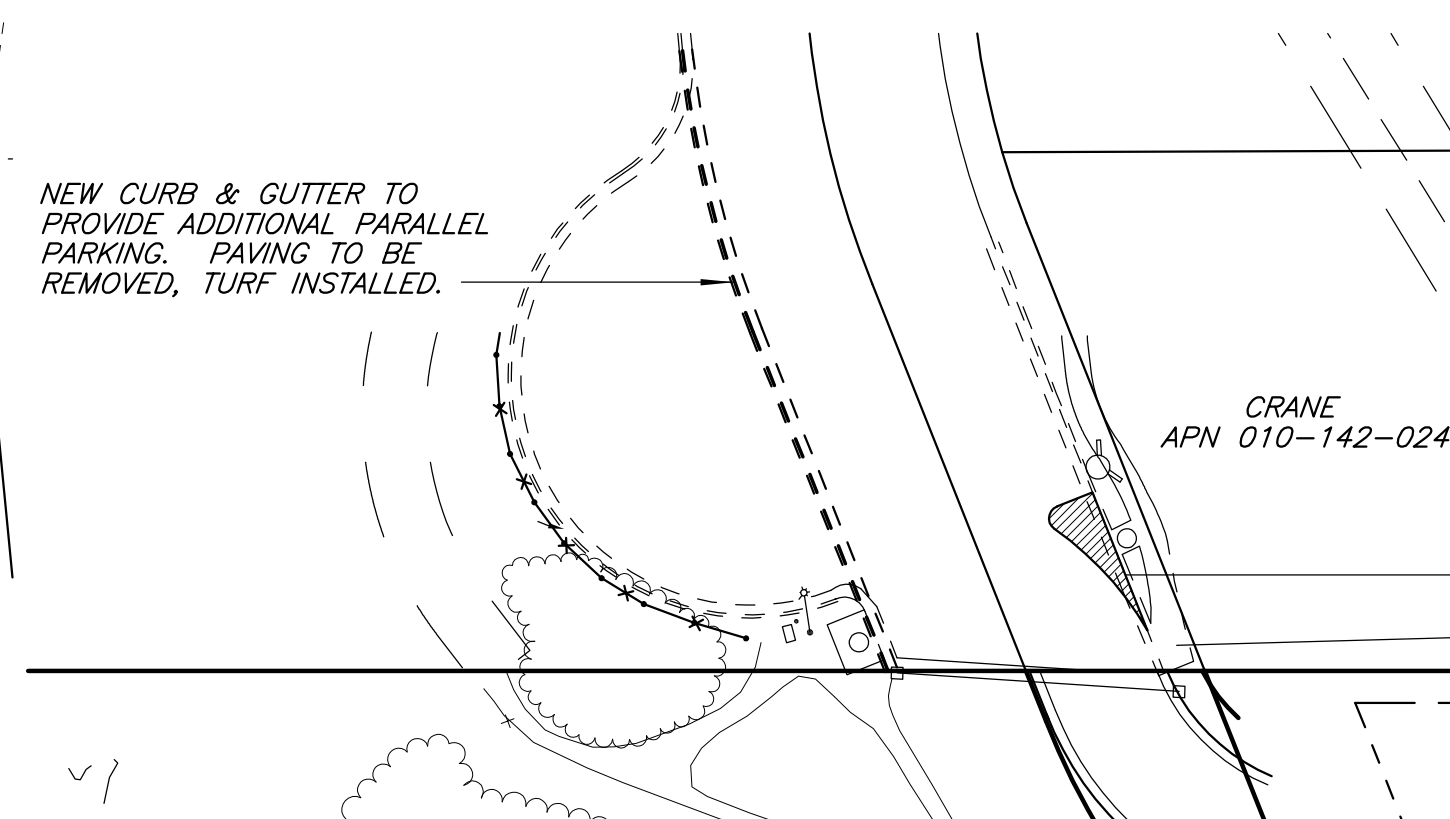
Garing Taylor & Associates
141 S. Elm Street
Arroyo Grande, CA 93420
(805) 489-1321
Jeffrey J. Enrick, P.E., AIA

Plot Date: 02.04.15
File Name: VTMDWG

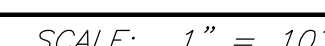
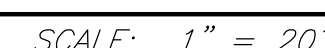
Sheet 1 of 2

GTA No. 12.383.000



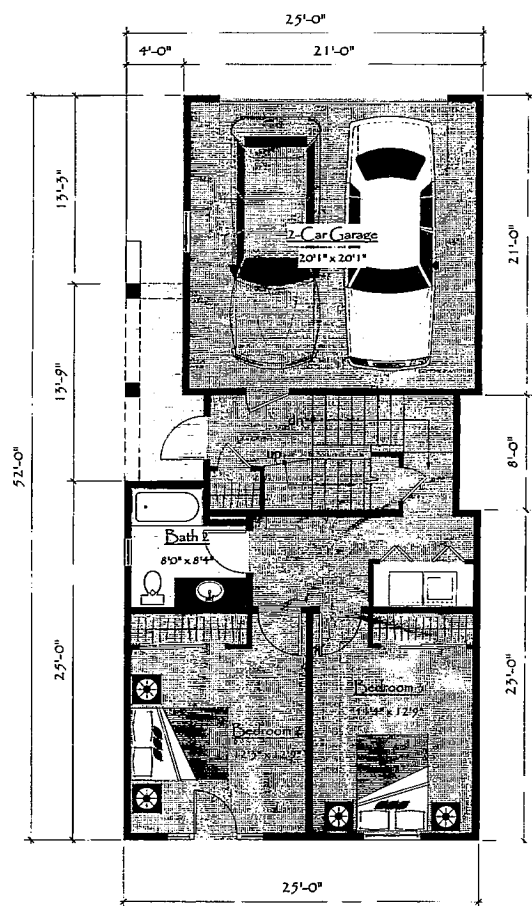


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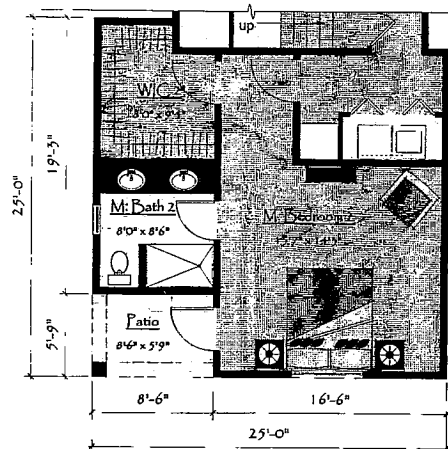


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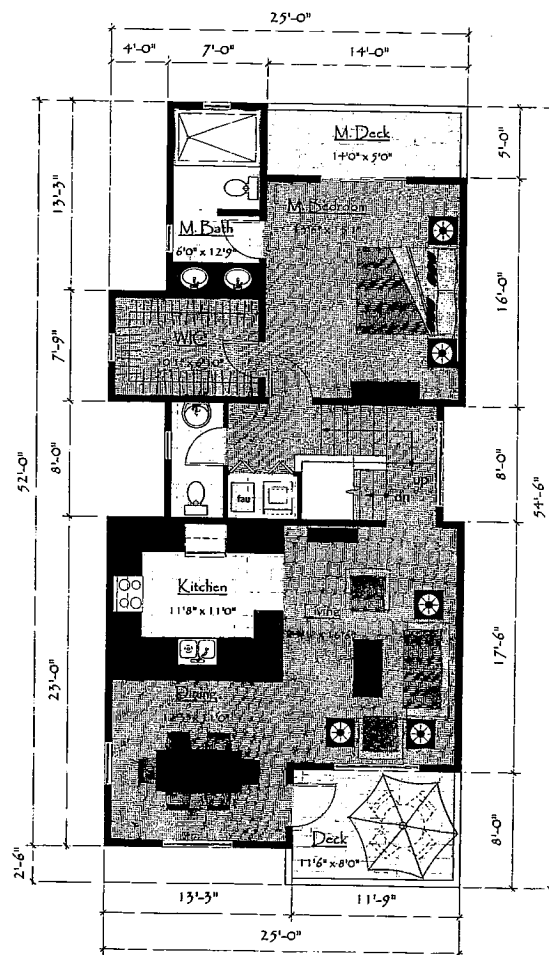




Lower Floor Plan



Lower Floor Plan
Master Suite Option



Upper Floor Plan

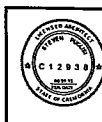


Steven Puglisi
ARCHITECTURE
583 Deza Street, San Luis Obispo, Ca 93401
Phone: 805.595.1968 Fax: 805.595.1980

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 - 995 square feet
total - 1,725 square feet
(1,676 s.f. option)
garage - 441 square feet



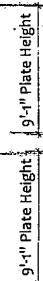
ALL THESE DRAWINGS, SPECIFICATIONS AND NOTES ARE THE PROPERTY OF STEVEN PUGLISI ARCHITECTURE. ANY REUSE, REPRODUCTION, OR DISTRIBUTION OF THESE DRAWINGS WITHOUT THE WRITTEN PERMISSION OF STEVEN PUGLISI ARCHITECTURE IS STRICTLY PROHIBITED. ANY VIOLATION OF THESE TERMS SHALL BE CONSIDERED A VIOLATION OF THE PROFESSIONAL ETHICS OF THE ARCHITECTURAL PROFESSION.

DATE: 14 November 2010
SCALE: As Noted
JOB: ---
DRAWN: S. PUGLISI
REVISIONS:

SHEET #
P2.0



Front Elevation



Side Elevation

<u>MAXIMUM HEIGHT ALLOWED</u>	
Maximum Height Allowed	25.00'
<u>PROPOSED BUILDING HEIGHT</u>	
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
TOTAL PROPOSED BUILDING HEIGHT	23.88



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 ideas, designs, arrangements and plans submitted or represented by the design agency are owned by, and the property of, Steven Paglia, A.I.A. Anyhow, good or bad, created, developed for, used, and in conjunction with the specific project described herein, these ideas, designs and arrangements are shown shall be used by, or referred to any person, firm, or company other than the design agency without permission of Steven Paglia, A.I.A. Anyhow. Filing these drawings with a public agency to meet a publication of laws, and in applying, or promoting or use thereof is permitted without the consent of Steven Paglia, A.I.A. Anyhow.

DATE: 14 November 2012
SCALE: As Noted
JOB: 1000
DRAWN: E. prater
REVISIONS:

SHEET #

P2.1



Rear Elevation



Duplex 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 (12'6" @ 3:5:12)	3.64
Truss Heel & Sheathing	0.35
Roof Tile	0.50
TOTAL PROPOSED BUILDING HEIGHT	23.88

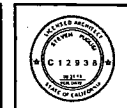


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South Silver Shoals
for Silver Shoals LLC
at 2900 Shell Beach Road, Pismo Beach, California

Plan A
Exterior Elevations

proposed
building height
23.88'

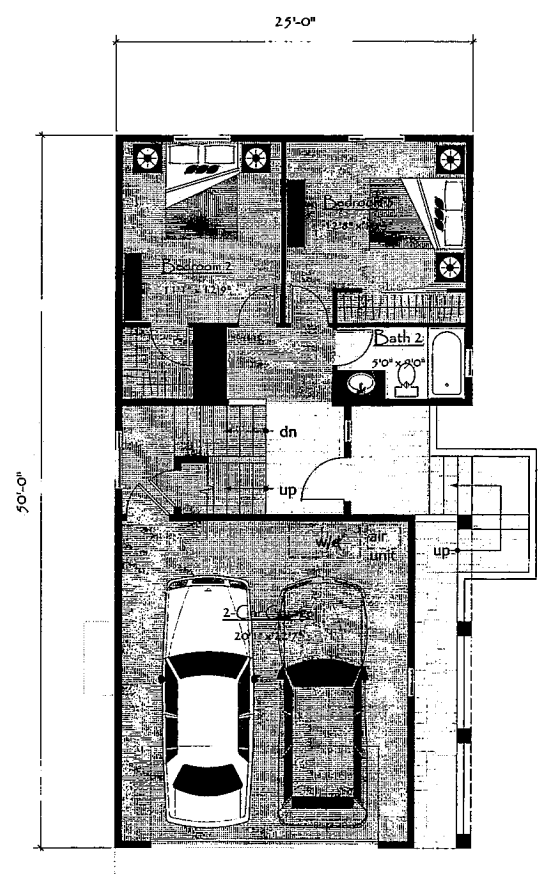


All dimensions, heights, materials and areas indicated are approximate for the drawings and are not to be used for construction without the approval of the architect. The architect is not responsible for the accuracy of the information provided by the client. The architect is not responsible for the accuracy of the information provided by the client. The architect is not responsible for the accuracy of the information provided by the client.

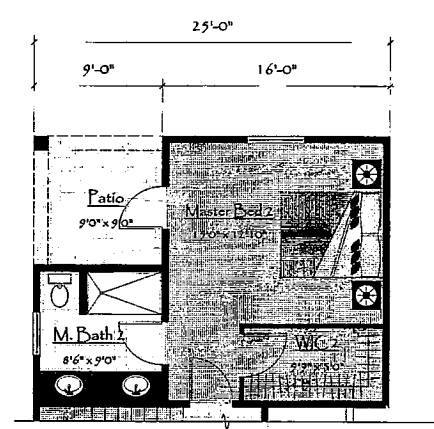
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DRAWN: S. PUGLISI
REVISIONS: _____

SHEET #
P2.3

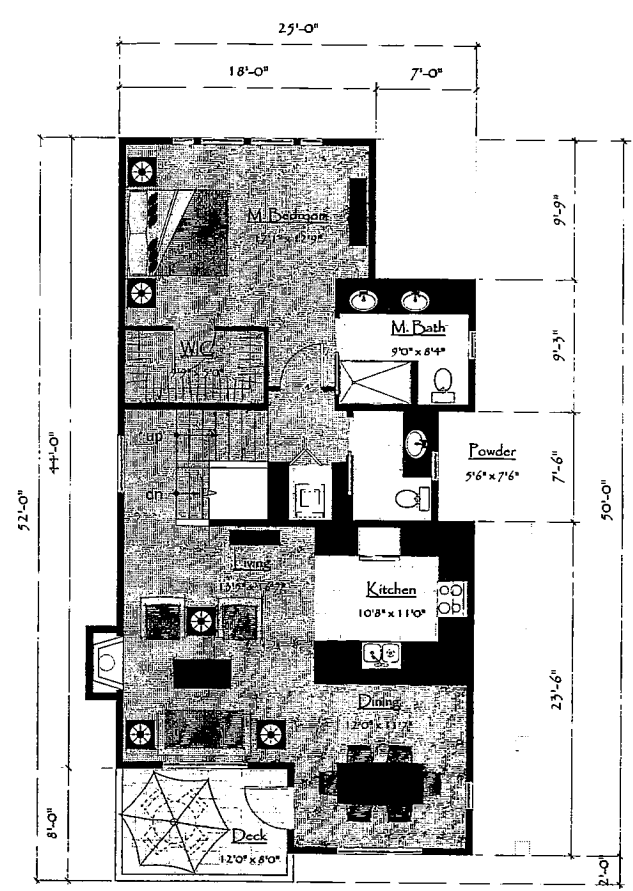
ACCOMMODATION: S.E.
Page 95 of 110





lower floor plan

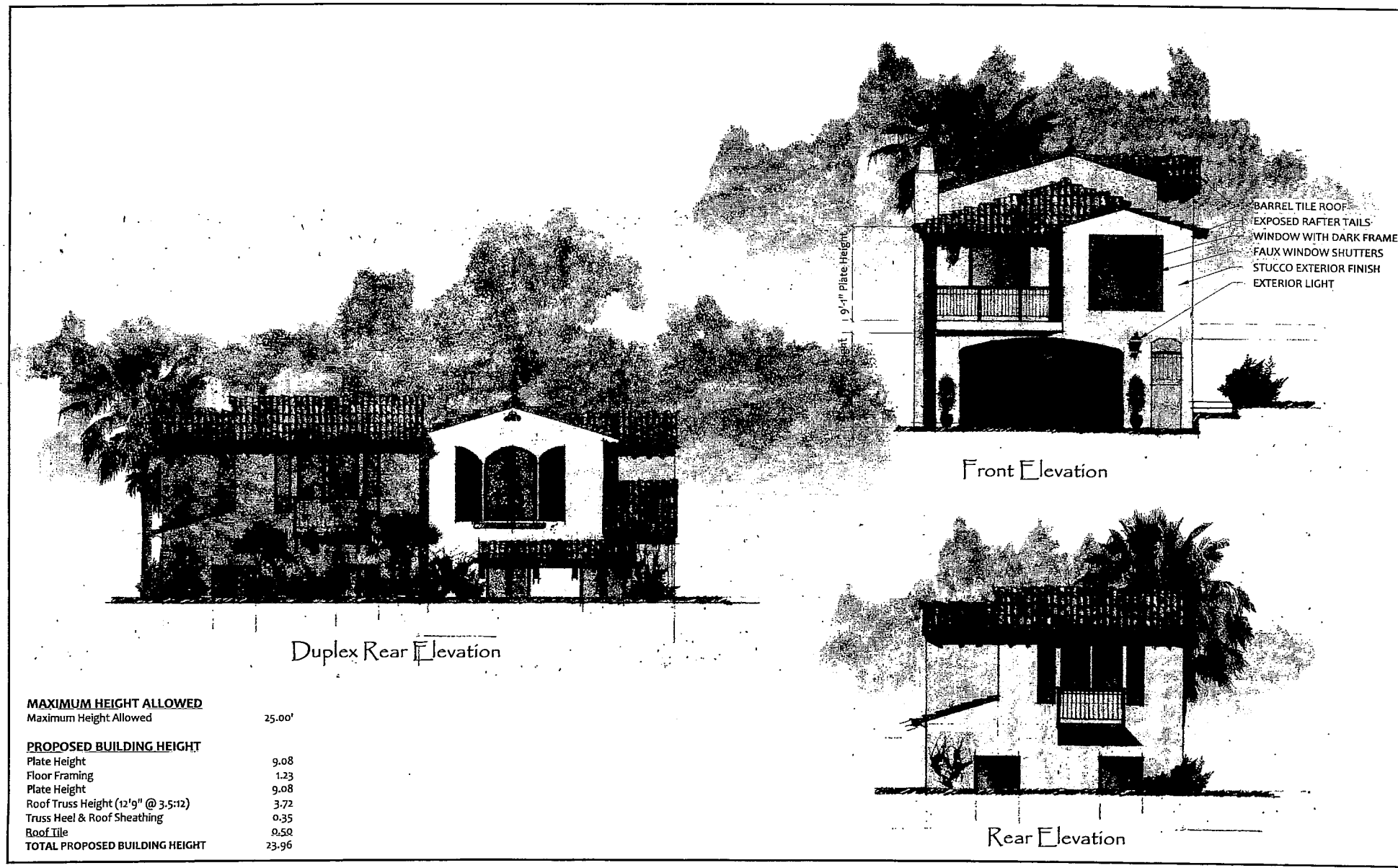


lower floor plan
master suite option



upper floor plan

 <p>Steven Puglisi ARCHITECTURE 383 Dana Street, San Luis Obispo, Ca 93401 Phone: 805.595.1998 Fax: 805.595.1980</p>	<p>South Silver Shoals <i>for Silver Shoals LLC</i> at 2900 Shell Beach Road, Pismo Beach, California</p>	<p>Plan B</p>	<p>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</p>		<p><small>All design, drawings, specifications and plans are the property of Steven Puglisi Architecture, Inc. and shall remain the property of Steven Puglisi Architecture, Inc. and shall not be used for any other project without the written consent of Steven Puglisi Architecture, Inc. The design, drawings, specifications and plans are the property of Steven Puglisi Architecture, Inc. and shall remain the property of Steven Puglisi Architecture, Inc. and shall not be used for any other project without the written consent of Steven Puglisi Architecture, Inc.</small></p>	<p>DATE: 14 November 2014 SCALE: As Shown JOB: A-3-PSB-14-0057 DRAWN: S. PUGLISI REVIEWED:</p>	<p>SHEET # P3.0</p>
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Duplex Rear Elevation

Front Elevation

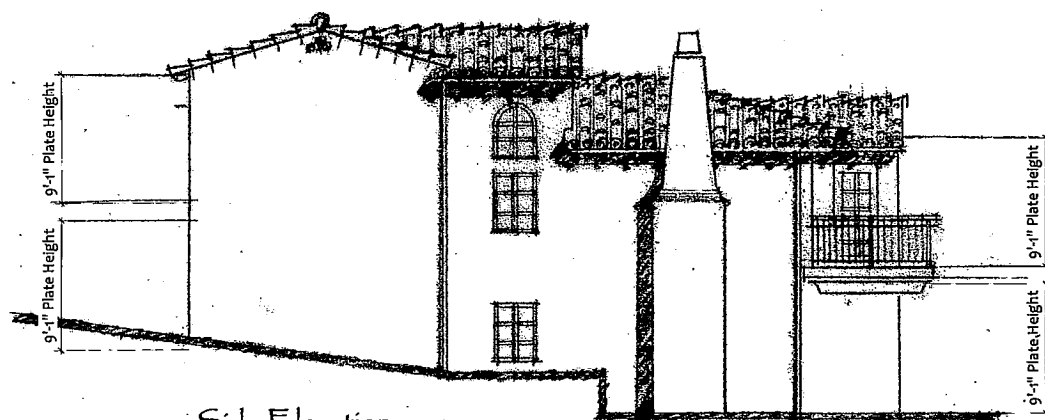
Rear Elevation

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 (12'9" @ 3.5:12)	3.72
Truss Heel & Roof Sheathing	0.35
Roof Tile	0.50
TOTAL PROPOSED BUILDING HEIGHT	23.96

 <p>Steven Puglisi ARCHITECTURE 583 Dana Street, San Luis Obispo, CA 93401 Phone: 805.595.1968 Fax: 805.595.1980</p>	<p>South Silver Shoals <i>for Silver Shoals LLC</i> at 2900 Shell Beach Road, Pismo Beach, California</p>	<p>Plan B Exterior Elevations</p>	<p>proposed building height 23.96'</p>		<p><small>All ideas, designs, arrangements and plans contained herein are prepared by the drawings and specifications of the project and are not to be used for any other purpose without the written consent of Steven Puglisi Architecture. No part of this drawing may be reproduced or transmitted in any form or by any means electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the written permission of Steven Puglisi Architecture.</small></p>	<p>DATE: 14 November 2013 SCALE: As Shown SHEET: 3 of 3 DRAWN: A. J. J. J. REVISIONS:</p>	<p>SHEET # P3.1</p>
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Entry Side Elevation



Side Elevation

<u>MAXIMUM HEIGHT ALLOWED</u>	
Maximum Height Allowed	25.00'
<u>PROPOSED BUILDING HEIGHT</u>	
Plate Height	9.08
Floor Framing	1.23
Plate Height	9.08
Roof Truss Height (12'9" @ 3:5:12)	3.72
Truss Heel & Roof Sheathing	0.35
Roof Tile	0.50
TOTAL PROPOSED BUILDING HEIGHT	23.96



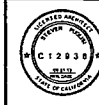
Steven Puglisi
ARCHITECTURE
583 Dana Street, San Luis Obispo, Ca 93401
Phone: 805.595.1962 Fax: 805.595.1980

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

Plan B

Exterior Elevations

proposed
building height
23.96'

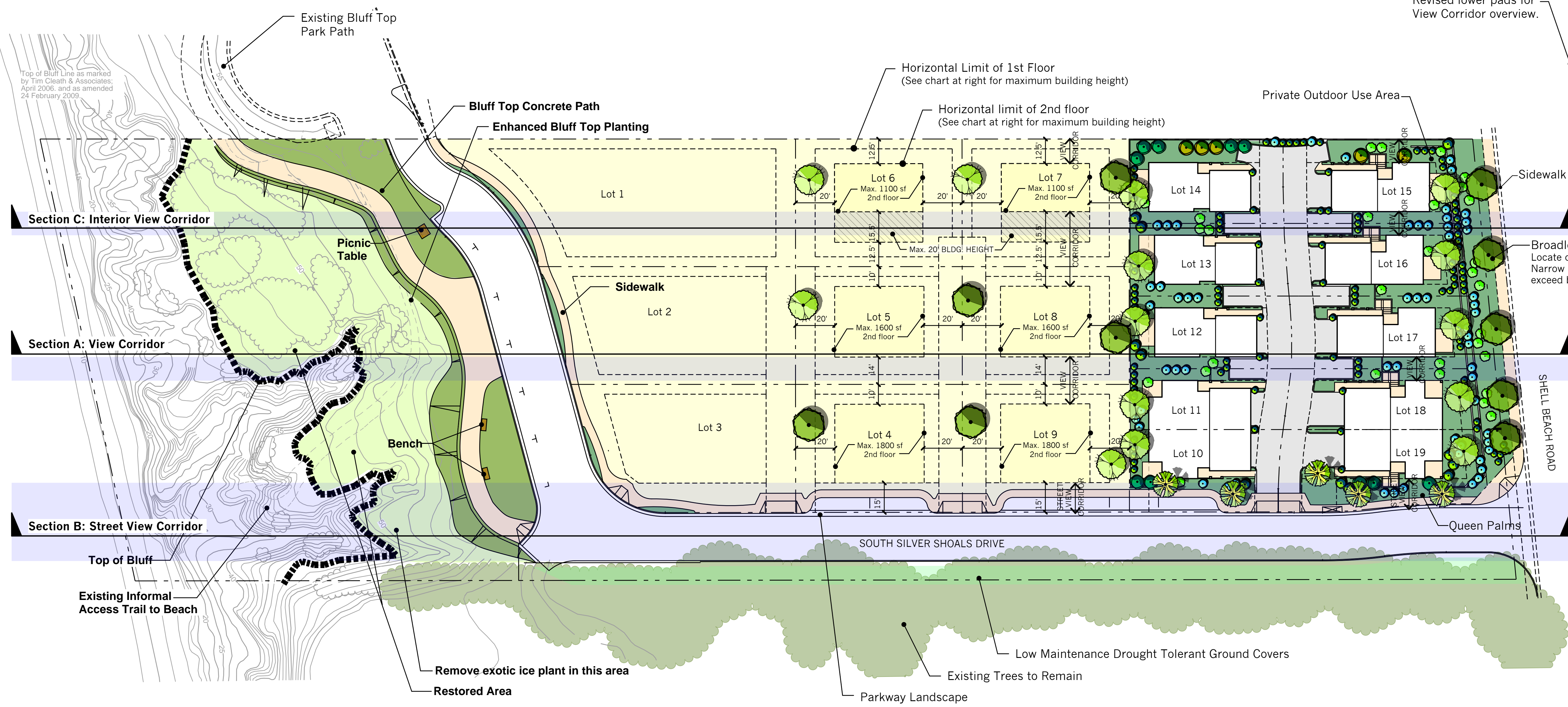


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DATE: 14 November 2001
SCALE: As Noted
JOB: 1000
DRAWN: S. J. PETER
REVISIONS:

SHEET #

P3.2



Pad Elevations and Maximum Height Limitations			
Proposed Pad Elevation and Maximum Elevation for each lot is from approved City CDR Exhibit 3, page 15 of 27.			
Lot Number	Proposed Pad Elevation	Max Height	Max Elevation
1	70'	15'	85'
2	70'	15'	85'
3	70'	15'	85'
4	76'	25'	101'
5	77'	25'	102'
6	78'	25'	103'
7	81'	25'	101 / 106'
8	79'	25'	99 / 104'
9	81'	25'	106'
10	85'	25'	110'
11	85.75'	25'	110.75'
12	86.5'	25'	111.5'
13	86.75'	25'	111.75'
14	87.5'	25'	112.75'
15	93.5'	25'	118.5'
16	92.75'	25'	117.75'
17	93'	25'	118'
18	93'	25'	118'
19	93.5'	25'	118.5'

- ### Water Conservation Notes
- 1) All landscaping and irrigation systems shall be in compliance with the City of Pismo Beach's Water-Efficient Landscape Standards and Requirements.
 - 2) Irrigation system to be a fully automatic drip system. Irrigation hydrozones shall be separated with control valves and controller stations into appropriate and compatible zones.
 - 3) Plant materials proposed are selected for their compatibility to climatic and site conditions, resistance to wind, and drought tolerance.
 - 4) All planters shall be mulched with a 2" minimum layer of organic mulch throughout.
 - 5) Plant materials proposed shall be grouped into distinct hydrozones utilizing plants with similar water needs.
 - 6) Water needs of plant material proposed have been evaluated utilizing the WUCOLS Project (Water Use Classification of Landscape Species) prepared by the University of California Cooperative extension, February 1992. All plant materials proposed are selected for low to moderate water needs in this climate.

Bluff Planting Zone
Central Coast Bluff Scrub Mitigation
• Removed by road development: 6,900 s.f.
• Replaced in graded area: 5,700 s.f.
• Restored in degraded bluff top area: approx. 14,700 s.f.

Mitigation Program:
The various biological assessments for the site indicate the existing bluff top plant community characterized as "south coastal bluff scrub" is sparse and degraded, dominated by a single species (*Baccharis pilularis*) with little diversity and little native understorey.

The mitigation plan is to:

- 1) Replace disturbed graded area seaward of the road to enhance with eight native plant species resistant to human foot traffic.
- 2) Restore the degraded area seaward of this area to the top of bluff by adding six native Central Coast Scrub plant species.

Temporary irrigation, mulching and weed control to establish will be implemented. Monitoring for establishment will be for 3 years with reporting to the City. Performance criteria is a minimum of four species surviving at 60% of original planted numbers.

Final Mitigation Plan to be submitted with Tract Improvement Plans.

