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CDP approved:	11/5/2015
Staff:	Brian O'Neill - SC
Staff report prepared:	2/26/2016
Hearing date:	3/10/2016

REVISED FINDINGS

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 an undeveloped 3.7-acre blufftop 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 blufftop park; a 24-foot wide cul-de-sac road; ten public parking spaces; and related improvements.
Commission Action:	Approved with Conditions (November 5, 2015), with Commissioners Bochco, Cox, Howell, Kinsey, Luevano, McClure, Turnbull-Sanders, Uranga, and Vargas on the prevailing side.
Staff Recommendation:	Adopt Revised Findings

STAFF NOTE

On November 5, 2015, the Coastal Commission approved a coastal development permit (CDP) by a vote of 9-2 for the proposed project.[1] Because the Commission-approved project differed from the staff's recommendation, this report contains revisions reflecting the Commission's action. The conditions and findings have been modified throughout from the previous version of

[1] The Commission approved the proposed project after voting 6-5 to amend Special Conditions 1a, 1b, and 1g in the original staff report, thus warranting these revised findings.

the report, including changes to the sections related to public access and recreation and public view protection. Changes to the staff recommended conditions and findings are shown in ~~strikethrough~~ (for deletions) and underline (for additions). Commissioners who are eligible to vote on the revised findings are those from the prevailing side who were present at the November 5, 2015 hearing (i.e., Commissioners Bochco, Cox, Howell, Luevano, Kinsey, McClure, Turnbull-Sanders, Uranga, and Vargas)

SUMMARY OF ~~STAFF RECOMMENDATION~~ COMMISSION ACTION

The ~~Applicant proposes to subdivide~~ Commission approved a subdivision of an undeveloped 3.7-acre blufftop parcel into 19 parcels (ten townhouse parcels nearest Shell Beach Road and nine single-family parcels nearest the bluff edge). The approved ~~proposed~~ project also includes development (and dedication to the City) of a one-acre public blufftop park, development of ten townhouses on the townhouse parcels, a new cul-de-sac road with ten public parking spaces (also dedicated to the City), 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 located seaward of Shell Beach Road on a blufftop situated between an existing ten-unit residential subdivision upcoast and a large-lot single-family residential compound property downcoast.

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 Local Coastal Program (LCP) and took jurisdiction over the coastal development permit (CDP) application. The primary issues identified at that time were the project's impact on views from Highway 101 and Shell Beach Road, and related, the ~~proposed~~ project's density, including as compared to surrounding development.

As ~~currently proposed~~ approved, the project ~~is inconsistent~~ as conditioned is consistent with the City of Pismo Beach LCP and Coastal Act policies related primarily to public access and recreation, visual resource protection, public services, and hazards. The project ~~proposes~~ includes the subdivision of an undeveloped parcel that does not have significant site constraints, which provides the Applicant maximum flexibility to address these critical coastal resource issues. As detailed in the findings below, the ~~recommended~~ approved 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 maximum public recreational access opportunities overall. Public access includes both lateral and vertical access along the coast, as well as adequate parking and access signage. The project includes a blufftop park that provides lateral access, ~~but does not ensure~~ and as approved also ensures both adequate and continued vertical access to the sandy beach below the bluff as required by the LCP and the Coastal Act. Additionally, as approved the project provides ~~only minimal~~ adequate public parking, ~~limiting~~ with such parking ~~to only one~~ located on the upcoast side of the street in

defined cutout areas and the half cul-de-sac. Public parking in the area is known to be in high demand at times ~~deficit, and the Applicant has a blank slate with which to address such concerns. All other roads in the area provide parking on both sides of the street, and there is no Coastal Act/LCP reason to suggest that that is not also appropriate here, including inasmuch as there are existing coastal access facilities along the bluff, and these will be improved with the project,~~ and adequate parking is critical at this location~~. Similarly, no public access signage is proposed for the project, which will make it more difficult for the public to navigate and access the coast at this site~~. Thus, ~~Staff recommends~~ Commission-approved special conditions ~~to~~ require ~~additional~~ parking, signage, a stairway to the beach, and related access development, as well as a Public Access Management Plan that will guide public access management at the site.

With respect to protecting public views, the project site is located between both Highway 101 and Shell Beach Road (which run parallel to one another inland of the site) and the ocean. Both Highway 101 and Shell Beach Road are LCP-designated scenic roads that are provided special protections, and the views over the site from these roads are significant. This is the last undeveloped blufftop property of this size along Highway 101 in the City, and thus it currently provides an important visual respite from surrounding development that in some cases blocks views towards the ocean. The LCP requires that new development retain ocean views from Highway 101 to the maximum extent feasible and also requires the preservation of public view corridors from Shell Beach Road. ~~In contrast, the project proposes 25-foot-tall buildings that would block approximately 50% of the scenic ocean views as currently seen from Highway 101, and block even more of the public views as seen from Shell Beach Road given its lower elevation compared to the Highway. Contrary to the requirements of the LCP, the proposed heights will actually maximize view blockage at the site, and will significantly degrade LCP protected public views. Thus, Staff recommends~~ The Commission ~~a special condition to~~ allowed up to 15-foot-tall structures on the lots adjacent to the bluff, with structures on all other lots ~~required to be below the line of sight from Highway 101 over the structures on the bluff-fronting lots~~ limited to 25 feet. Even with this condition, there will be some blockage of existing significant public views. However, this condition will retain ~~80%~~ over half (i.e., 51%) of the scenic overviews as seen from Highway 101 and ensure that no additional view blockage above the ~~up to 15-foot-tall~~ structures will occur, while still allowing for reasonable residential development to occur. ~~In fact, it appears that the Applicant would still be allowed to pursue two-story townhouse development in the same locations, albeit at slightly reduced heights, with this condition.~~ Additionally, the conditions to provide a ~~widened~~ road, which work in tandem with the height conditions to protect views, help maintain a public view corridor through the project site from Shell Beach Road, albeit much narrower than currently exists. In addition, two narrow interior view corridors, created through the use of a clustered design on some of the lots, ~~would~~ help provide visual relief as seen from Shell Beach Road (from Highway 101, the degree to which such corridors can offset view impacts is more negligible). As conditioned, the Commission found that the project will adequately protect public views, as required by relevant LCP policies, while still allowing for reasonable residential development. ~~All told, Staff believes that the conditions allow for a project of a roughly similar scale as proposed, but that such conditions will result in a project that better respects the significant public views and LCP requirements protecting same.~~

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, California Governor Jerry Brown recently declared a continuing State drought emergency in Executive Order B-29-15, 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~~ did not adequately address whether the recent constraints on the State's water supply impacts the City's ability to adequately serve the project's water needs, nor ~~does~~ did it clearly demonstrate that adequate water is available to serve the project. Additionally, the proposed project ~~lacks~~ lacked water conservation measures altogether. Thus, ~~Staff recommends~~ the Commission approved a special condition to require the Applicant to submit evidence that adequate public services, including water and sewer, are available to serve the project; to require submission of a water conservation plan to identify specific measures to conserve water; and to require a water retrofitting plan to offset the project's anticipated water demand and to ensure the project is, at a minimum, water neutral.

With respect to hazards, the LCP requires that development be set back 100 feet beyond the estimated 100-year erosion mark, prohibits shoreline protective devices to protect new development, and requires applicants to assume the risks of developing in potentially hazardous areas. The Applicant and Coastal Commission staff worked together to identify the LCP-required setback line and to ensure that development will not encroach into the setback in conformance with the LCP. In this regard, although some had hoped to provide a looped road through the proposed subdivision that could connect upcoast to North Silver Shoals Drive, there is simply inadequate space outside of the required setback to do so. Thus, the ~~Applicant proposes~~ Commission approved a half cul-de-sac road instead. In terms of other issues, the proposed project ~~does~~ did not expressly prohibit future use of shoreline protective devices or require the Applicant to assume the risk of coastal development. Nor ~~does~~ did it adequately assure that the public access amenities along the bluff edge are maintained (including relocation inland as necessary) as required to maintain LCP consistency over time in the event of continued shoreline erosion. Thus, ~~Staff recommends~~ the Commission approved special conditions to prohibit future shoreline protective devices, to ensure the Applicant assumes the risks of coastal development, and to include measures for the relocation of the public access amenities along the blufftop in the event that any such amenities are threatened by coastal hazards.

Therefore, as conditioned to address public access and recreation, public view protection, public services, and hazards, as well as additional conditions to protect water quality, natural resources, and archeological resources, ~~the proposed project can be~~ the approved project was 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 6 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
Exhibit 10 – Steven Kaufmann's October 29, 2015 Letter
Exhibit 11 – E-mail Correspondence "RE: Silver Shoals Drive configuration"
Exhibit 12 – Ex-parte Communication Disclosures

I. MOTION AND RESOLUTION

Staff recommends a **YES** vote on the motion below. Passage of this motion will result in adoption of revised findings as set forth in this report. The motion requires a majority vote of the members of the prevailing side present at the revised findings hearing, with at least three of the prevailing members voting. Only those Commissioners on the prevailing side of the Commission's action are eligible to vote on the revised findings. The Commissioners eligible to vote are Commissioner's Bochco, Cox, Howell, Luevano, Kinsey, McClure, Turnbull-Sanders, Uranga, and Vargas.

> ***Motion:*** *I move that the Commission adopt the revised findings in support of the Commission's action on November 5, 2015 approving Coastal Development Permit Number A-3-PSB-14-0057, and I recommend a* ***yes*** *vote.*
>
> ***Resolution:*** *The Commission hereby adopts the revised findings set forth below for Coastal Development Permit Number A-3-PSB-14-0057 on the grounds that the findings support the Commission's decision made on November 5, 2015, and accurately reflect the reasons for it.*

~~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 dated received in the Coastal Commission's Central Coast District Office 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 maximize parking along ~~both sides of~~ the northern side of the road. ~~At a minimum, the~~ The road shall include ~~a full-bulb at the road's terminus near the bluff edge, and shall provide two eight-foot wide parking lanes on each side of the road sited to maximize the number of parking spaces provided (e.g., including in terms of their location relative to driveways)~~ a half cul-de-sac at the road's terminus near the bluff edge, and shall provide one eight-foot wide parking lane on the northerly side of the road to accommodate 10 designated public parking spaces in the bump-outs and at the cul-de-sac (with access signage as required in Special Condition 2.b). The plans shall indicate the location and number of all on-street public parking spaces. All such parking spaces shall remain free and open to the public at all times in perpetuity. The City of Pismo Beach's Director of Public Works/City Engineer and other applicable City departments shall be consulted

regarding the South Silver Shoals Drive redesign, and evidence of the Director's approval shall be provided with the final plans.

b. Public Sidewalk. A public sidewalk shall be located along ~~both sides~~ the northerly side of South Silver Shoals Drive. ~~Each~~ The sidewalk shall be a minimum of 4½ feet in width measured from the base of the curb. The sidewalk shall provide a connection to the lateral pathway provided within the blufftop park area.

c. Public Stairway. A public access stairway or equivalent shall be provided near the downcoast portion of the blufftop public access park area. The stairway shall connect from the lateral pathway down to the sandy beach below and shall be sited and designed to be built into the existing slope and to visibly blend into the bluff area as much as possible. The City of Pismo Beach's Engineer shall be consulted regarding the stairway, and evidence of the Engineer's opinions shall be provided with the project plans.

d. Public Access Amenities. The plans shall provide for at least two benches, two garbage receptacles, two recycling receptacles and one picnic bench located along the lateral pathway at locations that maximize their public access utility. In addition, the plans shall provide for one bicycle rack capable of accounting for at least 3 bicycles near the top of the public access stairway.

e. Public Access Signs/Materials. The plans shall provide for all public access signs and materials that are described in Special Condition 2.

f. Building Setbacks. Buildings shall be set back a minimum of 20 feet from the edge of the public sidewalk.

~~g.~~ Building Heights. The height of all development on lots 1, 2, and 3 shall be limited to a maximum 15 feet above natural grade as measured at the center of the proposed lots as shown on **Exhibit 3**. The height of all development on other lots shall be limited to a maximum height ~~that is below the line of sight (shown in **Exhibit 4**) as seen from three feet above the elevation of the southern travel lane of Highway 101 to 15 feet above natural grade as measured at the center of lots 1, 2, and 3 as shown on **Exhibit 3**~~ of 25 feet above natural grade.

h. View Corridors. All development shall be sited, designed, and clustered to maximize the width and public view protection utility of 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**).

i. Open Space. A minimum of 60% of the project's net site area (i.e., the gross lot area minus the road right-of-way) shall be retained in open space. No more than 50% of the required open space may be located on the lots inland of the public dedication area and upcoast of the road right-of-way. The open space calculation shall not include buildings or structures, driveways, private roads, or any other impervious surface. The required open space area shall be demarcated on the plans, and calculations shall be provided that demonstrate compliance with this condition.

j. **Undergrounding Utilities.** All utilities shall be placed underground.

k. **Drainage and Runoff Control.** A post-construction drainage and erosion control system shall be provided 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 best management practices; 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); to ensure that drainage and runoff is not directed over, through, and/or otherwise seaward of the blufftop edge; and to include ongoing maintenance and management procedures (including at the least provisions for annual pre-storm season and post-storm event evaluation and repair/maintenance) applicable for the life of the project (including all such requirements in any Homeowners Association agreements or equivalent as appropriate).

The Applicant 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 and amenities of the site (including the blufftop open space park, the lateral public pathway, the public access stairway, public sidewalks, public parking spaces, public picnic tables, and public benches). The Access Plan shall at a minimum include and provide for 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 above in this condition and as described in **Special Condition 1**, shall be clearly identified as such on the Access Plans (including with hatching and closed polygons so that it is clear which 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 blufftop entrance to the public stairway. Signs informing the public of the free coastal access parking (as required and described in **Special Condition 1**) 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 and the California Coastal Trail logo. At a minimum, at least one public access interpretive sign (appropriate to City of Pismo Beach shoreline issues, information, and/or history) shall be located at an appropriate location along the lateral accessway and at the top of the public access stairway. All interpretive signs 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. **Public Access Areas and Amenities Maintained.** The public access areas and amenities shall be maintained in their approved state in perpetuity consistent with the terms and conditions of this CDP.

The Applicant shall undertake development in accordance with the approved Access Plan, which shall govern all general public access to the site pursuant to this CDP. 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 CDP, and in order to implement the Applicant's proposal, the Applicant shall execute and record a document, in a form and content acceptable to the Executive Director, dedicating to the City of Pismo Beach a fee interest to the property designated for the Public Open Space Park. The dedicated area shall include all areas of the subject property seaward of the bluff setback line (i.e., the line that is located 100 feet inland of the 100-year bluff retreat line; see **Exhibit 3**). The grant of the Public Open Space Park shall indicate that the land shall only be used for public park purposes, which may include, but is not limited to, the construction of trails, stairways, benches, bicycle racks, picnic tables, trash and recycling receptacles, signage and native noninvasive drought-tolerant vegetation, consistent with 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 legal parcels being dedicated, a metes and bounds legal description of each accessway, and corresponding graphic depictions prepared by a licensed surveyor based on an on-site inspection. The document shall be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

4. **Public Access Available Prior to Occupancy.** All public access areas and amenities (see **Special Conditions 1, 2, 3 and 6**) shall be installed, constructed, and available for general public use prior to occupancy of the townhouses approved under this CDP.

5. **Inland Landscape 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 Inland Landscape Plan for the area inland of the blufftop park (see **Exhibit 3**). The Inland 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 Inland 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 Native Plants. The plans shall include only noninvasive drought-tolerant native 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 all view corridors through the site, including as provided for through the approved Final Site Plans associated with **Special Condition 1**, 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 within the view corridors of the site shall be limited so as not to extend into the blue water view as seen from 3-feet above the most seaward southbound travel lane of Highway 101. The mature height of shrubs and trees elsewhere on the site shall not exceed the maximum height of adjacent buildings (see **Special Condition 1(g)**). All plant species shall be selected with these height restriction criteria in mind. The Landscape Plans shall identify these height restrictions, and shall provide that all site landscaping is kept appropriately trimmed to meet such height restrictions at all times.

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 Applicant shall undertake development in accordance with the approved Inland Landscape Plan. All requirements above and all requirements of the approved Inland Landscape Plan shall be enforceable components of this CDP.

6. Blufftop Park Landscape Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two copies of a Blufftop Landscape Plan for the blufftop park area (see **Exhibit 3**) to the Executive Director for review and approval. The Blufftop Landscape Plan shall describe the manner in which the site of the

blufftop open space park area is to be improved and enhanced as coastal scrub. The Blufftop Landscape Plan shall, at a minimum, include and provide for the following:

a. **Nonnative Plant Removal.** All nonnative plant species shall be removed.

b. **New plantings.** All new plantings shall be noninvasive drought-tolerant native species chosen to promote a mosaic of coastal bluff scrub plants designed to achieve a self-sustaining landscape over time. Any irrigation systems necessary for plant establishment shall be drip or microspray. All landscaped areas 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 blufftop area.

c. **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 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 landscape plan, describing long-term maintenance requirements and identifying the annual monitoring report submittal deadlines.

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

7. **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 public recreational use areas (including using unobtrusive fencing (or equivalent measures) to delineate construction areas), and including verification that equipment operation and equipment and material storage will not significantly degrade public views during construction to the maximum extent feasible.

c. **Construction BMPs.** The Construction Plan shall 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 ocean; (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 CDP 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 CDP 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, email, 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 and contact information (address, email, phone number, etc.) 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. The Applicant shall

undertake development in accordance with the approved Construction Plan. All requirements above and all requirements of the approved Construction Plan shall be enforceable components of this CDP.

8. **Archeological Monitor.** In the event that any artifacts of historical or cultural significance are encountered during construction activities, all activity that could damage or destroy such artifacts must cease and the Executive Director and the Native American Heritage Commission must be notified within one working day so that the artifacts 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 such archaeological resources.

9. **Sensitive Bird Species.** Prior to the commencement of any construction activities taking place between February 1st and August 31st that have the potential for significant noise impacts, 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. If an active nest of a Federal or State-listed threatened or endangered bird species, bird species of special concern, or any species of raptor is identified during such 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 plan specific to each incident that shall be consistent with the recommendations of those agencies. The Permittee shall notify the Executive Director in writing 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.

10. **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, tsunami, 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.

11. Coastal Hazards Response. By acceptance of the CDP, the Applicant 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 residential development to be constructed and used consistent with the terms and conditions of the CDP for only as long as the approved residential 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 approved residential development is modified and the affected area restored under certain circumstances, including that endangered residential development is required to be modified as described in this condition. The intent of this CDP is also for the approved public access amenities to be continuously maintained, including relocated inland as necessary to ensure their continued utility as described in this condition.

b. Shoreline Protective Structures Prohibited. Shoreline protective structures (including but not limited to seawalls, revetments, retaining walls, tie backs, caissons, piers, groins, etc.) that protect the approved development shall be prohibited.

c. Waiver. Any rights to construct such shoreline protective structures, including rights that may exist under the Pismo Beach Local Coastal Program, or any other applicable law, are waived.

d. Access Amenities. This CDP requires the construction and maintenance of all of the access amenities described in **Special Conditions 1 and 2** in perpetuity. In the event the public stairway is threatened or damaged due to erosion, or in the event the blufftop edge recedes to within ten feet of the approved lateral pathway or parking spaces, the Applicant 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 these 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 access amenities without shoreline protective structures. The investigation shall be submitted to the Executive Director for review and approval. If the approved geotechnical investigation concludes that the access amenities are unsafe for use, and/or that any portion of the access amenities no longer retain their public access utility as envisioned by the terms and conditions of this CDP, the Permittee shall submit a Relocation and Restoration Plan (see **subsection (e)** below).

e. **Access Amenities Relocation and Restoration.** If an appropriate government agency or the above-referenced approved geotechnical investigation determines that any portion of the public access amenities are not to be used due to any coastal hazards and such safety concerns cannot be abated by ordinary repair and/or maintenance, the Applicant shall submit two copies of a Access Amenities Relocation 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 relocation and restoration, the Applicant shall immediately submit the required application, including all necessary supporting information to ensure it is complete. The Plan shall clearly describe the manner in which the threatened public access amenities, including but not limited to, the public stairway, pathways, sidewalks, parking spaces, benches, picnic tables, signage, and bicycle racks, are to be relocated inland so as to ensure their continued use and utility. Any affected public access amenities shall be relocated inland and the affected areas restored so as to best protect coastal resources. The public access amenities shall be continuously maintained, including relocated inland as necessary to ensure their continued utility. These restoration and relocation activities shall be implemented immediately upon Executive Director approval, or Commission approval of the CDP or CDP amendment application, if legally required.

f. **Residential Relocation and Restoration Plan.** If an appropriate government agency determines that any portion of the approved residential development is not to be occupied or used due to coastal hazards (see **subsection (e)**), and if such government agency concerns cannot be abated by ordinary repair and/or maintenance, the Applicant shall submit two copies of a Residential Relocation 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 relocation and restoration, the Applicant shall immediately submit the required application, including all necessary supporting information to ensure it is complete. The Plan shall clearly describe the manner in which the approved residential development in question is to be modified, including relocated inland if appropriate, to address such government agency concerns. Any such modifications shall be required to be consistent in all ways with the terms and conditions of this CDP. Any affected areas shall be restored so as to best protect coastal resources. These restoration and relocation activities shall be implemented immediately upon Executive Director approval, or Commission approval of the CDP or CDP amendment application, if legally required.

12. **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, two copies of a Water Conservation Plan for the ten townhouses (Lots 10-19) it intends to construct. The Water Conservation Plan shall at a minimum 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; and other high

water-efficiency appliances. 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, and, if such systems are feasible, shall provide infrastructure to provide for such gray water systems.

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 Availability and Offsetting. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit, for the review and approval of the Executive Director, evidence that adequate long-term and sustainable water and sewer services are available to serve the development, and that the City of Pismo Beach will serve the property with such water and sewer services. The Applicant shall also submit for Executive Director review and approval two copies of a Water Offset Reduction Plan (Offset Plan), the purpose for which is to offset the project's water usage by at least 125%. The Offset Plan shall include the following:

i. Water Usage. A quantification of the approved project's projected water usage in gallons per day, including a list of all water fixtures to be installed, including for outside landscaping, and their associated water flow. The residences shall make maximum use of water conservation fixtures and equipment (including but not limited to high-efficiency low-flow toilets, high-efficiency washing machines and dishwashers, recirculating pumps, low-flow showerheads, shower shut-off valves, faucet aerators, drip and/or micro-spray irrigation, etc.).

ii. Retrofits. A list of all retrofits, including a breakdown of the number and type of fixtures to be retrofitted. The retrofits must occur in the same water service area as the approved project.

iii. Water Savings. A quantification of the estimated water usage savings from the retrofits identified in subsection (b), including specifying water usage before and after the retrofit. The water savings must total 125% of the total specified in subsection (a).

ONE YEAR AFTER OCCUPANCY OF THE TOWNHOMES, the Permittee shall provide a report to the Executive Director for review and approval confirming the project's actual water usage and evidence that the actual water savings from performed retrofits equals or exceeds 125% of the project's actual water usage. If the total is less than 125%, the report shall describe the additional measures necessary to meet the required water reduction target. Annual reporting shall continue for at least three years or until the project's water usage is offset by 125% as documented in two consecutive annual reports, whichever is later. The requirements in in **subsections b(i) through b(iii)** above shall also be required for future development of the single-family residences on Lots 1-9.

13. **Deed Restriction/Covenants, Conditions, & Restrictions.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall 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 for as 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.

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 blufftop parcel at 2900 Shell Beach Road in the South Palisades Planning Area of the City of Pismo Beach 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 blufftop 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 would allow a height of 15 feet, while development on all other lots would allow building heights of 25 feet. 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 a lateral accessway, two public benches, bike racks, and picnic tables. The project also proposes approximately 20,400-square-feet of landscaping along the top of the bluff in the open space park. Outside of the blufftop park and single-family lots, drought-tolerant noninvasive plants are proposed to be planted throughout the remaining portions of the site. The project would 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, with dedication to the City of this area as well. The half-bulb at the road's terminus would include a semi-circular 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 and Recreation

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 proposed 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. 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 30213 (in applicable part). Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals.*** *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

Coastal Act Section 30220. Protection of certain water-oriented activities. *Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.*

Coastal Act Section 30221. Oceanfront land; protection for recreational use and development. *Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.*

Coastal Act Section 30222. Private lands; priority of development purposes. *The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.*

Coastal Act Section 30223. Upland areas. *Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.*

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 . . .*

In addition to the Coastal Act, the City's LCP also has a number of policies designed to provide coastal access and recreation in the South Palisades area of the City. In particular, the LCP requires dedication of a blufftop 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. (emphasis added)

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. (emphasis added)*

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.*

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

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 blufftop area. The open space park would 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 dedicated 24-foot wide cul-de-sac road would 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 (see project plans in **Exhibit 3**).

1. Blufftop Park and Lateral Access

LCP Policy LU-B-3 requires all areas seaward of the required bluff setback line (i.e., the line that is located 100 feet inland of the 100-year bluff retreat line) to be dedicated to the City for an open space park that provides lateral access to the blufftop and incorporates public access amenities. Similarly, Policy LU-B-1 identifies this 100-foot area inland of the 100-year erosion setback to be an LCP focus for the South Palisades area. The Applicant and the City worked closely with Commission staff, including the Commission's Senior Geologist, Dr. Mark Johnsson, 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 4.0 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 11 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. There is also an existing "goat trail" of sorts that provides rudimentary access to the sandy beach below at the gully area. See **Exhibit 2** for images of the existing trail system.

The proposed open space park would improve upon the existing public lateral access, particularly for those with limited mobility, because the existing undeveloped trails would be replaced with an extension of the formal wheelchair accessible coastal trail that is located on the upcoast property. Residents and visitors would still be able to walk and access the blufftop 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. This condition also requires adequate public access amenities at appropriate intervals within the park.

Special Condition 3 requires that all areas seaward of the required setback line, based on the agreed-upon top of bluff and retreat rates described above, would be dedicated to the City in order to ensure public lateral access along the blufftop. 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 blufftop.

2. Vertical Access to the Beach

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 blufftop 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 blufftop 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 steep and can be difficult for many 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 12 of **Exhibit 3**). **Special Conditions 1 and 2** require that the final plans and final Access Plan include improvements to the informal vertical accessway to provide maximum access to the beach and the sea. The vertical accessway is intended to be constructed with steps that are built into the existing bluff slope as much as possible, and as informally as possible, so as to blend in visually with the beach/bluff aesthetic. Only non-toxic materials are allowed. The intent in this respect is not to see some type of 'fly-over' stairway that is elevated significantly atop the bluff, rather it is

to develop a series of steps that conform to the natural topography as much as possible, and provide a more low-key and informal stairway aesthetic (e.g., similar to the stairway at Whaler's Cove beach adjacent to the Pigeon Point Lighthouse in San Mateo County). 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 "Blufftop 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 2 of **Exhibit 3**).[2] 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 road between Shell Beach Road and the half bulb. Thus, the Applicant's proposed road design differs from other similarly-situated roads, though nothing in the LCP policies or the Coastal Act directly forecloses a road design as proposed by the Applicant, so long as adequate public access is provided, as is the case here.

The Commission has received evidence in the record that ~~P~~public parking in the area is already heavily used and the City has confirmed that parking in the area is in deficit at times. Parking during holiday weekends is controlled by police due to the large parking demand. The enhanced vertical and lateral access associated with this project will ~~only exacerbate~~ increase public demand for parking. To address this increased demand, the Applicant will provide an additional 10 public parking spaces as part of this project. While the added public amenities that are part of this project will increase demand for parking, the proposed new homes will have adequate parking to serve the residential development, and thus the 10 new public parking spaces will be available to members of the public seeking to enjoy the new park and beach accessway. The 10 new spaces are therefore adequate to provide public access consistent with the LCP and Coastal Act. ~~Although the Applicant may need to reduce the size of the proposed residential lots to accommodate additional parking, 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. This is a 'blank slate' undeveloped property where the LCP requires maximum public parking. The proposed road design is thus inconsistent with LCP requirements to maximize parking and~~

[2] The Applicant states that the proposed road would be widened to accommodate parking on both sides of the street and a full-bulb would 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 application.

~~provide adequate parking for public access to the blufftop park and the shoreline area 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. Finally, it is unclear how/whether the Applicant's proposed road configuration will even functionally work, including whether larger vehicles, including fire trucks and other public safety vehicles, can effectively use the half cul-de-sac without having to make three-point turns.~~ It is somewhat unclear how/whether the applicant's proposed road configuration will accommodate larger vehicles, such as fire trucks and other public safety vehicles, so that they can effectively navigate the half cul-de-sac without having to make three-point turns. Indeed, the City of Pismo Beach's Director of Public Works/City Engineer and Fire Captain have preliminarily reviewed the Applicant's proposed road configuration, and recommended that, while the best option would be to connect South Silver Shoals Drive to North Silver Shoals Drive in a loop road, if that option is infeasible (which in this case it is due to required bluff/open space setbacks), a full cul-de-sac should be built on the Applicant's property, and if that option was not selected, then the Applicant's proposed half cul-de-sac could work (see Exhibit 11). ~~Regardless of what road design is ultimately proposed, the~~ The City's Public Works Director noted ~~it~~ that any approved road design needed to be fully vetted by applicable City departments, including Public Works, Police, and Fire, so as to ensure the road's workability, functionality, and public safety. **Special Condition 1a** requires the Applicant to ~~redesign the South Silver Shoals cul-de-sac to provide a full-bulb at the road's terminus and eight-foot-wide parking lanes along both sides of the entire road. This design will maximize parking at the project site by providing a total of approximately 30 parking spaces (compared to the ten proposed parking spaces) based upon the length of the cul-de-sac, which will provide for increased and maximized access to the open-space park and the shoreline area in general, as required by the Coastal Act and the LCP. To further facilitate public access to the blufftop park and vertical accessway,~~ ~~**Special Condition 1b** requires that a public sidewalk be located along both sides of South Silver Shoals Drive.~~ consult with the City on the final road design, and requires City Public Works Director's approval. 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 public 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

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 2c** requires the public access amenities to be open to the public 24 hours a day free of charge. **Special Condition 4** requires the access amenities to be constructed and available prior to occupancy of the townhouses. **Special Condition 3** requires that all public access areas and amenities be dedicated to the City. As required by Coastal Act Section 30212, **Special Condition 2d** requires that the public access areas and amenities be maintained in perpetuity. **Special Condition 11e** requires the access amenities to be relocated in the event of erosion or other hazard danger (see also Section E that follows). 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.

Public Access and Recreation Conclusion

In sum, the project as proposed ~~does not provide maximum public recreational access opportunities and does not~~ requires conditions to meet LCP access and recreation requirements ~~and thus cannot be approved as proposed~~. Both the LCP and Coastal Act require new development to maximize access to coastal resources and provide for maximum public recreational access opportunities. Public access includes both lateral and vertical access along the coast, as well as adequate parking and access signage. The project includes a blufftop park that provides lateral access, ~~but does not ensure adequate and continued~~ and, as conditioned, a vertical accessway to the sandy beach below the bluff as required by the LCP and the Coastal Act. Additionally, the project provides ~~only minimal public parking, limiting such parking to only one side of the street in defined cutout areas. Public parking in the area is known to be in deficit, and the Applicant has a blank slate with which to address such concerns. All other roads in the area provide parking on both sides of the street, and there is no Coastal Act/LCP reason to suggest that that is not also appropriate here, including because coastal access facilities already exist along the bluff, and these facilities will be improved with the project, and adequate parking is critical at this location.~~ ten parking spaces and a sidewalk along the northern half of Silver Shoals Drive, which will provide public access to the blufftop park. On balance, these improvements are sufficient to provide adequate public parking and access for this project and can be found consistent with LCP policies and the Coastal Act. ~~Similarly, no~~ The proposed project does not include public access signage ~~is proposed for the project~~, which will make it more difficult for the public to navigate and access the coast at this site. However, as conditioned to provide ~~additional~~ ten public parking spaces and to require development of a Public Access Management Plan that includes a clear depiction of all public access areas and amenities, including a blufftop park and associated lateral access, an improved vertical accessway, amenities such as picnic tables, benches, etc., appropriate public access signs, and 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. Public Views

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. *
>
> ***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 space and scenic corridors.*** *A 100 ft. wide lateral bluff-top open space area/access-way is the focus for the area. (emphasis added)*

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 E1 Camino Real, is hereby designated as a Pismo Beach scenic highway. The portion of this highway within Pismo Beach provides travelers with the only ocean view between the Golden Gate Bridge (San Francisco) and Gaviota, a distance of over 300 miles. The scenic views include the City and ocean on one side and the Pismo Foothills on the other. To implement this policy the City shall:…(d).* ***Require that new commercial signs, sound walls and other new developments be modified in height, size, location or design so that existing "blue water' ocean views from U.S. Highway 101 will not be blocked, reduced or degraded****; . . . 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.(emphasis added)*
>
> ***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 retain~~s~~ed for evaluation of permit conformance… (emphasis added)*

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. (emphasis added)*

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. (emphasis added)

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, except that site landscaping shall comply with the following requirements.*

(1) ***Development and landscaping design shall not extend into the view corridor and blue water views from Highway 101,*** *or extend into the Shell Beach Road views of the hills east of and above Highway 101 .* ***Development shall be sited, designed and screened so as to be completely concealed from motorist views from Highway 101. All properties shall be deed restricted to maintain blue water views. and such screening to meet these performance standards, including requiring landscaping to be regularly maintained so as to not extend into the blue water views.***

(2) Landscaping shall be drought tolerant and native to the central coast. It shall be designed to integrate with landscaping on adjacent properties to promote a cohesive natural landscape setting across developed lots that compliments the native landscaping in the area.

(3) At least 60% of a parcel, existing or new, shall be landscaped for residential use. Landscaping does not include hardscaping like (emphasis added)

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

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

Category	***Density***
Low Density	*1 to 8 units per ac.*
Medium Density	*9 to 15 units per ac.*
High Density	*16 to 30 units per ac.*

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

Analysis

The project site is currently vacant and allows for unobstructed views of the ocean from both Shell Beach Road and U.S. Highway 101. The project proposes a 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,[3] 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 the proposed project plans). These restrictions and a clustered design create 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 would also be required to protect the proposed view corridors.

There are three LCP standards regarding ocean views from Highway 101 that are most 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." Although this policy could be read to be more permissive of view blockage, the LCP also states that standards in the IP are subordinate to and must conform with LUP policies. Thus the above LUP standards are controlling with respect to this project if the IP standards are less protective or conflict with the LUP.

[3] ~~As discussed in the "Public Access" section above, Special Condition 1 requires that the road width be increased to allow eight-foot-wide parking lanes on both sides of the street.~~

Although not the standard for 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,[4] 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." Similarly, the most recent Pismo Beach LCP amendment, approved by the Commission in June 2015,[5] 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's[6] "height, size, location, and design must be modified to ensure conformance with this critically important LUP visual protection performance standard."

The LCP ~~requires that~~ 1) calls for development ~~must~~ to be modified so that it does not block, reduce, or degrade blue water views as seen from Highway 101 (LCP Policy D-23); 2) indicates that development ~~must~~ should be modified so that it does not significantly obscure, detract, nor diminish the scenic qualities of the highway (LCP Policy D-28); and 3) calls for structures ~~must~~ to maintain intermittent ocean views to the maximum extent feasible (LCP Policy LU-B-5). Although these three standards all include slightly different wording, all of the various policies read together demonstrate that the LCP ~~undoubtedly~~ places a ~~very~~ high priority on preserving ocean views from Highway 101, which provides 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 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." Considering the above, ~~The~~ under the LCP ~~sends a clear mandate that~~ development projects must make ~~every~~ feasible efforts to not degrade these ~~critically~~ important views from Highway 101.

In short, the LCP places a high priority on protecting views from Highway 101, an LCP designated scenic road. The LCP includes multiple policies that are all designed to protect these critical public views. And the LCP states that "the entire [South Palisades Planning] area is one neighborhood with an emphasis on open space and scenic corridors" (LUP Policy LU-B-1). In addition to requirements for site specific visual analysis and design review, the LCP includes three standards that are particularly applicable to new development within the South Palisades area. These standards call for: project modification if ~~do not allow~~ blue water views from the Highway ~~to~~ will be blocked, reduced, or degraded; ~~do not allow~~ project modification if development ~~to~~ would significantly obscure, detract, or diminish the scenic qualities of the highway; and ~~require that~~ maintenance of intermittent ocean views ~~be maintained~~ to the maximum extent feasible. As one of the last large undeveloped parcels in the area, the project site provides completely unobstructed views to the ocean. The LCP sends a clear mandate that

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

[5] LCP-3-PSB-14-0830-3 (PDP and Affordable Housing).

[6] The proposed project does not include an affordable housing component.

development projects must make ~~every~~ feasible efforts to not degrade these ~~critically~~ important views. ~~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~~ above the blufftop elevation and would ~~significantly reduce~~ cause some blockage of 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~~ reducing the blue water views as seen from Highway 101 by about half (i.e., 49 percent)~~,~~.[7] ~~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.~~ One way in which the Applicant has designed the project to protect views is by proposing ~~The proposed~~ partial second-story restrictions on two of the lots ~~may~~ to create an additional interior view corridor through the site as seen from Shell Beach Road, ~~but~~ although the visual simulations show that this restriction will ~~do nothing to~~ be unlikely 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~~ is within the 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 25-foot heights for development inland of that~~, development of these lots~~ will ~~consequently cause the maximum amount~~ protect about half (51%) of the Highway 101 view.~~ view degradation that is possible~~. ~~Proposing structural heights at the absolute maximum allowable height ignores the requirement in Policy LU-B-5, which states that structures must be modified in height to maintain ocean views to the maximum extent feasible. The proposed project is thus inconsistent with the standard to not reduce blue water views and is also inconsistent with the standard to not diminish the scenic qualities of the highway. Moreover, the LCP has a maximum height of 15 feet on lots adjacent to the bluff and 25 feet on all other lots, where two stories are only allowed when they will not "substantially block ocean overviews." Again, as proposed such height and second stories cannot be found LCP consistent. Thus, as proposed, the project cannot be found consistent with the above-cited LCP policies with regard to protecting public views.~~

It has been suggested by some that the proposed project should be modelled after other subdivisions in the area, and because these subdivisions lead to view blockages, that this one should be allowed to do that to a similar degree as well. In the Commission's experience it is

[7] The Applicant believes that the City allows a 60 percent reduction in scenic overviews based on its reading of LCP Implementation Plan Section 17.096.020(E)(2). However, this standard is inapplicable to this project for two reasons. First, this Implementation Plan section applies to the North Spyglass Planning Area, not the South Palisades Planning Area where this project is located. The North Spyglass Planning Area is oriented toward visitor-serving hotel uses where some view blockage may be allowed in certain circumstances in order to maximize visitor-accommodations in that area of the City. Second, as explained above, to the extent there is any question of intent the LCP states that Implementation Plan provisions are subordinate to LCP policies. Thus the proper standard of review includes the three LUP Policies cited above (i.e. Policies D-23, D-28, and LU-B-5).

fairly common for developers to point to examples of prior developments that they should be allowed to emulate, and past history is important in that respect and in terms of understanding the character of surrounding development, but it is not a standard of review. In fact, even if nearby development results in some view degradation, that is not a valid LCP reason for new development to be inconsistent with the multitude of LCP policies that prohibit degradation of ocean views from Highway 101, although it may be one of many factors in considering the reasonableness of the blockage. And in fact, it is unclear if the policies of the LCP were appropriately applied to these other subdivisions, nor if the expectations at the time of review of these other subdivisions were actually borne out as built.[8] This project site is of particular importance because the site is the last undeveloped blufftop property of this size along Highway 101 in the City, and thus it currently provides an important visual respite from surrounding development that in some cases blocks views towards the ocean. 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~~ calls for modification to projects that would degrade blue water views, does, however, provide an exception for residential uses where no other use is feasible. Here, the project as approved takes the feasible steps to ensure that views are preserved. ~~However, the proposed project fails to take all of the steps necessary 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 ten 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 allow development of the nature envisioned by the Applicant. 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 large retaining walls, pose significant design challenges, and would cause a large disturbance to the environment. Thus such a design is not a feasible option.

~~However, as proposed, the project does not strike that appropriate balance between protecting the public good, namely the public's protected Highway 101 view, while providing for a reasonable amount of residential development for this site.~~ Under the LCP, there are different ways of finding ~~that~~ a balance that adequately protects views under the LCP and allows for reasonable residential development at this site. One option would be to maintain the view completely, so that the buildings are all below the line of sight from Highway 101 to the bluff, thus retaining all blue water views. ~~The policies clearly speak to such an interpretation.~~ However, if that were the

[8] For example, in the North Silver Shoals case (appeal A-3-PSB-96-059), the Appellants did not specifically raise the issue of the project's consistency with LCP Policies D-23 or D-28 and thus the approval did not extensively analyze the project's impact on views from Highway 101. The visual analysis that was conducted for that project did not estimate the amount of view blockage that would occur from the highway. The report devoted one sentence to views from Highway 101, stating only 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 (as constructed) from Highway 101 demonstrate that that did not in fact turn out to be the case (see **Exhibit 2**).

case, the vast majority of the parcel could not be developed without massive grading and retaining walls that would pose significant design and drainage challenges, as discussed in the paragraph above. A more reasonable balance at this location is to focus on ~~the LCP~~ ~~maximum~~ building heights ~~that is allowed closest to the bluff, namely 15 feet, and ensure that all development is sited below the line of sight over this maximum height~~ that are allowable under the LCP in relation to blue-water view blockage that would result from such buildings at this location.