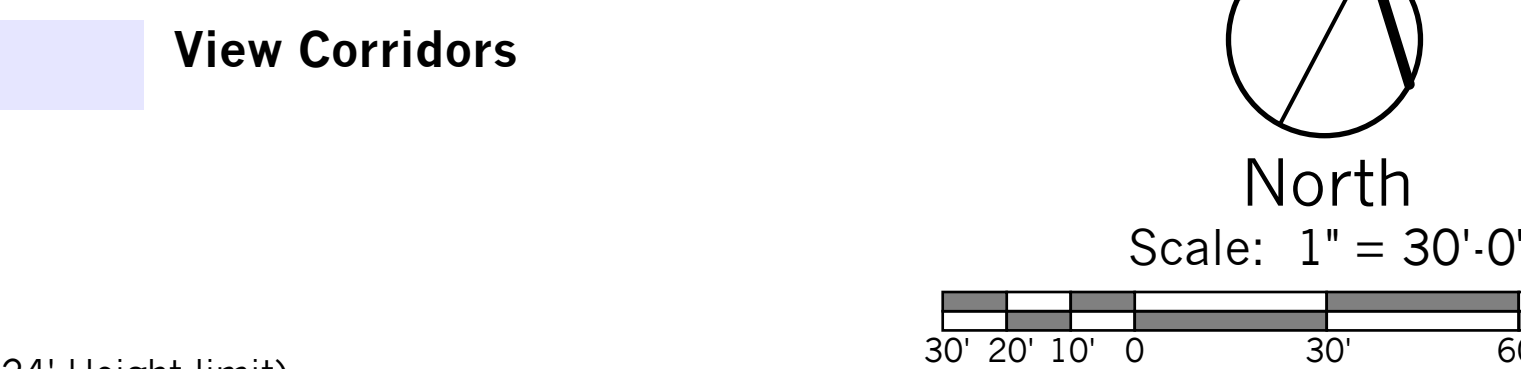
- Restored Area Plant List:**
- | Species | Quantity: |
|---|-----------|
| • <i>Baccharis pilularis consanguinea</i> | 20 |
| • <i>Eriogonum fasciculatum</i> | 10 |
| • <i>Eriogonum parvifolium</i> | 10 |
| • <i>Mimulus aurantiaca</i> | 10 |
| • <i>Rhamnus californica</i> | 10 |
| • <i>Salvia millelfera</i> | 10 |
- Planting Density: 1 plant per 100 s.f. in 1 gallon size.

- Enhanced Area Plant List:**
- | Species | Quantity: |
|---|--------------------|
| • <i>Baccharis pilularis</i> "Twin Peaks" | 10 |
| • <i>Carex pragaecilus</i> (Flats) | approx. 1,000 s.f. |
| • <i>Ceanothus griseus</i> "Yankee Point" | 7 |
| • <i>Erigeron glauca</i> | 12 |
| • <i>Eriogonum fasciculatum</i> | 6 |
| • <i>Eriogonum parvifolium</i> | 6 |
| • <i>Mimulus aurantiaca</i> | 8 |
| • <i>Salvia millelfera</i> | 8 |
- Planting Density: 1 plant per 25 s.f. in 1 gallon size.

- Residence Planting Zone**
- *Pittosporum crassifolium* 'Nana' / (No Common Name)
 - *Lantana montividenis* / Trailing Lantana
 - *Bougainvillea* sp. / Bougainvillea
 - *Limonium perezii* / Sea Lavender
 - *Agave americana* / Agave
 - *Aloe* sp. / Aloe
 - *Agapanthus* sp. / Lily-of-the-Nile
 - *Heimerocallis* sp. / Daylily
 - *Rosmarinus officianalis* / Rosemary
 - *Knifophia uvaria* / Red Hot Poker
 - Vines on building
 - 2" Mulch layer
- Tract and Lot Trees:** 24' Height limit
- *Arbutus* 'Marina' / Marina Madrone
 - *Cassia leptophylla* / Gold Medallion Tree
 - *Pyrus kawakamii* / Evergreen Pear
 - *Syagrus romanzoffiana* / Queen Palm (Exception to 24' Height limit)

- Low Maintenance Planting Zone**
- *Arctostaphylos* sp. / Manzanita
 - *Ceanothus* sp. / California Lilac
 - *Lonicera japonica* 'Halliana' / Hall's Honeysuckle
 - *Myrica californica* / Pacific Wax Myrtle
 - 2" Mulch layer
 - Permanent spray irrigation.

Permanent Erosion Control:
Following construction of site improvements hydroseed with Native seed mix. If hydroseed between October and February no supplemental irrigation is required. Hydroseed between March and September requires temporary low-precipitation spray irrigation which will be removed after establishment of plants.



Site Development Plan South Silver Shoals

Pismo Beach, CA

L-1
February 2, 2015

STEPS CUT INTO
RIDGE FACE WITH
4x8 FOR NOSING

LANDING
ELEVATION 36.7

CONCRETE LANDING
ELEVATION 21.0

WOOD STAIRCASE

CONCRETE LANDING
ON BEACH.
ELEVATION 11.0

Tract No. 3043
South Silver Shoals
Pismo Beach

Coastal Access Path
Rustic Trail

Civil Engineering
Surveying
Project Development

141 South Elm Street
Arroyo Grande, CA 93420
805 / 489-1321





South Silver Shoals Design Guidelines

February 17, 2015

Use:	Lots 1 through 9	Single Family Residence
	Lots 10 through 19	Single Family and Duplex
Architectural Character:	California Spanish (Mission) or Italian (Tuscan).	
Roof Material:	Clay or concrete tile, Mission one or two piece. Flat tile is also acceptable.	
Roof Forms:	Shallow slope, 4 in 12 maximum.	
	Flat roof sections shall be limited to a total of 600 square feet on those lots allowing 25 foot building heights. Roof decks are not allowed on lots, 2 and 3.	
Ridge Direction:	On lots 4 through 9, ridge direction shall run perpendicular to Shell Beach Road. This guideline is specific to roofs in excess of 15 feet above pad elevation as specified in the conditions of approval.	
Exterior Walls:	Plaster with bull nose corners, recessed window and door openings, minimum recess 2".	
Exterior Color:	Earth tones and lighter hues reminiscent of Mediterranean architectural style. Excessively bright colors are to be avoided.	
Trees:	Mature heights of trees on residential lots may not exceed the height of the residence and must be located out of the view corridors between lots. An exception is the South Silver Shoals side yard setback where taller palm trees are allowed.	





Pylon #2



Pylon #1

Vertical Control (Top of Pylon)
Top Elevation = 112.1'

Vertical Control (Top of Pylon)
Top Elevation = 111.9'

Survey Stake (Building Corner)
Existing Elevation = 95.03
Proposed Finish Floor Elevation = 94.71

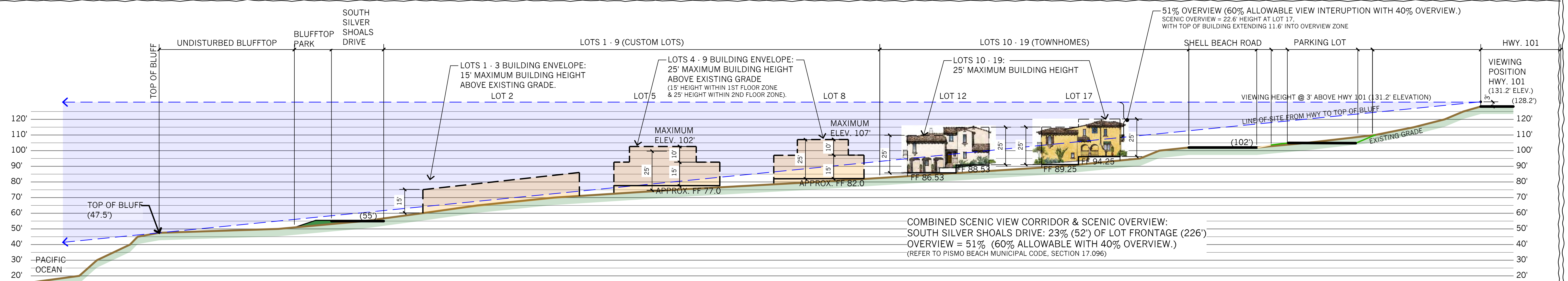
Survey Stake (Building Corner)
Existing Elevation = 94.83
Proposed Finish Floor Elevation = 94.79

Horizontal Control (Base of Pylon)
Existing Elevation = 102.1'

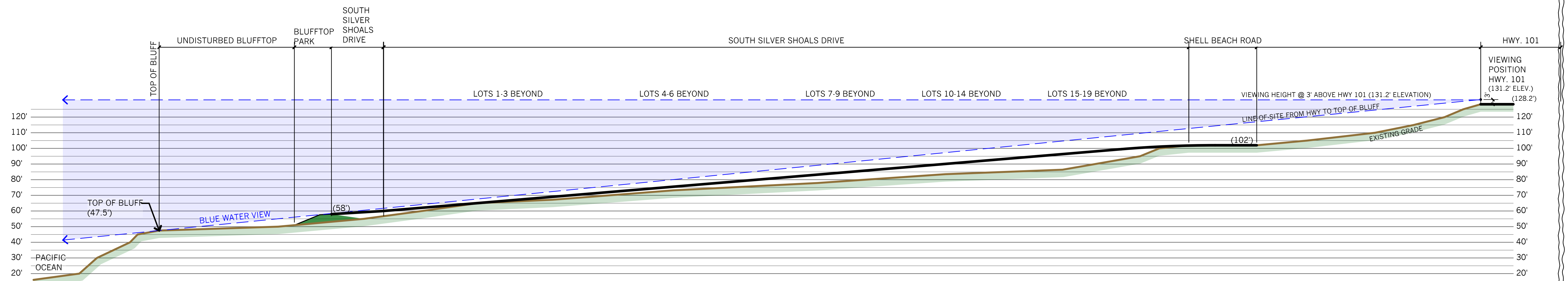
Horizontal Control (Base of Pylon)
Existing Elevation = 101.9'

Architectural Model

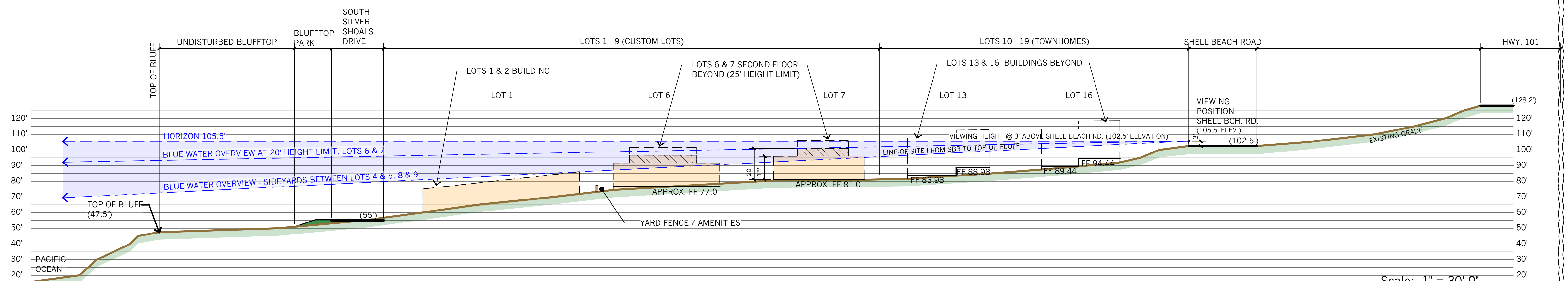




VIEW ANALYSIS A - ZONING COMPLIANCE (US 101 OVERVIEW)



VIEW ANALYSIS B - SOUTH SILVER SHOALS VIEW CORRIDOR. LINE OF SIGHT TO BLUFF (SHELL BEACH ROAD & US 101)



VIEW ANALYSIS C - INTERIOR VIEW CORRIDOR LINE OF SIGHT (SHELL BEACH ROAD)

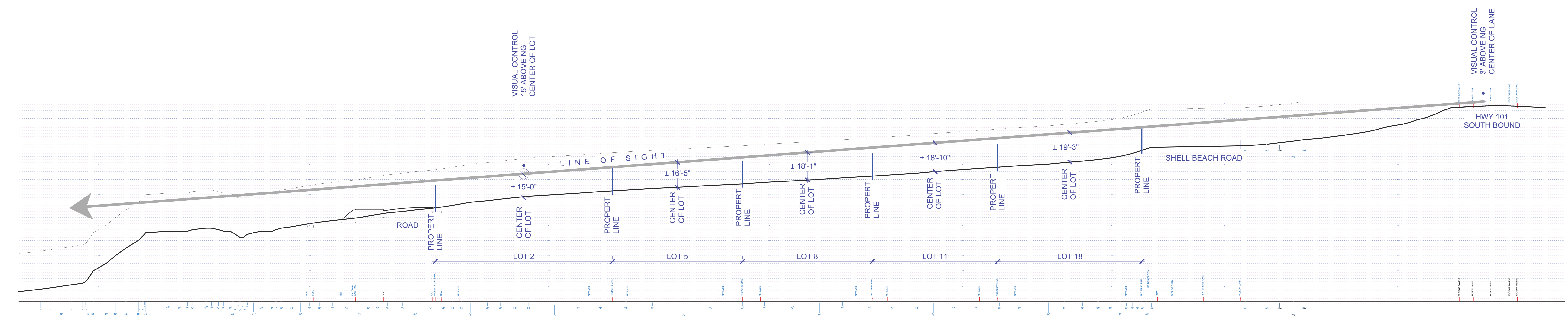
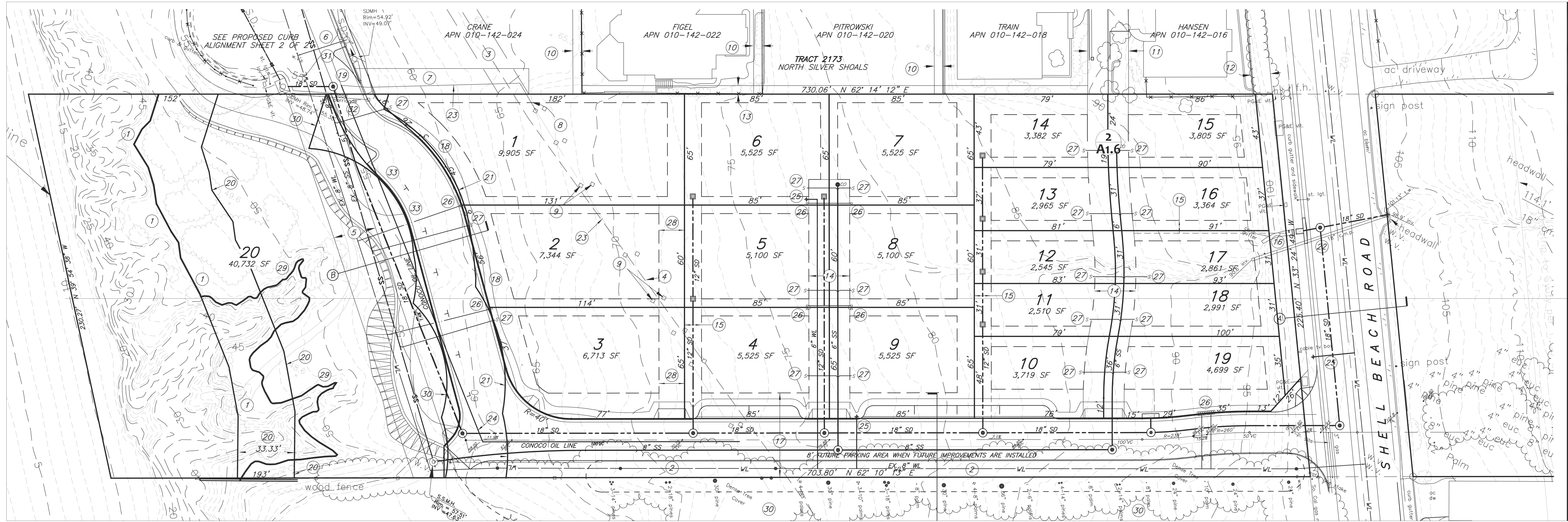
PROJECT:
SOUTH SILVER SHOALS
Pismo Beach, California

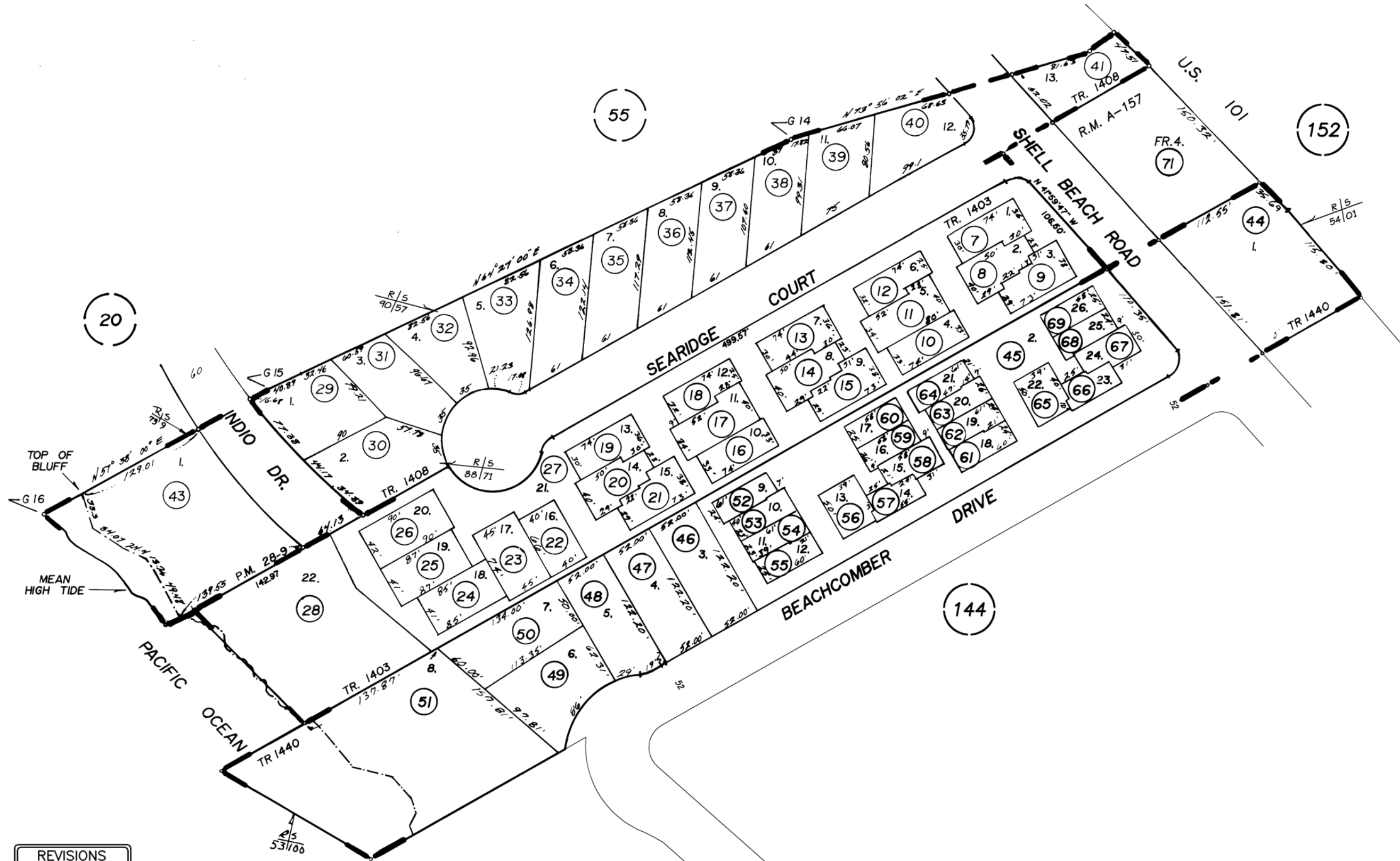
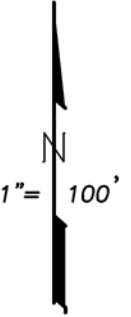
SHEET TITLE:

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DATE: 02 June 2015
JOB: x
DRAWN: Team Granada
REV:

SHEET NO.:





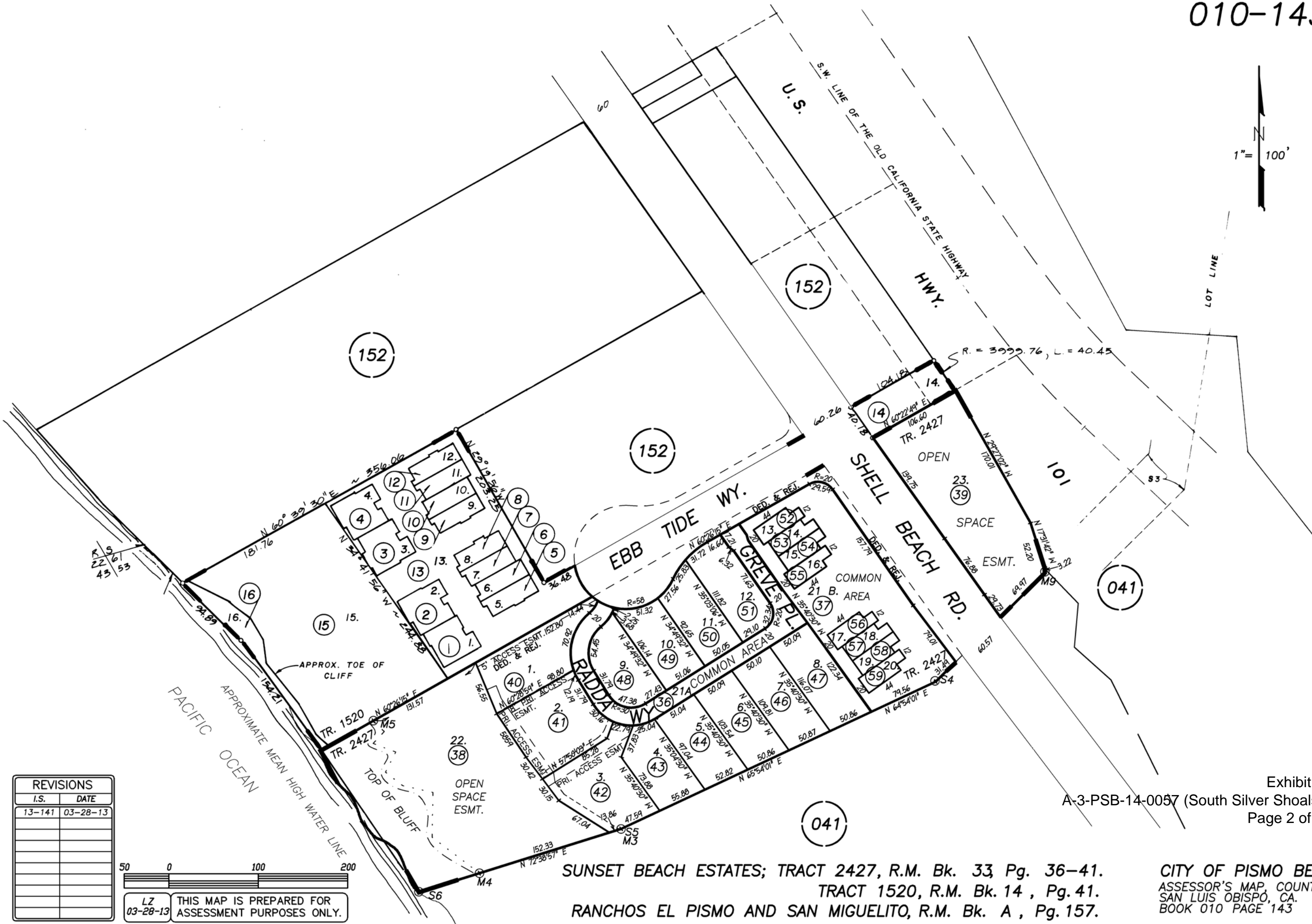
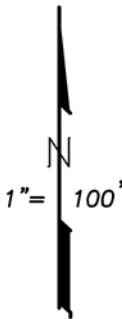
REVISIONS	
I.S.	DATE
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NA	03-28-05
16-015	05-22-15

50'0200'

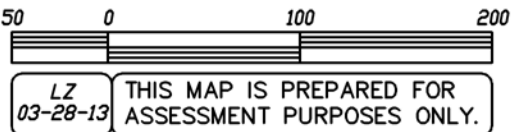
JAW
11-13-00

THIS MAP IS PREPARED FOR
ASSESSMENT PURPOSES ONLY.

TRACT 1403, R.M. Bk. 13 , Pg. 65.
TRACT 1408, R.M. Bk. 13 , Pg. 90.
TRACT 1440, R.M. Bk. 13 , Pg. 94.
RHO'S. EL PISMO & SAN MIGUELITO, R.M. Bk. A , Pg. 157.



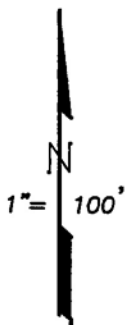
REVISIONS	
I.S.	DATE
13-141	03-28-13



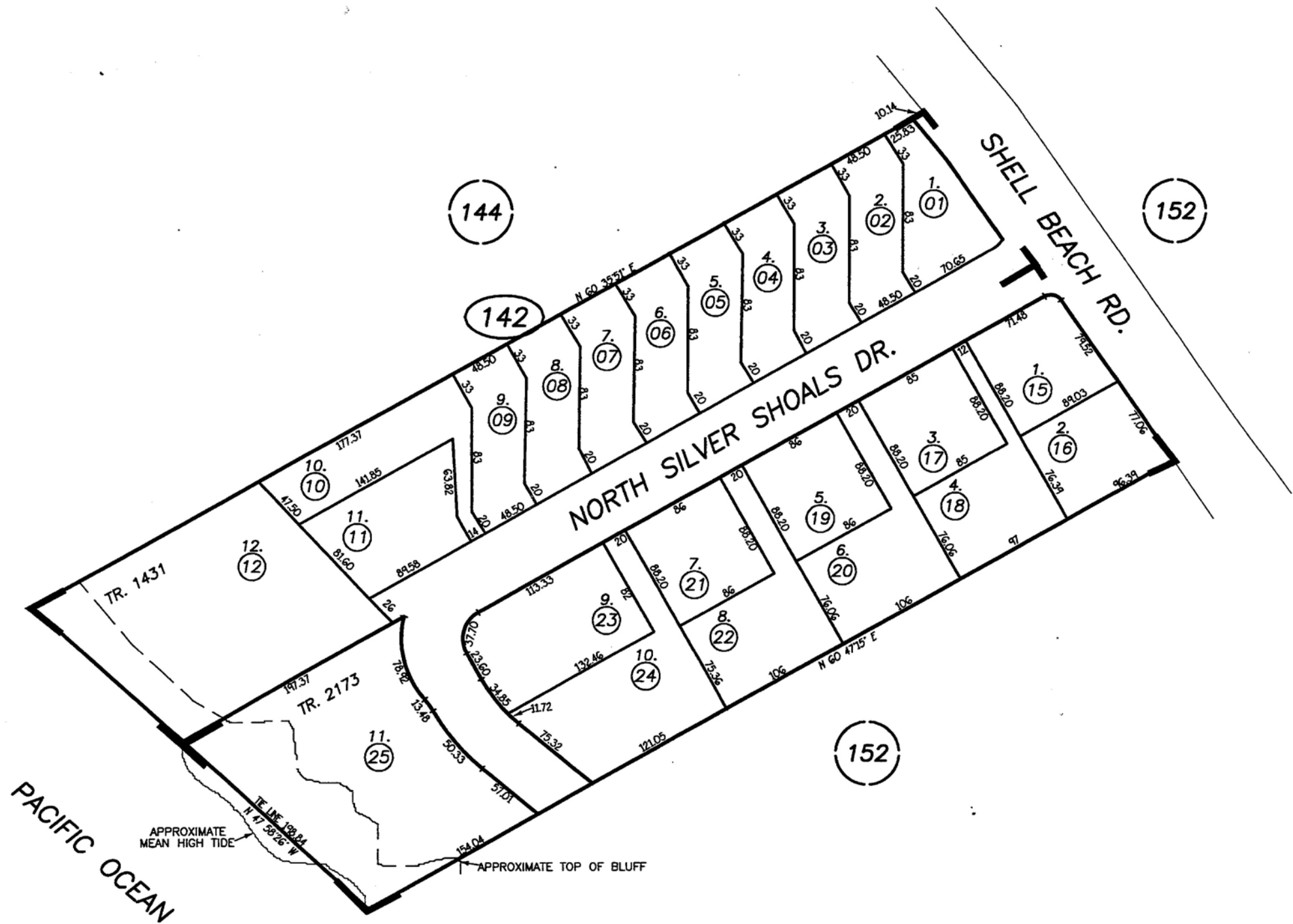
SUNSET BEACH ESTATES; TRACT 2427, R.M. Bk. 33, Pg. 36-41.
TRACT 1520, R.M. Bk. 14, Pg. 41.
RANCHOS EL PISMO AND SAN MIGUELITO, R.M. Bk. A, Pg. 157.

Exhibit 5
A-3-PSB-14-0057 (South Silver Shoals)
Page 2 of 5

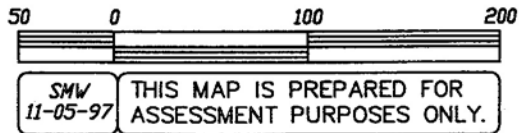
CITY OF PISMO BEACH
ASSESSOR'S MAP, COUNTY OF
SAN LUIS OBISPO, CA.
BOOK 010 PAGE 143



010-152



REVISIONS	
TECH	DATE
GM	09-25-98
GB	01-29-01



TRACT 1431 ; R.M. Bk. 13, Pg. 95.
TRACT 2173 ; R.M. Bk. 18, Pg. 22.