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 three feet above the southbound lane of the highway[9] to the top of the proposed 15-foot tall structures on the most seaward lots.

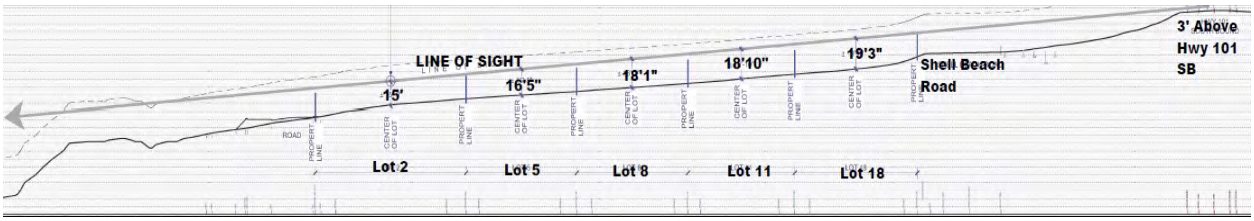


Figure 1. Line of Sight from Highway 101 to 15-foot-tall structures on front lots.

If all structures ~~are~~ were 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 80% of the total scenic overviews over the project site. ~~compared to approximately 50% as currently proposed. Limiting the heights to below this line of sight 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,~~ However, that would limit heights below the LCP maximum. The view analysis provided by the Applicant demonstrates that the structures as proposed with a 25-foot maximum height would retain over half (51%) of the total blue water views associated with the project site. ~~the~~ The adjacent North Silver Shoals Subdivision demonstrates that two-story structures would still be possible on all lots with additional grading.[10] The most seaward residences in the adjacent North Silver Shoals subdivision, which

[9] IP Section 17.096.020(E)(3)(c) states that the highway sight position is three feet above the nearest travel lane of Highway 101, which in this case is the southbound travel line. This position attempts to simulate the average height of a passenger sitting in a vehicle traveling on the highway.

[10] While the North Silver Shoals development was only approved to allow 25 feet in height on the structures closest to Shell Beach Road (where this Project would allow it for all but the closest bluff-side lots), there is no distinction here to restrict 25 feet structures only to the closest bluff-side lots, due to the elevation and slope of the site. The Applicant's visual analysis (see **Exhibit 4**) demonstrates that 25-foot buildings on the lots adjacent to Shell Beach Road would stand taller than 25-foot houses behind them in the Highway 101 view. Thus, allowing 25 foot structures on other downslope lots would not cause any further blockage beyond that already being allowed on the lots closest to Shell Beach Road.

are limited in height to 15 feet above grade, were constructed as two-story houses with increased grading depths (see pages 4-5 of **Exhibit 5** for photos of the adjacent residences). Limiting heights to below the line of sight shown in Figure 1 above and **Exhibit 4** ~~strikes the appropriate balance between protecting~~ would provide more protection of the ~~critically important~~ views from the highway ~~while still allowing for reasonable residential development, and would therefore provide for the residential use envisioned for South Palisades, while preserving ocean views from Highway 101 to the maximum extent feasible~~ than the Applicant's proposal. However, in this scenario, limiting the heights of structures below the line of sight would prohibit the Applicant from constructing the proposed 25-foot tall structures on this particular site without additional grading. Although the Applicant would still be able to construct residences without grading, such residences would be shorter (e.g., 19' 3" as compared to 25' on the lots nearest Shell Beach Road). The Commission did receive testimony that although homes to the south of the proposed project do contain two-story houses at 18' above natural grade, the structures themselves achieved two-stories due to excavation. By the same token, the Commission received further testimony that homes to the north of the proposed project (North Silver Shoals Subdivision) contain homes 25 feet in height above grade on the lots closest to Shell Beach Road. Considering the totality of the evidence, the Commission found that the proposed heights for this project are consistent with relevant LCP policies and reflective of similar heights for existing neighboring lots.

In this case, on balance, the Commission did not find it necessary to limit heights to below the line of sight from Highway 101 to the 15' maximum height on the seaward most lots. This is a single subdivision in the City. Were overall heights to be increased seaward of Highway 101 throughout the City in such a way that more view blockage overall would occur, or if individual projects were to individually and/or cumulatively degrade Highway 101 views through increased heights, then the Commission might resolve this issue differently. This is one of the last remaining large lots with subdivision potential in this area of the City, and allowing it to develop in this way will have some impacts, but these impacts are appropriate in this case to allow for residential development similar to surrounding areas. Indeed, the Commission found at the hearing that the proposed project was consistent with neighboring lots, and that taking an approach that maximized blue-water views would not provide reasonable residential development.

The Commission found that the better approach would be to ensure consistency lot-by-lot. As shown by the North Silver Shoals development, neighboring lots do allow some properties up to 25 feet in height. The Commission found that the project does comply with the LCP and does protect views. Moving forward, though, the Commission finds that the basic tenets of LCP-3-PSB-14-0756-1 are those that should apply to Highway 101 views. **Special Condition 1g** thus requires the Applicant to submit final plans that limit development on lots 1 through 3 to 15 feet above natural grade at the center of the lots and on lots 4 through 19 to ~~below the line of sight as seen from three feet above Highway 101 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**)~~ 25 feet above natural grade. 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 blufftop 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 half cul-de-sac with no development other than low-lying public access amenities and native vegetation in the blufftop park located seaward of the half cul-de-sac, as required by LCP Policy D-40. As explained above, **Special Condition 1a** requires that South Silver Shoals Drive ~~be modified in order to~~ provide ~~adequate~~ ten parking spaces and ~~maximize public access~~ a sidewalk on the northern portion of the road. As an additional benefit, ~~a wider~~ the 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 1h** requires the Applicant to submit final plans that maintain 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 project site[11] (**Special Condition 1i**) and a minimum building setback of 20 feet from the road right-of-way (**Special Condition 1f**). **Special Conditions 5b and 5c** require that landscaping, including trees, not block view corridors or exceed the height of adjacent buildings. To implement LCP Policy D-36, **Special Condition 1j** requires all utilities to be placed underground.

Finally, in terms of density, the LCP identifies the subject site for a medium density level of 9-15 units per acre (LUP Policy LU-2). The proposal provides approximately six units per acre, which is below the medium density level of 9-15 units per acre that applies in South Palisades. While six units per acre is a higher density than the adjacent North Silver Shoals subdivision, and obviously higher than the single-family residential property immediately downcoast, LCP Policy LU-2(a) encourages a variety of densities "[i]n order to provide a variety of housing choices for

[11] 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.

all income groups and create residential areas with distinctive identity a wide variety of densities and housing types shall be encouraged." In other words, 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 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. In short, there are a variety of densities in the area, some more dense and some less dense than proposed (see **Exhibit 5** for Assessor's Parcel Maps of the surrounding subdivisions), and thus project density does not raise a significant concern~~.~~ ~~Importantly, as conditioned to protect views and provide more open space and wider view corridors, the proposed density can be found consistent with critical public view protection requirements, and thus the density can be found LCP appropriate~~ in this case.

Public Views Conclusion

In sum, the project ~~as proposed is inconsistent with~~ is consistent with the LCP's visual standards in regard to protecting public views from Highway 101 and Shell Beach Road ~~and thus cannot be approved as proposed~~. Both Highway 101 and Shell Beach Road are LCP-designated scenic roads that are provided special protections, and the views over the site are significant in that respect. 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.
In ~~contrast~~ this case, the project heights proposed ~~proposes 25-foot tall buildings that~~ would ~~block~~ maintain approximately 50% of the scenic ocean views as currently seen from Highway 101, and ~~block even more of the~~ a portion of the blue water public views as seen from Shell Beach Road ~~given its lower elevation compared to the Highway~~. ~~Contrary to the requirements of the LCP, the proposed heights will actually maximize view blockage at the site, and will significantly degrade LCP-protected public views. Thus, special conditions are applied to allow up to 15-foot-tall structures on the lots adjacent to the bluff, with structures on all other lots required to be limited to be below the line of sight from Highway 101 over the structures on these bluff-fronting lots. Even with this condition, there~~ There will be some blockage of existing significant public views in that respect, but the Commission does not find it necessary to limit heights any further to meet LCP policies in this case. ~~However, this condition will retain 80% of the scenic overviews as seen from Highway 101 and ensure that no additional view blockage above the up to 15-foot-tall structures will occur, while still allowing for reasonable residential development to occur. In fact, it appears that the Applicant would still be allowed to pursue two-story townhouse development in the same locations, albeit at slightly reduced heights.~~ Additionally, the conditions to provide a ~~widened~~ road, which work in tandem with the height conditions to protect views, help maintain a public view corridor through the project site from Shell Beach Road, albeit much narrower than currently exists. In addition, two narrow interior view corridors would be applied through the use of a clustered design on some of the lots, to help provide visual relief as seen from Shell Beach Road (from Highway 101 the degree to which such corridors can offset view impacts is more negligible). In short, although there are a variety of ways to address LCP requirements with respect to building heights and view corridors (and different approaches would be warranted in different cases, as discussed above), in this specific case and this individual fact set, the Commission finds that, on balance, the project as

conditioned appropriately addresses LCP policies. ~~All told , the conditions allow for development of a project of roughly similar scale as proposed but, as conditioned,~~ As conditioned, the project ~~will better respect the significant public views and LCP requirements protecting same, and~~ can be found consistent with the visual resource policies of the City's LCP.

D. 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, California Governor Jerry Brown recently proclaimed a continued state of drought 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 City receives its drinking water supply from a complex mix of sources, including local groundwater from the Arroyo Grande Groundwater Basin, surface water from Lake Lopez reservoir, and imported water from the State Water Project (SWP). The City has a contractual SWP allocation of 1,100 acre-feet (AF) of water per year as its base allocation, and purchases an additional 1,240 AF/year as a drought buffer. The drought buffer is additional purchased State

water that can only be used when the City's primary base allocation falls below 100% (i.e. when the State does not deliver the City with all 1,100 AF of its base allocation). The total amount of delivered drought buffer water cannot exceed the base allocation; it is purely meant as insurance water to make up for any base allocation shortfalls. Additionally, San Luis Obispo County receives 25,000 AF/year of State water, 15,273 AF of which is unallocated. The County traditionally has allocated this excess water to other water providers in years of drought and/or when the State is not providing those providers with 100% of their yearly base allotment. Pismo Beach is currently receiving 772 AF from the County to help augment its water supply. Finally, the City has an allocation of 892 AF/year of water from Lake Lopez, and 700 AF/year of groundwater. Therefore, the City is has a total water allocation of 3,932 AF of water per year[12]; however, since the amount of drought buffer water cannot exceed that which is authorized via the base allocation, the amount of water the City can actually use each year is 2,692 AF. These numbers do not, however, include the additional water the City receives from the County, or any unused carryover water stored in reserves from previous years' allocations.

According to the City's Public Works Department, the City's 2015 water supply and usage calculations showed that supply totaled 3,228 AF. The City is currently only receiving 20% of both its base SWP allocation of 1,100 AF (220 AF) and its drought buffer allocation (248 AF), as well as 90% of its allocated water from Lake Lopez (803 AF). The City is receiving 772 AF of water from San Luis Obispo County's unallocated excess State water, and also has 1,477 AF of unused reserves from previous years' Lake Lopez and State water deliveries. The City's typical water demand is 1,950 AF, and its required reduced water usage due to the State Water Resources Control Board's mandatory 24% water curtailment requirement to address the current drought situation is 1,482 AF.[13] Based on these numbers, the City is currently consuming roughly 46% of its available water supply. 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 12b** requires the Applicant to submit evidence that the City has adequate and sustainable long term 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-

[12] 1,100 AF of State Water, 1,240 AF of State Water Drought Buffer, 892 AF from Lopez Lake, and 700 AF of groundwater.

[13] According to the City, in June 2015 the City reduced water consumption by 24%, and in July 2015 reduced consumption by 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 1.25:1 water offset[14] 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 applies in nearby unincorporated San Luis Obispo County via the LCP's North Coast Area Plan). A water offset at a ratio of 1.25:1 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 1.25:1 water offsets in recent CDP approvals, such as the Pismo Beach Hotel. The proposed project, however, does not incorporate any water conservations measures as required by the LCP. **Special Condition 12a** 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 Conditions 5 and 6** also require the Applicant to submit a final landscape plan that includes noninvasive drought-tolerant plants and uses micro-spray or drip irrigation. Additionally, **Special Condition 12b** requires the Applicant to offset the proposed project's anticipated water use at a 1.25:1 ratio by retrofitting existing fixtures within the City of Pismo Beach with new water-saving fixtures to make the project, at a minimum, 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 conditioned to provide evidence of adequate water and sewer services, to implement water conservation measures, to install drought-tolerant noninvasive plants, and to offset anticipated water use, the project can be found consistent with the public services policies of the City's LCP, and can also meet the directives of Executive Order B-29-15.

E. 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. The City also has several LCP policies specifically regarding blufftop development.

> ***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.*

[14] Water offsets are accomplished through retrofitting existing developments with water saving appliances and fixtures.

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 [i.e., South Palisades] 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 required setback line (i.e., the area seaward of a line 100 feet inland of the 100-year erosion line). 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 bluff retreat line (see **Exhibit 8**) was established through collaborations with Commission staff, including the Commission's Senior Geologist, Dr. Mark Johnsson, 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 blufftop development and setbacks. Portions of the open space park are within the required setback area, 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 lateral walkway and public benches. Similarly, the public stairway to the beach required by **Special Condition 1c** 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-3 requires that new development not require the construction of protective devices. 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 blufftop development over the life of the project. **Special Condition 10** ensures that the Applicant acknowledges and accepts the risks from coastal hazards, while **Special Condition 11** prohibits the use of future shoreline protection in order to carry out LCP Policy S-3 and also requires relocation of public access amenities to ensure their continued utility, and modification/removal of residential development if necessary to address coastal hazards without relying on shoreline armoring.

Specifically, the conditions require the Applicant 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, lateral accessway, or cul-de-sac is determined to be unsafe for use, the Permittee is required to relocate the threatened portions inland, and restore the land to protect coastal resources. This condition will ensure that the required access amenities envisioned for this area will remain in perpetuity and will provide for continuous maximum public access over the entire life of the project. Similarly, this condition

ensures that residential development is appropriately modified to address any coastal hazard threats without reliance on shoreline armoring. 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 13** of this approval requires recordation of a deed restriction that will record the project conditions against the affected property as covenants, conditions and restrictions for the entire parcel.

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 its access amenities) or cul-de-sac if threatened by erosion, and record all the conditions of this permit against the affected properties in perpetuity, the proposed project can be found consistent with the City's LCP with respect to development hazards.

F. 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 7** 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 that the construction documents be maintained at the site. **Special Condition 1k** requires a post-construction drainage and erosion control system to accommodate drainage for storm events up to and including the 85th percentile 24-hour runoff event to adequately protect water quality from stormwater runoff as typically required by the Environmental Protection Agency and State Water Resources Control Board, including through methods such as infiltration, retention, or treatment of all site drainage and runoff. To ensure that storm runoff does not enter the marine habitat and coastal waters, **Special Condition 1k** requires drainage to be directed away from the bluff edge.

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.

G. 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

Analysis
As mentioned above, the project site is an undeveloped lot located on a blufftop 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, and is conditioned for a minimum of 60 percent open space for the entire project site as required by the LCP. A 2008 Ecological Assessment Report determined that the project site consists mostly of nonnative grasses and a small area of native vegetation near the bluff edge. 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. No sensitive planet species or sensitive wildlife species 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, however, been sightings of migratory birds within the area of the project site.

The project's Biological Resources Assessment found that the site consists "primarily of non-native grassland . . . and include[s] a predominance of invasive non-native plants." All structural development is located in this area 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 blufftop and face" and that "coastal scrub vegetation present was sparse, with few understory species present." The area of native vegetation found here is degraded and disturbed, provides minimal biodiversity, and does not contain any sensitive species. The blufftop park is located in this area in order to minimize disturbance to native vegetation as required by CO-31. Approximately 20,400 square feet of the blufftop park will be restored and enhanced via removal of nonnative vegetation and the planting of appropriate native vegetation after construction. The proposed plans also incorporate a three-year monitoring plan with specific benchmarks to measure success. **Special Condition 6** requires the Applicant to submit final blufftop park vegetation plans to ensure success of the landscaping effort. **Special Condition 7** requires a Construction Plan that includes Best Management Practices designed to protect all natural resources in the area as required by LCP Policy CO-31. All 19 Monterey pine trees on the adjacent property will be preserved in conformance with LCP Policy D-12.

In terms of wildlife resources, previous sightings of migratory birds at and near the project site have been reported, and it is possible that the proposed project could have a negative impact on nesting birds during construction. To address possible impacts to nesting birds, **Special Condition 9** 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 enhancement of the blufftop 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 can be found consistent with the natural resource policies and standards of the LCP.

H. 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's LCP includes 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 8** requires an archeological monitor during grading activities and ensures that construction activities will be suspended if any archeological resources are discovered during construction as required by the LCP. Therefore, as conditioned, the project can be found consistent with respect to LCP archeological resource policies.

I. RESPONSE TO COMMENTS

Visual Resources

The Applicant's representative submitted a letter dated October 29, 2015 (see **Exhibit 10**). In that letter, the Applicant's representative states that this project should be analyzed using ~~only~~ "a single and very specific policy, LU-B-5, which governs Highway 101 views in the South Palisades Planning Area." In doing so, the Applicant asks the Commission to ~~disregard all~~ give primacy to one specific policy (LU-B-5) over other applicable policies based upon a theory of statutory construction that when interpreting an ambiguous text, the "specific must control over general." However, an equally universal rule is that the plain meaning of the statute's language controls over other statutory construction rules that seek to look beyond the statutory text. The LCP is *not* ambiguous, and in fact contains a clear statement that directly contradicts the Applicant's interpretation. The LCP contains 11 elements/chapters listing the regulatory policies with which all development must conform, and clearly states that "[a]ll topics carry equal weight and are designed to be consistent with each other." This clear statement, which governs interpretation of the City's LCP, cannot be ignored and neither can the host of public view protection policies found in the various elements of the LCP.

The analysis in this report is correctly based upon all of the LCP's public view policies that apply to this site, all of which must be understood both together and separately. This report's analysis is based upon a reasonable understanding of how these various policies work together to constrain the project site, and the report's conclusions provide a project that ~~maximizes~~ adequately protects public views ~~protection~~ while also allowing for reasonable residential development of this specific site. Moreover, Section 30009 of the Coastal Act requires that the Coastal Act, which necessarily includes LCPs[15], be liberally construed to accomplish its purposes and objectives. Section 30001 of the Coastal Act cites one of the objectives that require liberal construction: "the permanent protection of the state's natural and scenic resources is a paramount concern to present and future residents of the state and nation." Thus, in reviewing the proposed project's impact on public views, the Commission must ~~liberally apply~~ consider LCP policies together to ensure that it accomplishes the objective of permanent protection of the state's scenic resources. In doing so, the Commission is not bound to approve projects in the same manner as the Commission's past project approvals simply for the sake of continuing past practices, but rather must review each project, on a case-by-case manner, to seek to achieve permanent protection of the state's scenic resources, such as the critically important views of the ocean that the thousands of travelers on Highway 101 see for the only time in Pismo Beach between the Golden Gate Bridge and Gaviota, a distance of over 300 miles to the north. By the same token, although the Commission is not bound to approve projects in the same manner as past project approvals, it is also not precluded from considering past approvals in determining the reasonableness of the current proposal. Indeed, at the hearing, the Commission stated that the view corridors were consistent with other nearby lots, and that this consistency mattered in its ultimate decision.

In addition, using the Applicant's construct of looking at individual policies alone, the LCP's visual resource protection policies could be interpreted to not allow *any* blockage of public views as seen from Highway 101, an LCP-designated scenic road. LCP Policy D-28, which specifically

[15] Section 30108.6 defines LCPs as "a local government's (a) land use plans, (b) zoning ordinances, (c) zoning district maps…which, when taken together, ***meet the requirements of, and implement the provisions and policies of, [the Coastal Act] at the local level"*** (emphasis added).

addresses the impact of development on public views from Highway 101, ~~requires~~ calls for new development to "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." ~~Under this policy,~~ This policy could be interpreted such that any building extension into the public viewshed that would reduce blue water ocean views would be prohibited. Similarly, reflecting the importance of the public's blue water views from Highway 101, and Policy D-28 which requires same, the Commission approved an LCP amendment in 2014 requiring all development in the open space area between Highway 101 and Shell Beach Road to not extend into the viewshed at all.[16] Thus, ~~there is clear direction in both the LCP and by the Commission that protecting blue water views from Highway 101 are of the~~ utmost protection of blue water views from Highway 101 are matters of particular coastal resource concern. Policy LU-B-5, which addresses new development throughout the entire South Palisades Planning Area, states that "the size and location of structures shall retain to the maximum extent feasible intermittent views of the ocean from U.S. Highway 101." The Applicant believes that this policy requires only that new development provide intermittent view corridors, and other policies can be ignored. This interpretation would allow entire portions of the public viewshed to be completely blocked by the project, which is inconsistent with other LCP policies, including D-28. ~~Furthermore~~ Conversely, LU-B-5 could also be interpreted to mean that new structures must retain *all existing* intermittent views throughout the entire South Palisades Planning Area. In other words, although portions of ocean views have already been blocked by existing development, the argument could be made that new development must preserve all remaining intermittent views in South Palisades. ~~This~~ Such an interpretation would prevent a project from completely blocking portions of the public viewshed, and~~, importantly,~~ would arguably be consistent with Policy D-28's Highway 101 public view protection requirements. As approved, this project is consistent with the LCP visual policies taken as a whole. ~~Finally, it is worth noting that~~ Policies D-28 and LU-B-5, ~~could be~~ interpreted together, ~~to~~ still mean that blue ocean views from Highway 101 should be maximized to the extent feasible. In other words, considering the effect of Policy D-28, usage of the term "intermittent" in Policy LU-B-5 does not set a maximum ceiling of sporadic protection for blue ocean views, but more likely a minimum floor of protection for blue ocean views.

While it is true that both Policies D-28 and LU-B-5 provide a feasibility exception to the public view protection requirement, as this report explains above, the public view protection policies read together demonstrate that development must make every feasible effort not to degrade the ~~critically~~ important views from Highway 101. In this case, as conditioned and as discussed above, the project does strike an appropriate balance between protecting views and allowing reasonable development. ~~The proposed project is inconsistent with those policies because, as described in this report, it does not employ all feasible measures to ensure blue water view protection. The Applicant claims that if views are protected as described in this report, the 19-feet 3 inch heights allowed would limit the townhomes to a single-story and that this is "infeasible on its face." However, there are homes on North Silver Shoals that are two-stories and met the 15-foot height requirements (through grading), and the existing 15-foot one-story structures in the Beachcomber subdivision demonstrate that building a one-story home is clearly feasible. The surrounding development does not support the Applicant's claims.~~

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

~~Additionally, the conclusions of this report do not prevent the Applicant from exploring other design options including building slightly below grade or reconfiguring the lots. The Applicant also states that the townhouse units range from 1,700 – 1,800 square feet, but the recommendation would limit the units to 635 square feet. The lot sizes, however, range from 2,489 square feet to 4,122 feet. Even if the Applicant were unable to build two-stories with a height limit of 19 feet 3 inches, which it is not clear is even true, the Applicant could construct a unit larger than 635 square feet on lots as large as 4,122 square feet (e.g., using the allowed 80% floor area ratio and 40% coverage, the Applicant could develop a 1,648 square-foot single-story townhome, and an even larger townhome at two stories, up to 3,297 square feet). Again, the Applicant provides no information to substantiate the claim that the conditions would limit such townhomes to 635 square feet.~~

Furthermore, the Applicant suggests that the Commission is inappropriately 'rewriting the LCP' via new interpretations. This is not true. The Applicant cites to the Security National Guaranty case in Sand City ("SNG") in support of this assertion.[17] The Applicant's reliance on SNG is misplaced, as that case places no limitation on the Commission's evaluation of whether the current project is consistent with relevant LCP policies. In SNG, the court found that the Commission could not declare, in its appellate review of a locally-issued CDP, that ESHA existed on the property in that case when the certified LCP expressly stated otherwise.[18] The situation here does not resemble SNG. Contrary to the Applicant's assertion, the Commission is not claiming that LU-B-5 does not apply to the proposed project. Further, SNG does not stand for the proposition that the Commission's application of multiple relevant policies, including specific policies for a planning area as it did here, when reviewing a CDP on appeal somehow constitutes an LCP amendment. Moreover, the very nature of de novo review by the Commission necessarily entails reviewing the project anew and applying all relevant policies in its review of the project's consistency with the certified LCP. Therefore, the Commission's reliance on multiple relevant policies in reviewing the proposed project is not an amendment contemplated under SNG and is well within the Commission's authority in its de novo review of the locally-issued CDP.

The Applicant also states that "every subdivision has been developed or approved in the same manner as this Project." ~~The Applicant's statement is simply factually incorrect.~~ <u>While this is not entirely true, nor is it dispositive, it is a factor that may be considered in determining the reasonableness of the view blockage.</u> First, the 1995 Beachcomber Subdivision appeal considered by the Commission proposed structural heights ~~significantly~~ lower than the current project. The Beachcomber subdivision proposed 15-foot houses on the lots closest to Shell Beach Road and 18-foot houses on the next row of lots. ~~Here, the Applicant proposes 25-foot houses on all similarly situated lots. **Special Condition 1(g)** actually allows building heights taller than those approved by the Commission in the Beachcomber case, allowing for heights of 19-feet 3-inches on lots closest to Shell Beach Road and 18-feet 10-inches on the next row of lots. For this project site, a 15-foot height limit on lots adjacent to Shell Beach Road and 18 feet on the next row of lots does not make sense due to the elevation and slope of the site. A 15-foot height limit~~

[17] Security National Guaranty v. Cal. Coastal Com. (2008) 159 Cal.App.4th 402.

[18] SNG, supra, 159 Cal.App.4th at 422-23.

~~on lots adjacent to Shell Beach Road is not necessary because the structures on the lots adjacent to the bluff would stand taller than all of the landward lots at South Silver Shoals.~~

Second, the 1996 North Silver Shoals subdivision appeal also proposed heights that are ~~lower~~ different than the current project. The North Silver Shoals subdivision proposed 25-foot structures on lots closest to Shell Beach Road and 18-feet on all other lots except those adjacent to the bluff. Here, the Applicant proposes 25-foot structures on all lots except those adjacent to the bluff, which will be limited to 15 feet in height. Although the Beachcomber and North Silver Shoals subdivisions were approved for height limits slightly different than here, as discussed above, the project as designed will adequately protect blue water views consistent with LCP policies in this case. ~~For this project site, a 25-foot limit on lots closest to Shell Beach Road and 18 feet on the seaward lots does not make sense due to the elevation and slope of the site. The Applicant's visual analysis (see **Exhibit 4**) demonstrates that 25-foot buildings on the lots adjacent to Shell Beach Road would stand taller than all of the houses behind them in the Highway 101 view. Thus no public views would be protected by limiting heights on the seaward lots without also limiting heights on the lots closest to Shell Beach Road. In short, the Applicant's contention that the development conditions proposed for this project to protect blue ocean views from Highway 101 is somehow an aberration is simply untrue.~~

The Commission has approved subdivision projects in Pismo Beach that each had their own set of different circumstances, yet all of these projects demonstrate a consistent principle: public view protection is a critically important requirement that must be analyzed on a project specific basis. The current analysis is therefore not a new interpretation of the LCP, but rather represents a reasonable solution to address the public view protection policies with regard to this specific site. ~~Rather than choose arbitrary heights for different lots, **Special Condition 1(g)** ties building heights to the resource that height limits are intended to protect, namely public views. This provides a workable standard that maximizes public view protection, while also allowing the most height and residential development possible without further impacting public views. This represents an appropriate balancing, particularly as it relates to an undeveloped site where flexibility to meet LCP requirements is maximized. And, despite the Applicant's assertions, t~~ These conditions would not foreclose all obstruction of blue water views, because the Commission does not believe that that is necessary in this case for LCP compliance. ~~To the contrary~~ Here, the conditions of this approval ~~would still allow~~ ~~approximately 20 percent~~ protect over half (51%) of scenic overviews ~~to be blocked, far less than the 50% of the view that would be blocked by the Applicants proposed project as estimated by the Applicant~~.[19] ~~This~~ While this approval would ~~also~~ allow heights ~~significantly~~ taller than some prior Commission-approved subdivisions~~, such as the Beachcomber subdivision~~, it protects more than half of the blue-water views across the site and results in development that is not dissimilar from nearby development.

[19] In his October 29, 2015 letter the Applicant's representative states that the proposed project would retain 68% (and thus block 32%) of the Highway 101 view. However, the Applicant's approach does not conform with the manner in which staff believes that this type of view blockage is calculated under the LCP (i.e., it adds in view corridors to the scenic overviews when these are two different concepts), and is not an appropriate comparison as a result. ~~previous submittals and cross-sections and their own assessment indicate that 49% of the view would be blocked as proposed by the Applicant (see Exhibit 4). The Applicants provides no explanation or justification for the 68% number.~~

Finally, the Applicant apparently believes that if building heights are proposed at the LCP maximum, then the project is consistent with the LCP. This may not always be the case. ~~The Applicant fails to understand that~~ 25 feet is a maximum height limit, and it must be understood in the context of the resources being protected and the policies. The 25 feet is not an entitlement to that height. On the contrary, it provides an upper height limit that may not be appropriate depending on the facts of the case and the policies. In this case, it is ~~not~~ appropriate inasmuch as it would ~~lead to~~ ~~a loss of 49%~~ protect over half of the existing blue water view from Highway 101. As explained above, the applicable policies demonstrate that development must make every feasible effort not to degrade the critically important views from Highway 101. The project heights proposed strike the appropriate balance between protecting these important blue water views and allowing for reasonable development on the Applicant's property. **Special Condition 1(g)** allows for the LCP's maximum height on lots adjacent to the bluff (i.e., 15 feet), and ~~then works back from that height to the line of sight from 101 to protect views~~ allows the maximum height of 25 feet on all other lots. In doing so, ~~80%~~ over half of this critical and LCP-protected view can be protected while the project can extend to heights as high as ~~over 19 feet~~ 25 feet above grade along Shell Beach Road.[~~20~~] Such conditions ensure that all ~~other~~ lots will be restricted to a height that ~~maximizes public view protection, and also maximizes the height allowed on the lots without further impacting public views~~ adequately protects public views while also allowing for reasonable residential development in this case.

Finally, the Applicant suggests that the current recommendation "represents an about-face" from Commission staff's previous recommendation on the Substantial Issue portion of the hearing. As the Applicant is well aware, the prior recommendation and findings were limited solely to whether the appeal contentions raised a substantial issue of LCP conformance, but did not include a de novo review of the project itself. The visual issues raised in the appeal focused primarily on private views from neighboring subdivisions. The appeal did not specifically raise an issue related to conformance with LCP Policies D-23 or D-28 regarding views from Highway 101, which form the bases of the current ~~recommendation~~ analysis. And the prior analysis was, as are all Substantial Issue evaluations, a threshold investigation into whether an appellant's grounds for appeal raised a substantial issue in terms of the City's approval of the project. It was not an evaluation of the project's LCP consistency. At that time, the Commission found Substantial Issue on an 8-1 vote and requested additional information specifically on the issue of public view protection. Thus, Staff's prior recommendation was not adopted and carries no status. Staff has since spent considerable time analyzing all relevant policies in the LCP, not just those raised on appeal, and has received multiple new visual analyses from the Applicant. As explained above, based upon this new information and after considering the LCP in its entirety, the project as proposed ~~is inconsistent~~ nonetheless can be found consistent with the LCP in regard to protection of public views if appropriately conditioned. This conclusion is not an "about face," but rather a reflection of additional analysis and understanding of the project and its relation to the full LCP, as is required in De Novo review. ~~However, as~~ As a means to allow for reasonable residential development and public view protection, the project is conditioned to limit building heights to 15 feet above natural grade on lots adjacent to the bluff and all other lots

[~~20~~] ~~Where under 6 feet of grading would allow the Applicant to install a 25-foot tall structure that met that height limit if they so choose.~~

to ~~below the line of sight as seen from three feet above the southern travel lane of Highway 101 to 15 feet above natural grade as measured at the center of front lots~~ 25 feet above natural grade, and the project can be found consistent with the public view protection policies of the City's LCP.

Road, Parking, and Sidewalk Configuration

With respect to roads, sidewalks, and parking, the Applicant proposes a new South Silver Shoals Drive to provide vehicular ingress and egress from Shell Beach Road for the new residential lots and the new bluff-top open space park. As proposed, the road will include two 12-foot wide travel lanes, a four-foot wide sidewalk along the northern side of the road, and 10 parking spaces (four along the cul-de-sac adjacent to the bluff-top park, and six within bump-outs adjacent to the sidewalk). No sidewalks or parking spaces are proposed on the southern side of the street, and the road's terminus is proposed as a half cul-de-sac (i.e., a half circle extending upcoast and terminating at the southern property line). In order to address the proposed road's irregular configuration, including its proposed half circle shape at its bulb terminus, ~~as well as to address LCP and Coastal Act public access inadequacies with respect to only providing parking and a sidewalk on one side of the street,~~ **Special Condition 1(a)** ~~modifies the Applicant's proposed road configuration by requiring a full cul-de-sac bulb at the road's terminus near the bluff edge and eight-foot wide parking lanes on both sides of the street~~ requires the Applicant to consult with the City on the final road design, and **Special Condition 1(b)** requires a 4½-foot wide sidewalk on ~~both sides of the street as suggested by the Pismo Beach Bicycle and Pedestrian Master Plan~~ the north side of the street.

The Applicant states that their proposed road design is fully consistent with Policy LU-B-4, which allows for a cul-de-sac to be provided if construction of a loop road is infeasible due to required bluff setbacks. The Applicant alleges that if a two-lane loop road were feasible to construct, it would provide 10 parking spaces, and thus the proposed cul-de-sac configuration's resultant 10 spaces is consistent with Policy LU-B-4. The Applicant also claims that providing a full two lane road with parking and sidewalks on both sides of the street and a full cul-de-sac is infeasible at this time, including because doing so will eliminate six of the proposed 19 residential lots. Furthermore, the Applicant claims that a full cul-de-sac, two additional travel lanes, sidewalks, parking, and a center lane median will be provided in the future once the adjacent, downcoast property is developed. Finally, the Applicant notes that ~~the~~ a wider road ~~conditions~~ (i.e., requiring sidewalks and parking on both sides of the street, and a full cul-de-sac) ~~are~~ is tantamount to a "radical" street redesign that is out of step with other subdivisions in the area. The Applicant's claims are simply off-point.

With respect to LUP Policy LU-B-4, the policy envisions a series of loop roads in the South Palisades area, offering motorists and pedestrians continuous access to and along the area's bluff-top park and stairways down to the beach and from Shell Beach Road. However, the policy only allows for a cul-de-sac to be built if a loop road would have to be impermissibly located within the LCP's required bluff and open space setbacks. The cul-de-sac allowance emanated from LCP amendment LCP-3-PSB-13-0255-2, approved by the Commission in February 2014, which recognized that bluff erosion in the area could preclude the ability to construct such loop roads. Since the prior LCP policy only allowed development in this area with a loop road, if the loop road could not be built, then de facto all development within the South Palisades area would

be prohibited. In order to offer flexibility in the configuration of required roads, and to ensure that bluff erosion would not serve to prohibit otherwise LCP consistent development within the residentially-zoned neighborhood, the Commission approved the LCP amendment's loop road allowance. However, the Commission only approved this amendment with suggested modification language that addressed the amendment's potential public access and recreation inadequacies.

First, in order to ensure that any road configuration maximized public recreational access opportunities, consistent with Coastal Act requirements for same, the Commission required a modification adding language requiring the number of on street parking spaces to be maximized. Thus, whether a loop road or cul-de-sac, it must ensure that the number of public parking spaces was maximized. Second, the Commission approved a modification requiring that at least the same number of public parking spaces as would be provided in a loop road would be provided in a cul-de-sac if constructing a loop road was found to be infeasible. The modification recognized that a loop road might provide more area for public on-street parking than would a cul-de-sac, and that parking is a key component of the public's ability to access the coastline in the South Palisades planning area. In other words, if parking was reduced, the ability of the public to access this section of the coast would be reduced. Thus, the Commission required a two part test for road development in the South Palisades area: first, the street must be sited and designed to provide the maximum number of public parking spaces, including by ensuring there are no barriers to parking opportunities (e.g., no parking signs, bulb-outs, and other obstacles precluding on-street parking); and second, if a cul-de-sac is built, it must provide at least the same number of parking spaces that would be provided by a loop road configuration. Only with these suggested modifications could the Commission find the allowed road configurations to be consistent with the Coastal Act's public access and recreation policies.

The Applicant alleges that the proposed cul-de-sac is consistent with Policy LU-B-4 because it provides 10 parking spaces, the same number as what would be provided by a loop road configuration, and further alleges that the policy dictates a half cul-de-sac. First, the policy does not dictate ~~or envision~~ a half cul-de-sac. The policy only refers to a "cul-de-sac," and thus any statement that the policy ~~envisions or~~ dictates half of a cul-de-sac is inaccurate. In fact, a half cul-de-sac would be an aberration in terms of standards of road design, and the Commission is unaware of any such examples in Pismo Beach, although nothing in the LCP would expressly prohibit a half cul-de-sac design so long as adequate public access is provided.

Second, the Applicant is correct in that the policy requires at least an equivalent number of parking spaces for a cul-de-sac as what would be provided in a loop road. However, the Applicant fails to recognize the other Commission-imposed test: namely that the number of on-street parking spaces be maximized. In this case, the Applicant ~~claims only 10 parking spaces can be provided in a loop road. It is unclear how the Applicant concluded on this 10 space number, including because the Applicant's original proposed loop road configuration (and the configuration originally approved by the City of Pismo Beach) consisted of 16 parking spaces. The 16 space calculation was based on the premise that no parking would be provided on the southern side of the street, parking would only be provided in bulb-outs along the northern side of the street, and that no parking would be provided on the seaward side of the loop road. Thus, the 16 space calculation is based off of restricting parking along large segments of the road,~~

~~inconsistent with Policy LU-B-4's overarching requirement that all road configurations maximize parking availability. Thus, the Applicant's rationale for concluding that the cul-de-sac's 10 spaces is consistent with LU-B-4 is based on the loop road's failure to maximize parking, including by artificially constraining the number of spaces a loop road could provide by restricting parking along large sections of the street.~~ will provide an additional 10 public parking spaces, and these spaces are sufficient to offset parking issues attributable to the project. Considering that the proposed new homes will have adequate parking to serve the residential development portion of this project, and thus the 10 on-street parking spaces will be available to members of the public seeking to enjoy the new park and beach accessway. In this manner, the number of on-street parking spaces are maximized given the half cul-de-sac design proposed by the Applicant. As discussed earlier, the policy requires the maximum number of spaces, and prohibits any road design that includes barriers or constraints that would preclude parking. ~~Thus, the Applicant's baseline of 10 loop road parking spaces is off base, inconsistent with Policy LU-B-4, and cannot be used as an adequate proxy for the number of required cul-de-sac spaces. Consistent with the standard specified in Policy LU-B-4~~ In this approval, Special Condition 1(a) requires ~~maximum parking along both sides of South Silver Shoals Drive, and instructs that providing a full cul-de-sac at the road's terminus near the bluff edge, and providing parking lanes on both sides of the street, is the mechanism to do so~~ a minimum of 10 parking spaces along the road.[21] ~~It is estimated that the revised configuration would provide approximately 30 parking spaces (see page 24 of the staff report).~~

~~Furthermore, regardless of the number of spaces a loop road could provide, the proposed cul-de-sac configuration is inconsistent with Policy LU-B-4 for the same reasons the loop road is inconsistent, namely that its design and configuration includes large areas that preclude on street parking opportunities, including along the entire southern half of the street. Again, Policy LU-B-4 first and foremost requires the number of parking spaces for any road configuration to be maximized. The proposed cul-de-sac configuration fails this fundamental LCP consistency test, including by prohibiting parking entirely on the southern side, only providing spaces within smaller bulb-out areas on its northern side, and only providing spaces within half of the cul-de-sac. The road must be sited and designed to provide parking on all sides of the street, including along a full cul-de-sac, in order to ensure compliance with Policy LU-B-4's parking maximization requirement, which is embodied in Special Conditions 1(a) and 1(b).~~

~~The Applicant claims that building the road in the manner required by the special conditions with two lanes of parking is infeasible, including because it would render six lots unbuildable. However, this claim is premised on the currently proposed lot configuration, and does not taken into account any redesign of lot sizes and configuration (or even reducing the width of the travel lanes from the proposed 12 feet to 9 or 10 feet, which is a more standard residential street width) in order to accommodate the requisite additional road infrastructure. It appears entirely feasible to continue to have the same number of lots with a slightly wider road area. Because the Applicant's proposed road width is roughly 36 feet (two 12 feet wide travel lanes, one four-foot wide sidewalk, and one eight-foot wide parking lane), and the configuration required by Special~~

[21] Note that ~~even~~ this configuration results in a lesser number of parking spaces than would an L-shaped cul-de-sac configuration where the road extends towards the blufftop and then upcoast. If the L-shaped road were considered the starting point, well in excess of 10 spaces would be ~~required~~ provided.