Exhibit 5
A-3-PSB-14-0057 (South Silver Shoals)
Page 3 of 5

CITY OF PISMO BEACH
ASSESSOR'S MAP, COUNTY OF
SAN LUIS OBISPO, CA.
BOOK 010 PAGE 142

FEB 06 2001





Figure D-4

Views and Street Layouts

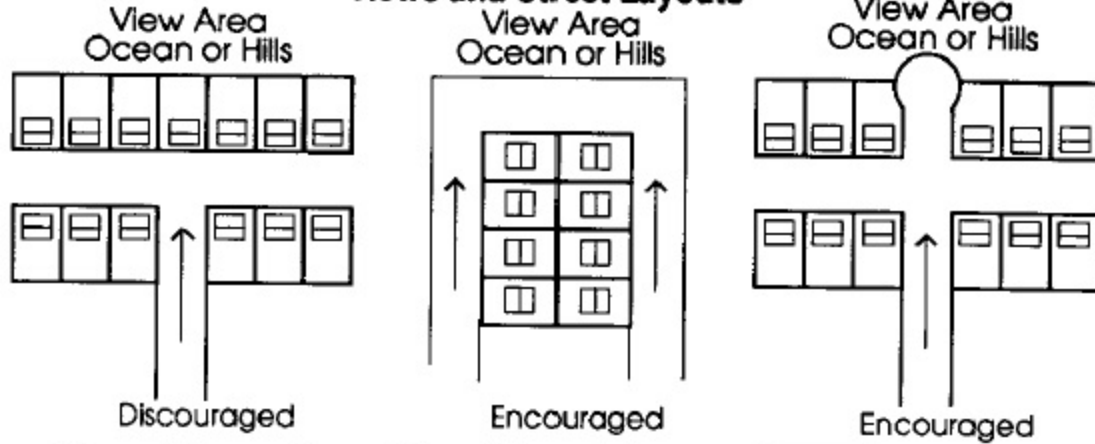


Table PR-1 Parks & Open Space

Planning Area	No.	Name	Class	Public (publicly owned) or Quasi Public (privately owned with public access)		Private		Access	Parking	Comments
				Existing	Proposed	Existing	Proposed			
A. Sunset Palisades/ The Bluffs	1	The Bluffs	Linear Park		8.8-			View along bluff top trail	Off-street	Includes public access easement, path and landscaping
	2	The Bluffs	Open Space			53+/-		No	No	Natural open space, grazing
	3	Sunset Palisades	Open Space			5.2		No	Off-street	Gated community, landscaped open space
	4	Area between Hwy 101 and Shell Beach Road	Open Space	2.4					Off-street	2 tennis and basketball courts. Beach access parking needs to be completed and courts lighted. Permanent restrooms shall be considered in the future.
	5	Palisades Park	Neighborhood Park	5.7			6.0+/-	No	Off-street	Grass, playground, picnic tables, horseshoes.
B. South Palisades	6a	South Palisades Bluff	Linear Park	2.6	4.3+/-			Viewing access	On-street	Improvements concurrent with new development. Two parcels yet to be developed. Improved w/grass, picnic tables, and benches. Pedestrian and bicycle path that is a part of the California Coastal Trail.
	6b	Area between Hwy 101 and Shell Beach Road	Open space	1.3						Beach access parking available, also unimproved areas.
	7	South Palisades Beach	Sandy beach	2.3				3 Beach access stairs from: - end of Beachcomber Drive, - Cliffs Hotel stairs (#8), - Sunset Estates subdivision.	On-street	Trash facilities and benches as a part of the beach access stairway.

Table PR-4 Physical and Visual Ocean Access/California Coastal Trail
(See Figure PR-3 for map locations)

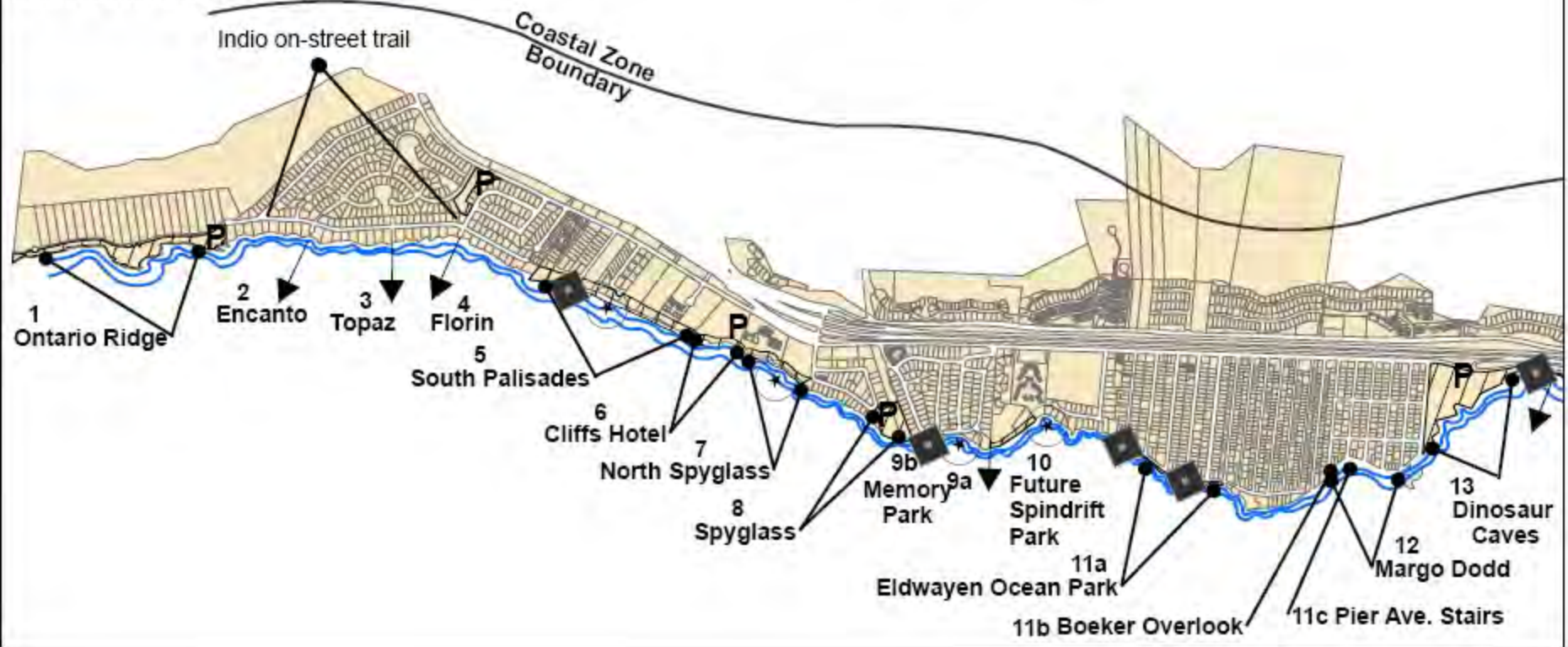
X - Existing
- Proposed

Planning Area	Access Points	Public Beach Access Stairs	Walking Path and/or Walking with View Access	Direct Beach Access No Stairs	View Points	Lateral Open Space Top of Bluff	Barranca	Parking On-Street	Parking Off-Street	Signage &/or Amenities	Open to Public	Comments
A. Sunset Palisades	1a: The Bluffs trail, 1b: Indio Drive		X		X	X		X	X	X		Improved public trail with access at the north end connecting to SLO County trail. On-street section of the California Coastal Trail with ocean overlooks.
	2. Encanto		X		X			X		#		No improvements
	3. Topaz St.		X		X			X		#		No improvements
	4. Florin St.		X		X			X		#		Improvements complete
B. South Palisades	5. Beachcomber stairs	X	X		X	X		X		X	X	Located at lateral bluff top park 80% improved with park/open space amenities (benches, picnic tables) and >150 On-street parking spaces available.
	6. Sunset Beach Estates stairs	#	#		#	#		#		#	#	North side of Barranca with access to South Palisades Park areas adjacent to Ebb Tide. Approved subdivision with linear park and beach access.
C. North Spyglass	7a. Cliffs Hotel stairs	X	X		X	X	X	X	X	X	X	Trash receptacles available.
	7b. Bluff top trail		X		X	X	X	X	X	X	X	Improved public access bluff top trail at the rear of the Cliff's Hotel, Dolphin Bay Resort, and Spyglass Inn.
D. Spyglass	8. Spyglass Park	#	X		X	X	X	X	#		X	Sleep dirt trail at the edge of Barranca provides beach access but should be improved. Benches and trash receptacles available along bluff top.

California Coastal Trail and Pismo Beach Beach Access

Figure PR-3

Pismo Beach General Plan



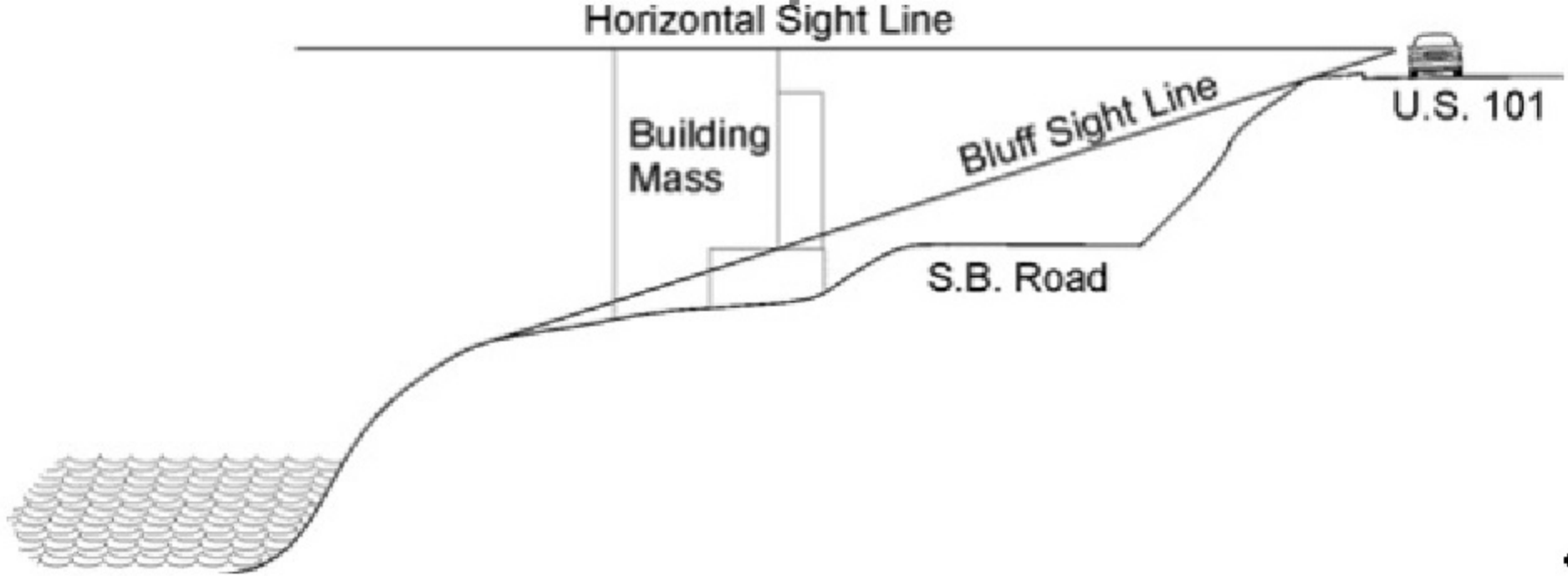


Figure 2-30. Visual Impact Analysis

Executive Department
State of California

EXECUTIVE ORDER B-29-15

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS California's water supplies continue to be severely depleted despite a limited amount of rain and snowfall this winter, with record low snowpack in the Sierra Nevada mountains, decreased water levels in most of California's reservoirs, reduced flows in the state's rivers and shrinking supplies in underground water basins; and

WHEREAS the severe drought conditions continue to present urgent challenges including: drinking water shortages in communities across the state, diminished water for agricultural production, degraded habitat for many fish and wildlife species, increased wildfire risk, and the threat of saltwater contamination to fresh water supplies in the Sacramento-San Joaquin Bay Delta; and

WHEREAS a distinct possibility exists that the current drought will stretch into a fifth straight year in 2016 and beyond; and

WHEREAS new expedited actions are needed to reduce the harmful impacts from water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8558(b) of the Government Code, I find that conditions of extreme peril to the safety of persons and property continue to exist in California due to water shortage and drought conditions with which local authority is unable to cope; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.



IT IS HEREBY ORDERED THAT:

1. The orders and provisions contained in my January 17, 2014 Proclamation, my April 25, 2014 Proclamation, and Executive Orders B-26-14 and B-28-14 remain in full force and effect except as modified herein.

SAVE WATER

2. The State Water Resources Control Board (Water Board) shall impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016. These restrictions will require water suppliers to California's cities and towns to reduce usage as compared to the amount used in 2013. These restrictions should consider the relative per capita water usage of each water suppliers' service area, and require that those areas with high per capita use achieve proportionally greater reductions than those with low use. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.
3. The Department of Water Resources (the Department) shall lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes. The Department shall provide funding to allow for lawn replacement programs in underserved communities, which will complement local programs already underway across the state.
4. The California Energy Commission, jointly with the Department and the Water Board, shall implement a time-limited statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices.
5. The Water Board shall impose restrictions to require that commercial, industrial, and institutional properties, such as campuses, golf courses, and cemeteries, immediately implement water efficiency measures to reduce potable water usage in an amount consistent with the reduction targets mandated by Directive 2 of this Executive Order.
6. The Water Board shall prohibit irrigation with potable water of ornamental turf on public street medians.
7. The Water Board shall prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or microspray systems.



8. The Water Board shall direct urban water suppliers to develop rate structures and other pricing mechanisms, including but not limited to surcharges, fees, and penalties, to maximize water conservation consistent with statewide water restrictions. The Water Board is directed to adopt emergency regulations, as it deems necessary, pursuant to Water Code section 1058.5 to implement this directive. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation. The California Public Utilities Commission is requested to take similar action with respect to investor-owned utilities providing water services.

INCREASE ENFORCEMENT AGAINST WATER WASTE

9. The Water Board shall require urban water suppliers to provide monthly information on water usage, conservation, and enforcement on a permanent basis.
10. The Water Board shall require frequent reporting of water diversion and use by water right holders, conduct inspections to determine whether illegal diversions or wasteful and unreasonable use of water are occurring, and bring enforcement actions against illegal diverters and those engaging in the wasteful and unreasonable use of water. Pursuant to Government Code sections 8570 and 8627, the Water Board is granted authority to inspect property or diversion facilities to ascertain compliance with water rights laws and regulations where there is cause to believe such laws and regulations have been violated. When access is not granted by a property owner, the Water Board may obtain an inspection warrant pursuant to the procedures set forth in Title 13 (commencing with section 1822.50) of Part 3 of the Code of Civil Procedure for the purposes of conducting an inspection pursuant to this directive.
11. The Department shall update the State Model Water Efficient Landscape Ordinance through expedited regulation. This updated Ordinance shall increase water efficiency standards for new and existing landscapes through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting the portion of landscapes that can be covered in turf. It will also require reporting on the implementation and enforcement of local ordinances, with required reports due by December 31, 2015. The Department shall provide information on local compliance to the Water Board, which shall consider adopting regulations or taking appropriate enforcement actions to promote compliance. The Department shall provide technical assistance and give priority in grant funding to public agencies for actions necessary to comply with local ordinances.
12. Agricultural water suppliers that supply water to more than 25,000 acres shall include in their required 2015 Agricultural Water Management Plans a detailed drought management plan that describes the actions and measures the supplier will take to manage water demand during drought. The Department shall require those plans to include quantification of water supplies and demands for 2013, 2014, and 2015 to the extent data is available. The Department will provide technical assistance to water suppliers in preparing the plans.



13. Agricultural water suppliers that supply water to 10,000 to 25,000 acres of irrigated lands shall develop Agricultural Water Management Plans and submit the plans to the Department by July 1, 2016. These plans shall include a detailed drought management plan and quantification of water supplies and demands in 2013, 2014, and 2015, to the extent that data is available. The Department shall give priority in grant funding to agricultural water suppliers that supply water to 10,000 to 25,000 acres of land for development and implementation of Agricultural Water Management Plans.
14. The Department shall report to Water Board on the status of the Agricultural Water Management Plan submittals within one month of receipt of those reports.
15. Local water agencies in high and medium priority groundwater basins shall immediately implement all requirements of the California Statewide Groundwater Elevation Monitoring Program pursuant to Water Code section 10933. The Department shall refer noncompliant local water agencies within high and medium priority groundwater basins to the Water Board by December 31, 2015, which shall consider adopting regulations or taking appropriate enforcement to promote compliance.
16. The California Energy Commission shall adopt emergency regulations establishing standards that improve the efficiency of water appliances, including toilets, urinals, and faucets available for sale and installation in new and existing buildings.

INVEST IN NEW TECHNOLOGIES

17. The California Energy Commission, jointly with the Department and the Water Board, shall implement a Water Energy Technology (WET) program to deploy innovative water management technologies for businesses, residents, industries, and agriculture. This program will achieve water and energy savings and greenhouse gas reductions by accelerating use of cutting-edge technologies such as renewable energy-powered desalination, integrated on-site reuse systems, water-use monitoring software, irrigation system timing and precision technology, and on-farm precision technology.

STREAMLINE GOVERNMENT RESPONSE

18. The Office of Emergency Services and the Department of Housing and Community Development shall work jointly with counties to provide temporary assistance for persons moving from housing units due to a lack of potable water who are served by a private well or water utility with less than 15 connections, and where all reasonable attempts to find a potable water source have been exhausted.
19. State permitting agencies shall prioritize review and approval of water infrastructure projects and programs that increase local water supplies, including water recycling facilities, reservoir improvement projects, surface water treatment plants, desalination plants, stormwater capture, and greywater systems. Agencies shall report to the Governor's Office on applications that have been pending for longer than 90 days.



20. The Department shall take actions required to plan and, if necessary, implement Emergency Drought Salinity Barriers in coordination and consultation with the Water Board and the Department of Fish and Wildlife at locations within the Sacramento - San Joaquin delta estuary. These barriers will be designed to conserve water for use later in the year to meet state and federal Endangered Species Act requirements, preserve to the extent possible water quality in the Delta, and retain water supply for essential human health and safety uses in 2015 and in the future.
21. The Water Board and the Department of Fish and Wildlife shall immediately consider any necessary regulatory approvals for the purpose of installation of the Emergency Drought Salinity Barriers.
22. The Department shall immediately consider voluntary crop idling water transfer and water exchange proposals of one year or less in duration that are initiated by local public agencies and approved in 2015 by the Department subject to the criteria set forth in Water Code section 1810.
23. The Water Board will prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages. As the Department of Public Health's drinking water program was transferred to the Water Board, any reference to the Department of Public Health in any prior Proclamation or Executive Order listed in Paragraph 1 is deemed to refer to the Water Board.
24. The California Department of Forestry and Fire Protection shall launch a public information campaign to educate the public on actions they can take to help to prevent wildfires including the proper treatment of dead and dying trees. Pursuant to Government Code section 8645, \$1.2 million from the State Responsibility Area Fire Prevention Fund (Fund 3063) shall be allocated to the California Department of Forestry and Fire Protection to carry out this directive.
25. The Energy Commission shall expedite the processing of all applications or petitions for amendments to power plant certifications issued by the Energy Commission for the purpose of securing alternate water supply necessary for continued power plant operation. Title 20, section 1769 of the California Code of Regulations is hereby waived for any such petition, and the Energy Commission is authorized to create and implement an alternative process to consider such petitions. This process may delegate amendment approval authority, as appropriate, to the Energy Commission Executive Director. The Energy Commission shall give timely notice to all relevant local, regional, and state agencies of any petition subject to this directive, and shall post on its website any such petition.



26. For purposes of carrying out directives 2–9, 11, 16–17, 20–23, and 25, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension applies to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions. This suspension, and those specified in paragraph 9 of the January 17, 2014 Proclamation, paragraph 19 of the April 25, 2014 proclamation, and paragraph 4 of Executive Order B-26-14, shall remain in effect until May 31, 2016. Drought relief actions taken pursuant to these paragraphs that are started prior to May 31, 2016, but not completed, shall not be subject to Division 13 (commencing with section 21000) of the Public Resources Code for the time required to complete them.
27. For purposes of carrying out directives 20 and 21, section 13247 and Chapter 3 of Part 3 (commencing with section 85225) of the Water Code are suspended.
28. For actions called for in this proclamation in directive 20, the Department shall exercise any authority vested in the Central Valley Flood Protection Board, as codified in Water Code section 8521, et seq., that is necessary to enable these urgent actions to be taken more quickly than otherwise possible. The Director of the Department of Water Resources is specifically authorized, on behalf of the State of California, to request that the Secretary of the Army, on the recommendation of the Chief of Engineers of the Army Corps of Engineers, grant any permission required pursuant to section 14 of the Rivers and Harbors Act of 1899 and codified in section 48 of title 33 of the United States Code.
29. The Department is directed to enter into agreements with landowners for the purposes of planning and installation of the Emergency Drought Barriers in 2015 to the extent necessary to accommodate access to barrier locations, land-side and water-side construction, and materials staging in proximity to barrier locations. Where the Department is unable to reach an agreement with landowners, the Department may exercise the full authority of Government Code section 8572.
30. For purposes of this Executive Order, chapter 3.5 (commencing with section 11340) of part 1 of division 3 of the Government Code and chapter 5 (commencing with section 25400) of division 15 of the Public Resources Code are suspended for the development and adoption of regulations or guidelines needed to carry out the provisions in this Order. Any entity issuing regulations or guidelines pursuant to this directive shall conduct a public meeting on the regulations and guidelines prior to adopting them.



31. In order to ensure that equipment and services necessary for drought response can be procured quickly, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, are hereby suspended for directives 17, 20, and 24. Approval by the Department of Finance is required prior to the execution of any contract entered into pursuant to these directives.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have
hereunto set my hand and caused the
Great Seal of the State of California to
be affixed this 1st day of April 2015.

EDMUND G. BROWN JR.
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State





MEMORANDUM: DRAFT CONFIDENTIAL

Date: October 19, 2012

From: Tim Cleath

To: Jeff Emrick and Steve Puglisi

Subject: South Silver Shoals Bluff Definition and Erosion Gullies

The purpose of this letter is to address erosional concerns for the coastal bluff top and erosional gullies on the South Silver Shoals property.

As requested, Cleath-Harris Geologists has prepared a map showing the top of bluff and the top of the erosion gullies on the South Silver Shoals property. This map has the top of bluff as shown on the revised 2/24/09 CHG Supplemental Report and extends the erosional gully top of bank inland from the top of bluff line. Further explanation is provided below that addresses the terminus of the top of bluff (bluff edge) at the erosional gullies.

Coastal Bluff Top

The CHG bluff top line has been challenged by the Coastal Commission geologist, Dr. Mark Johnsson, because he says it does not follow the Coastal Commission's regulatory definition of a bluff top.

"The "modified" line in the figure appears to be substantially correct in the northern (upcoast) portion of the site, but it departs from the true bluff edge in the south. It should follow the uppermost portion of the rounded edge above the southern promontory, then follow the edge of the all of the arroyos in the southern (downcoast) part of the site. This closely corresponds to the Cotton-Shires report dated December 2008. The bluff edge also is evident in the topographic cross sections prepared in that report (plate 2)." (email from Mark J. Johnsson, PhD, staff geologist with the California Coastal Commission to Michael Watson of the California Coastal Commission, August 5, 2009)"

John M. Wallace CEG with Cotton, Shires Associates (CSA) prepared the "Slope Stability Investigation, South Silver Shoals Development" referred to by Dr. Johnsson. In this investigation report, the focus was on slope stability and not the identifying the top of bluff defined by Coastal Commission regulations. Figure 7 in the CSA report identifies the Cleath & Associates (CHG) top of bluff line. Therefore the "bluff top" line



shown by CSA on their engineering geologic map should not be used to meet the Coastal Commission definition of the top of bluff for a sea cliff.

The bluff top defined by CHG is consistent with but further inland than the bluff top line established by an engineering geologist working for the City of Pismo Beach (**Figure 1**) and has been peer reviewed by another Certified Engineering Geologist. The CHG bluff top line is about 25 to 30 feet inland of where the top of bluff is shown in Figure 1 of the City of Pismo Beach 2002 “Pismo Bluff Study Update” prepared by Craig L. Prentice CEG of Fugro West. The original CHG bluff top line was reviewed by Richard T. Gorman CEG with Earth Systems Pacific (one portion of the original line was modified to conform to a recommendation in their comments).

Regulatory Bluff Edge Line Definition

In an effort to respond to Dr. Johnsson’s comment that the bluff edge line does not conform to the regulatory definition, CHG has reviewed the bluff line definition in the Coastal Commission regulations and herein presents its relevance to the bluff top as determined by CHG.

The definition as found in CCR Title 14 paragraph 13577 (h)(2) states:

Bluff line or edge shall be defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff, the bluff line or edge shall be defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a steplike feature at the top of the cliff face, the landward edge of the topmost riser shall be taken to be the cliff edge. **The termini of the bluff line, or edge along the seaward face of the bluff, shall be defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet shall be the minimum length of bluff line or edge to be used in making these determinations.**

(bolding added to identify the portion of the definition relevant to defining the point of departure of the seacliff at the erosional gullies).



Application of Definition to South Silver Shoals Property

Based on the regulatory definition, the terminus of the bluff line should be established at the northern and southern sides of the erosional gullies.

Dr. Johnsson prepared a diagram that explains his interpretation of this definition (Figure B). In the diagram, the general trend of the bluff line is not the same as the bluff line. The general trend over a distance of 500' minimum is a line that is not affected by localized variations in the bluff top edge. The result is that the general trend of the bluff line is mostly seaward of the top of bluff determined by Cleath-Harris Geologists.

CHG top of bluff does not extend 500 feet south of the south side of the erosional gullies or north of the north side of the erosional gullies. To address the bluff line termini on both sides of the erosional gullies, the top of bluff used to establish the general trend of the bluff line was established based on the top of bluff line shown on the City of Pismo Beach accepted 2002 Pismo Bluff Study prepared by Fugro. CHG used the top of bluff shown on Figure 9.2 in the 2002 Pismo Bluff Study to aid in creating the general trend line. The Pismo Bluff study top of bluff line and general trend line had to be moved laterally inland about 25 feet to match up with the CHG top of bluff line. This resulted in the ability to use a 500-foot long general trend line that projected off of the property.

The terminus of the top of bluff at the erosional gullies based on the Coastal Commission bluff top definition is shown on the attached figure. While the CHG top of bluff crosses the erosional gullies, based on the regulatory definition, the top of bluff should terminate at the northern side of the erosional gullies and terminate at the southern side of the erosional gullies (near the property line) as shown on the attached **Figure 2**. The bisectors related to the south side of the northern erosional gully and the north side of the southern erosional gully come together at the CHG top of bluff line. This very small portion of the top of bluff line should also be a part of the top of bluff.

Based on this analysis per what we understand to be Dr. Johnsson's interpretation of the regulatory definition, the change required to the location of the CHG top of bluff line would be to exclude most of the top of bluff line between the north and south termini of each erosional gully.

Gully Erosion

Cotton Shires Associates performed a Slope Stability Investigation of the South Silver Shoals Development in December 2008 that evaluated the erosion along the coastal gullies. This investigation identified the top of the gully bank and those gully slopes that show active erosion. The report discussed the causes for the formation of the erosion gullies as follows: "These erosion gullies appear to have been formed, historically, by



adverse drainage conditions associated with concentrated flow onto the property from Shell Beach Road and from Highway 101. These gullies have more recently been eroded by foot traffic associated with a beach access trail.”

CHG observes that these gullies continue to erode head-ward as a result of uncontrolled runoff that flows particularly along the trail to the beach and where rodent holes along the top of bank allow for runoff to flow through the burrows and out of the upper edge of the bank slope. Along the top of bank on the erosion gully side slopes, slumps were observed that are indicative of active erosion. The gully side slopes are about 6 feet high and 8 feet wide in some areas and 8 feet high and 12 feet wide where the gullies are deepest (closest to the seacliff top of bank line). In the bottom of the gullies, at an elevation of about 40-42 feet, the Pismo Formation has been exposed-which is about 40 feet further up the gullies than was mapped in the CSA report. This increased outcropping of the Pismo Formation on the gully floor either is based on more detailed mapping or is due to active erosion in the terrace deposits at the base of the gullies. The Pismo Formation at the base of the gullies is significantly less prone to incising erosion and there is no evidence of active seepage at the base of the terrace deposits. Therefore, the side slopes can be expected to maintain a similar slope as the terrace deposits erode and the gully floor widens.

If these erosional processes continue unabated, the trail area near the gully and the side slopes of the gullies could expand out from the invert of the gully, while the gully head-ward erosion rate can be expected to be dependent on the amount of surface water runoff.

With certain drainage control and slope protection work, historic erosion rates will no longer be in effect and the gully slopes and headward limit would be stabilized. The drainage control measures are recommended in the CSA report:

“Because of the detrimental influence of water in terms of stability, erosion and expansion of soils, it is important that surface water be strictly controlled in the project area. We recommend that, where practical, surface drainage be diverted away from the seacliff at a minimum 2% grade into area drains connected to discharge pipes. All surface drainage landward of the top of bluff including patios, decks, landscaped areas, and discharges from downspouts that are adequately sized to accommodate all roof runoff from a 100-year storm should be diverted away from the seacliff through area drains a tight-line pipes that discharge into the City storm drain system.”



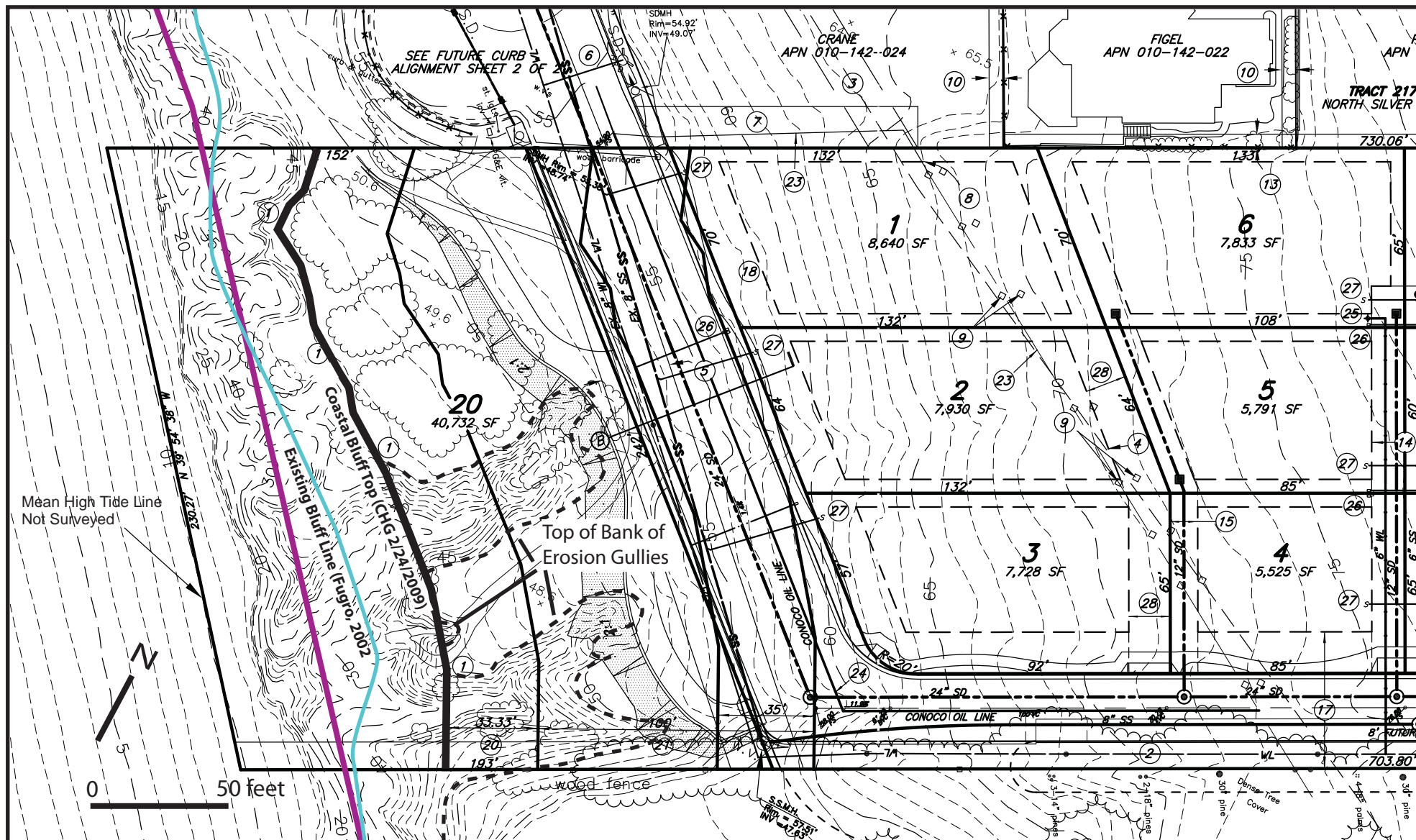
CONCLUSION

CHG has followed the regulatory method for establishing the bluff top edge, including establishing the termini for the bluff top at the erosional gullies. The top of the coastal bluff and the top of bank of the erosional gullies developed from this analysis are shown on Figure 2.

Erosion protection will be required to stabilize the gully slopes. In consideration of the potential for slope failures related to seismic events along the gullies, a setback of **(25)** feet from the stabilized gully top of bank should be maintained for structures and infrastructure improvements.

Respectfully submitted,
CLEATH-HARRIS GEOLOGISTS, INC.

Timothy S. Cleath
Certified Hydrogeologist #81

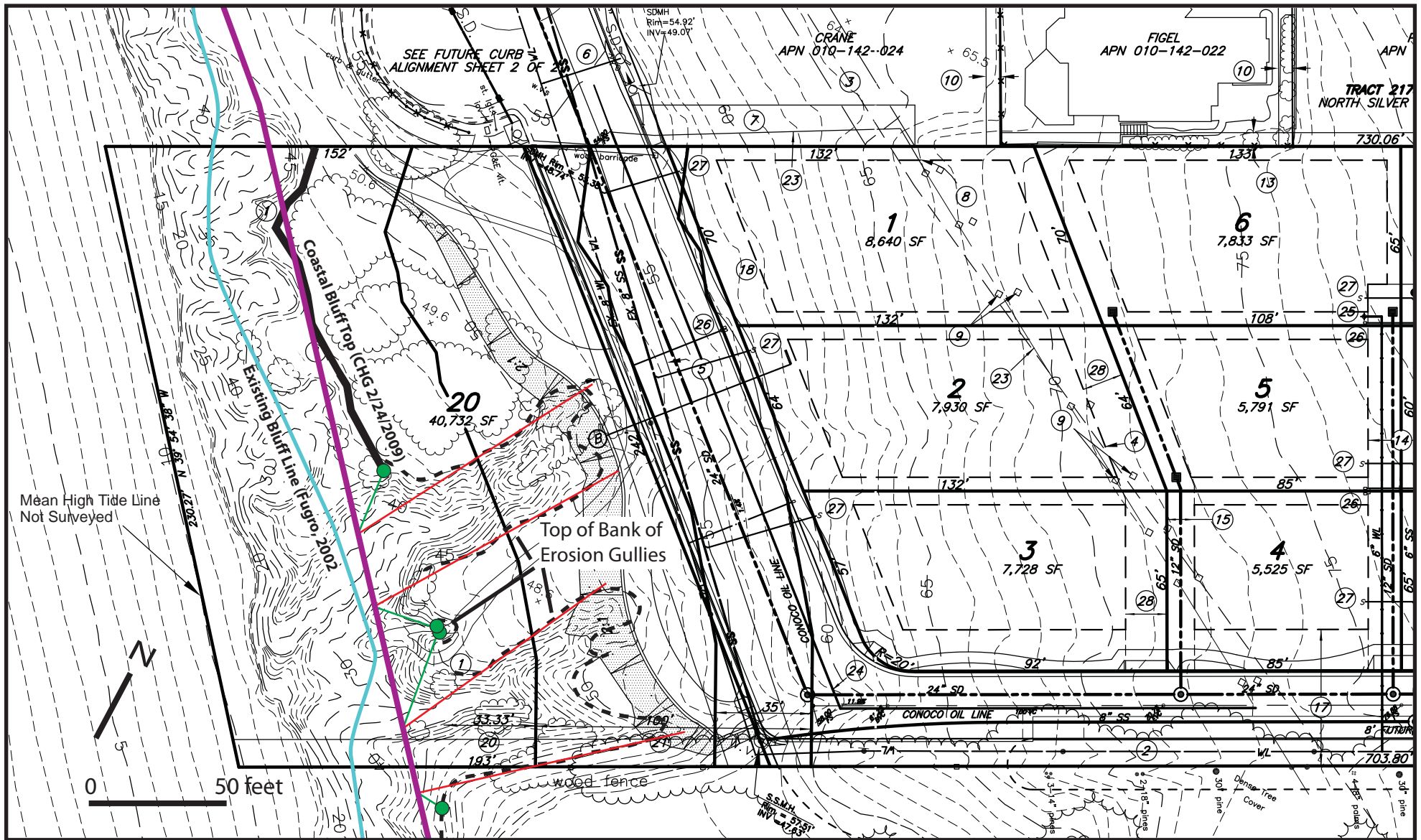


Explanation

- Cleath Harris Geologists (CHG) 2009 Coastal Bluff Top
- Bluff Line Trend (Established over a 500 foot length of coastline).
- Existing Bluff Line (Fugro 2002).

Figure 1
Fugro 2002 Bluff Top
South Silver Shoals

Cleath-Harris Geologists



Explanation

- Cleath Harris Geologists (CHG) 2009 Coastal Bluff Top
- Bluff Line Trend (Established over a 500 foot length of coastline).
- Existing Bluff Line (Fugro 2002).
- Erosion Gully Limb Trend Line.
- Bisector Line (Intersecting CHG 2009 Coastal Bluff Top)
- Bluff top intercept

Figure 2
Bluff Top Definition
South Silver Shoals

Cleath-Harris Geologists

March 18, 2015

Susan Craig, Staff – Central Coast District
California Coastal Commission
725 Front Street Suite 300
Santa Cruz, CA 95060-4508

RECEIVED
MAR 23 2015
CALIFORNIA
COASTAL COMMISSION

Ref.: TRACT no. 3043 South Silver Shoals Subdivision, Pismo Beach (previously considered by the Commission in January 2015 under Appeal No. A-3-PSB-14-0057, and referred for de Novo hearing)

Cc: California Coastal Commission Commissioners and Staff
City of Pismo Beach Council Members
Enc: City of Pismo Beach Clam Chronicle – February – April 2015

Dear Ms. Craig:

The signed residents living adjacent to tract 3043 wish to document our objections to the proposed development plan for this tract. We appreciate the thorough review performed by the California Coastal Commission of the previous proposed plan, and agree that the city-approved project was not in the best interest of the public of California as well as the members of our neighborhood.

There are three principal objections that we have to the new proposed development plan for tract 3043: 1) inconsistency with current intensity of use and density of nearby residential housing, 2) impaired visibility from scenic Highway 101 / Highway 1 and Shell Beach Road, and 3) inadequate public access. The newly elected Pismo Beach City Council supports the concept and intent of these objections as expressed in its statement of one of the top six goals presented in *Pismo Beach Major City Goals for the next two years and beyond* published in February 2015:

Shell Beach Development Standards:

Revise development standards in Shell Beach to reduce the size and scale of new residential projects and commercial development designed to be more consistent with the current neighborhood and provide adequate parking.

These three concerns are addressed below.

1. Inconsistency with Current Intensity of Use and Density of Nearby Residential Housing

Current Neighborhood: North Silver Shoals has a total of 21 single-family residences, 11 on the north side and 10 on the south side (which faces tract 3043). The tract bounded by North Beachcomber Drive and South Beachcomber Drive has a total of 22 single-family residences, 11 on each street. The owners of the undeveloped tract between North Silver Shoals Drive and South Beachcomber Drive have stated in public meetings with the residents that they intend to retain the same intensity of use and density of the existing single family residences when they develop their tract, i.e., 11 single family residences.

Proposed Development: The proposed development provides 9 single-family residences and 10 town homes for a total of 19 units. Thus in roughly the same size tracts, there are consistently 11 or fewer single-family residences in the existing tracts, but there are 19 units in the proposed development. A more dramatic comparison is between the adjacent 10 single-family residences on North Silver Shoals Drive (tract 2173) and the proposed 19 units on South Silver Shoals Drive.

2. Impaired Visibility from Scenic Highway 101 / Highway 1 and Shell Beach Road

Current Neighborhood: The height of buildings on the 10 single-family residence lots on North Silver Shoals Drive adjacent to tract 3043 is limited to 18 feet (except for the two adjacent to Shell Beach Road, and with further limitations at the bluff lots). These height restrictions enhance public viewing from traffic on these designated scenic highways, and also for pedestrians on Shell Beach Road. Highway viewing is further enhanced by the width of North Silver Shoals Drive, which is the same width as North Beachcomber Drive and South Beachcomber Drive.

Proposed Development: The development has a building height limitation of 25 feet, not 18 feet. The proposed street width of South Silver Shoals Drive is much narrower than the width of the three existing streets to the north. The three proposed "view corridors" are grossly inadequate for maximizing ocean views for travelers and pedestrians on the adjacent scenic highways.

3. Inadequate Public Access

Current Neighborhood: North Silver Shoals Drive with its existing cul-de-sac can accommodate over 45 parked cars for coastal access by the public. North Beachcomber Drive and South Beachcomber Drive each can provide parking space for over 45 cars for public access. It is noted that there are numerous occasions when parking on the three streets is fully utilized due to public beach access and events at The Cliffs Resort.

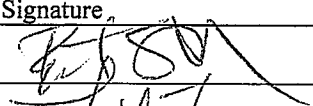
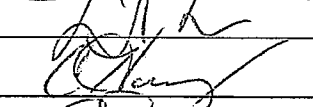
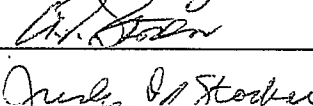
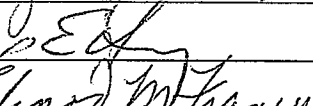
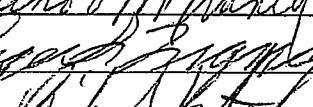
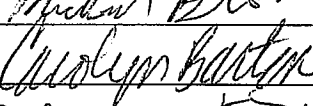
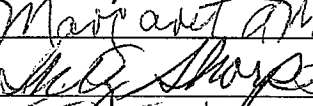
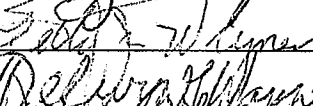
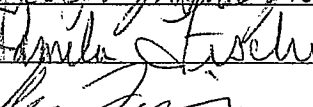
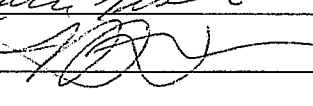


Proposed Development: While the proposed tract 3043 provides coastal access for the owners of its 19 units, the development only provides 12 parking spaces for public access. Thus, the proposed development reduces potential access from over 45 public parking spaces to just 12 spaces. Additionally, the lack of comparable public parking on South Silver Shoals Drive will put more pressure on the existing three streets during peak coastal access periods and local events.

Note: The neighbors have discussed the constraints imposed by bluff setbacks on the design of the road in that area and we wish to record that there is no objection to retaining the cul-de-sac on North Silver Shoals Drive.

We thank the California Coastal Commission for this opportunity to voice our primary concerns about the proposed development plans for tract 3043: inconsistency with the adjacent neighborhood, lack of public visibility for travelers and pedestrians on scenic highways, and lack of adequate public parking for beach access. We believe that our three principal objections support goals of Pismo Beach documented by its newly elected Pismo Beach City Council as well as statewide goals of the California Coastal Commission.

Respectively,

[Signatures of residents adjacent to tract 3043]

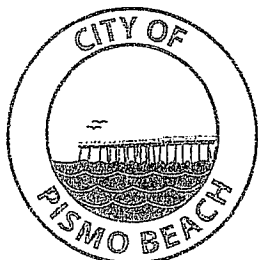
Signature	name (printed)	address
	RICHARD STIH	113 N. SILVER SHOALS DR.
	Linda Lee	113 N Silver Shoals Dr.
	CHRISTINE HENRY	117 N. Silver Shoals Dr.
	Alan D. Stocker	109 N. Silver Shoals Dr.
	JUDY D. STOCKER	109 N. Silver Shoals Drive
	EDWARD HENRY	117 N. SILVER SHOALS DR.
	ELINOR M. FRANEY	125 N. Silver Shoals Dr.
	ROGER G. FRANEY	125 N. Silver Shoals Dr.
	Richard Barton	142 N. Silver Shoals Dr.
	Carolyn Barton	142 N Silver Shoals Dr
	Margaret May	2850 Shell Beach Rd
	INEZ SHARP	312 Ebb Tide Way
	BETTY J. WAYNER	100 N. SILVER SHOALS DR.
	DELWYN G. WAYNER	100 N SILVER SHOALS DR
	Pamela Fischer	129 N. SILVER SHOALS DR
	Duane Fischer	129 N. SILVER SHOALS DR
	Marilyn Hansen	105 Silver Shoals Dr

signature	name (printed)	address
Robert M. Polley	ROBERT M. POLLEY	133 N. SILVER SHOALS DR
Diane A. Polley	DIANE A. POLLEY	133 N. SILVER SHOALS DR.
Elizabeth Bell	ELIZABETH BELL	100 N. SILVER SHOALS DR
Elizabeth Bell Atty in fact for Stanley Bell	BELL STANLEY BELL	100 N. SILVER SHOALS DR
Judy Blaume	Judy Blaume	2920 Shell Beach Rd
Paul Blaume	Paul Blaume	2920 Shell Beach Rd
PHILIP TIERESI	PHILIP TIERESI	106 SILVER SHOALS DR.
Chris Macen	CHRIS MACEN	106 N. Silver Shoals Dr.
MONTY COOL	MONTY COOL	112 N. SILVER SHOALS
Margery Harris	Margery Harris	124 Silver Shoals
James G. Harris	James G. Harris	124 Silver Shoals
Stephen T. Bennett	Stephen T. Bennett	130 Silver Shoals
Jann Bennett	JANN BENNETT	130 N SILVER SHOALS
1st Bar. Lehr	by James G. Harris (3/18/15)	118 N. Silver Shoals
1st Louise Lehr	by James G. Harris (3/18/15)	118 N. Silver Shoals

CLAM CHRONICLE

VOL. 21, ISSUE 1

FEBRUARY - APRIL 2015



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Shelly Higginbotham -
235-6604

Erik Howell - 556-4640

Mary Ann Reiss - 709-6296

Ed Waage - 550-3345

CITY MANAGER

James R. Lewis - 773-7007

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Admin/City Clerk	773-4657
Finance	773-4655
Fire	773-7031
Eng./Public Works	773-4656
Planning	773-4658
Building	773-7040
CVB	773-7034
Police	773-2208

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- 12 Calendar of Events

www.pismo-beach.org

City Council Prioritizes City Goals

The City Council met on January 23, 2015 for a goal setting workshop during which the Council agreed on priorities for major City goals for the next two years and beyond. As part of the workshop, City Council listened to community input on goal priorities and considered citizen requests received prior to the meeting through the community outreach campaign.

Prior to establishing major goals, Council reaffirmed the City's commitment to a strong financial position. The City Council determined that because fiscal integrity is an ongoing core City value and the highest priority in budget policy and practices, it wasn't necessary to list it as a specific, actionable goal. Incorporating the community's input, the following are the Major City Goals in order of priority:

MAJOR CITY GOALS

Water Supply: Develop a program to ex-



Expanding water supply is the top goal for City Council.

pand water supplies by upgrading the treatment plant, determining how best to utilize reclaimed wastewater, increasing conservation, and pursuing other potential strategies.

Downtown Parking and Circulation: Complete an assessment of downtown parking options - including a parking structure that may incorporate other uses such as retail and housing - along with related circulation improvements, and begin implementation of the approved program.

Continued on page 5

Measure I: Half-Cent Sales Tax Invested in Community

On November 4, 2014 Pismo Beach voters approved Measure I, extending the existing half-cent sales tax for 12 years. The funds generated from Measure I, like Measure C before it, will be used to preserve, enhance and improve the infrastructure, safety and character of Pismo Beach. One of the projects that is possible because of the half-cent sales tax is the 2014 Pavement Maintenance Project. The project kicked off on December 3, 2014 and includes the following work:

- Reconstruction of existing roadways in the St. Andrews Tract and

Shoreline and Terrace, and new ADA curb ramps at intersections in the St. Andrews Tract.

- Asphalt overlay on Longview Avenue from Wadsworth to the end of the street and drainage improvements at Bakersfield and Taft Streets in Pismo Heights.

- New sidewalk on the north side of Longview Avenue from Wadsworth to Visalia Street in Pismo Heights.

- Asphalt overlay and new ADA curb ramps at intersections on James Way between Oak Park and Effie.

Continued on page 2



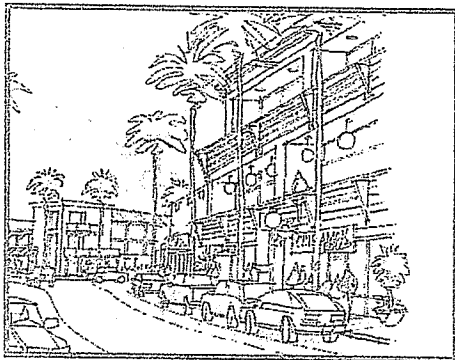
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CITY NEWS *continued*

Council Goals

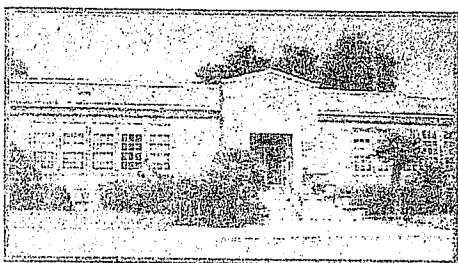
Continued from page 1

Downtown Revitalization: Complete planning for and begin implementation of the of Downtown revitalization efforts including such elements as a public plaza, parklets, a sidewalk maintenance program, undergrounding utilities and appropriate land use controls.



Shell Beach Streetscape: Implement the Shell Beach Streetscape and Underground Program and consider additional parking options.

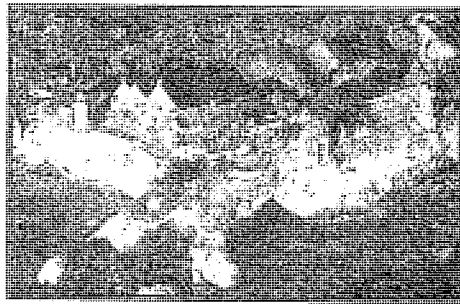
Re-Use of Old City Hall: Evaluate possible uses for the old City Hall and develop a program for implementing the preferred option.



Shell Beach Development Standards: Revise development standards in Shell Beach to reduce the size and scale of new residential projects and commercial development designed to be more consistent with the current neighborhood and provide adequate parking.

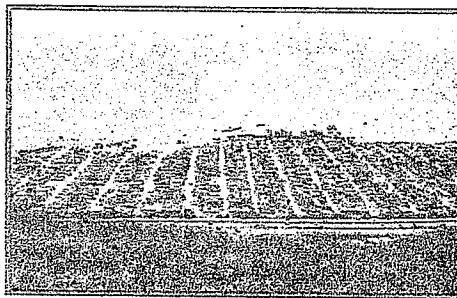
OTHER PRIORITY OBJECTIVES

Chapman House: Develop and imple-



ment a plan to increase appropriate use of the Chapman House compatible with the neighborhood, including a strategy for its ongoing maintenance and financial sustainability.

Fire Station: Explore funding options and complete a scoping study for a new fire station, and pursue development of the most appropriate facility.



Pismo Preserve: Work with the Land Conservancy to identify and address expected infrastructure and access needs, as well as the public safety implications, related to public use of the Pismo Preserve.

Circulation Element Update to General Plan: Update the General Plan Circulation Element - among other goals, policies and programs - long term parking strategies for downtown, Shell Beach and Price Street; replacement of the Bello Street bridge; bicycle and pedestrian circulation improvements; and the deletion of the connecting road across the Mankins.

Taking the goals and priorities identified by the City Council, City staff will develop the Department Work Plans including identification of resources, financing requirements, and scope of work for completion of each goal. The Department Work Plans will be presented and discussed at the City Council Workshop for Department Work Plans, scheduled April 2, 2015. The Work Plans will then be incorporated into the Budget Presentation to City Council on May 12, 2015.



ANNOUNCING THE FIRST-EVER

PISMO BEACH

PHOTO CONTEST

*Your Photos Will
Be Featured on
City's website &
at City Hall!*

DO YOU HAVE GREAT SHOTS OF PISMO BEACH? GIVE US YOUR BEST SHOT, WE WANT TO FEATURE THEM! WE ARE LOOKING FOR BEAUTIFUL PHOTOS OF PISMO BEACH'S NATURAL SETTINGS, ACTIVITIES AND DISTINCTIVE ARCHITECTURE.

THIS CONTEST IS OPEN TO PEOPLE OF ALL AGES, PROFESSIONALS AS WELL AS AMATEURS. A PANEL OF LOCAL JUDGES WILL SELECT THE 3 WINNING PHOTOGRAPHS.

- WE WILL ACCEPT DIGITAL IMAGES ONLY
- COLOR AND BLACK AND WHITE CAN BE SUBMITTED
- YOU MUST SPECIFY WHERE EACH PHOTO WAS TAKEN



DEADLINE IS FEBRUARY 27, 2015

FOR MORE INFORMATION AND OFFICIAL RULES, PLEASE VISIT

PISMOBEACH.ORG

Photos may be submitted by e-mail at: dgarcia@pismo-beach.org



March 19, 2015

Carole Groom, Commissioner
California Coastal Commission
San Mateo County Board of Supervisors
400 County Center
Redwood City, CA 94083

RECEIVED
MAR 25 2015
CALIFORNIA
COASTAL COMMISSION

Ref: TRACT no 3043 South Silver Shoals Subdivision, Pismo Beach (previously considered by the Commission in January 2015 under Appeal No. A-3-PSB-14-0057, and referred for a de Novo hearing)

Cc: California Coastal Commission staff

Dear Ms. Groom,

As residents in the North Silver Shoals tract adjacent to the proposed development on South Silver Shoals, we wish to express our grave concerns with the above referenced project as currently proposed. Some of those concerns have been addressed in a group letter that was sign by every single resident living adjacent to this project. There is not one single resident in the immediate area who supports this proposed development. We wish to expand slightly on a number of key points.

We walk Shell Beach road and the streets and parks of the neighborhood almost daily. On these walks, we encounter people not only from all over California, but people from all over the world. Again and again we hear people talk about what a beautiful coastal area this is. They speak highly of the beautiful views not only from Shell Beach Road but also down the 40' wide streets, as well as the overall density of the surrounding neighborhoods. They comment on how inviting this area is to the public and how accessible it is. This area is truly one of the gems of the California coast, and it would be a tragedy to see it ruined by this proposed project.

In the Pismo Beach General Plan and Local Coastal Program, it states:

"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."

The height and density of this development would severely restrict the views of both motorists and pedestrians. Although the developer has modified his plans to provide "view corridors", they are not sufficient and will negatively impact public views.

The width of the proposed street is another major concern. All of the streets in this area are 40' wide with parking provided on both sides of the street. The only street that is narrower than 40' is El Portal to the north. This was the first street built in

this area long ago, and without question is identified by all residents as much too narrow. This is the only street in the area that has similar parking cutouts as proposed in the new development. The proposed road is only 20' wide for the majority of its length, with one small section near the bluff which is 30' wide. It then pinches down from this 30' wide section to 20' before joining North Silver Shoals which is a 40' wide street that provides for parking on both sides of the street.

This 20' to 30' to 20' width is inadequate for public access and public parking. Please do not be tricked when the developer talks about the road being wider some time in the future when Mr. Everett's parcel adjacent to the south is "developed." We submit to you that it is already developed with homes and mature landscaping, including a beautiful grove of Cypress trees. This parcel may remain "as is" for the long-term. Meanwhile, the public is saddled with a substandard road with inadequate parking.

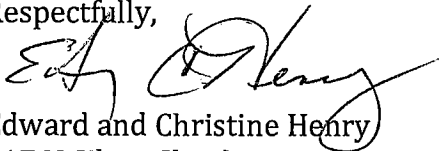
We are concerned that if this project is approved as currently designed, in the future the public will be asking the question as to why this project was ever approved. It is not a good design, and is not in the best interests of the general public.

We urge you to help preserve and protect this section of the California Coastline not just for the current public, but also for future generations of people who wish to visit, park their vehicles, and enjoy the coastal bluff and the beaches below.

We believe this is in keeping with the goals and mandate of the California Coastal Commission, and we urge you and your fellow Commissioners to vote to deny this project as currently proposed.

Thank you very much for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ed & Christine Henry', written over a horizontal line.

Edward and Christine Henry
117 N Silver Shoals
Shell Beach, CA 93449

MARILYN S HANSEN JD

PO Box 3073

Shell Beach California 93448

805-773-2773

March 24 2015

RECEIVED
APR - 6 2015
CALIFORNIA
COASTAL COMMISSION

TRACT 3043

To: Erik Howell, California Coastal Commissioner
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco CA 94105

To: California Coastal Commission Staff Cc: Steve Hudson, Staff—
South Central Coast District, California Coastal Commission
To: California Coastal Commissioners

(Ref: Tract 3043 South Silver Shoals Subdivision, Pismo Beach; previously
considered by the Commission, January 2015—Appeal No. A-3-PSB-14-
0057, and referred for de Novo hearing.)

Problems with the newest proposed Tract 3043 plans, are as follows:

Maximizing Ocean Views

1. The plans deliver the impossible expectation of looking through Swiss cheese to see the ocean. There is a failure to maximize the ocean views from Hwy 101 & Scenic State Hwy 1, Shell Beach Road.
 - a. The existing Silver Shoals and Beachcomber Roads maximize the ocean views by utilizing 40 foot wide city streets and the 5+/- foot wide sidewalk areas on both sides of the street—for an actual 50 foot wide unblockable view area. *See attached photo.*
 - b. Tract 3043 should have the same 50 foot wide ocean view area, such as, a 50 foot wide view street adjacent to the existing Silver Shoals subdivision. See 3 alternate maps with drawings of possible plans with 18, 16 and 11 dwellings—all of which congregate homes toward the Everett property, and all maximize the ocean views. *See attached 3 maps .*
 - c. A 50 foot wide view street adjacent to the existing Silver Shoals subdivision, with sidewalks and public parking on both sides of

the street will likely provide, beach parking, for as many as 45 cars, since driveways would be only be on one side of the street.