~~Conditions 1(a) and 1(b) would be at most 45 feet (two 10 feet wide travel lanes, two four-and-a-half feet wide sidewalks, and two eight feet wide parking lanes), the road infrastructure would encroach nine feet into the lots as currently proposed. As discussed on page 24 of the staff report, because the entire 3.7 acre parcel is currently undeveloped, the Applicant has maximum flexibility to design the subdivision around site constraints, including necessary public infrastructure such as roads and sidewalks. Yes, the lot size would need to be reduced, but only slightly along the road frontage. And even then, the subdivision could be adjusted at other lots if the Applicant wanted to spread the nine-foot reduction over lots further north.~~ For the reasons discussed above, the proposed road does provide adequate parking opportunities and a public sidewalk to access the bluff, consistent with LCP policies.

In addition, the very allowance for any development on this site is a product of the Commission's approved LCP amendment that modified Policy LU-B-4. As discussed above, without the Commission's approval of the LCP amendment allowing for a cul-de-sac road configuration, the loop road would be the only road type allowed to be built on this parcel. Due to the inability to build that road outside of requisite bluff and open space setbacks, the loop road could not be built, and no development would be allowed on this parcel. Thus, the Commission's 2014 approval of the LCP amendment offered a path for development to occur on this site, but only for a road built in a manner that provides maximum public parking, and thus public coastal access, opportunities. ~~The Applicant, in essence, is claiming that building the road in the manner required of Policy LU-B-4 would reduce the number of lots, when the only reason any development is even allowed on this site is because of the Commission's LCP amendment approval of Policy LU-B-4's cul-de-sac allowance. The Applicant's subdivision configuration must respect all applicable site constraints, and, in this case, one of the primary constraints is development of an appropriate road configuration due to the LCP-required prescriptions for parking maximization.~~

The Applicant claims that building ~~the~~ a wider road ~~consistent with the special conditions~~ is unnecessary because such a configuration can be built in the future on the adjacent downcoast parcel. However, such a claim is highly speculative. There are no development proposals for that property, and thus it is unknown when, or even if, that property would be redeveloped, and even whether it would be redeveloped in some way that included a subdivision and a new residential neighborhood and a road. ~~Furthermore, the Applicant's proposed road configuration would prejudice the ability of the downcoast property to be effectively sited and designed. In other words, the Applicant's proposal would essentially require the other half of Silver Shoals Drive to be located along the northern property line of the downcoast property. Because no development proposals have been submitted, it is unclear if this area is even suitable for road development. In fact, a mature row of 19 trees are located along the property line, and it is not clear how these natural resources may constrain any such road development. Thus, if the Applicant's proposed road design were used, any future Applicant for the adjacent site, the City, and the potentially the Commission, will lose flexibility in siting and designing that property around its site constraints, because this Applicant's half road configuration effectively already dictates the siting of the other half of the road. In other words, the Applicant is essentially asking that the adjacent property owner build the other half of the required street, and is dictating where to do so.~~ For the record, the adjacent property owner has indicated that his property is already served by an

existing road and is not interested in pursuing any such development.[22] In any case, hypothetical development on a neighboring property that is not part of the application for this project is not considered by the Commission for purposes of the proposed project.

In addition, the Applicant claims that ~~the~~ a wider road configuration (i.e., two travel lanes with parking and sidewalks on both sides, as well as a full cul-de-sac) is a radical redesign that is inconsistent with other adjacent subdivisions. However, the adjacent North Silver Shoals Drive contains the exact same configuration ~~as what the conditions here would require~~ (i.e., two travel lanes, two 8-foot parking lanes, and sidewalks on both sides of the street). ~~Furthermore, the conditioned s~~ Such a configuration ~~is~~ would essentially ~~requiring~~ mean that the Applicant would have to build a full road on its property, as opposed to building a half-road with the other half to be left to the future adjacent property owner to build. Allowing for a half-street ~~is not only inconsistent with the LCP and Coastal Act parking and access requirements, but also effectively circumvents the public's infrastructure in order to~~ provides more private lot space. ~~The requirement to provide a standard street, not a half-street, is a fair and reasonable project modification, and certainly not 'radical'.~~ On the contrary, it is a fairly straightforward requirement in the Commission's experience that Applicants provide for appropriate infrastructure, and not somehow attempt to have unrelated property owners resolve Applicant issues. In addition, the cul-de-sac allowance ~~already~~ allows for larger lot sizes and private space than would be allowed with a loop road, including because land that otherwise would be in the public domain and used for vehicular access, parking, and sidewalks, is now proposed to be part of private single-family lots. ~~In fact, one option would be to require the cul-de-sac to extend laterally upcoast along the bluff-top open space area, where the seaward single-family lots are proposed to be located, and be made available for additional public parking, essentially creating an "L"-shaped road. Such a configuration would arguably be closer to the loop road system that the LCP envisions than would be the recommended perpendicular cul-de-sac.~~ In this case, allowing for some of this land along the bluff to instead be available for residential use is part of the compromise inherent in trying to find an appropriate balance between the LCP policies as applied to this case and a reasonable amount of residential development.

~~Finally, it is unclear how the Applicant's proposed road configuration would even functionally work, including whether large vehicles can effectively turn around at the half cul-de-sac without making a dangerous three-point turn.~~ It is somewhat unclear how/whether the Applicant's proposed road configuration will accommodate larger vehicles, such as fire trucks and other public safety vehicles, so that they can effectively navigate the half cul-de-sac without having to make three-point turns. On this point, the City's Public Works Director and Fire Captain have preliminarily reviewed the Applicant's proposed road configuration, and recommended that, while the best option would be to connect South Silver Shoals Drive to North Silver Shoals Drive in a loop road, if that is infeasible (which in this case it is due to required bluff/open space setbacks), a full cul-de-sac should be built, and if that were not the chosen design, the City could work with the Applicant's proposed design. ~~That is what the conditions of this approval require. Thus, the recommended road and parking configuration is far from radical, and is instead the same configuration as what is provided in adjacent roads, including on North Silver Shoals Drive. The conditions of this approval thus require the most basic of public infrastructure,~~

[22] See page 48 of Exhibit 9.

~~including a full cul-de-sac, on-street parking spaces, and sidewalks, and represents a fair, reasonable, and rudimentary road configuration.~~ Thus the project as conditioned requires the Applicant to consult with the City and gain local approvals for the final road design.

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 City, acting as the lead CEQA agency for the project adopted a mitigated negative declaration (MND) for the project on July 8, 2014. All of the mitigation measures associated with that MND are part of the proposed project.

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. 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

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

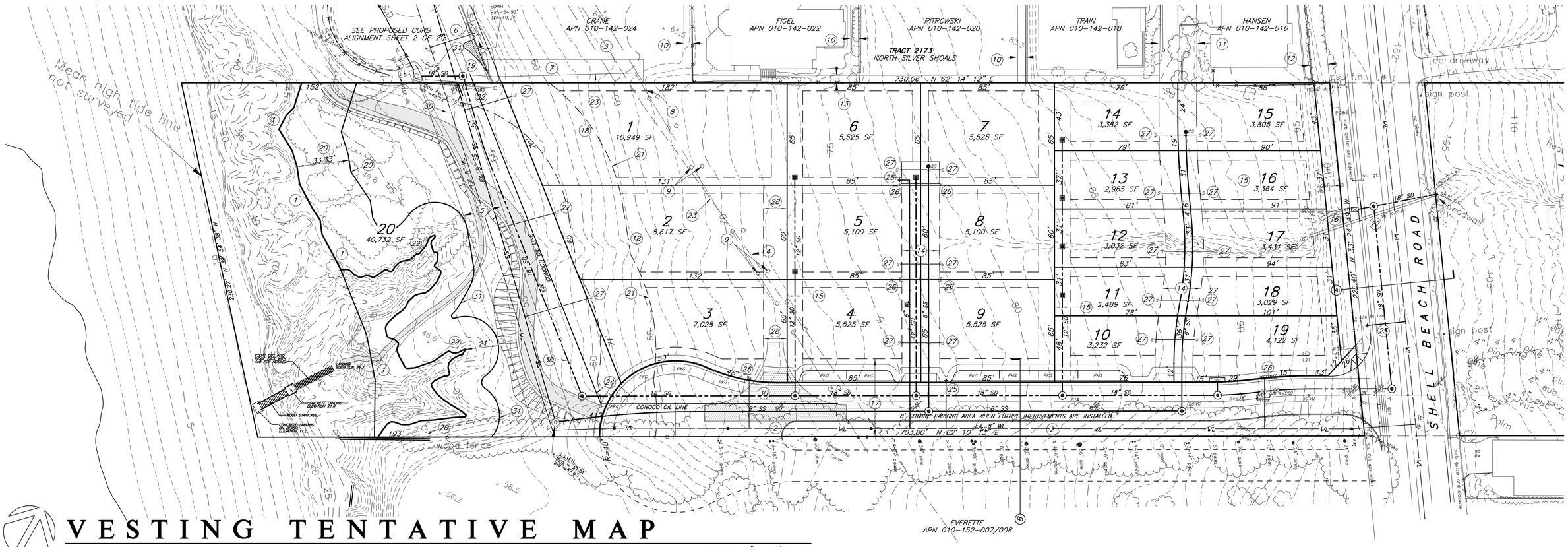
Exhibit 2
A-3-PSB-14-0057 (South Silver Shoals)

Beachcomber Drive Staircase, 665 ft.
Project Site
Distance public must travel to Cliffs staircase, 2,100 ft.
Cliffs Resort Staircase, 795 ft.

View From Shell Beach Road

View From Highway 101
Project Site
Shell Beach Road

View from Highway 101



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

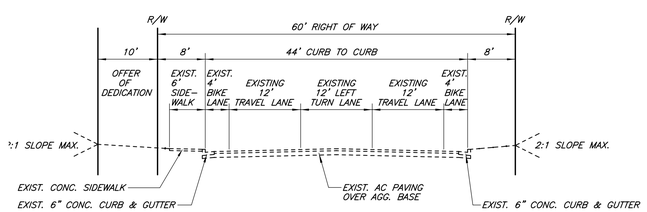
40,007 SF PROVIDED > 37,955 SF REQUIRED, OK

TOTAL OPEN SPACE PROVIDED:

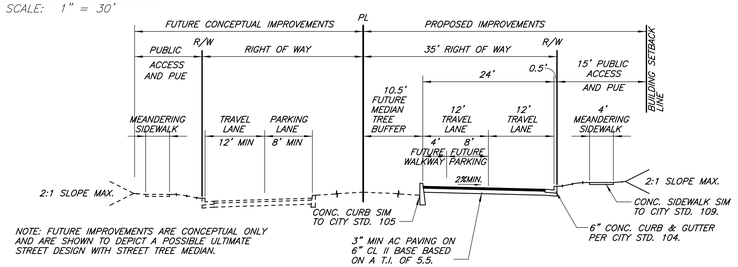
46,209 SF	TOTAL PUBLIC OPEN SPACE PROVIDED
40,007 SF	TOTAL PRIVATE OPEN SPACE PROVIDED
86,216 SF	TOTAL OPEN SPACE PROVIDED

86,216 SF PROVIDED > 84,164 SF REQUIRED, OK

86,216 SF = 61.5% OPEN SPACE PROVIDED



A SHELL BEACH ROAD



NOTE: FUTURE IMPROVEMENTS ARE CONCEPTUAL ONLY AND ARE SHOWN TO DEPICT A POSSIBLE ULTIMATE STREET DESIGN WITH STREET TREE MEDIAN.

B SOUTH SILVER SHOALS

REFERENCE NOTES

1. TOP OF BLUFF LINE AS MARKED BY TIM CLEATH & ASSOCIATES; APRIL 2006. BLUFF RESTRAINT SYSTEM CONSISTENT WITH CITY STANDARDS TO BE INSTALLED.
2. 10' WIDE SEWER AND WATER EASEMENT TO CITY OF PISMO BEACH PER 2592 OR 852.
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18. BUILDING SETBACK LINE AT 100 YEAR RETREAT PLUS 100 FEET.
19. STORMWATER TREATMENT FACILITY TO BE LOCATED IN THE LAST DOWNSTREAM MAN HOLE.
20. 100 YEAR BLUFF RETREAT LINE.
21. 100 FOOT SETBACK FROM 100 YEAR BLUFF RETREAT PER CITY POLICY LU−B−3.
22. EXISTING 18" CMP TO BE REMOVED.
23. PORTION OF EXISTING CONOCO OIL LINE TO BE REMOVED.
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25. NEW FIRE HYDRANT.
26. NEW WATER SERVICE(S) PER CITY STANDARDS.
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29. TOP OF BLUFF/EROSION GULLIES DEFINED BY CLEATH HARRIS GEOLOGISTS 11/2/12.
30. EMERGENCY VEHICLE TURN AROUND.
31. 100 YEAR ARROYO RETREAT LINE.

NOTES

1. PROJECT AREA = 3.70 ACRES
2. ASSESSOR'S PARCEL NUMBER: 010−152−007.
3. GENERAL PLAN DESIGNATION: MEDIUM DENSITY RESIDENTIAL.
4. ZONING DESIGNATION: P−R, PLANNED RESIDENTIAL.
5. WATER SERVICE SUPPLIED BY CITY OF PISMO BEACH.
6. 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 CALIFONIA 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 Whitely 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. Emrick, P.E., AIA

GTA Garing Taylor & Associates
Civil Engineering
Surveying
Project Development
141 South Elm Street
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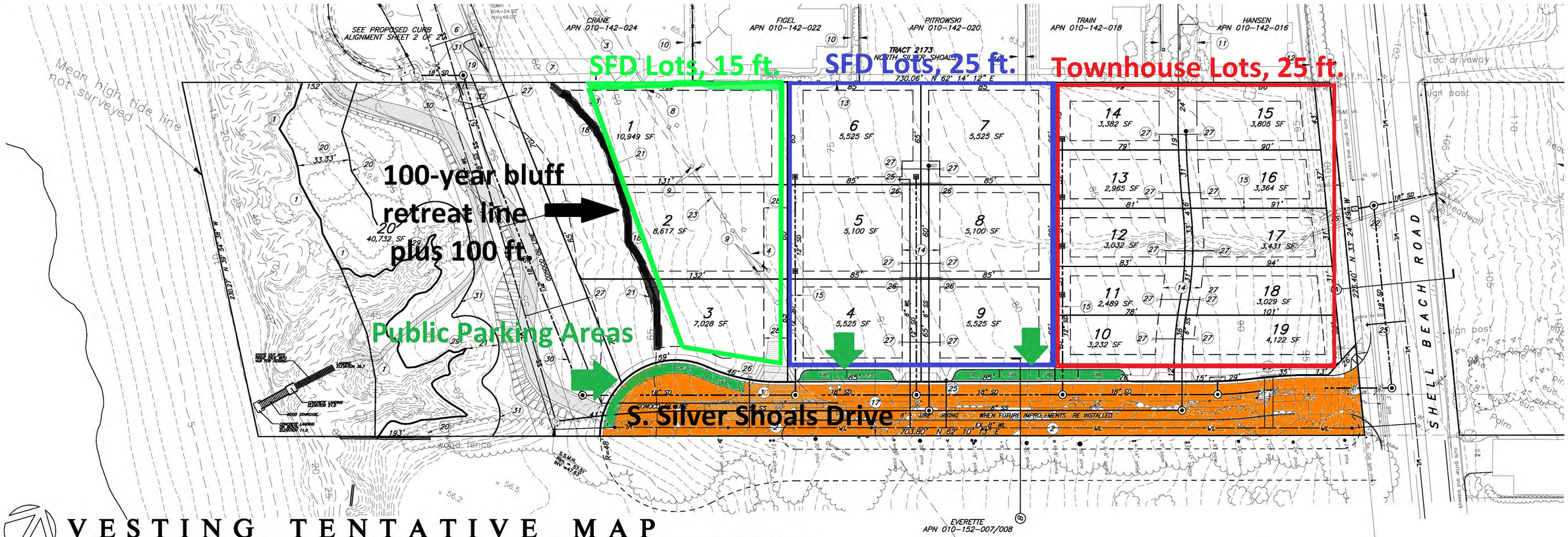
805 / 489−1321

Plot Date: 02.04.15
File Name: VTM.DWG

Sheet 1 of 2

GTA No. 12.383.000



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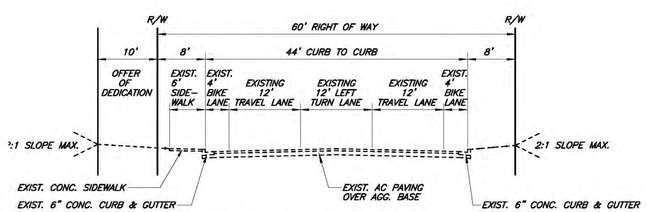

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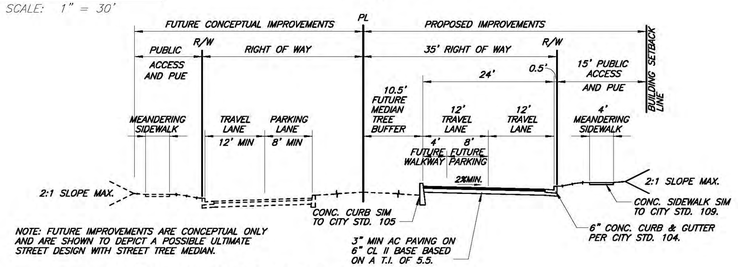

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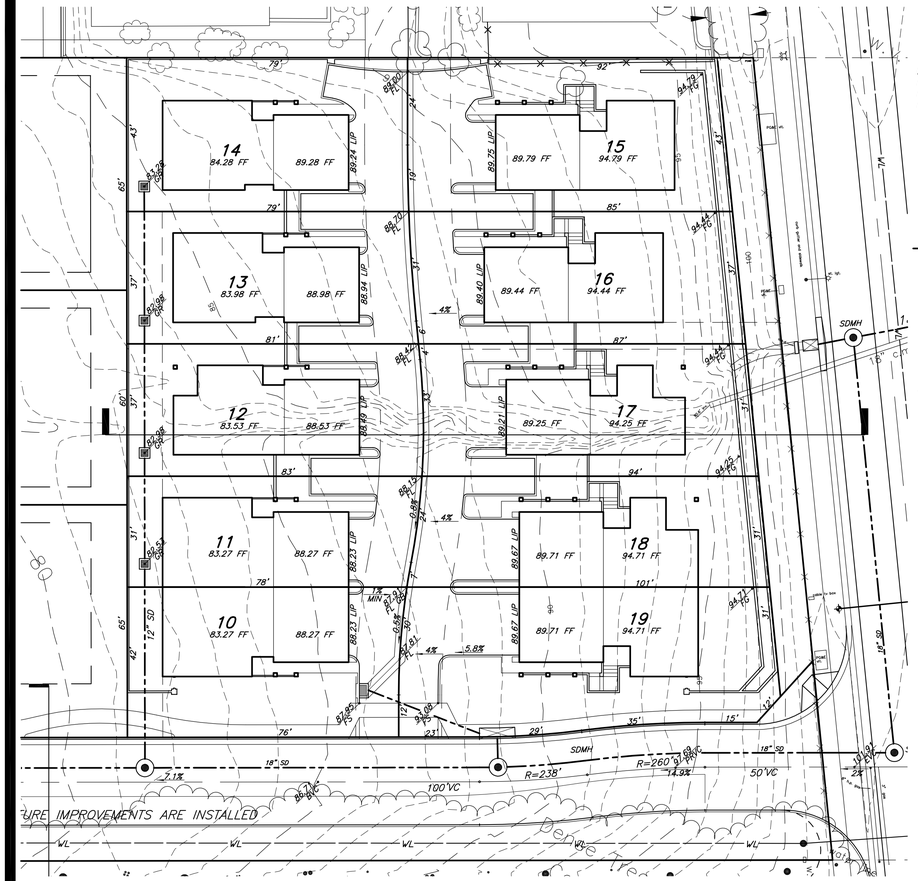
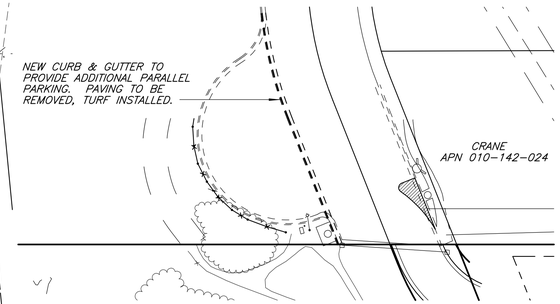