- d. Tract 3043 ocean views will be unobstructed and maximized, if the view corridor is adjacent to the existing Silver Shoals subdivision—However, if placed next to the Everett property, the views will be obstructed by the overhanging Everett Trees. *See attached SLO County Assessor's map showing overhanging Everett trees.*
- e. Reducing the height of the homes to 18 or 15 foot high will also increase the ocean views.

Density

- 2. The density continues to be unaddressed. It should be noted that the Pismo City Planning Commission had advised the developer to design the homes with “zero space” between the buildings, in order to maximize ocean views. *See attached 2 maps with 18 & 16 dwellings.*

Silver Shoals Dr—a Cul-De-Sac

- 3. Silver Shoals Dr should remain as a cul-de-sac.—to prevent future bluff erosion problems and to prevent increased traffic that occurs with a thru-road. Further, there is no reason for Silver Shoals to be a thru-road. A thru-road will neither maximize views, nor increase public parking. Moreover, a thru-road will substantially reduce the available level land area for the new park, which will necessarily reduce the public's ability to utilize the park.

A Handicap Accessible New Park

- 4. A handicap accessible, new park should be placed at the end of the Silver Shoals Cul-de-sac. The park's beginning edge should be where the City has placed the traffic blocking two-board white fence. *See attached photo.* This area is level land and would maximize handicap access to the park. Pismo needs a park in the area with designated handicap parking. This area is handicap accessible because it is naturally level. Whereas, other parks in the area consist of slanted areas of land, making them extremely difficult or inaccessible by most wheel chair bound persons.
- 5. Secondly, if the park is situated at the end of the Silver Shoals Cul-de-sac, it will preserve the 20+ years of beach-goers trails to the sandy beach below the cliffs. The trail area consists of the area between the chain link fence and the cliff area, running the entire

length of the chain link fence, consisting of the level area which is approximately 20 feet wide. *See attached photo.*

6. Lastly, there is no legitimate reason for a reduction of the 20 foot wide existing beach-goers trails.

I am one of the appellants, and one of the numerous signers of the March 18, 2015 letter to the California Coastal Commission. I am thanking you in advance for your attention to this important matter.

Respectfully submitted,

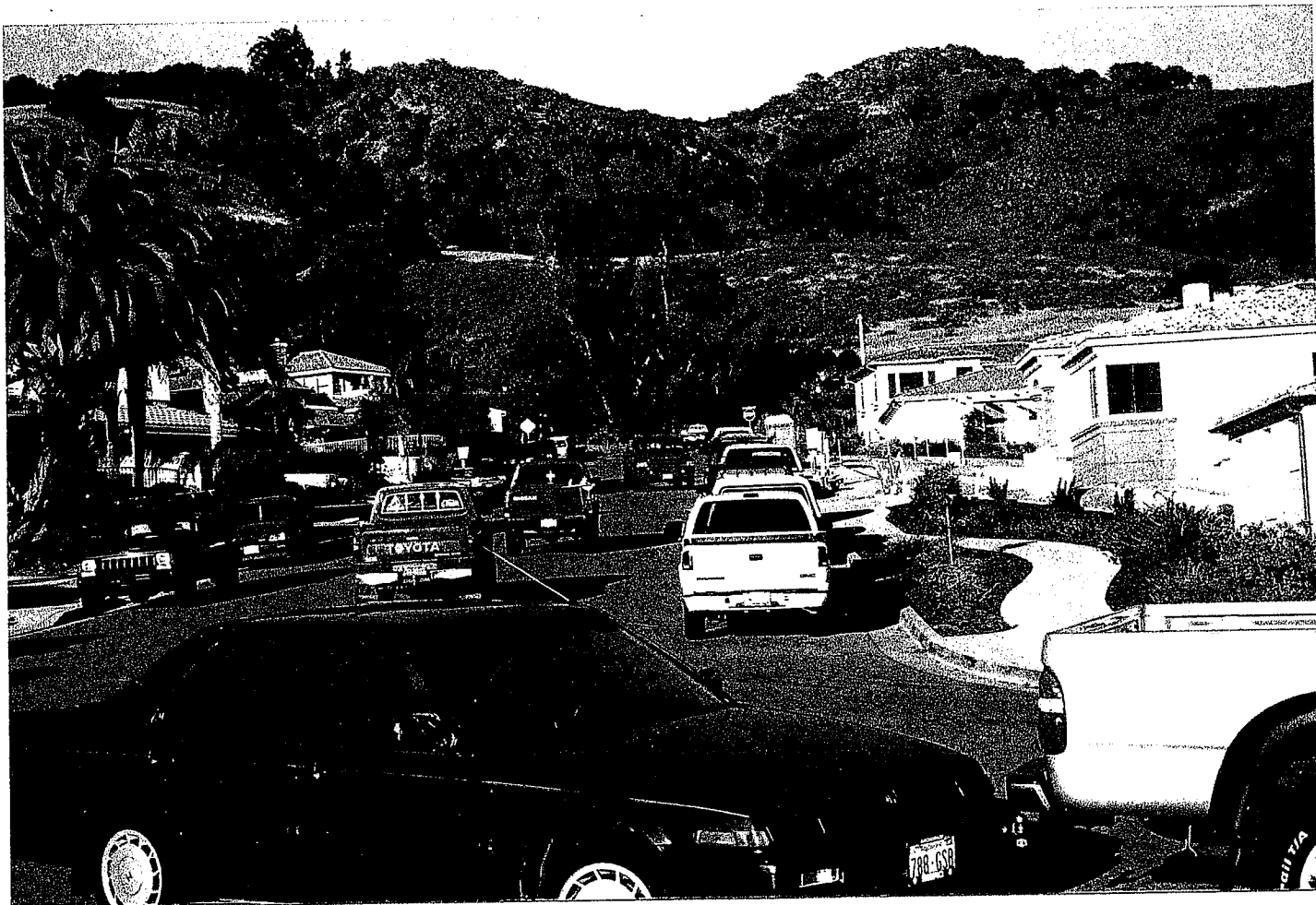
A handwritten signature in black ink, appearing to be 'Marilyn Hansen', with a long horizontal flourish extending to the right.

Marilyn Hansen

Cc: Steve Hudson, Staff — South Central Coast District, California Coastal Commission



Silver Shoals Drive —as— a Cul-De-Sac
will preserve the 20+ years of beach-goers trails to the sandy beach
below the cliffs
and
it will enable the creation
of
a 20 foot wide—level
Handicap Accessible New Park



TYPICAL BEACH-GOERS' PARKING
CONGESTION PROBLEMS ON
SILVER SHOALS DRIVE

WISH LIST MAP FOR 2900 SHELL BEACH ROAD

Pacific Ocean

WISH LIST MAP

NEW PARK

50 ft VIEW

50 ft VIEW

Ocean Front Lot

Ocean Front Lot

Ocean Front Lot

50 ft wide white habitat adjoining the existing Silver Shoals sub-division from Shell Beach Road to the cliff

Ocean View

William S. Everett
William S. Everett

Ocean View

Diane Polley
Diane Polley
133 Silver Shoals

Ocean View

2800 Shell BEACH ROAD

Ocean View

Beth & Pam Fischer
129 N. Silver Shoals
Shell Beach, CA
Beth & Pam Fischer

Ed & Chris Henry
117 N. Silver Shoals
Ed

Delwyn Wayner
DELWYN WAYNER
100 Silver Shoals
BETTY S WAYNER
Delwyn & Wayne

Marilyn Hanson
105 Silver Shoals

Stanley Bell
160 SILVER SHOALS
STANLEY BELL

L. L.
113 N. Silver Shoals
Linda Lee
Richard Barton
Richard Barton
142 N. Silver Shoals

Elizabeth Bell
ELIZABETH BELL

Roger Franey
Roger FRANEY 125 Silver Shoals
Maige & Jim Harris Shell Beach Road
Maige Harris James P. Harris 124 Silver Shoals

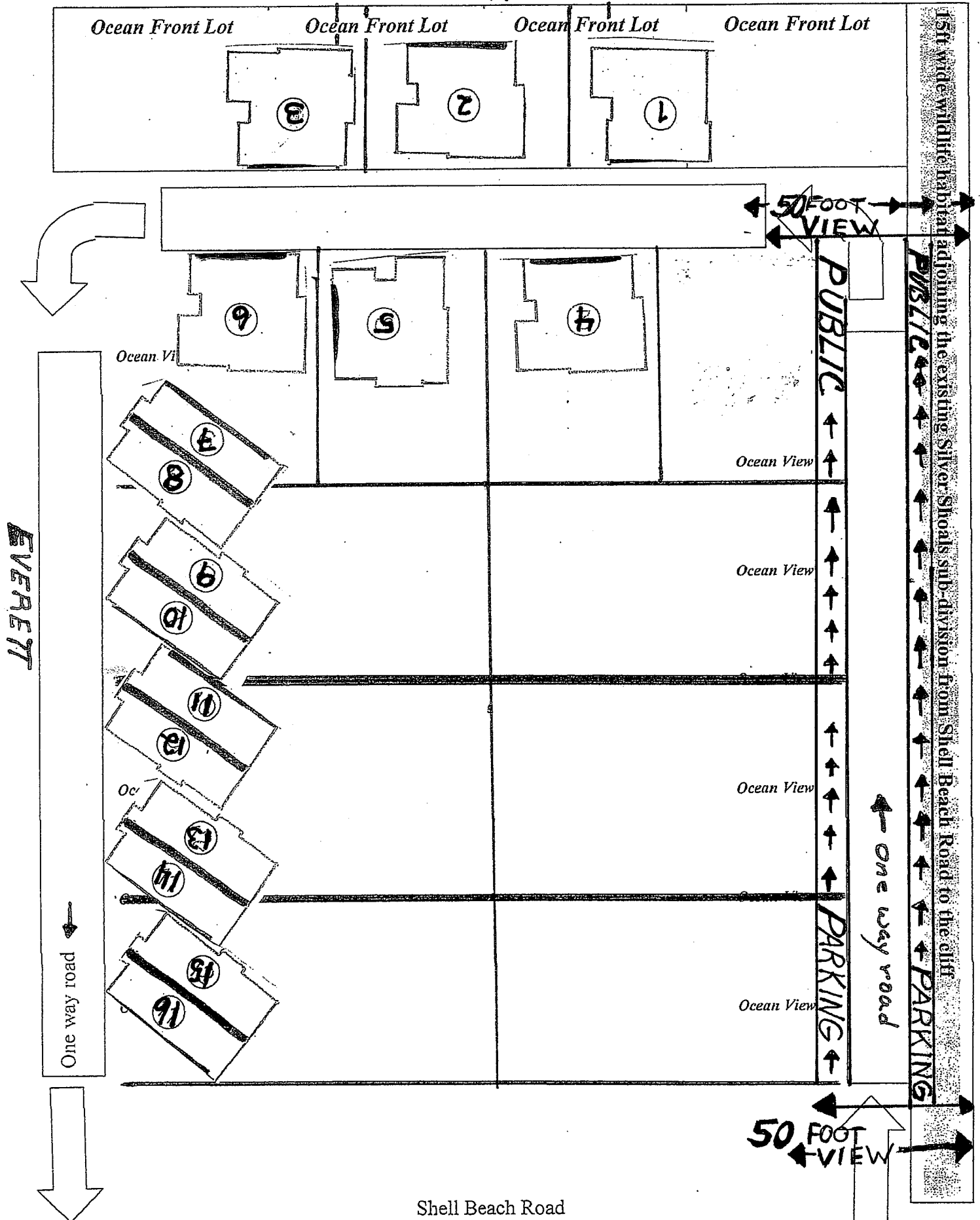
50 ft VIEW AREA

Exhibit 9

A-3-PSB-14-0057 (South Silver Shoals)

14 of 64

Pacific Ocean
NEW PARK



March 22, 2014

Erik Howell, Commissioner
California Coastal Commission
45 Fremont St., Suite 2000
San Francisco, CA 94105

RECEIVED
APR - 1 2015
CALIFORNIA
COASTAL COMMISSION

Ref.: TRACT no. 3043 South Silver Shoals Subdivision, Pismo Beach (previously considered by the Commission in January 2015 under Appeal No. A-3-PSB-14-0057, and referred for de Novo hearing)

Cc: Steve Hudson, Staff – South Central Coast District, California Coastal Commission

Dear Mr. Howell:

We are one of the signers of the March 18, 2015 letter to the California Coastal Commission and the City of Pismo Beach Council documenting our objections to the development plans for the reference above. You must have recognized that all the residents surrounding tract 3043 signed this letter, and in particular, the owner of the approximately 3.5 acres immediately south of the development. In addition to the objections presented in that letter, we have two further concerns for your consideration: traffic and water resources.

Traffic: We appreciate that any development will increase traffic and accept this fact. However, given the bluff set-back constraints for the design of a connecting road from North Silver Shoals Drive to the proposed South Silver Shoals Drive, we prefer to keep the existing cul-de-sac on North Silver Shoals Drive. If the South Silver Shoals Drive design matches that of the North Silver Shoals Drive with the existing cul-de-sac, then public access via available parking can be maximized and will be consistent with both Silver Shoals and Beachcomber streets; in addition, the impact on increased traffic will be minimized for North Silver Shoals Drive. Note that the connecting road between North and South Beachcomber Drive allows for maximum public parking, but due to the bluff set-back constraints North and South Silver Shoals Drive connecting road will not allow. In addition, keeping the same density of single-family residences to 10 or 11 per street side will minimize the impact of increased traffic due to the development.

Water Resources: When we built our home on North Silver Shoals Drive over 20 years ago, we were required to pay for the installation of reduced water flow toilets and showers on 13 existing Pismo Beach houses in order to off-set our water use requirements (this was in the early 1990's). We all appreciate that the situation for increased water use is much more important today. The increased density of housing units above the current 10 or 11 per street side impacts severely the demands upon limited California water resources during these critical times for the response to climate change in California; in addition it is inconsistent with the current neighborhood.

We appreciate your leadership at the City of Pismo Beach Council and now the California Coastal Commission to represent the local neighborhood interests as well as the public of the state of California with respect to the development of Tract 3043. We hope registering the additional concerns of increased traffic and impact on precious water resources with any proposed development plans will be beneficial to your considerations in the future. Thank you for your support in the past.

Respectfully,

Marge Harris Jim Harris

Marge and Jim Harris
124 North Silver Shoals Drive
Shell Beach, CA 93449



3155 ROSE AVENUE
SAN LUIS OBISPO, CA 93401
(805) 234-7393
JEFFO@OLIVE-ENV.COM
WWW.OLIVE-ENV.COM

March 30, 2015

Steve Puglisi
Puglisi Architects
569 Higuera Street
San Luis Obispo, CA 93401

Subject: Silver Shoals Vesting Tentative Map Tract 3043 Project –Addendum to Coastal Commission Staff Report Notes Dated February 2, 2015

Dear Mr. Puglisi:

Thank you for the opportunity to assist with the staff report notes for the California Coastal Commission (CCC) de-novo hearing for the South Silver Shoals Subdivision Project (VTTM 3043). In response to the original request, Oliveira Environmental Consulting LLC (OEC) prepared notes on visual resource issues (dated February 2, 2015) to be submitted to CCC staff to aid in the preparation of their staff report for the upcoming de-novo hearing. Since then, CCC staff has received two comment letters from the project neighbors (dated March 18 and 19, 2015) addressing concerns related to the proposed development. The purpose of this letter is to provide a response to the technical issues raised by the project neighbors in their letters dated March 18, 2015 and March 19, 2015, respectively.

As such, this letter is considered to be an Addendum to the staff report notes prepared by OEC dated February 2, 2015. Please refer to the February 2nd letter for a detailed discussion of the project location, project description, and project background. The details of the February 2, 2015 letter are incorporated by reference herein.

The details in the notes below have been compiled using the CCC appeal response prepared by OEC (October 30, 2014), the staff report notes on visual resources prepared by OEC (February 2, 2015), the appeal notes and visual simulations provided by FIRMA, Inc. (December 2, 2014 and March 19, 2015, respectively), the CCC staff report prepared for the Silver Shoals subdivision north of the subject site (July 23, 1996), as well as the City of Pismo Beach project staff report, General Plan and Local Coastal Plan.

As discussed, the proposed project will be heard at a de novo hearing of the CCC. It is our understanding that the applicant representative, Steven Puglisi Architects, would like assistance with the response to the aesthetic and visual resource issues and planning issues raised by the project neighbors in their letters dated March 18 and 19, 2015 for the purpose of assisting CCC staff with the drafting of their staff report for the upcoming hearing. Based on this request, OEC is pleased to provide the following review of the neighbor issues and responses to the concerns raised.

March 18, 2015 Comment Letter Issues and Concerns

Based on a review of the March 18, 2015 letter sent to CCC staff and signed by the residents of the neighboring North Silver Shoals development, the primary complaints related to the proposed project are summarized as follows:

1. Inconsistency with the development density of nearby housing;
2. Impaired visibility from the scenic Highway 1/101 and Shell Beach Road; and
3. Inadequate public access.

1. Inconsistency with Nearby Development Density

The commenter states that the development neighboring the project site to the north, North Silver Shoals, consists of 21 single-family units while the tract bounded by North Beachcomber Drive and South Beachcomber Drive consists of 22 similar units and states that a neighboring developer plans to subdivide with similar density. The commenter states that roughly similar sized tracts within neighboring developments consistently show 11 or fewer residences, and the proposed project is inconsistent with these neighboring developments.

Response: The issue of development density for the project site was covered by the City of Pismo Beach, in their City Council staff report (dated 9/16/14) under their review of applicable Development Standards for the site. As discussed, the project is subject to Development Standard LU-B-1, which states that the project planning area, the South Palisades Planning Area, is designated medium density allowing 9 to 15 units per acre and shall have an emphasis on open space and scenic corridors. As part of this requirement, the project will include a 100 foot-wide lateral bluff top open space area/access way. As proposed, the project would provide a density of about 6 units per acre, along with the dedicated bluff top open space. As such, the proposed project would have a significantly lower residential density when compared to what would be allowed for South Palisades Planning Area under policy LU-B-1 in an effort to provide consistency with area residential development.

2. Impaired Visibility from Highway 1/101 and Shell Beach Road

The commenter states that the building heights on the single-family residences north of the project site on North Silver Shoals Drive are limited to 18 feet, except for two houses fronting Shell Beach Road. The commenter states that these limitations, along with the wide width of North Silver Shoals Road and South Beachcomber Drive, enhance public viewing from both Highway 101 and Shell Beach Road. The commenter states that the proposed project building heights of 25 feet and the proposed width of South Silver Shoals Drive are inadequate for maximizing ocean views.

Response: The issue of building heights and impacts to ocean or blue water views from Highway 101 and Shell Beach Road was addressed in detail in the CCC staff report notes prepared by OEC (February 2, 2015), and by the City in their project staff report for the September 16, 2014 City Council Hearing.

The following is a detailed review of the proposed project consistency with the City of Pismo Beach Coastal Zone Land Use Ordinance and General Plan policies. In addition, please refer to the attached photo simulation for a detailed depiction of the project development as it would look

upon completion. These visual simulations show how the proposed development would affect views of the ocean from Highway 101 and from Shell Beach Road both from the perspective of a pedestrian as well as from a vehicle.

It is important to note that the photo simulations also include a comparison of the proposed development to the neighboring North Silver Shoals development, providing a contrast between the two developments. As shown, it is clear that the proposed residential units would be lower in elevation compared to the existing units fronting Shell Beach Road to the north.

Based on the photo simulations, and the policy consistency discussion below, the project provides views of the ocean consistent with City requirements. In addition, it is important to note that the proposed units fronting Shell Beach Road would be lower in elevation when compared to the neighboring North Silver Shoals units.

Applicable City Visual and Building Height Policies:

LUP Policy LU-B-5: *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:*

1. *The building pads for all development shall be at or below existing grade.*
2. *Residential units shall be predominantly attached and clustered.*
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.*
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 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.*

Project Consistency:

Views from Highway 101: The proposed building pad nearest Highway 101 is about 180 feet from the highway and is located approximately 28 feet below the highway in elevation. Future project development on the site will be visible from both Highway 101 and Shell Beach Road. However, future houses will not block views of the ocean, but they will obstruct the view of the top of the existing bluff. It is important to note that the proposed development would not block

either surf or blue water ocean views, the surf not being visible due to the height of the bluffs and the blue water ocean views being retained due to the highway's elevation above the site.

Views from Shell Beach Road: Any house along Shell Beach Road will impact views from that road to the ocean. There is no way to avoid this unless the houses were either sunk completely below the grade of the road or no development would be allowed at all. Grading to build homes completely below the grade of the road would be financially infeasible and would have environmental impacts such that this type of development would not be allowed. There is an existing development adjacent to the northern site boundary, part of the same subdivision, which obstructs views of the ocean from Shell Beach Road and there are others in the site vicinity that also similarly obstruct ocean views. As such, the proposed project is considered to be an infill development and will have less of a visual impact than earlier developments and will be less massive in appearance from Shell Beach Road. Property line setbacks have been incorporated into the project design, and conditioned by the City, to ensure that setbacks further enhance views from public vantage points.

Building pad elevations and lot design will have a particular impact with respect to how ocean and blue water views will be affected by the proposed project. Specifically, the proposed project design is such that three viewing corridors will be created through the use of setbacks between lots fronting Shell Beach Road and the layout of South Silver Shoals Drive.

Site Design and Ocean Views: The proposed project includes three viewing corridors intended to preserve partial ocean and blue water views from Shell Beach Road and Highway 101. Please refer to the project Site Development Plan and Visual Section Through the Site, along with the attached photo simulations, for a detailed depiction of the proposed project layout, lot elevations, building heights, setbacks, and viewing corridors. As shown in these figures, the eye level for travelers on Highway 101 is 131.2 feet and the eye level elevation of viewers on Shell Beach Road is 105.5 feet. The elevation of Highway 101 provides blue water views over the proposed project development. Views of the ocean and blue water from Shell Beach Road would be provided between proposed lots and down South Silver Shoals Road.

As seen from Shell Beach Road, the setback between Lots 15 and 16 as well as Lots 17 and 18 provide two direct line-of-sight views of blue water through the proposed development. This viewing corridor extends between Lots 11/12 and Lots 13/14. Behind these units, Lots 4 through 9 will have floor elevations between 76 and 81 feet and will incorporate a "wedding cake" design with pitched roofs for the second stories which will reduce the massing of the second floors allowing the extension of the viewing corridor through the site to blue water.

Although the second floor of the homes on Lots 4-9 would be visible from Shell Beach Road, the wedding cake design and pitched roofs will allow pedestrians and/or motorists to be able to see ocean and blue water vistas between the lots fronting the road. These design elements would also provide some ocean and blue water views from the neighboring homes along the northern property boundary (North Silver Shoals).

In addition, the project access road along the southern property boundary, South Silver Shoals Drive, is perpendicular with Shell Beach Road and would provide a 35-foot wide viewing corridor of ocean and blue water views from Shell Beach Road. These design features will be included in the proposed project Design Guidelines to be approved by the City. Together the

three viewing corridors provided by the second story designs of Lots 4-9 and South Silver Shoals Road meet the visual access requirements of LUP Policy LU-B-5.

Policy Consistency: With respect to the seven requirements listed under LUP Policy LU-B-5, the following is a brief assessment of project consistency:

1. Project building pads are proposed to be set at natural grade;
2. The proposed residential structures have been designed as attached and/or clustered;
3. The project well exceeds the 60% open space requirement with the addition of both communal open space within the development and the 40,732 square foot bluff top open space parcel to be dedicated to the City;
4. The landward lots, Lots 1-3, will not exceed a 15 foot height limit;
5. All other building heights are 25 feet or less. In addition, the Zoning Code required Over View Study (page 155 of the City's staff report) demonstrates the view is not substantially blocked. Furthermore, the second story designs for Lots 4-9 (discussed above) provide ocean and blue water views between the homes fronting Shell Beach Road;
6. The setback from Shell Beach Road is 30 feet, exceeding the 20 feet required;
7. The open space viewing corridor provided by the project access road along the southern site boundary, in addition to the viewing corridors between homes discussed above, has been designed to meet this requirement. All setback requirements along the streets have been met or exceeded.

LUP Policy D-3-B: Subdivision Design Criteria. 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.*

Policy Consistency:

This policy requires projects to be designed to preserve some of the significant views enjoyed by residents of nearby properties, which could be blocked by the project. Please refer to the discussion under LUP Policy LU-B-5 above for a detailed assessment of the project effects on ocean and blue water views through the site and the project design elements created to preserve views through the site from Shell Beach Road. Any house along Shell Beach Road will impact views from that road to the ocean. However, through adherence to the City General Plan/LCP and Zoning Code requirements discussed above, and through design elements such as the provision of view corridors between structures and the provision of a view corridor created by the site access road, the project meets the subdivision design criteria for views through the site.

Zoning Code Section 17.081.020(C). HL-3. Height Limitations: *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.*

Policy Consistency:

This zoning requirements states that in the South Palisades planning area, two-story structures are allowable only in areas which will not substantially block ocean overviews from U.S. Highway 101. As stated in the discussion under LUP Policy LU-B-5 above, the proposed development would not block either surf or blue water ocean views from Highway 101, the surf not being visible due to the height of the bluffs and the blue water ocean views being retained due to the highway's elevation above the site.

This zoning requirement also stipulates that heights of structures immediately landward of the bluff setback shall not exceed 15 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. As stated above, the landward lots, Lots 1-3, will not exceed a 15 foot height limit and all other building heights are 25 feet or less. The proposed project is consistent with the building height limitations stipulated in Zoning Code Section 17.081.020(C).

3. Inadequate Public Access

The commenter states that North Silver Shoals Drive can accommodate over 45 parked cars for public use, and North Beachcomber Drive and South Beachcomber Drive can also provide 45 parking spaces which are often utilized. The commenter also states that the proposed development includes only private coastal access and provides for only 12 parking spaces for the public which will result in parking pressure on neighboring streets.

Response: It should be noted that the proposed project includes a bluff top open space parcel that will be dedicated to the City for public use. The commenter is incorrect in the statement that the open space access will be private.

The issue of public parking for the proposed development was addressed by the Planning Commission and Traffic Safety Committee (TSC) at the project Planning Commission Hearing. The result of the discussion included a recommended against a previously proposed temporary parking lot due to safety concerns related to the general public crossing Shell Beach Road from the temporary lot. Subsequently the project applicant developed an alternative for 7 public parking spaces located on the bulb-outs in South Silver Shoals perpendicular to the bluff. Coupled with the 7 spaces required along the subdivision's bluff top park required in Condition B-19 under the City Council staff report, a total of 14 parking spaces will be created for the public (not the 12 identified by the commenter). This provision meets the City Local Coastal Plan requirements.

It should also be noted that, according to Policy LU-B-8 of the LCP, a minimum of 65 public parking spaces are required to be provided as part of development in the South Palisades Planning Area and the North Spyglass Planning Area. According to the City Council staff report, 212 public parking spaces are located in the South Palisades and the North Spyglass Planning Areas, far exceeding City requirements for the area. These public parking opportunities include:

- North Spyglass Road (up until it starts to curve): 13 Spaces;
- The Cliffs Motel: 14 designated public beach access spaces;

- Ebb Tide Road: 26 on street; Silver Shoals: 44 on street;
- Beachcomber: 78 on street spaces;
- Lot off of Shell Beach road near Beachcomber: 8 spaces; and
- Searidge Court: 29 spaces.

March 19, 2015 Comment Letter Issues and Concerns

As a follow-up to the above referenced letter, CCC staff received an additional comment letter from one of the neighboring residents on North Silver Shoals Drive, dated March 19, 2015. The following is a summary of the comments from this letter and applicable responses.

1. Proposed Building Heights and Development Density Impacts to Coastal Views.

The commenter states that the coastal views in the project area are enjoyed by residents and visitors alike and states that the proposed project building heights and density significantly impact this resource in conflict with the City's General Plan and LCP.

Response: The issue of project impacts related to visual impacts, including building heights and development density, have been discussed in detail in the staff report notes prepared for the CCC (OEC, February 2, 2015), and addressed in detail above. Please refer to the discussion under LUP Policy LU-B-5, LUP Policy D-3-B: Subdivision Design Criteria. Views Through the Site, and Zoning Code Section 17.081.020(C). HL-3. Height Limitations, above.

In addition, please refer to the attached project photo simulations for a detailed depiction of the proposed development in relation to coastal views from Highway 101 and Shell Beach Road. As shown, the project development would be at a lower elevation when compared to the units directly neighboring the site to the north.

With the incorporation of the project design elements discussed above, impacts to coastal views are reduced to less than significant levels and are consistent with applicable City policies.

2. Street Widths and Visual Corridors.

The commenter states that the width of the proposed project access road, perpendicular to Shell Beach Road along the southern site boundary, is a visual concern. The commenter states that all of the neighboring streets provide a 40 foot-wide corridor (with the exception of El Portal Road). The commenter states that the proposed project access road corridor is limited to 20 to 30 feet-wide and does not provide a significant visual corridor, regardless of potential future development to the south (Everett parcel).

Response: The commenter's statement that the proposed project access road visual corridor is limited to 20 to 30 feet wide is incorrect. From the southern property line adjacent to the Everett parcel to the building setback line the project access road provides a 45 foot unobstructed view corridor, of which 40 feet is within a right of way. In addition to the access road visual corridor, the project provides 2 more visual corridors through the site (discussed above) to blue water views. The project is consistent with the Planning Area requirements and the City's LCP, and provides blue water views through the site intended to address coastal view resources. Please refer to the above discussion for an analysis of public parking availability.

Thank you for working with Oliveira Environmental Consulting LLC for this assignment. If you have any questions about this review, please feel free to contact me anytime at 805-234-7393 (jeffo@olive-env.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Oliveira". The signature is fluid and cursive, with the first name "Jeff" and last name "Oliveira" clearly distinguishable.