PRELIM GRADING DESIGN

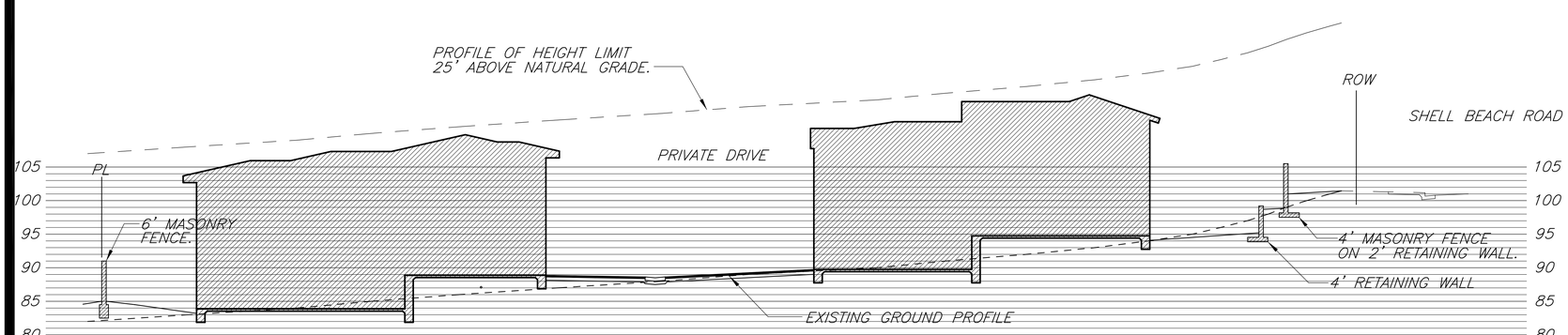
TOWNHOME UNITS

SCALE: 1" = 30'



OFF SITE CURB ALIGNMENT

SCALE: 1" = 30'



SITE SECTION

TOWNHOME UNITS

SCALE: 1" = 10'

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 CALIFONIA 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 Whitely Street
Arroyo Grande, CA 93420
(805) 459-9922

PREPARED BY:
Engineer:

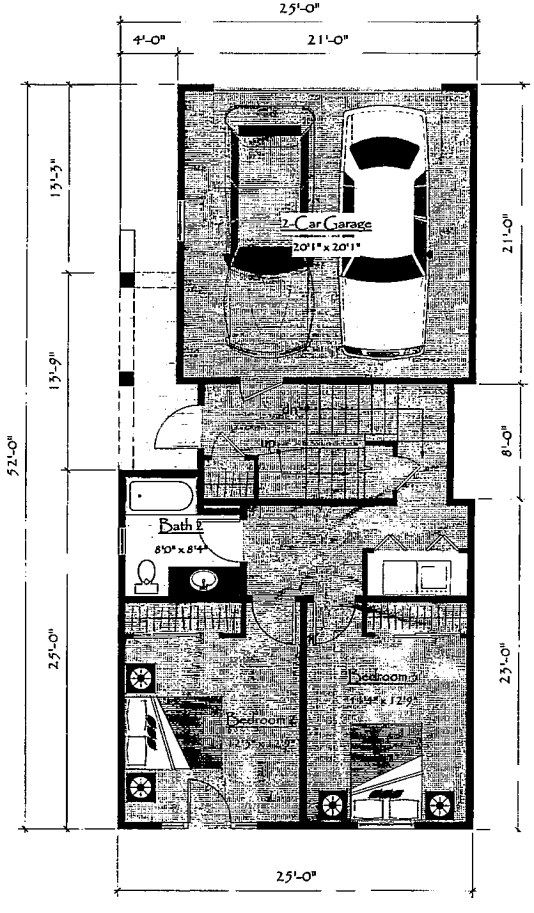
Garing Taylor & Associates
141 S. Elm Street
Arroyo Grande, CA 93420
(805) 489-1321
Jeffrey J. Emrick, P.E., AIA

GTA Garing Taylor & Associates
Civil Engineering
Surveying
Project Development
141 South Elm Street
Arroyo Grande, CA 93420
805 / 489-1321

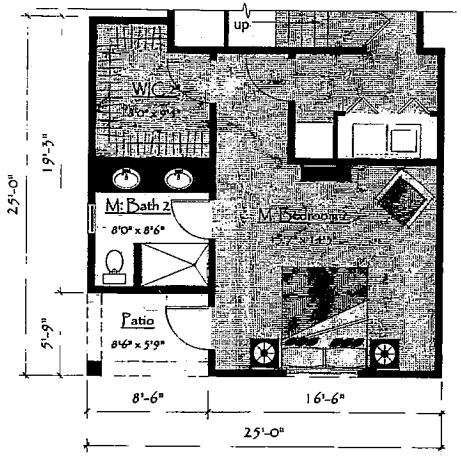
Plot Date: 02.04.15
File Name: VTM.DWG

Sheet 2 of 2

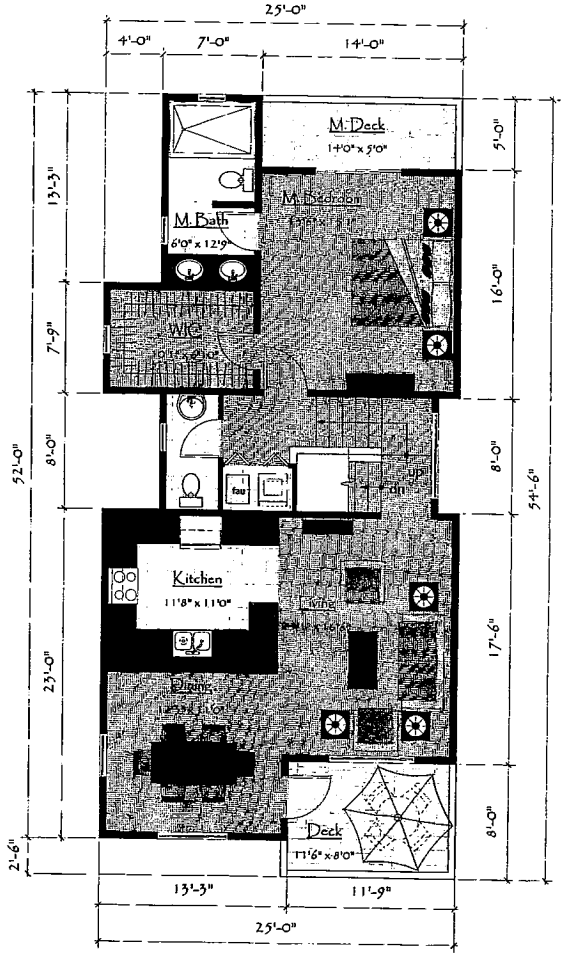
GTA No. 12.383.000



Lower Floor Plan



Lower Floor Plan
Master Suite Option



Upper Floor Plan

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 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

LICENSED ARCHITECT
STEVEN PUGLISI
C12938
REGISTERED
STATE OF CALIFORNIA

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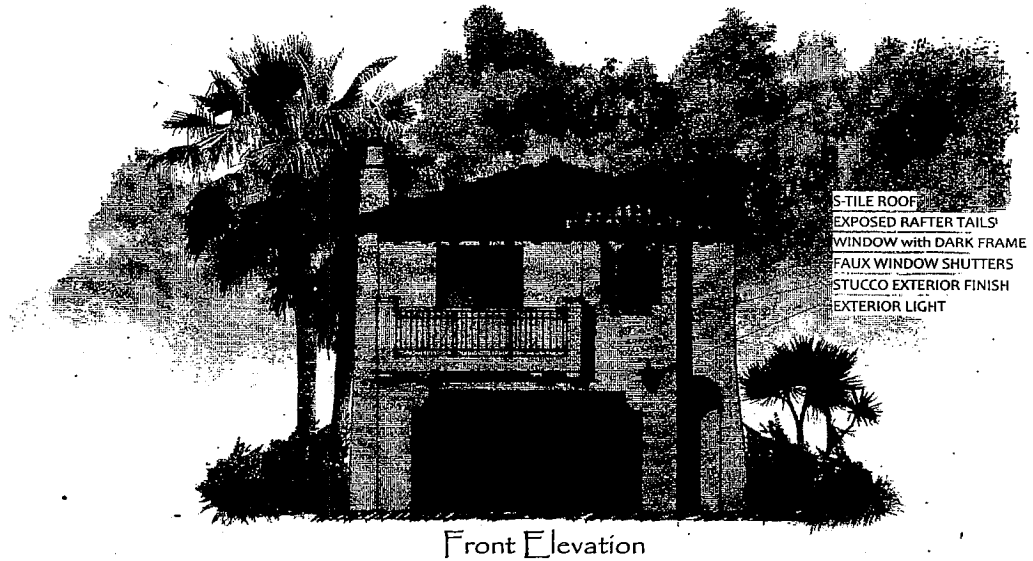
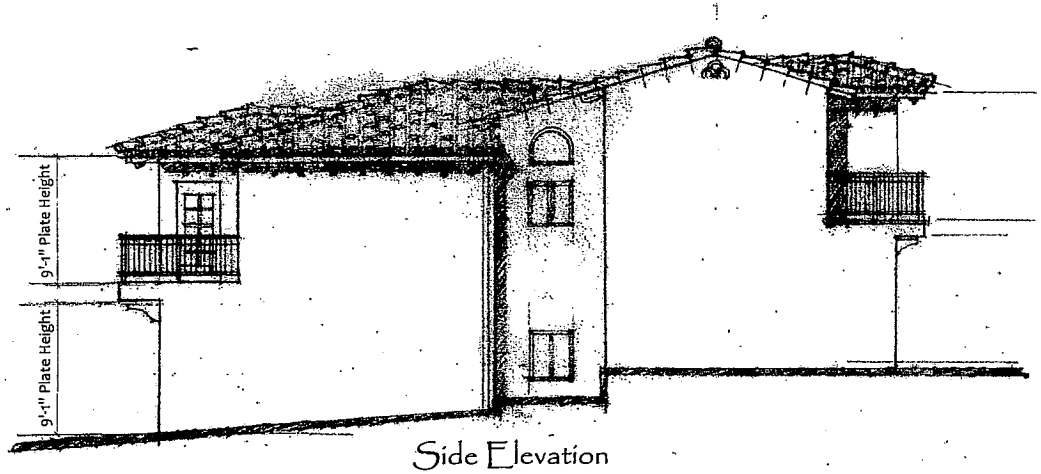
DATE: 14 November 2011
SCALE: As Noted
JOB: --
DRAWN: S. Prater
REVISIONS:

SHEET #
P2.0



Front Elevation



Side Elevation

MAXIMUM HEIGHT ALLOWED

Maximum Height Allowed	25.00'

PROPOSED BUILDING HEIGHT

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

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 A
Exterior Elevations

proposed
building height
23.88'

LICENSED ARCHITECT
STEVEN PUGLISI
C 12938
RENEWAL DATE 12/31/15
STATE OF CALIFORNIA

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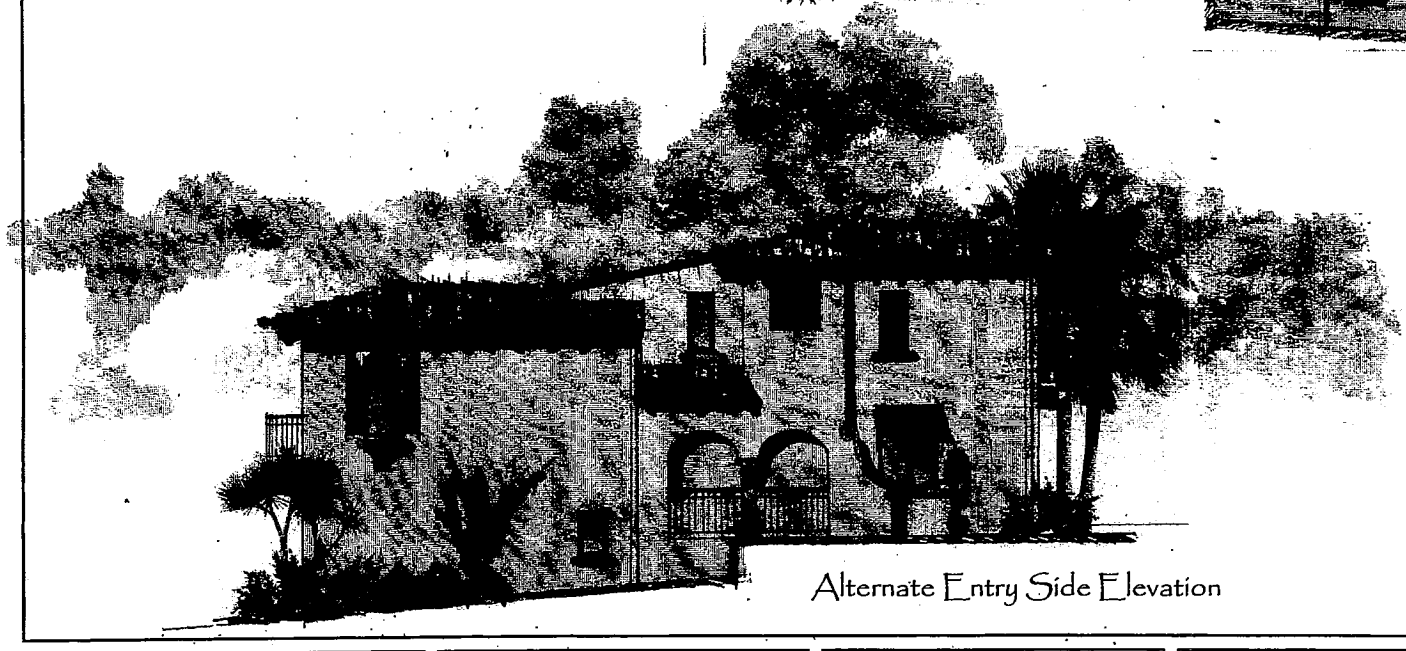
DATE: 14 November 2012
SCALE: As Noted
JOB: —
DRAWN: L. prater
REVISIONS:

SHEET #
P2.1

Entry Side Elevation



Alternate Entry Side Elevation

MAXIMUM HEIGHT ALLOWED

Maximum Height Allowed	25.00'

PROPOSED BUILDING HEIGHT

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

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 A
Exterior Elevations

proposed
building height
23.88'

DATE: 14 November 2013
SCALE: As Noted
JOB: —
DRAWN: S. puglisi
REVISIONS:

SHEET #
P2.2

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

Steven Puglisi
ARCHITECTURE
583 Dana Street, San Luis Obispo, Ca 93401
Phone: 805.595.1969 Fax: 805.595.1980

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

Plan A
Exterior Elevations

proposed
building height
23.88'

LICENSED ARCHITECT
STEVEN PUGLISI
C 12938
REGISTERED PROFESSIONAL ENGINEER
STATE OF CALIFORNIA

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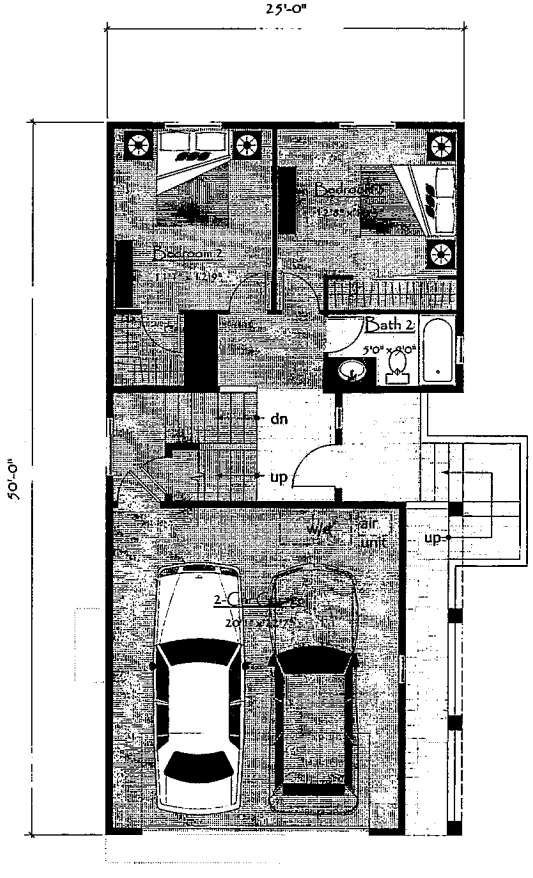
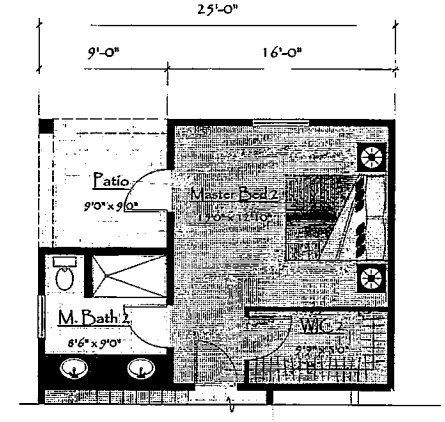
DATE: 14 November 2013
SCALE: As Noted
JOB: —
DRAWN: S. Puglisi
REVISIONS:

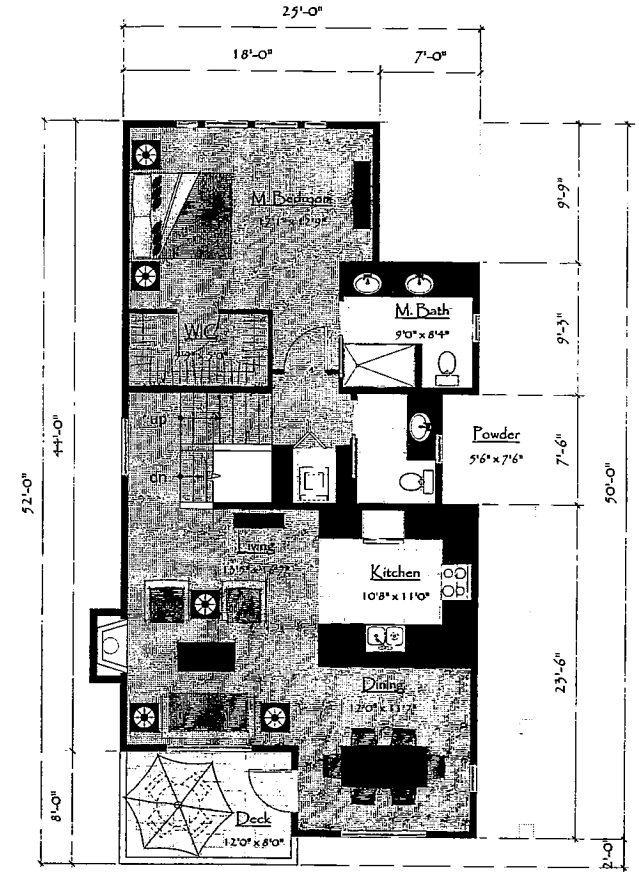
SHEET #
P2.3



lower floor plan



lower floor plan
master suite option



upper floor plan

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

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

LICENSED ARCHITECT
STEVEN PUGLISI
C 12938
REGISTERED PROFESSIONAL ARCHITECT
STATE OF CALIFORNIA

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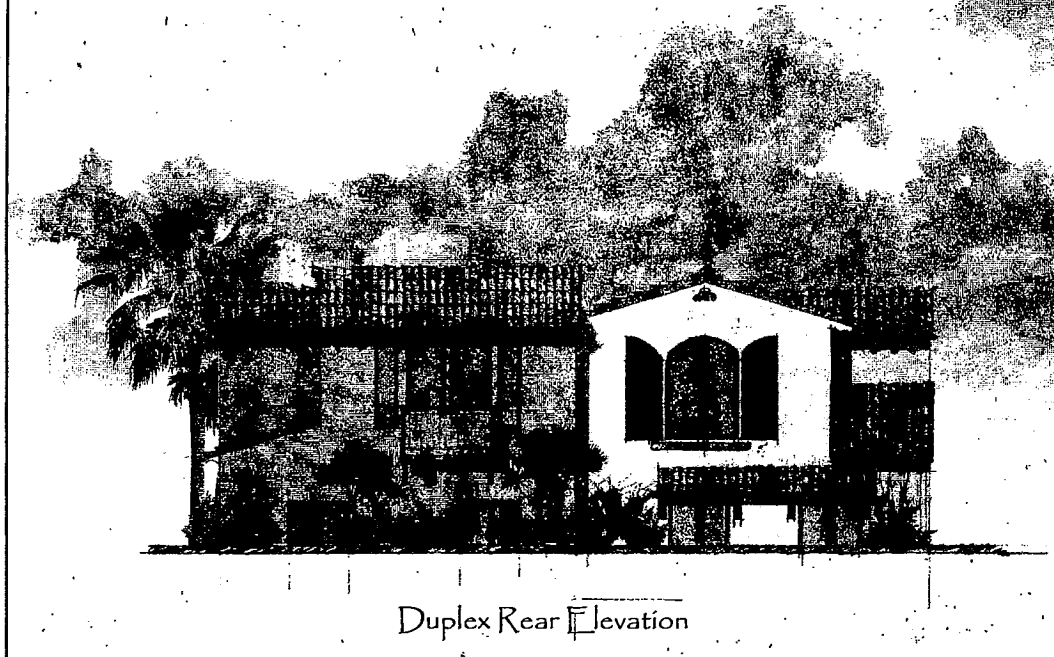
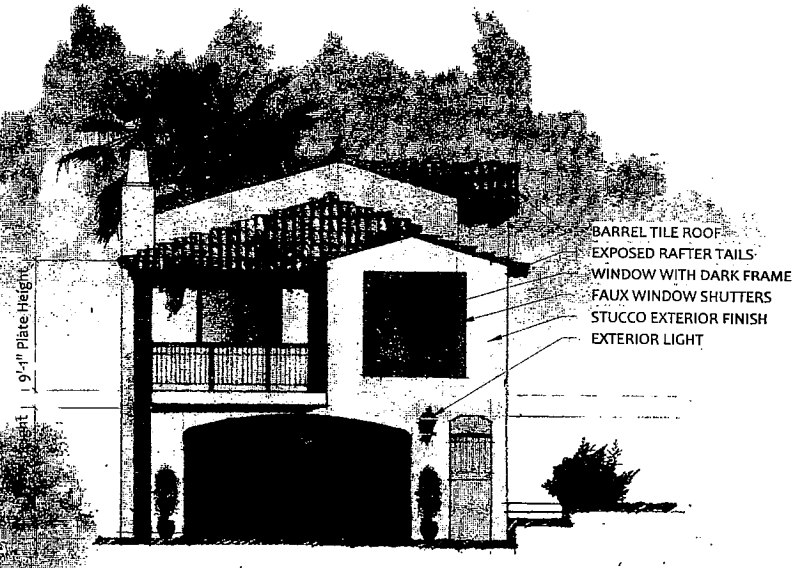
DATE: 14 November 2013
SCALE: As Noted
JOB: —
DRAWN: S. prater
REVISIONS:

SHEET #
P3.0



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

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'

LICENSED ARCHITECT
STEVEN PUGLISI
C 12938
RENEWAL DATE
STATE OF CALIFORNIA

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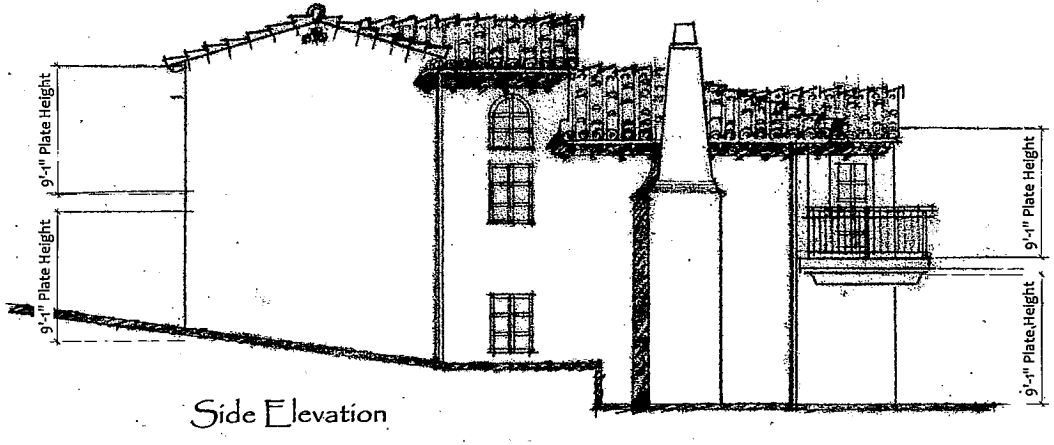
DATE:	14 November 2013
SCALE:	As Noted
JOB:	—
DRAWN:	S. Pettier
REVISIONS:	

SHEET #
P3.1

Entry Side Elevation



Side Elevation

MAXIMUM HEIGHT ALLOWED

Maximum Height Allowed	25.00'

PROPOSED BUILDING HEIGHT

Plate Height	9.08
Floor Framing	1.23
Plate Height	9.08
Roof Truss Height (12'9" @ 3.5:12)	3.72
Truss Heel & Roof Sheathing	0.35
Roof Tile	0.50
TOTAL PROPOSED BUILDING HEIGHT	23.96

Steven Puglisi
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583 Dana Street, San Luis Obispo, Ca 93401
Phone: 805.595.1969 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'

LICENSED ARCHITECT
STEVEN PUGLISI
C12938
REGISTERED PROFESSIONAL ARCHITECT
STATE OF CALIFORNIA

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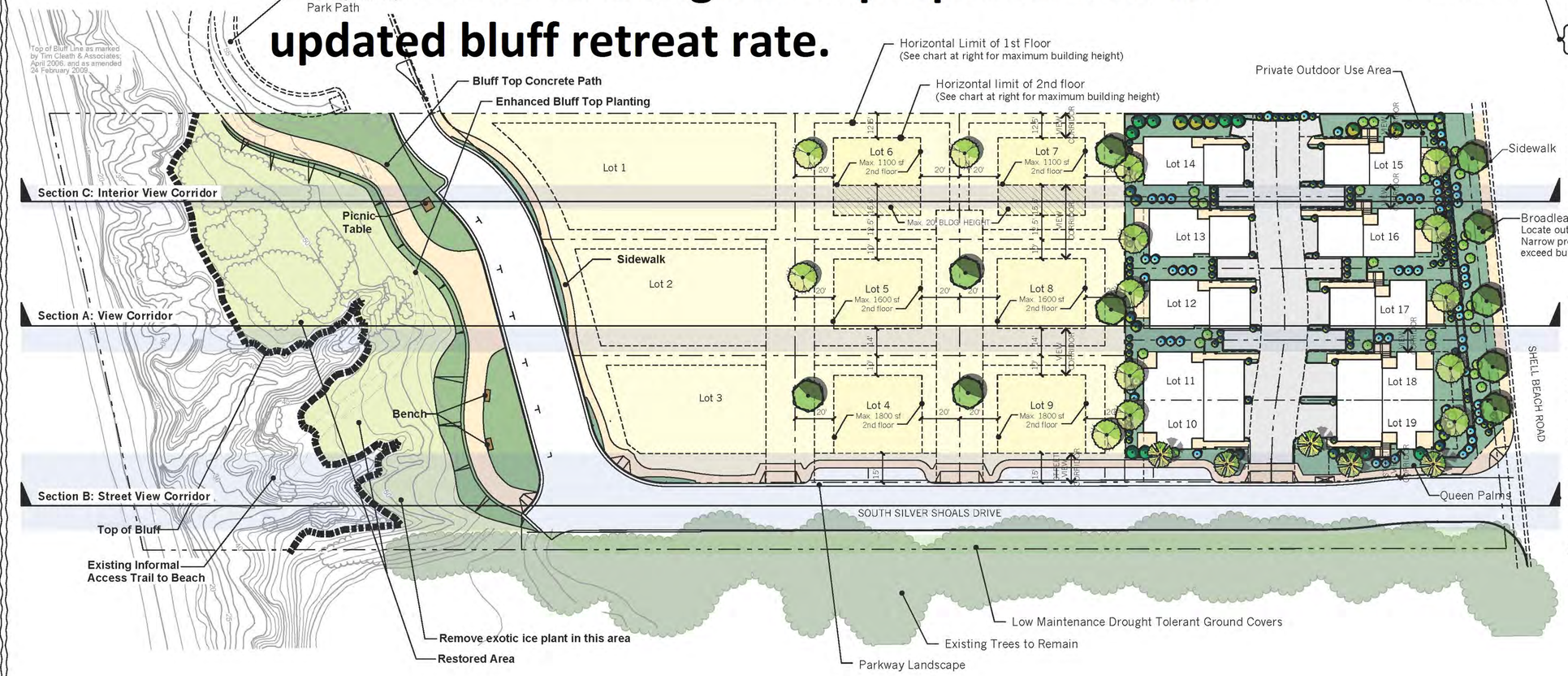
DATE:	14 November 2013
SCALE:	As Noted
JOB:	—
DRAWN:	S. Pritner
REVISIONS:	

SHEET #
P3.2

NOTE: Site plan shows loop road as originally proposed. Cul-de-sac road design now proposed due to updated bluff retreat rate.



Revised lower pads for View Corridor overview.

Broadleaf Evergreen & Deciduous Trees. Locate outside of View Corridors. Narrow profile. Height shall not exceed building height.

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 understory.

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:
• *Baccharis pilularis consanguinea*	20
• *Eriogonum fasciculatum*	10
• *Eriogonum parvifolium*	10
• *Mimulus aurantiaca*	10
• *Rhamnus californica*	10
• *Salvia millefera*	10

Planting Density: 1 plant per 100 s.f. in 1 gallon size.

Enhanced Area Plant List:

Species	Quantity:
• *Baccharis pilularis* "Twin Peaks"	10
• *Carex pragaecilus* (Flats)	approx. 1,000 s.f.
• *Ceanothus griseus* 'Yankee Point'	7
• *Erigeron glauca*	12
• *Eriogonum fasciculatum*	6
• *Eriogonum parvifolium*	6
• *Mimulus aurantiaca*	8
• *Salvia millefera*	8

Planting Density: 1 plant per 25 s.f. in 1 gallon size.

Residence Planting Zone

- *Pittosporum crassifolium* 'Nana' / (No Common Name)
- *Lantana montividensis* / Trailing Lantana
- *Bougainvillea* sp. / Bougainvillea
- *Limonium perezii* / Sea Lavender
- *Agave americana* / Agave
- *Aloe* sp. / Aloe
- *Agapanthus* sp. / Lily-of-the-Nile
- *Hemerocallis* 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 improvments 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.

View Corridors

North

Scale: 1" = 30'-0"

30' 20' 10' 0 30' 60' 90'

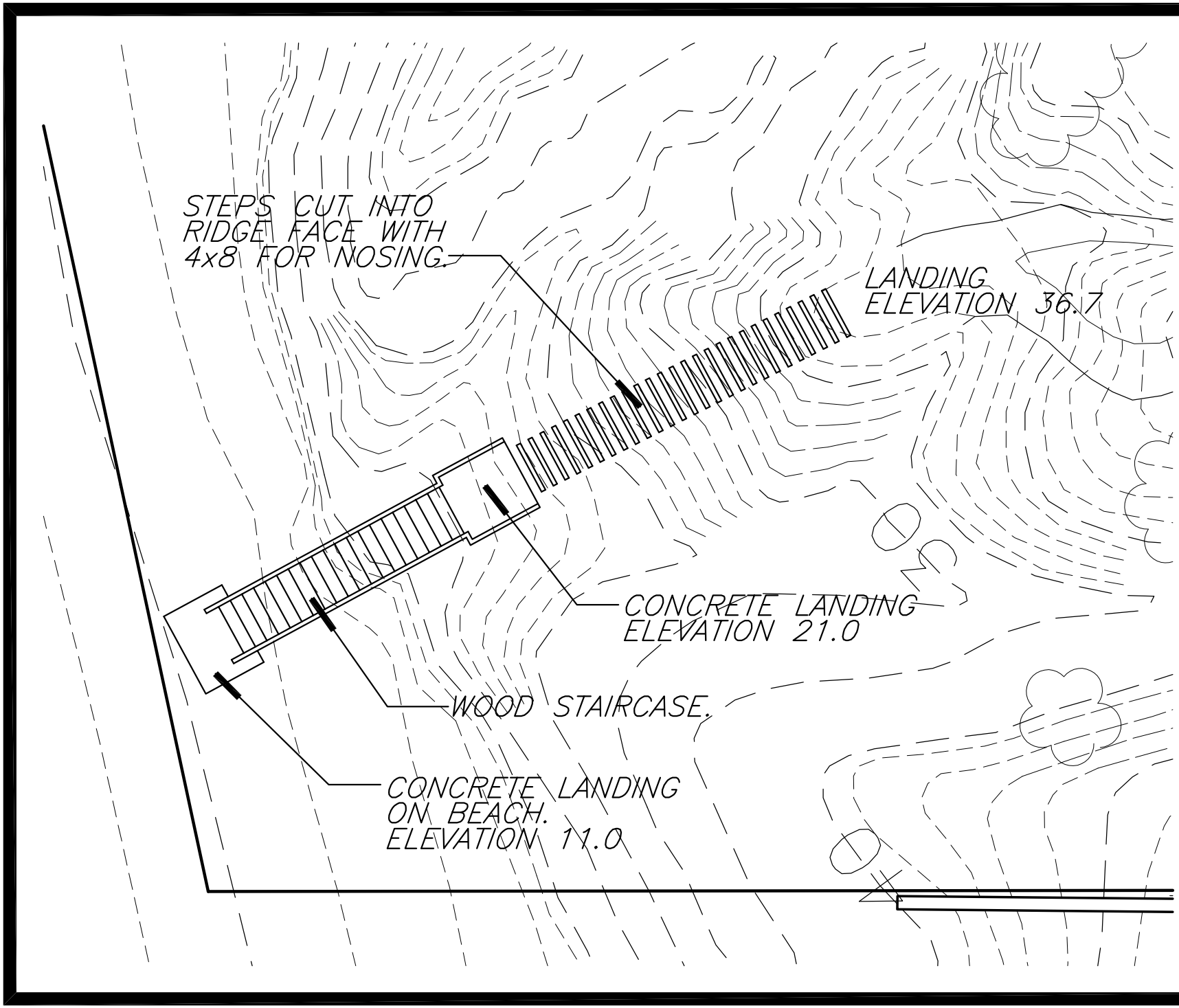
firma
landscape architects
planning environmental studies
David Foote, Principal 805.781.9800
187 Tank Farm Road #230, San Luis Obispo, CA 93401

Site Development Plan
South Silver Shoals

Pismo Beach, CA

L-1

February 2, 2015



Tract No. 3043
South Silver Shoals
Pismo Beach

Coastal Access Path
Rustic Trail

Civil Engineering
Surveying
Project Development

Garing Taylor & Associates
141 South Elm Street
Arroyo Grande, CA 93420
805 / 489-1321

Steven Puglisi
ARCHITECTS
INC.

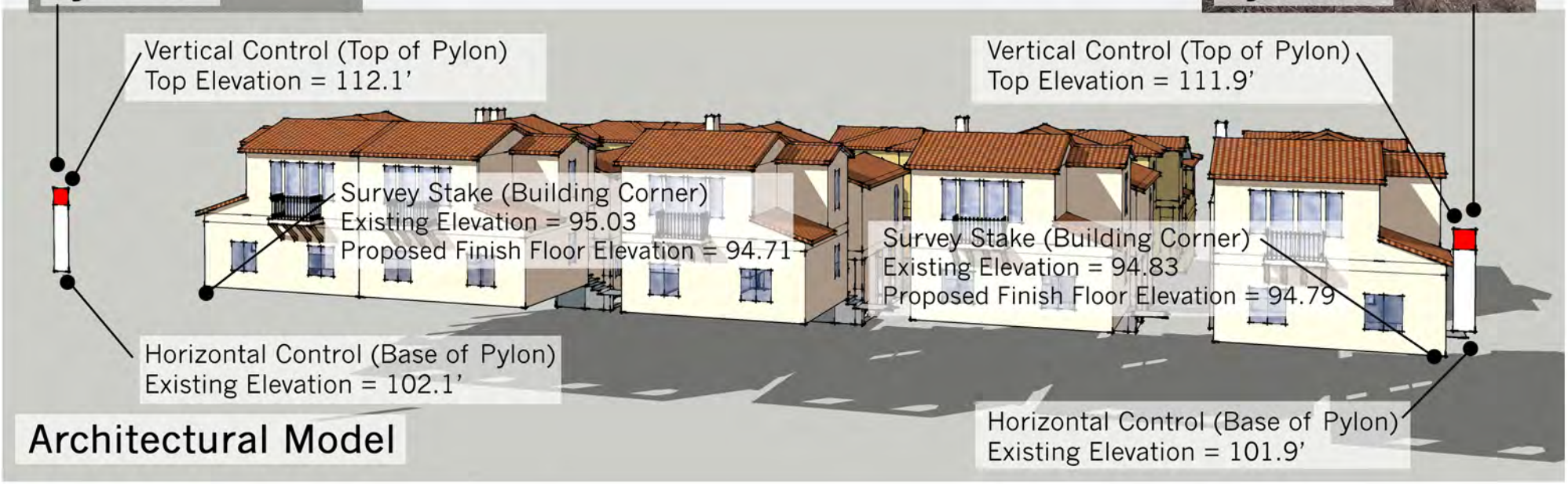
South Silver Shoals
Design Guidelines

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.

583 Dana Street San Luis Obispo, CA 93401 Phone 805.595.1962 fax 805.595.1980

View from Highway 101



Architectural Model

firma landscape architects planning environmental studies

South Silver Shoals
Pismo Beach, CA

Visual Analysis Methodology

Exhibit 4
A-3-PSB-14-0057
2 of 6

Exhibit 1

Firma_SilverShoals_Visual_21234.PSB Last Date Modified: March 19, 2015

firma landscape architects planning-environmental studies

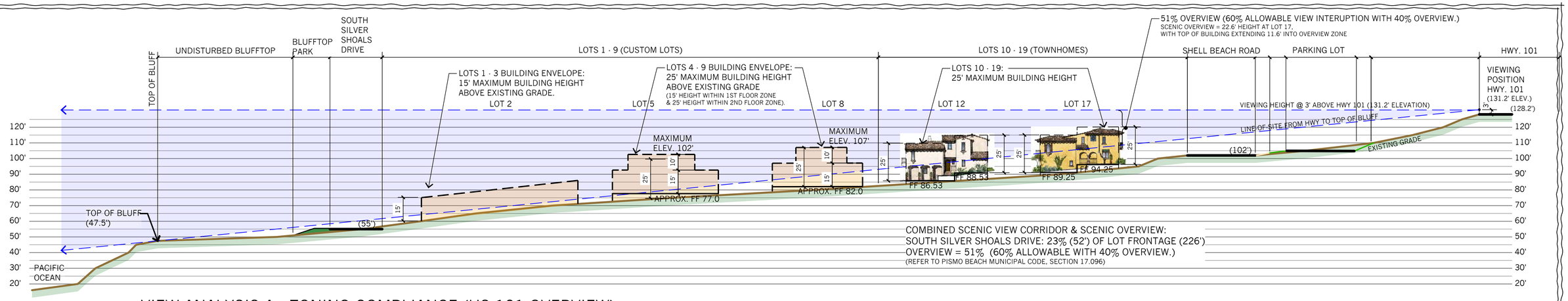
South Silver Shoals
Pismo Beach, CA

Visual Analysis

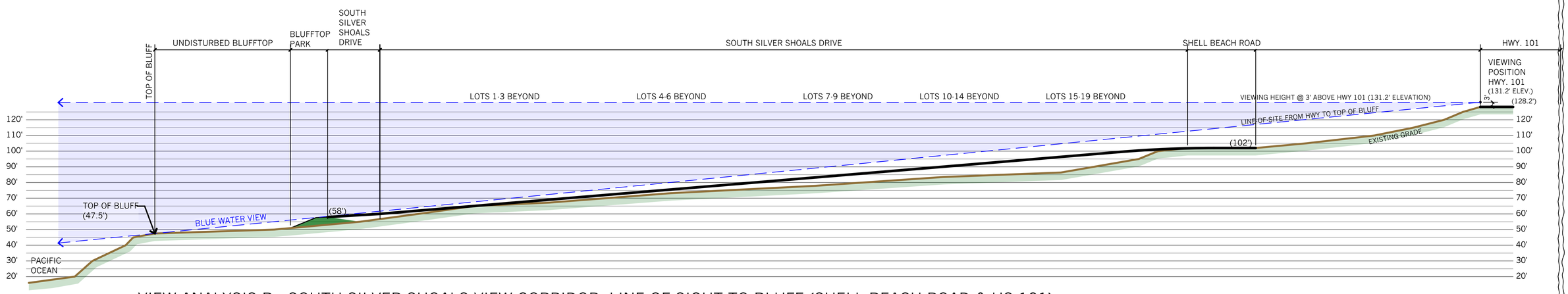
Exhibit 4
A-3-PSB-14-0057

Exhibit 2

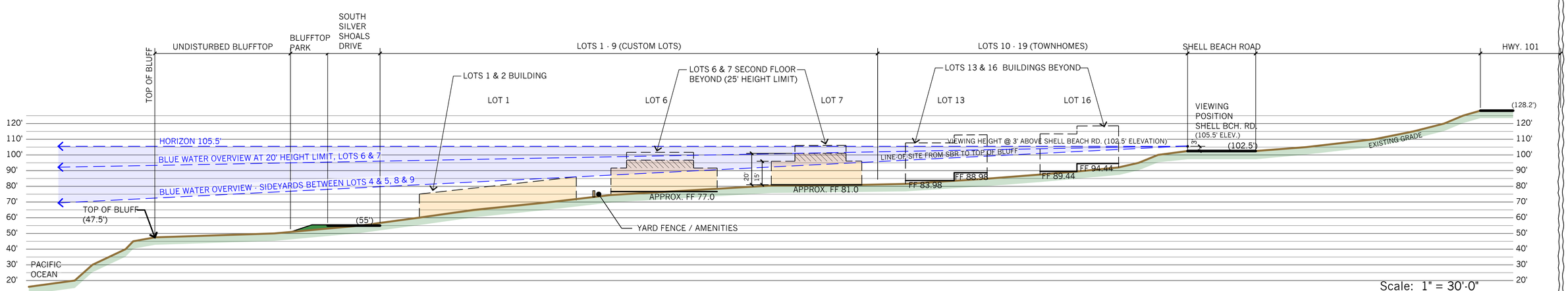
Firma_SilverShoals_Visual_21234.PSB Last Date Modified: March 19. 2015