Jeff Oliveira, Principal Environmental Planner
Oliveira Environmental Consulting LLC



Pylon #2



Pylon #1

Vertical Control (Top of Pylon)
Top Elevation = 112.1'

Vertical Control (Top of Pylon)
Top Elevation = 111.9'

Survey Stake (Building Corner)
Existing Elevation = 95.03
Proposed Finish Floor Elevation = 94.71

Survey Stake (Building Corner)
Existing Elevation = 94.83
Proposed Finish Floor Elevation = 94.79

Horizontal Control (Base of Pylon)
Existing Elevation = 102.1'

Horizontal Control (Base of Pylon)
Existing Elevation = 101.9'

Architectural Model



EX PARTE COMMUNICATION DISCLOSURE FORM

- Filed by Commissioner: Steve Kinsay
- 1) Name or description of project: Shoals project, Pismo Beach subdivision
- 2) Date and time of receipt of communication: 4/23/15 3:30pm
- 3) Location of communication: I Received phone call @ Marin Civic Center
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication: Steve Paglisi
- 5) Identity of person(s) on whose behalf communication was made: Subdivision owner
- 6) Identity of persons(s) receiving communication: Steve Kinsay
- 7) Identity of all person(s) present during the communication: Steve Kinsay & Steve Paglisi

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Mr. Paglisi wanted to alert me that the Shoals project was approaching a De Novo hearing in May and that the staff report is likely to apply visual resource standards that are not applicable in the area of the project. He expects a recommendation of a limit to one story for all dwellings and he thinks that is unfair. He stated that his client may request a postponement to continue working with staff.

4/24/15
Date

SKinsay
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Erik Howell

- 1) Name or description of project: South Silver Shoals
2) Date and time of receipt of communication: May 22, 2015 12:30 pm
3) Location of communication: Pismo Beach

(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)

4) Identity of person(s) initiating communication: Stacy Bromley

5) Identity of person(s) on whose behalf communication was made: Stacy Bromley

6) Identity of persons(s) receiving communication: Erik Howell

7) Identity of all person(s) present during the communication: Steve Puglisi, Kirby Gordon, Stacy Bromley

Complete, comprehensive description of communication content (attach complete set of any text or graphic material presented):

Steve and Kirby shared that Coastal Commission staff had communicated to them that their recommendations would go beyond the streets, parking, and commission-raised view issues.

5/23/15
Date

Erik Howell
Signature of Commissioner

TIMING FOR FILING OF DISCLOSURE FORM: File this form with the Executive Director within seven (7) days of the ex parte communication, if the communication occurred seven or more days in advance of the Commission hearing on the item that was the subject of the communication. If the communication occurred within seven (7) days of the hearing, provide the information orally on the record of the proceeding and provide the Executive Director with a copy of any written material that was part of the communication. This form may be filed with the Executive Director in addition to the oral disclosure.

August 8, 2015

Brian O'Neill, California Coastal Commission Staff

Ref: TRACT number 3043 South Silver Shoals Subdivision, Pismo Beach (previously considered by the Commission in January 2015 under Appeal No. A-3-PSB-14-0057 and referred for a de Novo hearing)

CC: California Coastal Commissioners

Dear Brian,

Thank you for allowing the following input from the residents of the immediate neighborhood adjacent to this proposed project prior to Staff making their recommendations to the full Commission. The issues remain the same as noted before in letters to Staff and Commissioners, and we would like to take this opportunity to expand on these as well as address some of the new proposals as put forth by the developer.

1. The lack of sufficient public parking in this development for public access to the beachside bluff top park and the beach remains a major concern. North Silver Shoals provides a 40' wide street with parking on both sides that will accommodate 45-50 vehicles. Even this number is considered insufficient by both the general public, residents, and City officials. Please note Attachment A which contains pictures of the heavy traffic on a typical weekend, as well as an email from the City Engineer, Ben Fine, in which he confirms this lack of sufficient parking on N. Silver Shoals. Also please note the Table PR-4 from the local coastal plan of Pismo Beach which indicates >150 on street parking spaces available on N and S Beachcomber, which is the 40' wide looped street immediately north of N. Silver Shoals. Many weekends find all of these streets fully utilized by the public desiring bluff top and beach access. Also included in this attachment is a picture of the 40' wide street immediately to the south of the development, known as Ebb Tide Dr., which can accommodate up to 30 vehicles. This street is also often full of public cars seeking to access the beach and coastal park.

By contrast, the developer seeks to provide public parking for only 12 vehicles while maximizing the density of the project. This should not be permitted. A 40' wide street with public parking on both sides should be mandated for this project. Such a requirement provides both consistency with the existing neighborhoods as well as providing coastal recreational opportunities for the public.

This requirement would be in keeping with Chapter 3 of the Coastal Act,

Section 30212.5 Public facilities; distribution

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Public parking for access to the bluff top park and the sandy beach below should not be forced onto the nearby 40' wide streets to the north and south when the parking situation on these streets has already been identified as insufficient. Additional public parking which will allow for greater public access and recreational opportunities should be required for this project.

2. The developer consistently claims that the street will be widened in the future once the property to the south owned by Mr. Everett is eventually "developed." This argument does not pass the common sense test and is simply a ruse to justify their economic model/lack of public parking. Please reference Attachment B, which contains pictures of the four actual undeveloped tracts in the area. Contrast this with the pictures and aerial map of Mr. Everett's property and it becomes clear that Mr. Everett's property is already developed. It may not be subdivided to the extent the developer wishes to subdivide his parcel, but the fact remains that Mr. Everett's property is, in fact, already developed. This argument from the developer may conform to the LCP adopted by the City in 1993, however, that part of the LCP clearly was a mistake since Mr. Everett's home and apartments already existed, having been built in the 1970's. Also please reference the letter directly from Mr. Everett dated July 24, 2015 in which he states that his property is already developed, and he has no intention of building an additional road. Unless eminent domain is applied, he cannot be forced to build a new road.

Even if one were to accept the developer's argument that the portion of the road adjacent to Mr. Everett's property would eventually be widened, this still does not address the fact that the portion of the proposed road that runs parallel to the beach is only 20-30' wide, instead of the standard 40' road that exists throughout the Shell Beach community. The argument that bluff top erosion setback requirements prohibit this can be solved by extending the width of the road away from the bluff and in the direction of Shell Beach Road. Required bluff top setback requirements would then still be met.

If the developer is allowed to build a 20' wide road instead of a 40' wide road with public parking on both sides of the street, the public will never see the 40' wide the developer promises will happen "sometime in the future."

3. The proposed building heights of 25' are too high; inconsistent with the surrounding neighborhood, and will severely restrict public ocean views from both Hwy 101 and Shell Beach Rd. The heights should be restricted to 15' which would maximize the view corridors for the public enjoyment. The developer submitted an additional site line from 3' above the No. 2 southbound travel lane of Hwy 101 to a point 15' above the midpoint of the ocean fronting lot. With this submission, he indicates that if he is restricted to this height, most, if not all structures would be reduced to approx 18' and a single story configuration. This is incorrect, since four of the 10 homes in the North Silver Shoals development are actually two story configurations, three of which are limited to a maximum height of 18' and including one of the two ocean front lots that has a 15' height limitation. A slight excavation below pad height might be required, but it is feasible and has already been done four times on North Silver Shoals Dr. A 15' height limitation on all structures in the development would be most desirable to maximize public views, but in no case should they be allowed to build to greater than an 18' height. Maximization of public ocean views is consistent with the LCP and the goals of the California Coastal Commission.

4. Attachment C shows a picture of a "view corridor" that was required of the developer of the Beachcomber development two streets to the north. There is also a picture of the "significant view corridor" that was required as a condition for the development of the 10 lot subdivision on N. Silver Shoals immediately adjacent to the S. Silver Shoals proposed development (refer to page 11 of the Coastal Commission Staff report dated 8/15/96 found in Attachment E). As the pictures show, these view corridors are overgrown with vegetation and landscaping. Unfortunately, there is no mechanism for enforcement on landscaping that insures view corridors, no matter what initial restrictions are placed on a development. The only way to guarantee a view corridor for the future is to mandate the 40' wide street throughout the development as well as restricting the building heights to 15'. Also included in Attachment C is a picture of the excellent views available from Shell Beach Road over a 15' high home located only two blocks north of the proposed project.

Please reference Attachment D which shows the excellent view corridors from Shell Beach Road to the ocean on all of the 40' wide perpendicular streets in the surrounding neighborhoods.

5. The latest sketches submitted to Staff regarding parking in the existing cul-de-sac are superseded by the Conditions of Approval for the N. Silver Shoals development issued by the California Coastal Commission dated 8/15/96 which states that the cul-de-sac that currently exists on N. Silver Shoals is a temporary intrusion into the bluff top open space area and is to be removed when the looped road is continued to the south. This is Special Condition number 2. A bond or deposit of the amount of money deemed sufficient by the City of Pismo Beach to pay for the removal of the cul-de-sac was required of the permittee prior to the recordation of a final map. Clearly the intent of this requirement was to continue the 40' wide road when the S. Silver Shoals road is constructed. The developer does not comply with this intent when he proposes only a 20' wide road expanding to 30' wide and then constricting back down to 20' wide prior to joining Shell Beach Road. Please reference Attachment E.

Thank you very much for the opportunity to present this additional information to you on behalf of the concerned citizens and residents of the neighborhoods immediately adjacent to this proposed project.

Sincerely,

Edward Henry
117 N. Silver Shoals
Shell Beach, CA 93449



11-5
Edward Henry <edhenry11@gmail.com>

North Silver Shoals parking

Fine, Benjamin <bfine@pismo beach.org>
To: Edward Henry <edhenry11@gmail.com>

Tue, Jul 21, 2015 at 11:02 AM

Ed

There is not a magic number. Clearly there is not enough parking for the beach access at this location. This is evident by the number of cars that park illegally and the number of cars seen driving down silver shoals, turning around and then looking for a place to park nearby.

Ben

Benjamin A. Fine, PE

Director of Public Works/City Engineer

City of Pismo Beach

805.773.7037 (Direct)

805.773.4686 (fax)

bfine@pismo beach.org



From: Edward Henry [mailto:edhenry11@gmail.com]
Sent: Tuesday, July 21, 2015 10:17 AM
To: Fine, Benjamin
Subject: North Silver Shoals parking

Good morning, Ben. Thank you for speaking with us yesterday regarding the parking/traffic situation on North Silver Shoals and future parking options in the current cup-de-sac.. You were very helpful, and we appreciate your time and knowledge.

I had one additional question I was hoping you could answer for me. During our discussion, you made the comment that the City Engineering had identified the public parking on North Silver Shoals as inadequate. I count

approximately 45-50 parking spaces on North Silver Shoals which are available to the public. I believe the city has calculated approximately 150 public parking spaces available on both North and South Beachcomber.

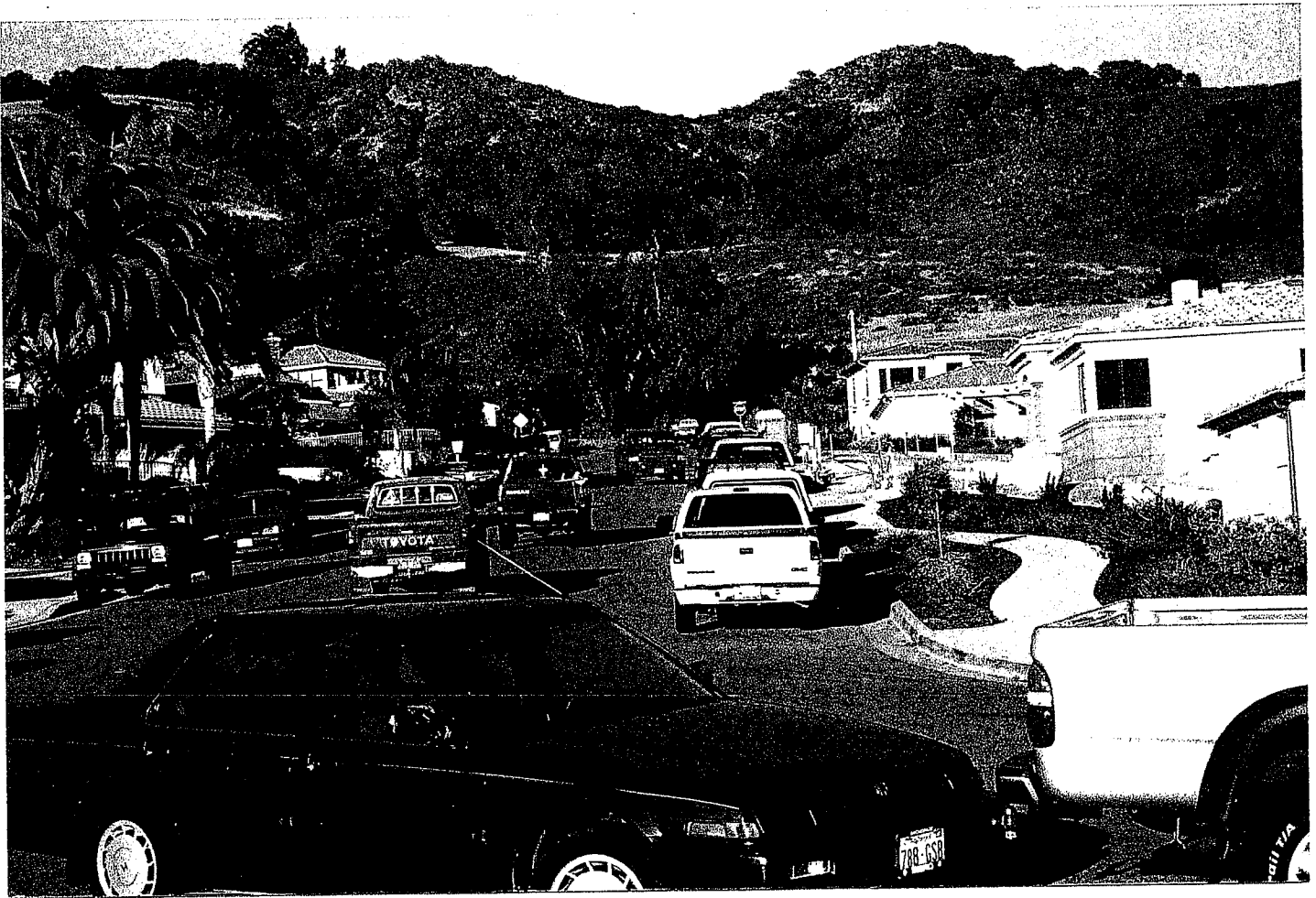
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How many spaces are we lacking on North Silver Shoals that would be what the Engineering Department would deem sufficient?

Thank you,

Ed Henry

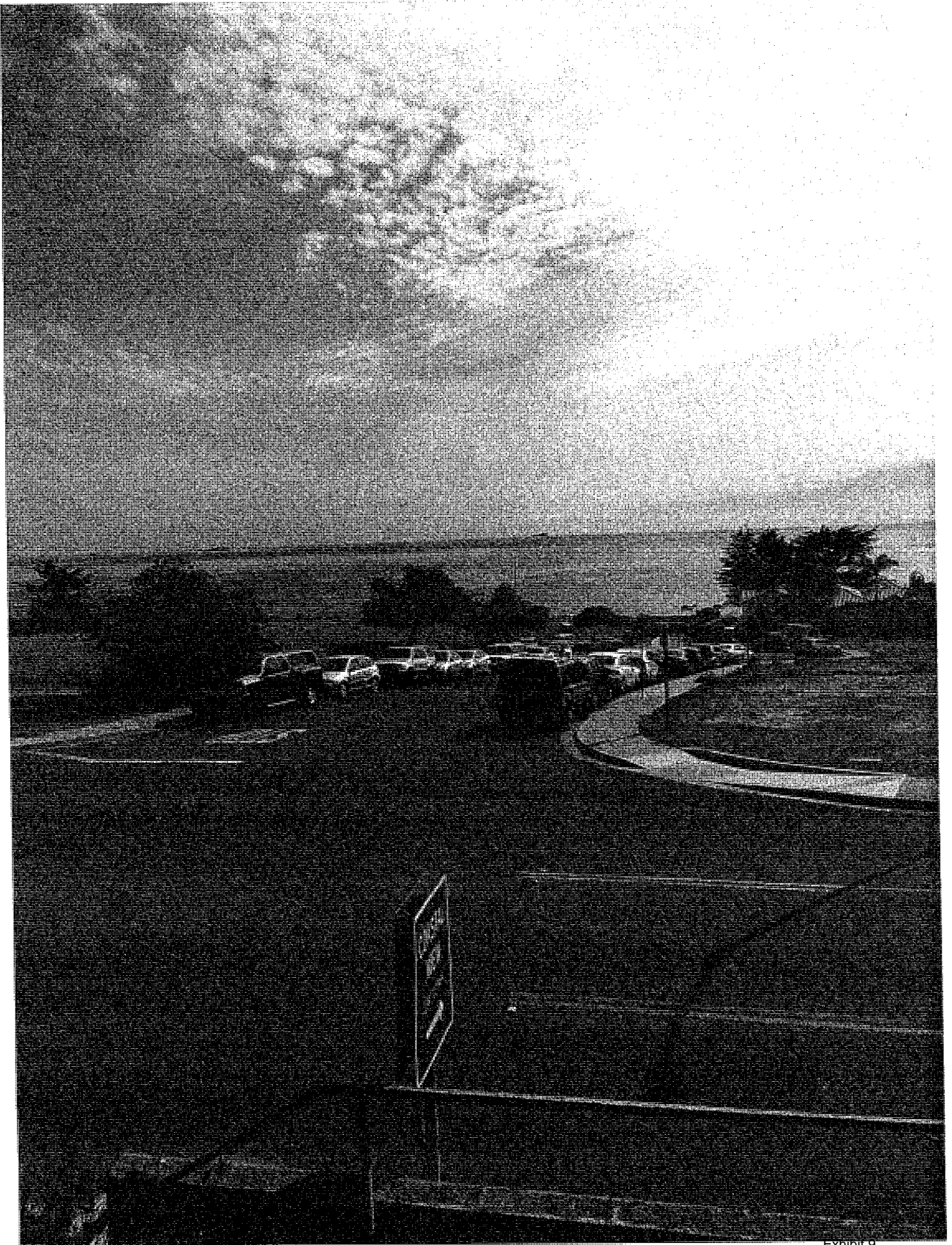
117 N. Silver Shoals



TYPICAL BEACH-GOERS' PARKING
CONGESTION PROBLEMS ON
SILVER SHOALS DRIVE

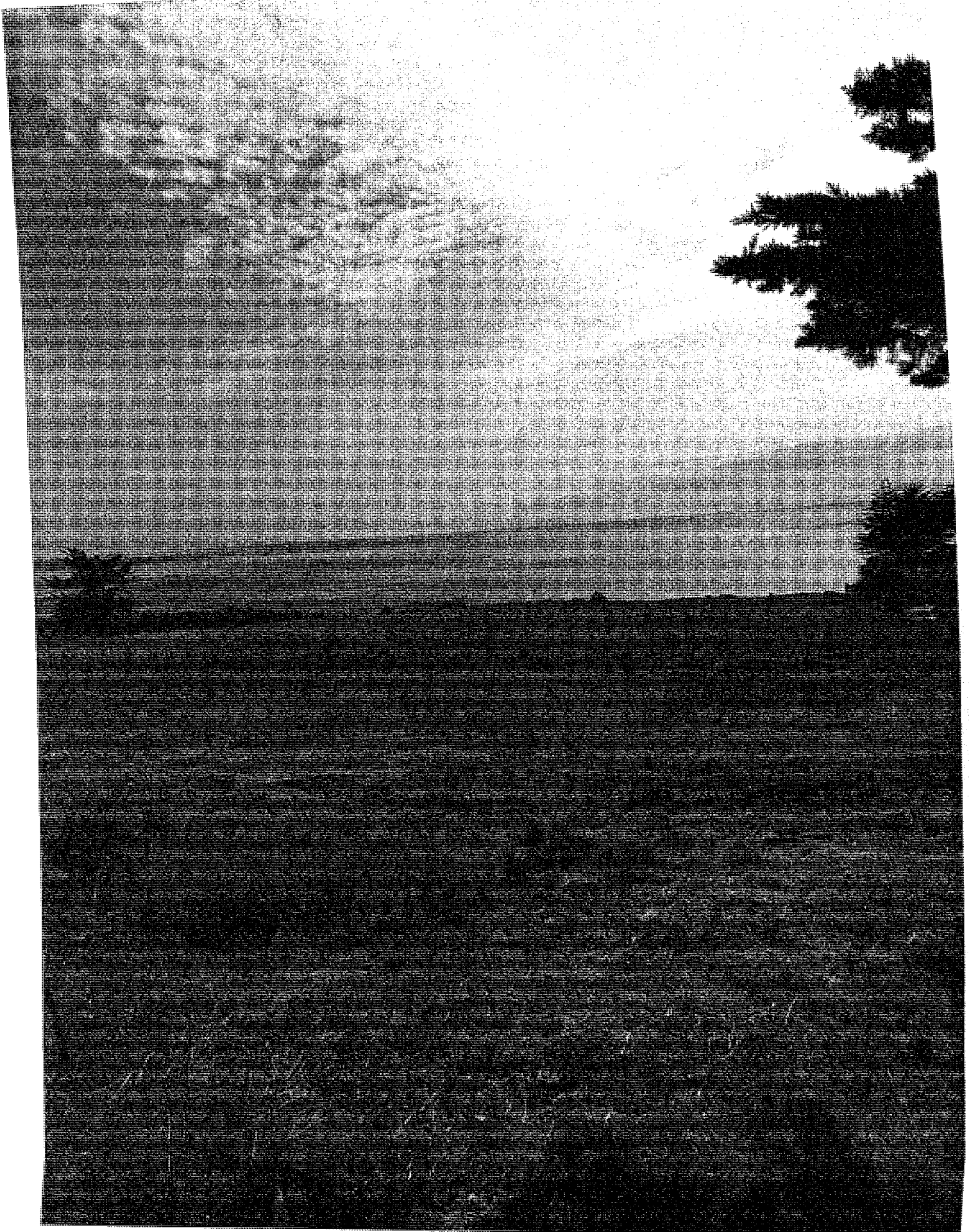
Table PR-4 Physical and Visual Ocean Access/California Coastal Trail (See Figure PR-3 for map locations)												X - Existing # - Proposed
Planning Area	Access Points	Public Beach Access Stairs	Walking Path and/or Walking with View Access	Direct Beach Access No Stairs	View Points	Lateral Open Space Top of Bluff	Barranca	Parking On-Street	Parking Off-Street	Signage &/or Amenities	Open to Public	Comments
A. Sunset Palisades	1a: The Bluffs trail		X		X	X			X	X	X	Improved public trail with access at the north end connecting to SLO County trail.
	1b: Indio Drive		X		X			X		X	X	On-street section of the California Coastal Trail with ocean overlooks.
	2. Encanto		X		X			X		#		No improvements
	3. Topaz St.		X		X			X		#		No improvements
	4. Robin St.		X		X			X		#		Improvements complete
B. South Palisades	5. Beachcomber stairs	X	X		X	X		X		X	X	Located at lateral bluff top park 80% improves with park/open space amenities (benches, picnic tables), and >150 on-street parking spaces available.
	6. Sunset Beach Estates stairs	#	#		#	#		#		#	#	North side of Barranca with access to South Palisades Park areas adjacent Ebb Tide. Approved subdivision will linear park and beach access.
C. North Spyglass	7a. Cliffs Hotel stairs	X	X		X	X	X		X	X	X	Trash receptacles available.
	7b. Bluff top trail		X		X	X	X		X	X	X	Improved public access bluff top trail at the rear of the Cliff's Hotel, Dolphin Bay Resort, and Spyglass Inn.
D. Spyglass	8. Spyglass Park	#	X		X	X	X		X	#	X	Keep dirt trail at the edge of Barranca provides beach access but should be improved. Benches and trash receptacles available along bluff top.

Table PR-4 Physical and Visual Ocean Access/California Coastal Trail (See Figure PR-3 for map locations)												X - Existing # - Proposed
Planning Area	Access Points	Public Beach Access Stairs	Walking Path and/or Walking with View Access	Direct Beach Access No Stairs	View Points	Lateral Open Space Top of Bluff	Barranca	Parking On-Street	Parking Off-Street	Signage &/or Amenities	Open to Public	Comments
E. St. Andrews Tract	9a. Memory Park	#			X	X		X		X	X	Benches, tables, trash receptacles available. A beach access stairway to St. Andrews Beach shall be installed in this area.
	9b. Seacliff Access path		X							#		Walking path between 182 and 188 Seacliff public access easement between St. Andrews Tract subdivision and Spyglass Park. Ongoing bluff erosion may affect the functionality of this access easement in the future.
F. Spindrift	10. Linear Bluff top park	#	#		#	#			#	#	X	Area for lateral park to be dedicated with future development of the estates pursuant to Policy LU-P-3 and LU-P-4. Pedestrian access to the area is from Naomi and Park Place. Pedestrian access easement over the park shall be no closer than 25' from the top of the bluff.
H. Shell Beach	11a. Eldrayen Ocean Park	X	X		X	X		X		X	X	Beach access at Vista Del Mar and Cuyama. Cuyama stairs require improvements.
	11b. Becker overlook		X		X	X		X		X	X	Access path from Placenta to Becker along oceanfront. Future public bluff top access through to Ocean Blvd. to the south if/when development occurs directly to the southwest of Becker.



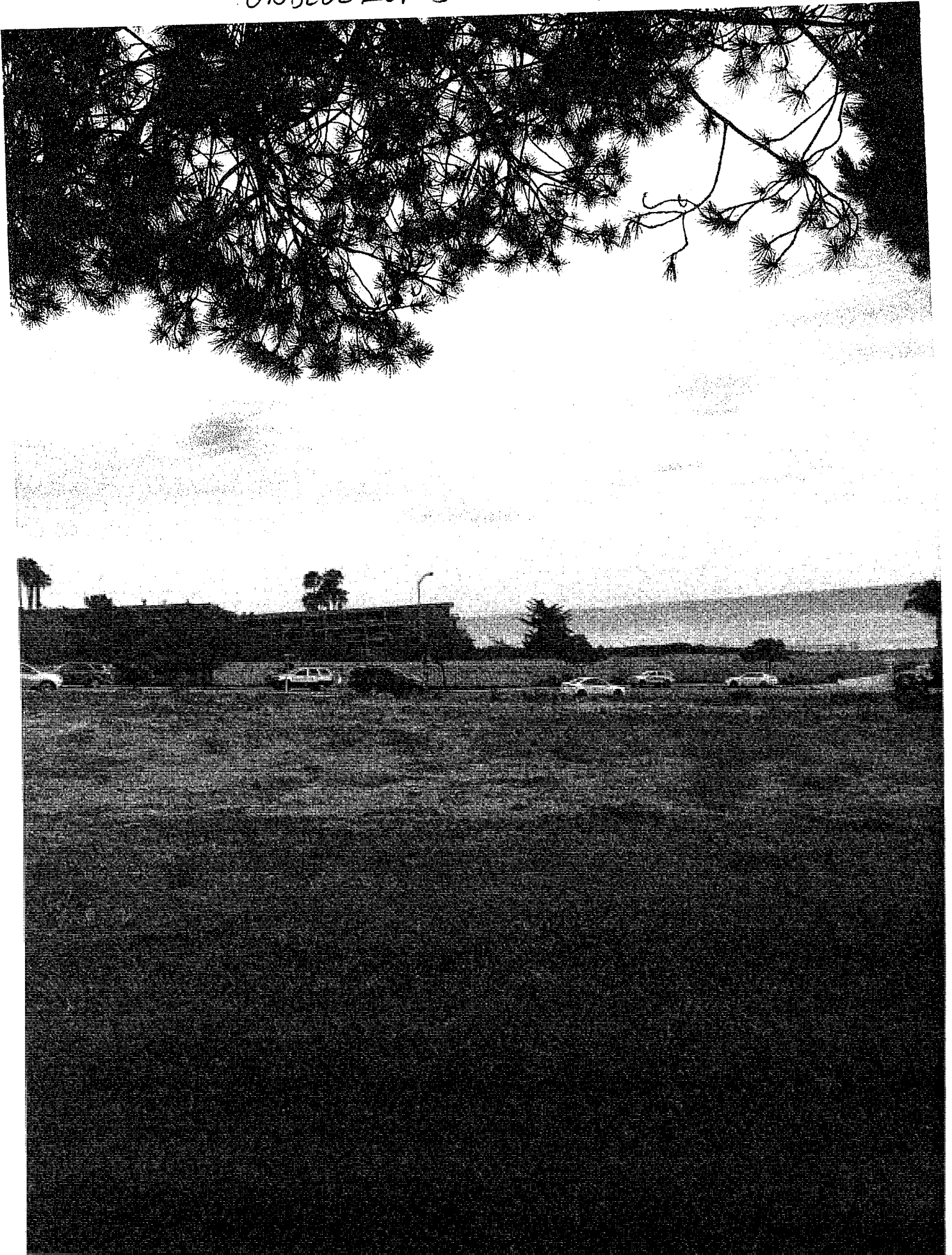
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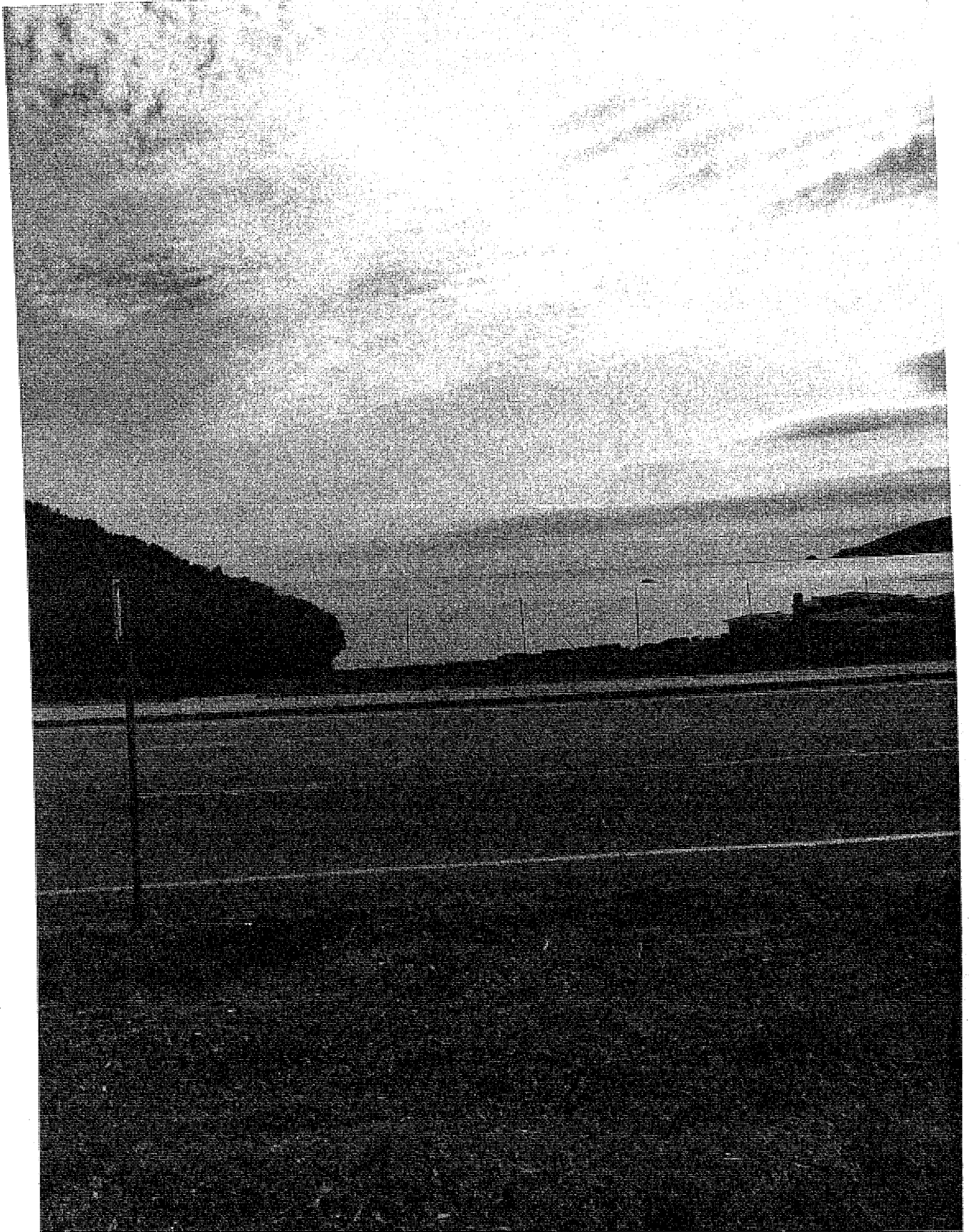
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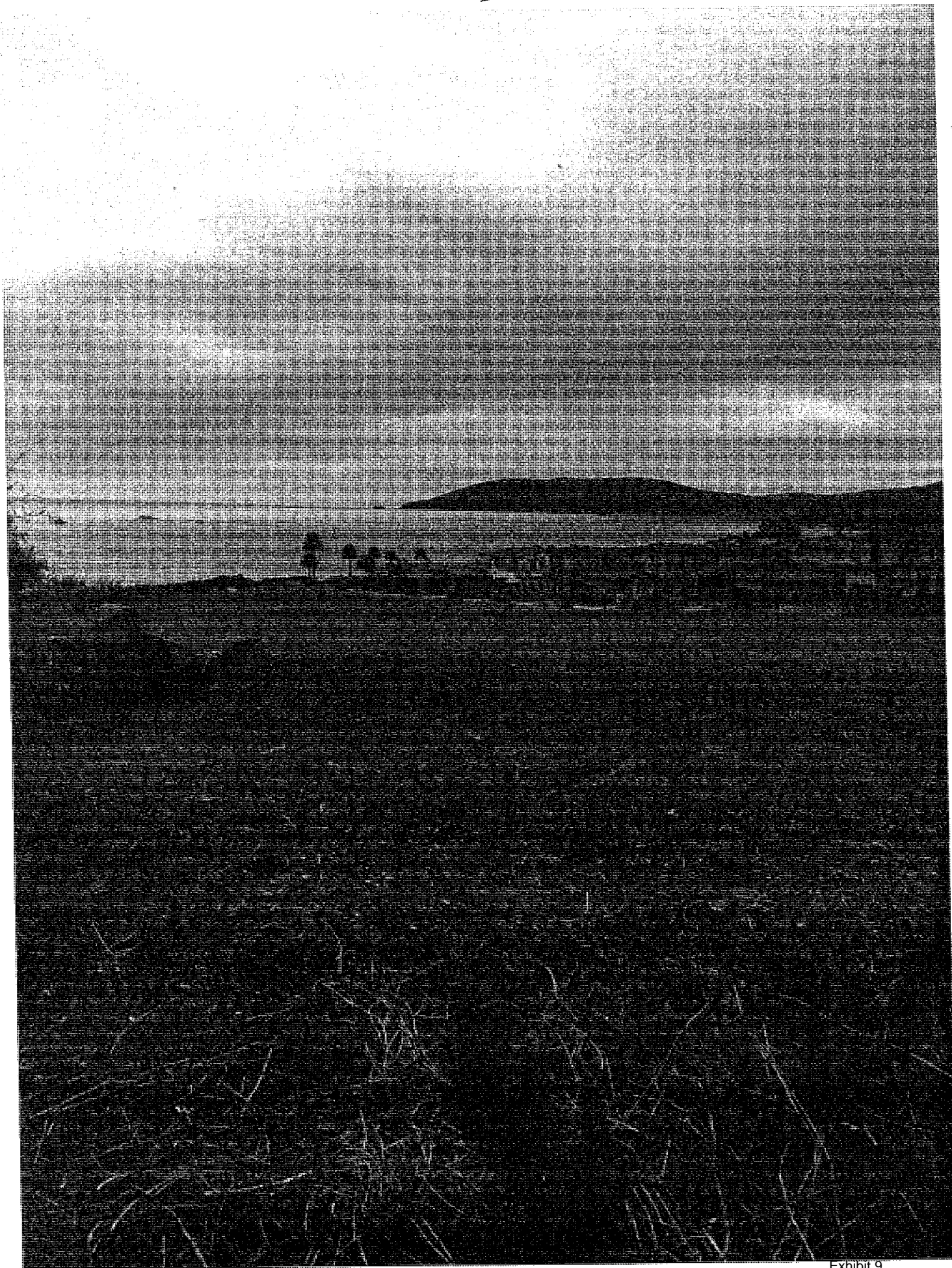
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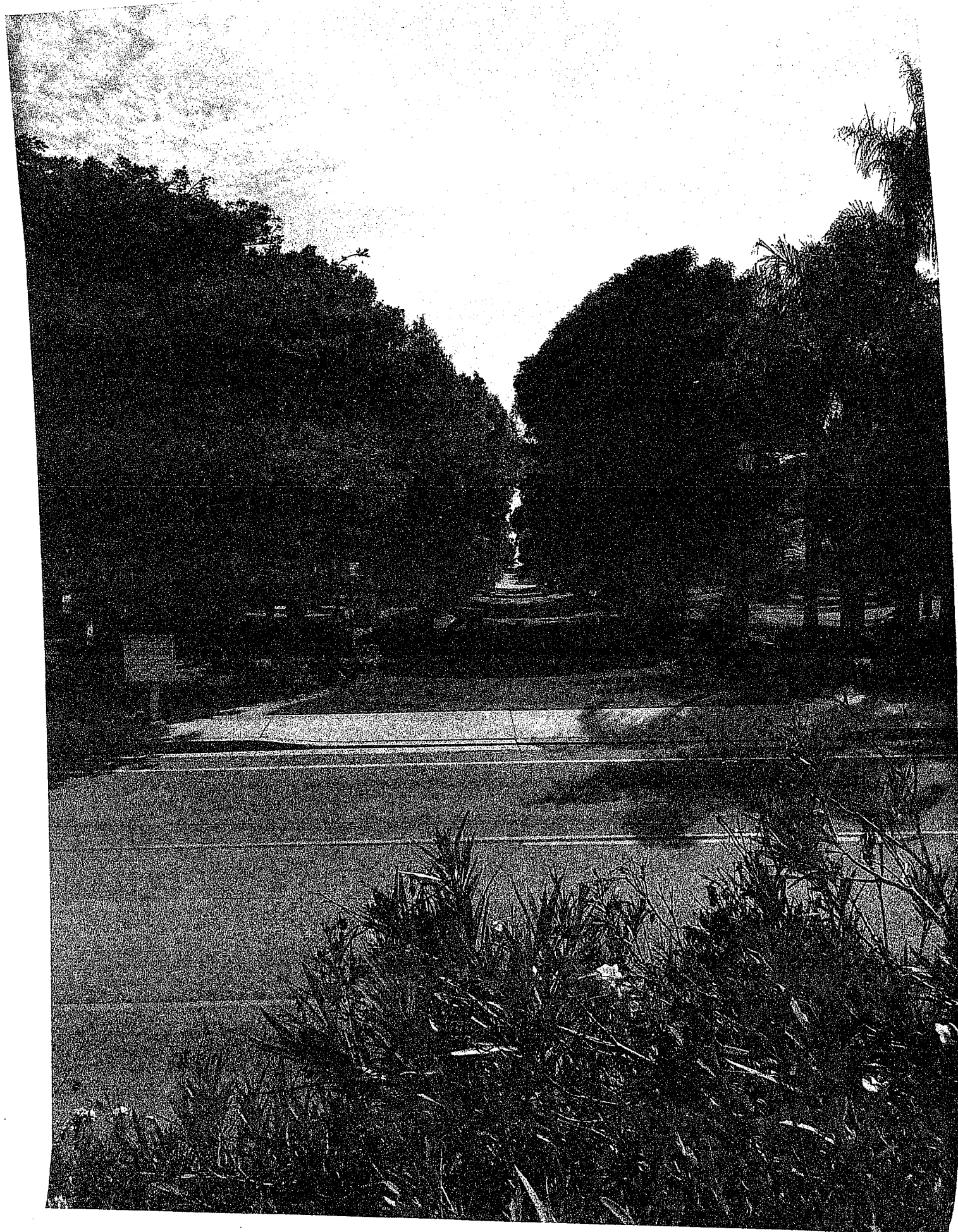
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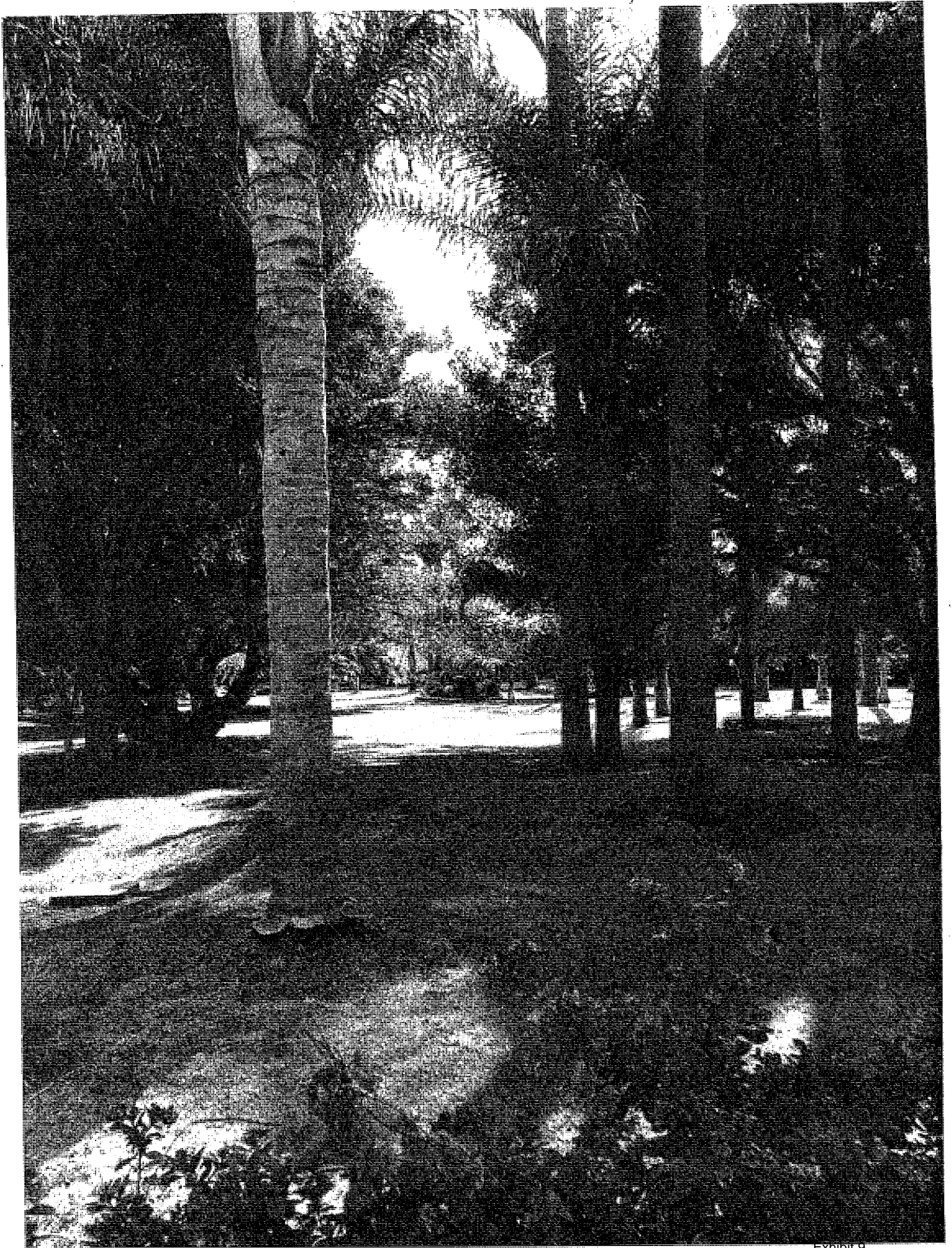


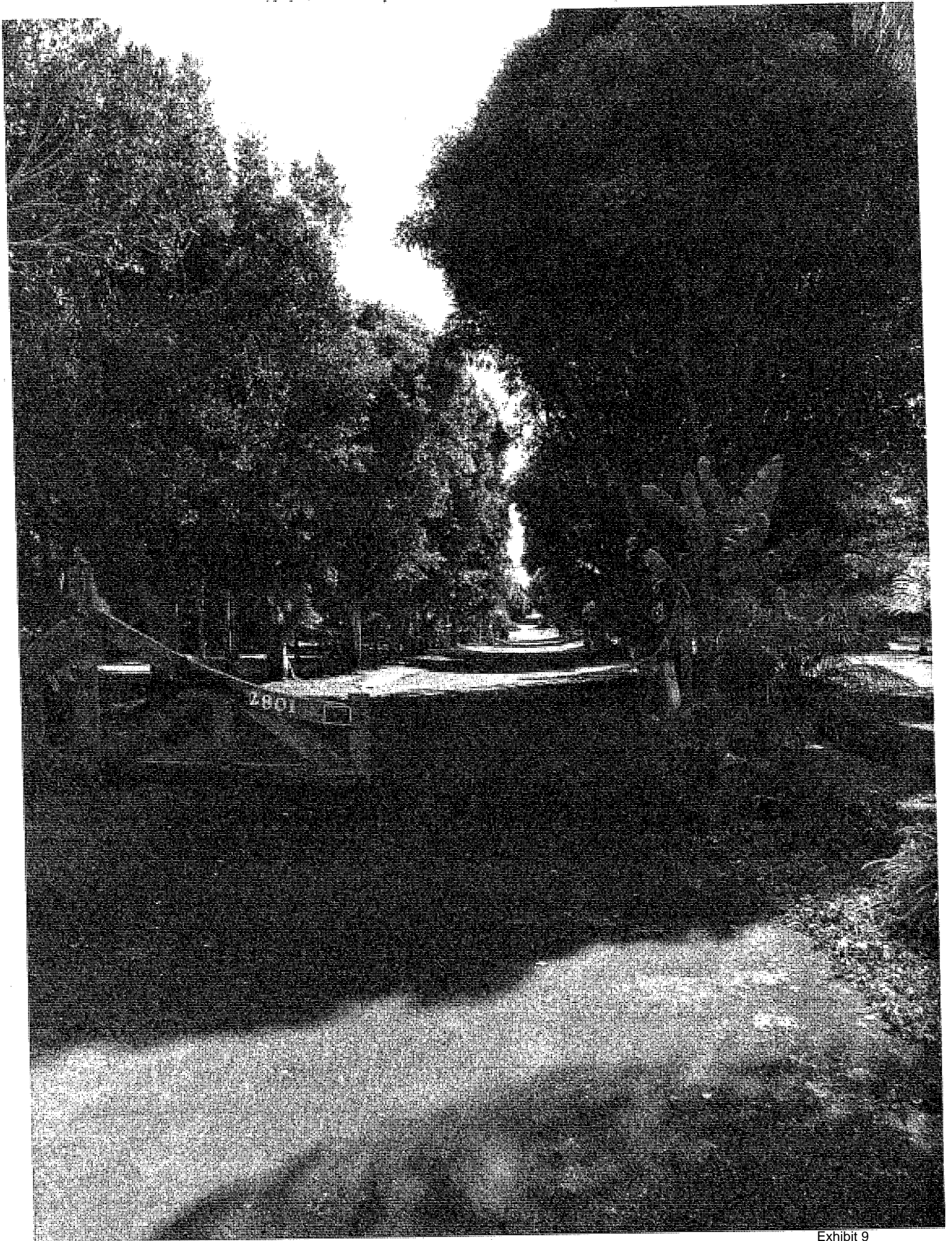


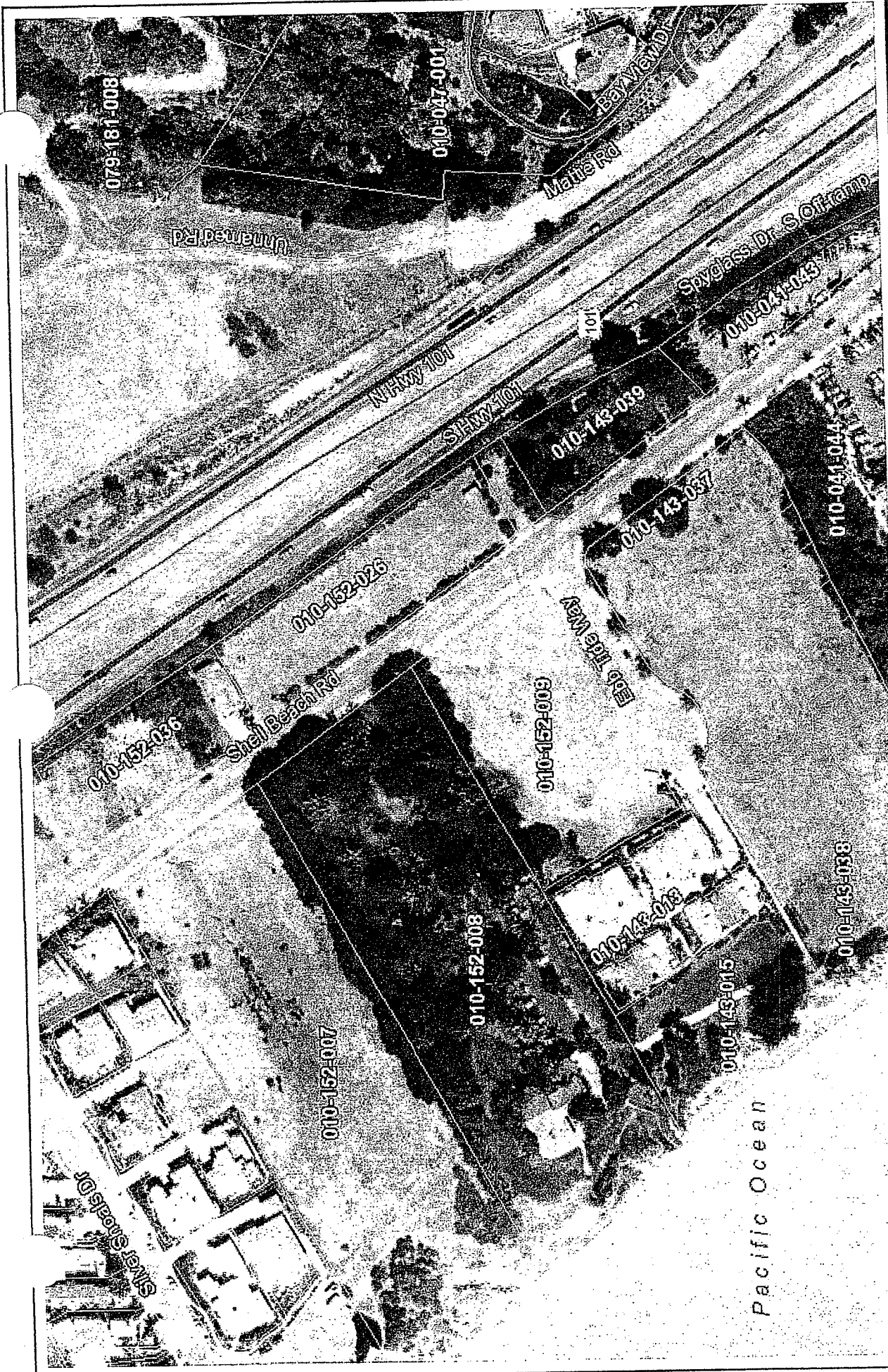
MR. EVERRET'S PROPERTY

5/10



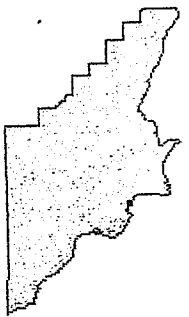






Map for Reference Purposes Only. The County of San Luis Obispo does not assume liability for any damages caused by errors or omissions in the data and makes no warranty of any kind, express or implied, that these data are accurate and reliable.

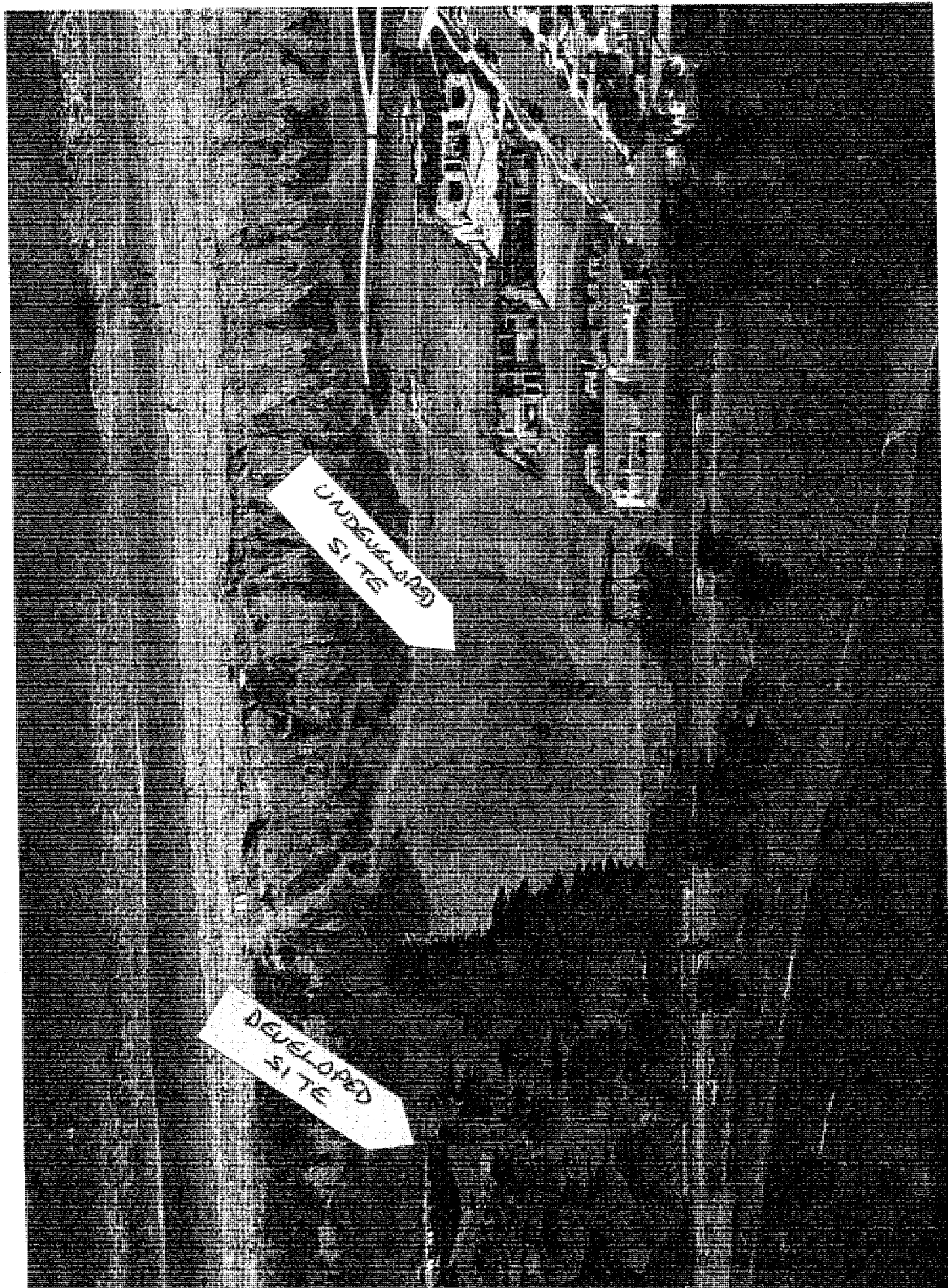
Create 7/26/2014



Not To Scale
Distances, areas and coordinates
hereon, if any, are approximate



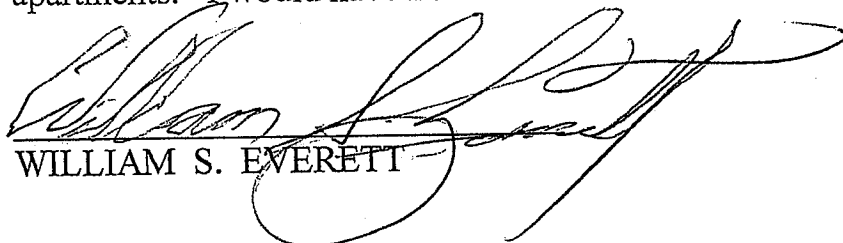
San Luis Obispo County
Assessor's Office
Mapping Section
(805) 781-5643



July 24, 2015
California Coastal Commission
To whom it may concern:

I, William S. Everett, own and live on the property at 2801 Shell Beach Road. The property is a developed property with an ocean front main house and five very nice, well-kept apartments. Access to the six dwellings is through an asphalt road and Cul-De-Sac that enters and exits from Shell Beach Road. None of the six dwellings are more than 15 feet in height.

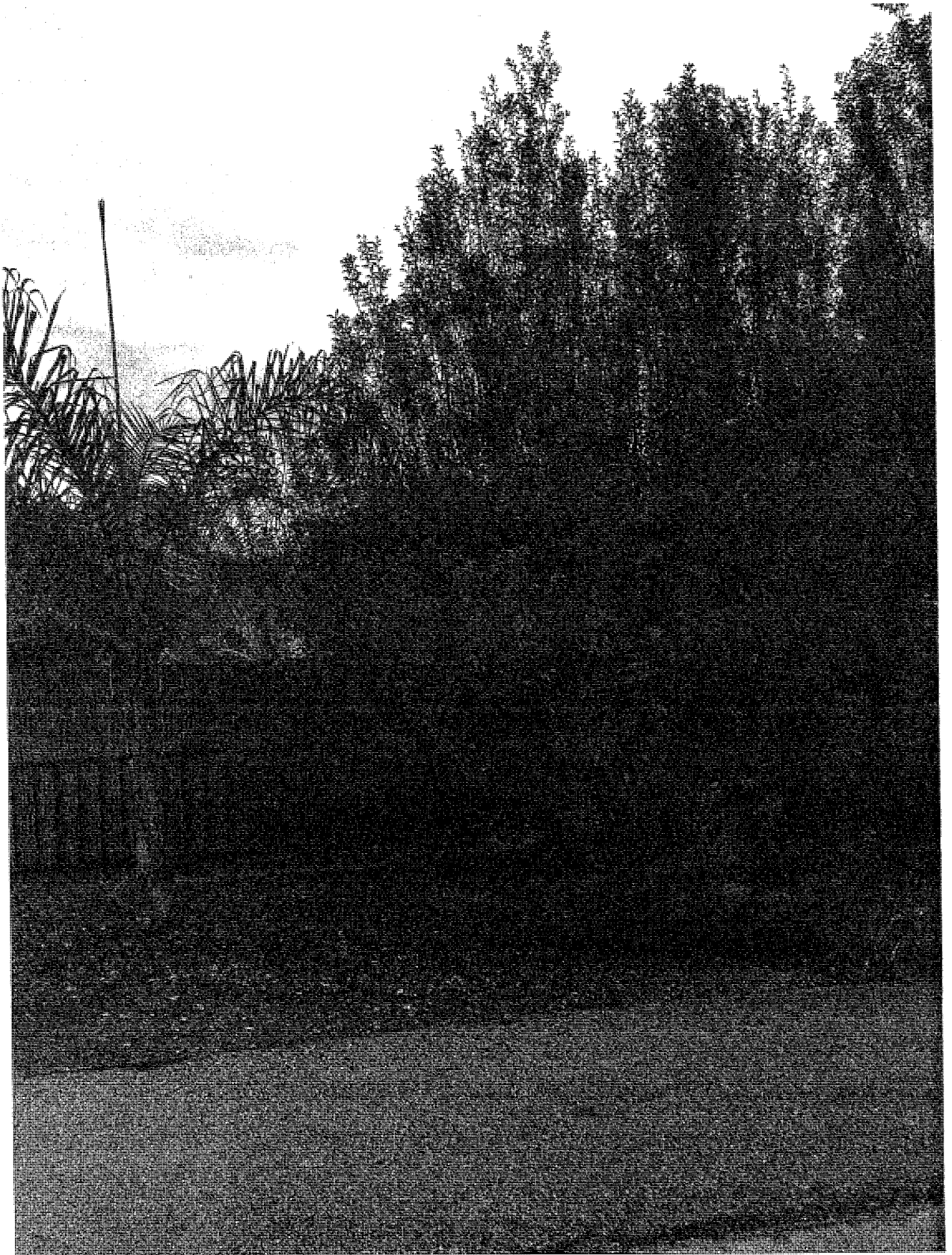
If I wished to build additional apartments on my property, I have plenty of land on both sides of my existing road, for many additional apartments. I would have no reason to build an additional road.

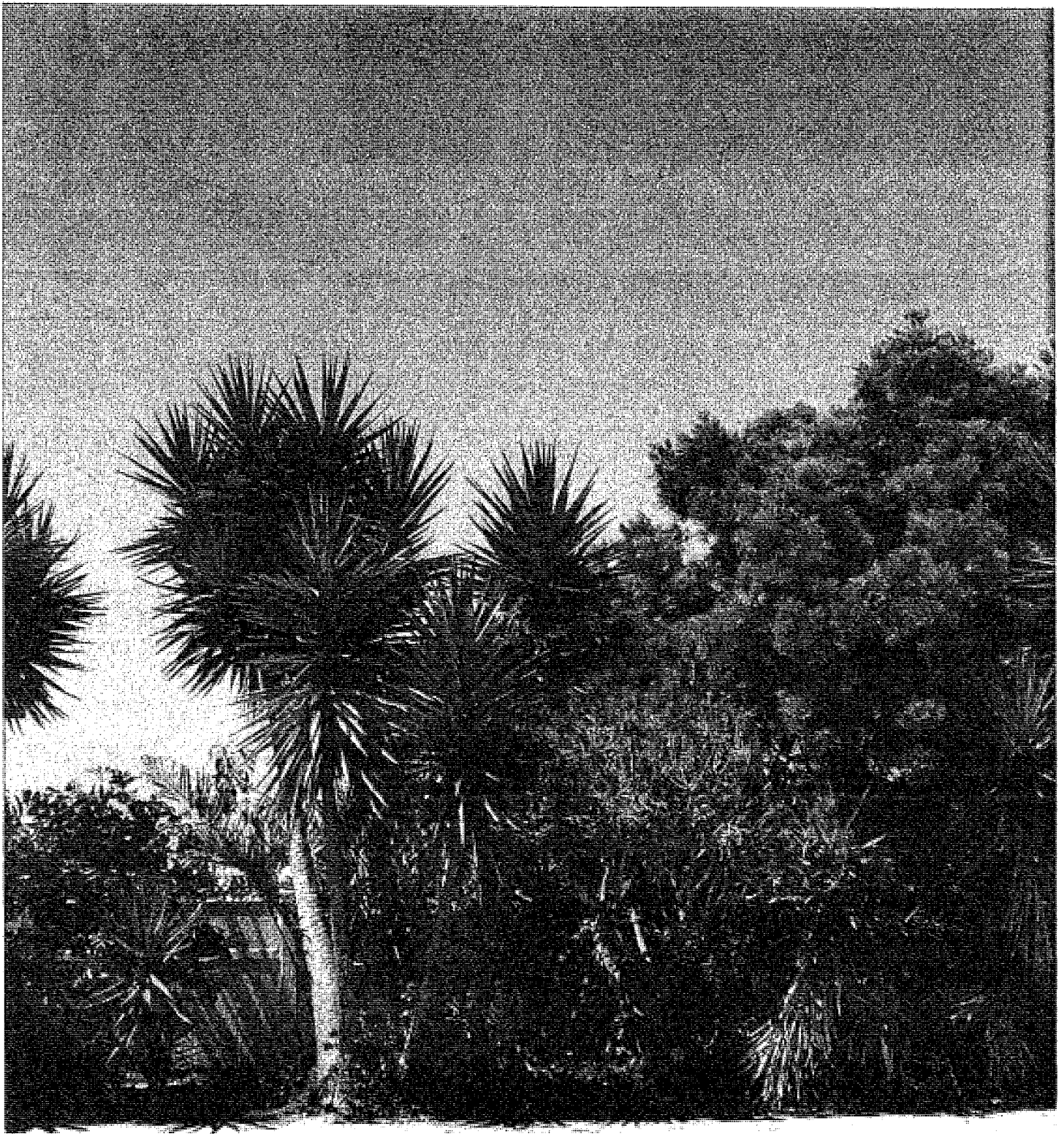


WILLIAM S. EVERETT

ATTACHMENT C

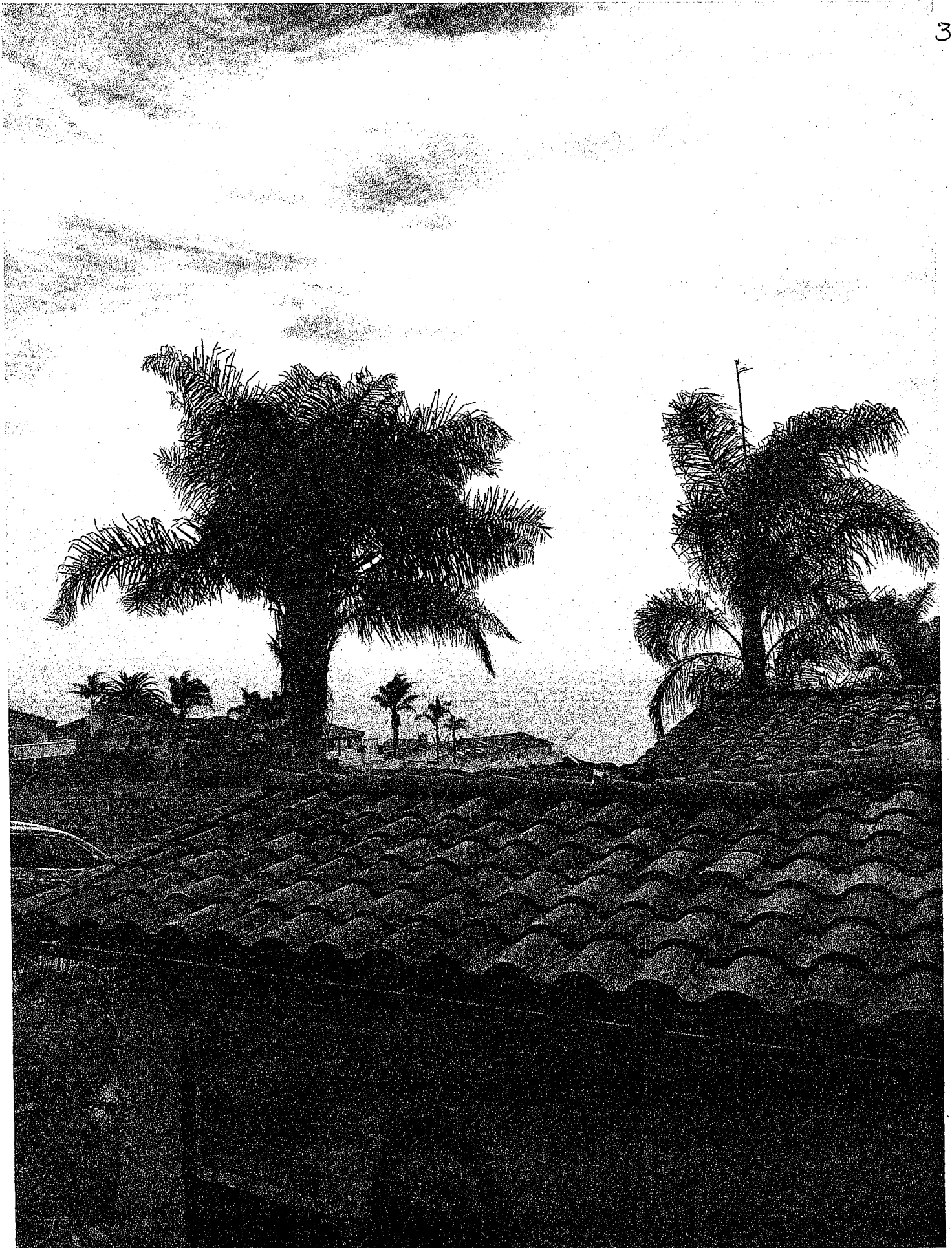
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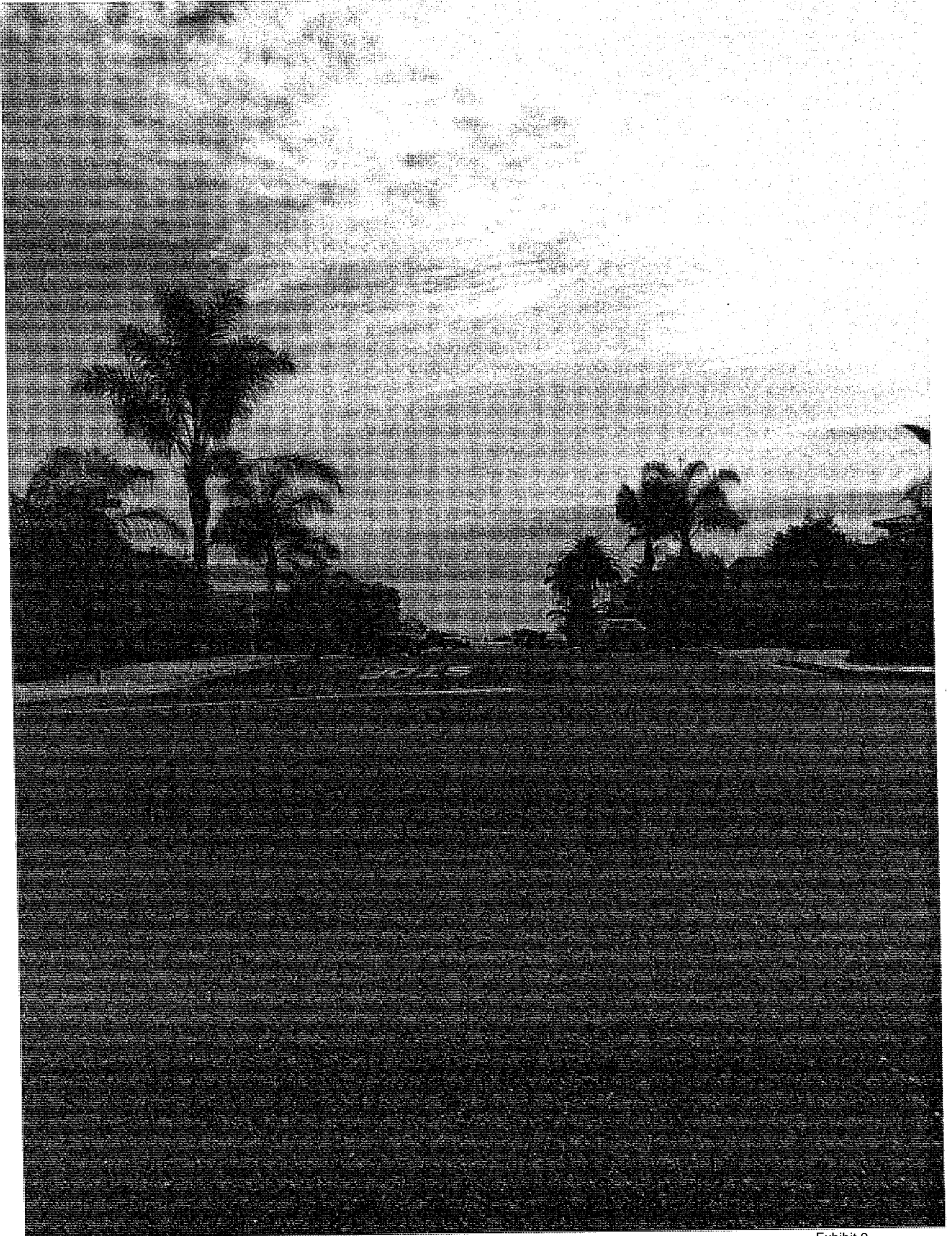


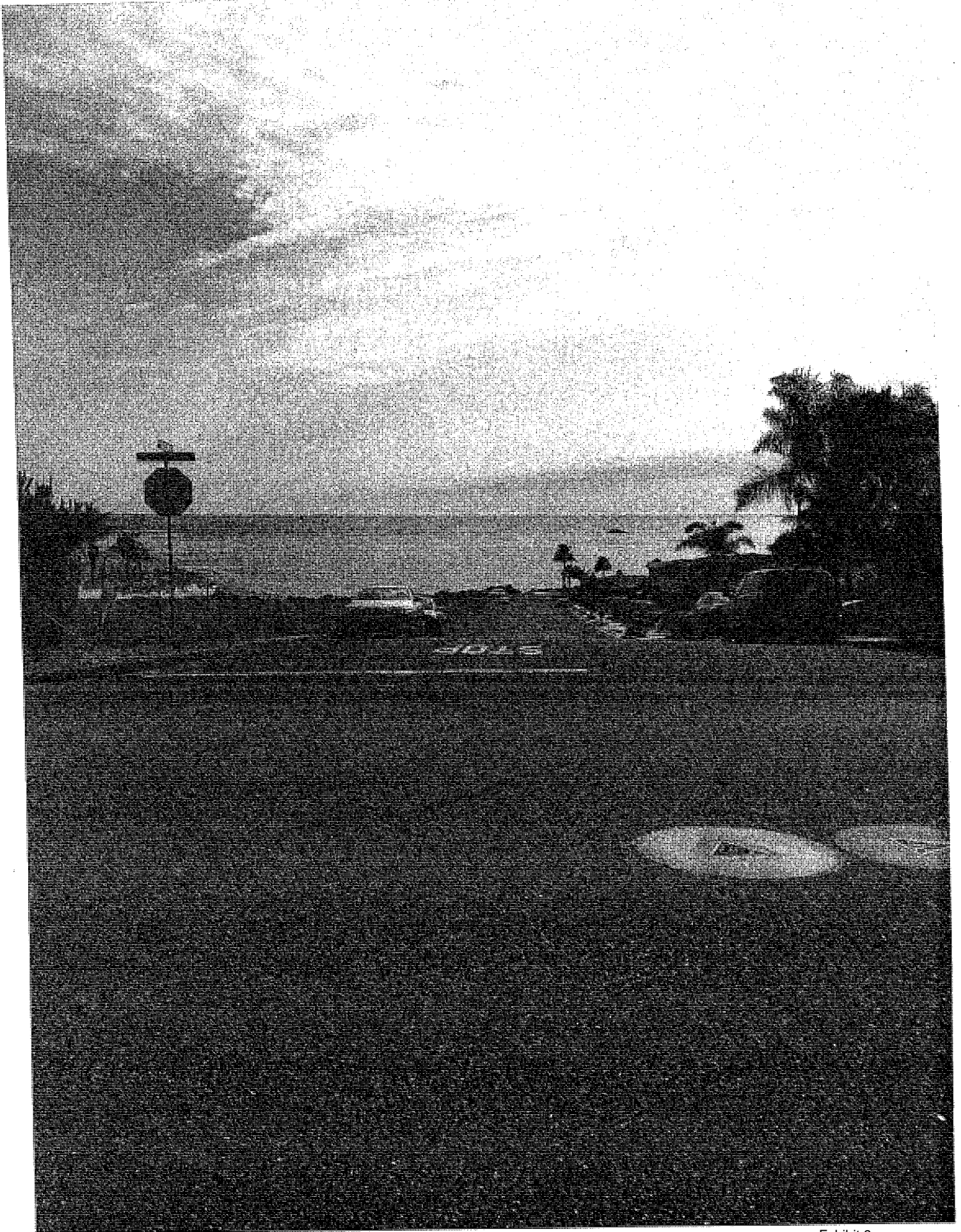


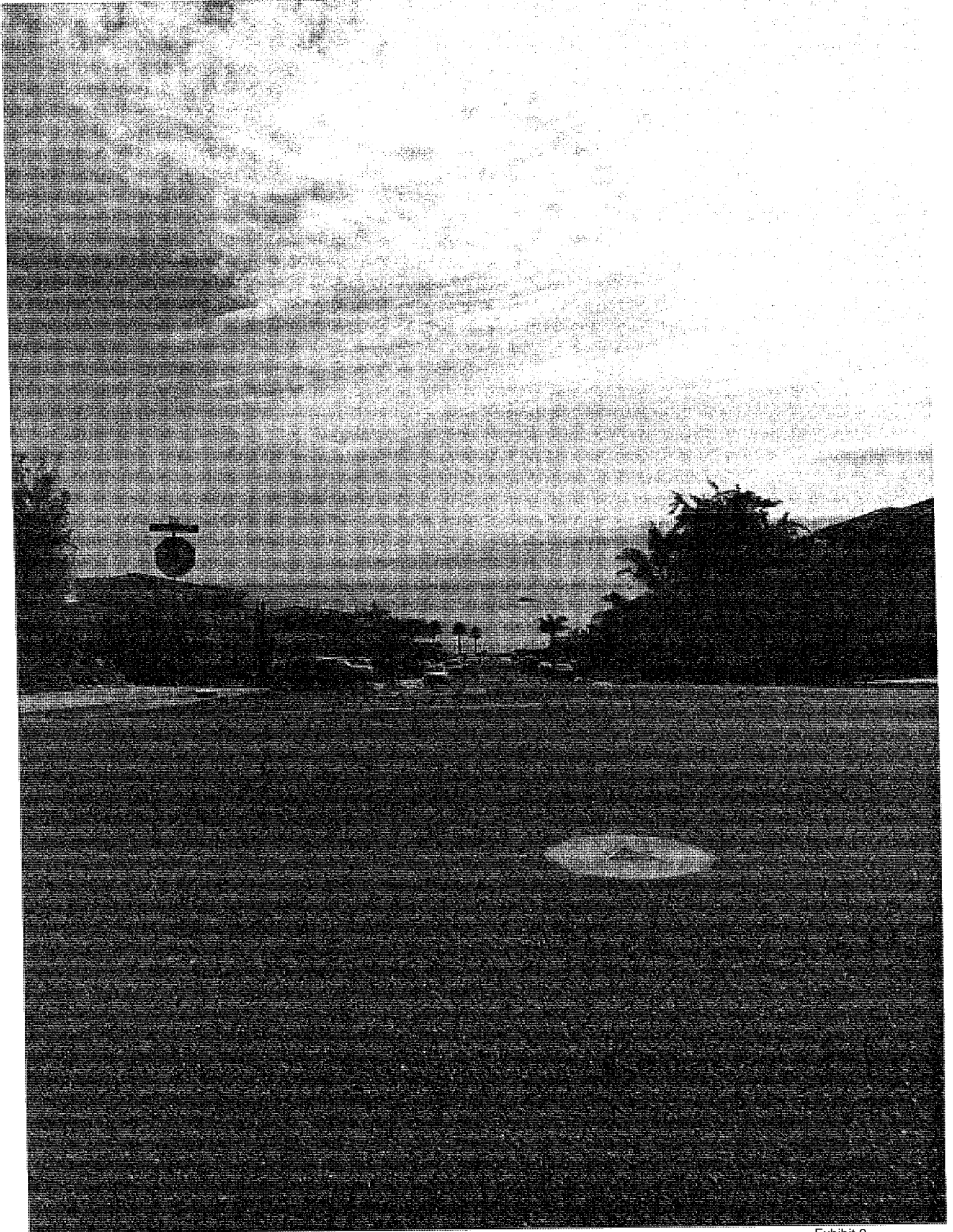
VIEW AVAILABLE OVER A 15' HIGH HOME

3/3















RECEIVED

AUG 20 2015

CALIFORNIA
COASTAL COMMISSION

MARILYN S HANSEN JD

PO Box 3073

Shell Beach California 93448

805-773-2773

August 8, 2015

RECEIVED

AUG 17 2015

CALIFORNIA
COASTAL COMMISSION

Received

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TRACT 3043

California Coastal Commission
South Central Coast District

To: California Coastal Commission Staff

To: Brian O'Neill, Staff — South Central Coast District, California
Coastal Commission.

To: Erik Howell, California Coastal Commissioner

To: California Coastal Commissioners

45 Fremont St., Suite 2000

San Francisco CA 94105

(Ref: Tract 3043 South Silver Shoals Subdivision, Pismo Beach; previously considered by the Commission, January 2015—Appeal No. A-3-PSB-14-0057, and referred for de Novo hearing.)

The homes to be built at Tract 3043 should all be no more than 15 feet high. A limit of 15 foot high homes would maximize the ocean views for motorists traveling on Hwy 101. Just as importantly, a 15 foot height limit would guarantee an ocean view for all of the hundreds of drivers, bicyclists, joggers, walkers and the sight-seeing public who on a daily basis travel along Shell Beach Road.

Shell Beach Road has been designated as a "scenic highway"; shown on some maps as, "State Route 1", and it is a very important part of the "Pacific Coast Bike Route".

Unfortunately, if Tract 3043 homes are 18 feet high, the current beautiful ocean view that drivers and bicyclists now enjoy while traveling along Shell Beach Road will be forever destroyed.

Enclosed please find a copy of a sales photo of the ocean front home located at 137 Silver Shoals Drive. The square-footage of this home is 4,856 feet. Notably, this is a two-story home, and amazingly, it is only 15 feet high.

This home could have been designed to be a two-story duplex with each unit being 2,428 sq.ft.; or a two-story four-plex with each unit being a respectable 1,214 sq.ft.

Enclosed is a photo of the actual ocean view, from a portion of an existing 15 foot high single family home that backs up to Shell Beach Road (____, located at the south corner of Beachcomber and Shell Beach Road). As can be readily observed from the photo, a clear ocean view from Shell Beach Road is guaranteed, if and only if, all houses are limited to 15 feet high.

Pismo Beach's Zoning Code Section 17.096 states:

"View Consideration (v)

Prohibits development which would block, alter or impair major views, vistas, viewsheds, or major viewpoints from designated scenic hwy's, public lands and waters."

"LU-B-5—Visual Access: Development in this planning area shall protect visual access to the ocean . . . e. . . 2-story structures shall only be permitted where ocean views are not substantially blocked."

If the goal is to maintain the ocean view, the developers of Tract 3043 are capable of designing several of the 15 foot high two-story single family homes, several 15 foot high duplexes and/or four-plexes, as well as, the three most expensive, ocean front lots that were designed for 15 foot high homes, on the originally submitted plans. With an over-all 15 foot high design, the developer will continue to have a high-value development, and the public will be guaranteed an ocean view from both Hwy 101 and Shell Beach Road.

Additionally, the ocean view will be optimized if the new subdivision road from Shell Beach Road to the ocean is 40 feet wide, and if it has public parking and sidewalks on both sides of the road.

Hopefully, this letter and the photos can be included in the staff report.

Sincerely,



Marilyn Hansen

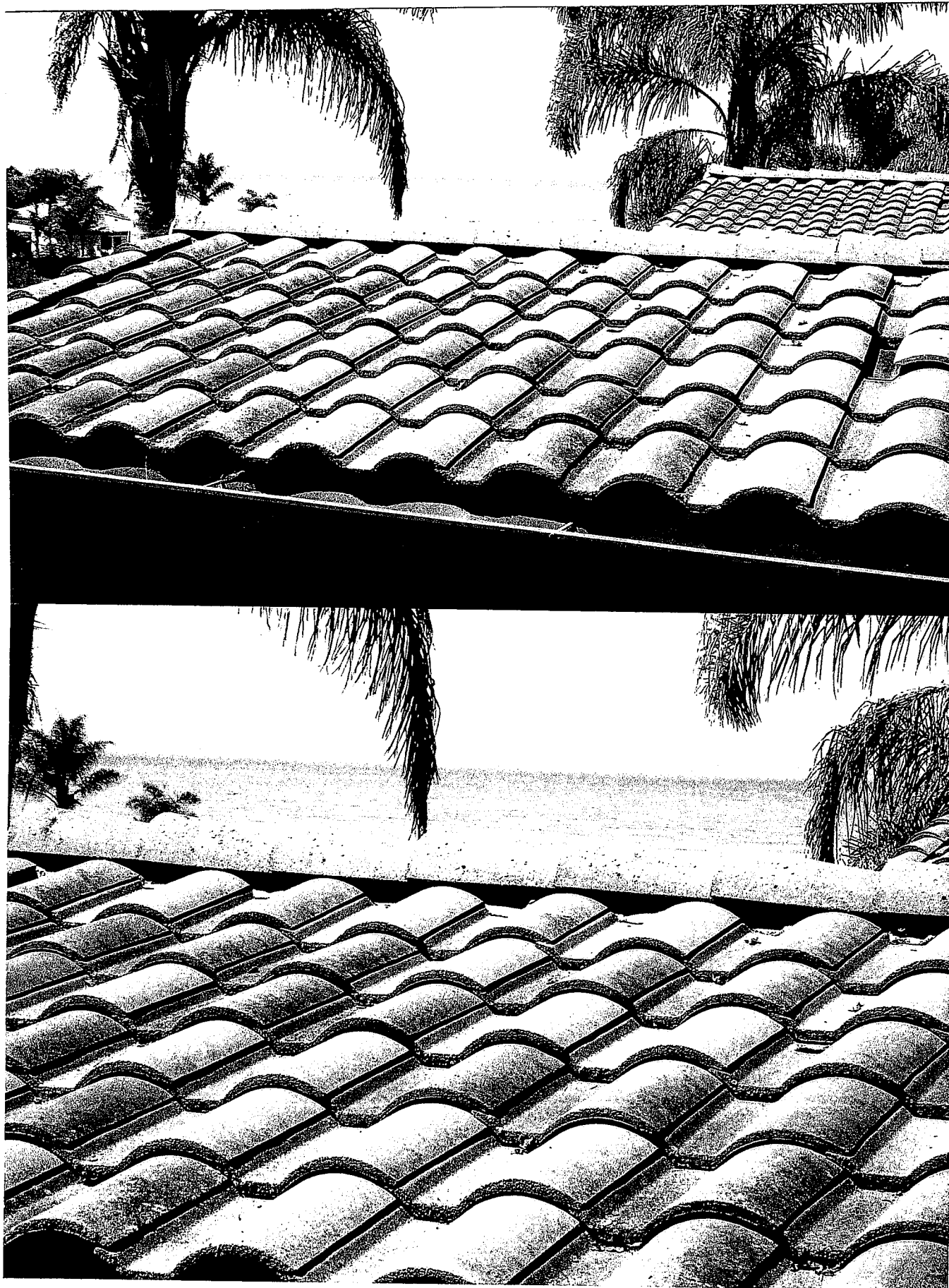
P.S. Although unsubstantiated by the writer, it has been rumored, that there is a development at Studio Drive, Cayucos, in San Luis Obispo

County that was limited by the California Coastal Commission to 14 foot high homes.

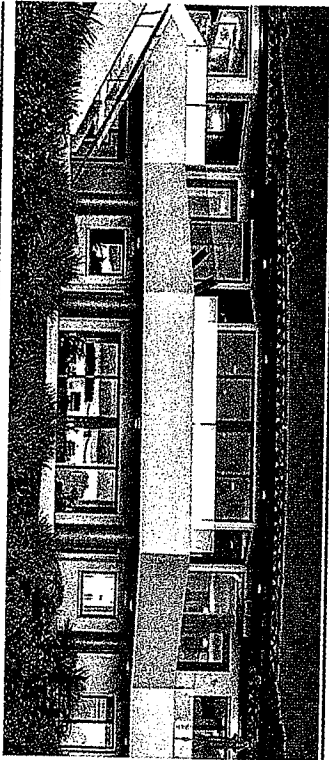
Is this true?

If this should be true, then it would not be unreasonable to request that all homes on Tract 3043 be limited to 15 feet high.





ciano^{INC} REAL ESTATE



Frankie Ciano
Owner/Broker
CalBRE# 01412309



SHELL BEACH - Architectural Digest meets Coastal Living. Pristine white waters views from this 4,856' custom contemporary architectural jewel, masterfully constructed, situated on this desirable uber-sized, unobstructed lot overlooking the coastline in all its glory. The limestone tile entry from Espana accentuates the extraordinary modern design blending elegance and a harmonious beachside style. An abundance of natural light illuminates this brilliantly crafted distinctively inspirational living area, offering continuous flow & open sightlines. A potpourri of one of a kind design elements abound. The gourmet kitchen presents Sea Foam Granite from Brazil, a GE Monogram induction cooktop, & top of the line appliances. The expansive view decks off both levels offer amazing vistas & is perfect for entertaining or relaxation. This masterpiece, w/ office & media room, is truly the treasured Shangri-La.

List Price \$4,250,000