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)

Scale: 1" = 30'-0"

30' 20' 10' 0 30' 60' 90'

firma
landscape architects
planning environmental studies
David Foote, Principal 805.781.9800
187 Tank Farm Road #230, San Luis Obispo, CA 93401

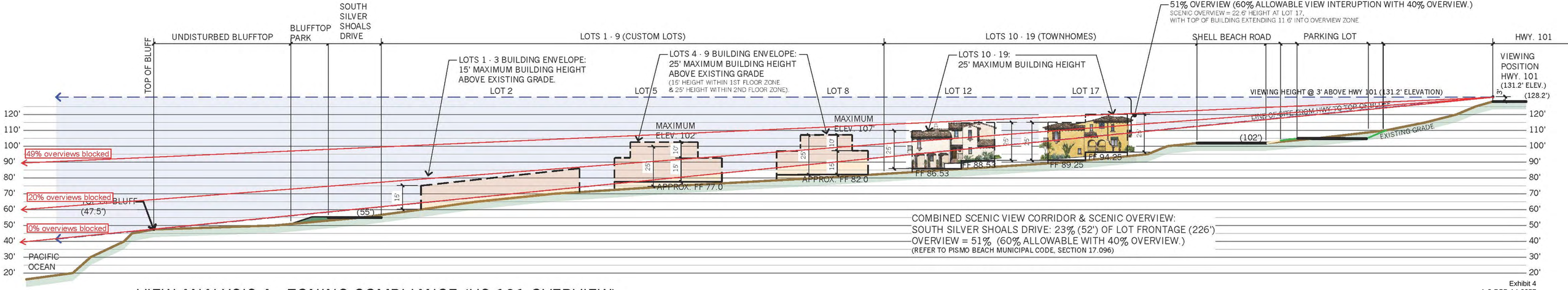
Visual Section Through Site
South Silver Shoals

Pismo Beach, CA

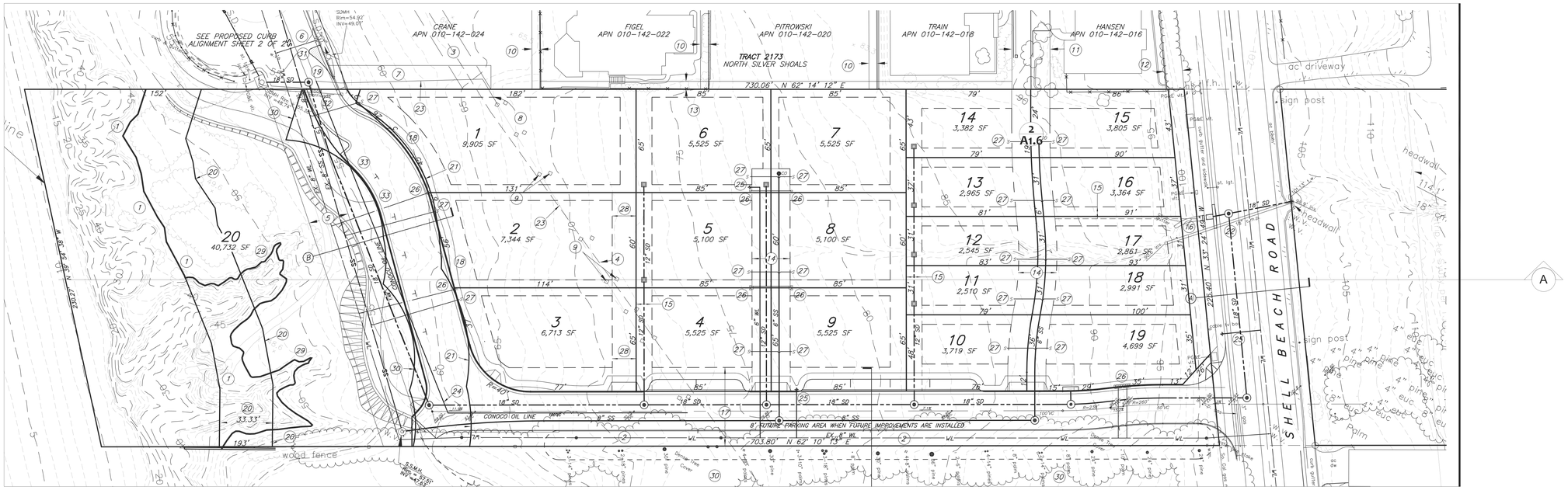
L-2

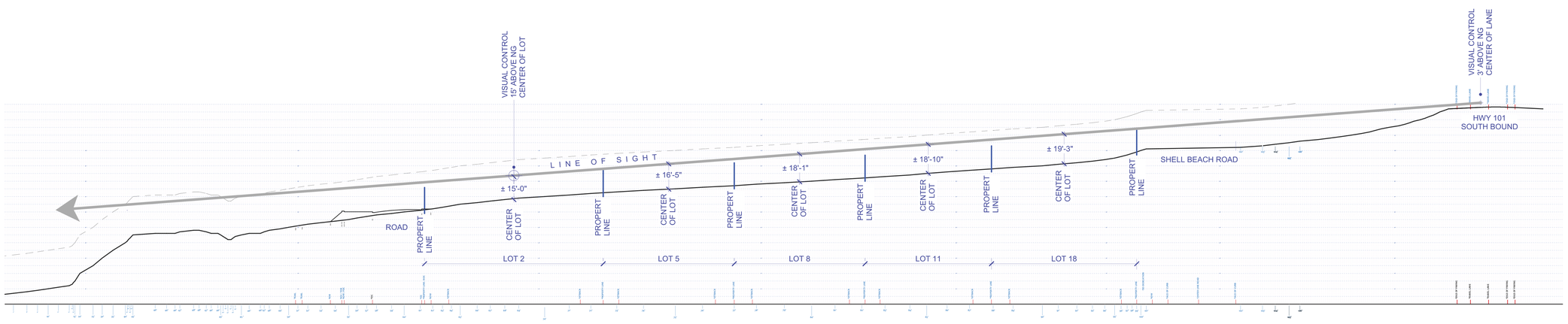
February 2, 2015

File Name: Firma_SilverShoals_SECT_21234 Last Date Modified: 2/2/15



VIEW ANALYSIS A - ZONING COMPLIANCE (US 101 OVERVIEW)





Steven Puglisi
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PROJECT: SOUTH SILVER SHOALS
Pismo Beach, California

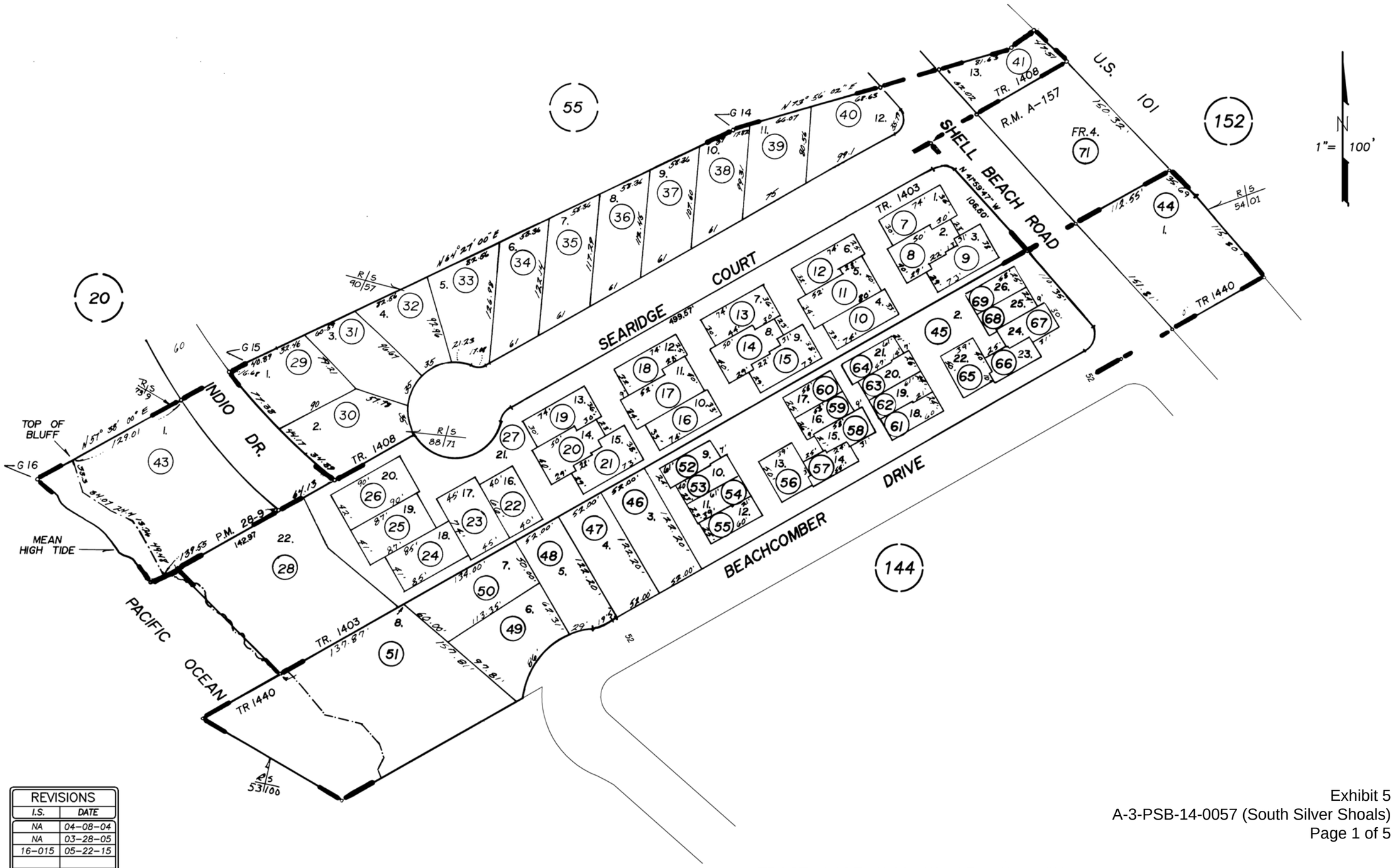
SHEET TITLE:

All ideas, designs, arrangements and plans indicated or represented by the drawings are owned by, and the property of, Steven Puglisi, Architect, and were created and developed for use, and in conjunction with, the specific project described herein. None of these ideas, designs and arrangements or plans shall be used by, or disclosed to any person, firm, or corporation for any purpose without permission of Steven Puglisi, Architect. Filing these drawings with a public agency is not a publication of same, and no copying, reproduction or use thereof is permissible without the consent of Steven Puglisi, Architect.

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

SHEET NO.:

Exhibit 4
A-3-PSB-14-0057
6 of 6



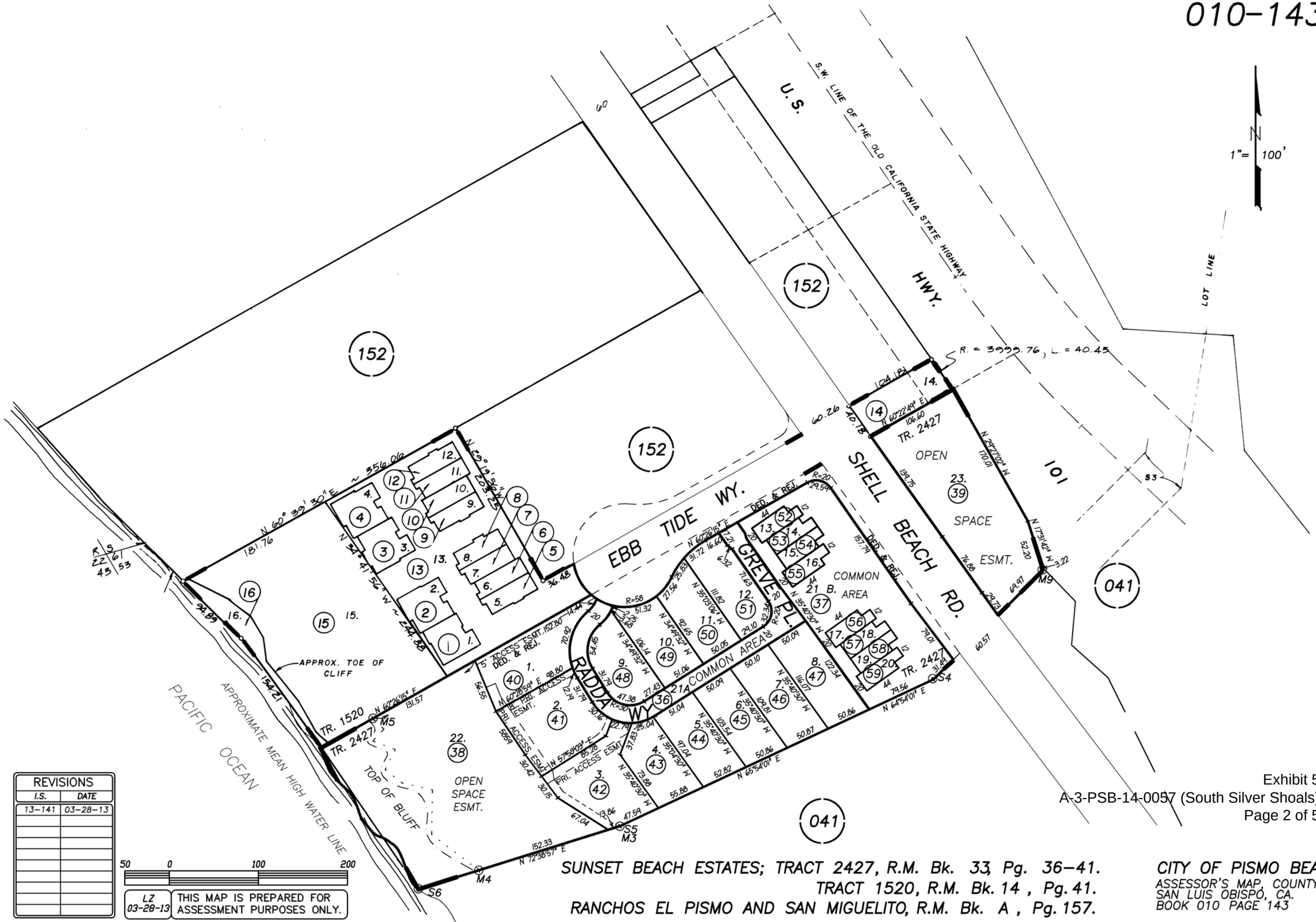
REVISIONS	
I.S.	DATE
NA	04-08-04
NA	03-28-05
16-015	05-22-15

50' 0 100' 200'

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.

CITY OF PISMO BEACH
ASSESSOR'S MAP, COUNTY OF SAN LUIS OBISPO, CA.
BOOK 010 PAGE 141



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

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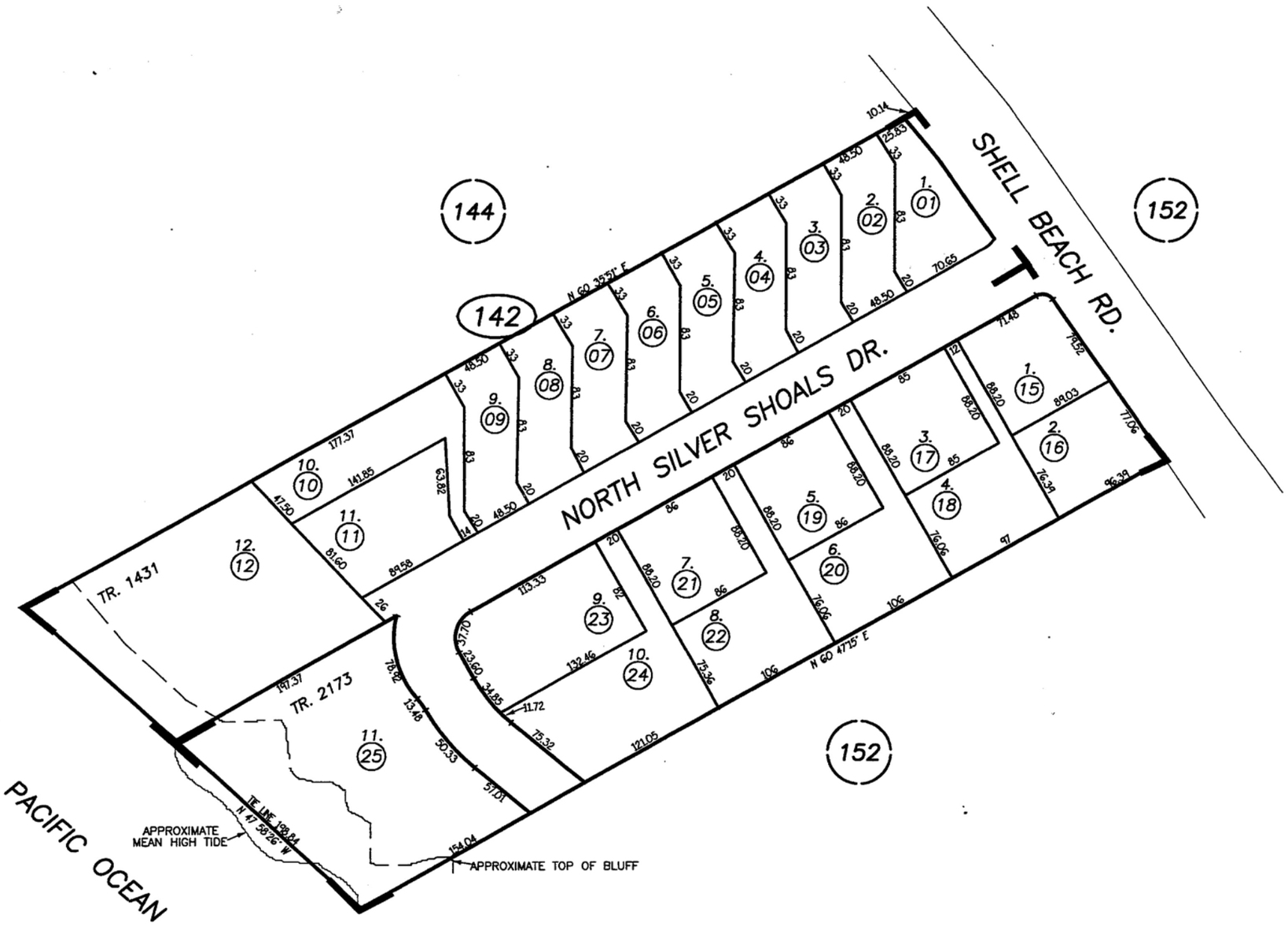
LZ 03-28-13 THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY.

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.

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

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



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

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SMW 11-05-97 THIS MAP IS PREPARED FOR ASSESSMENT PURPOSES ONLY.

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 0 6 2001

Two-story 15-foot home on N. Silver Shoals

Two-story 15-foot home on N. Silver Shoals

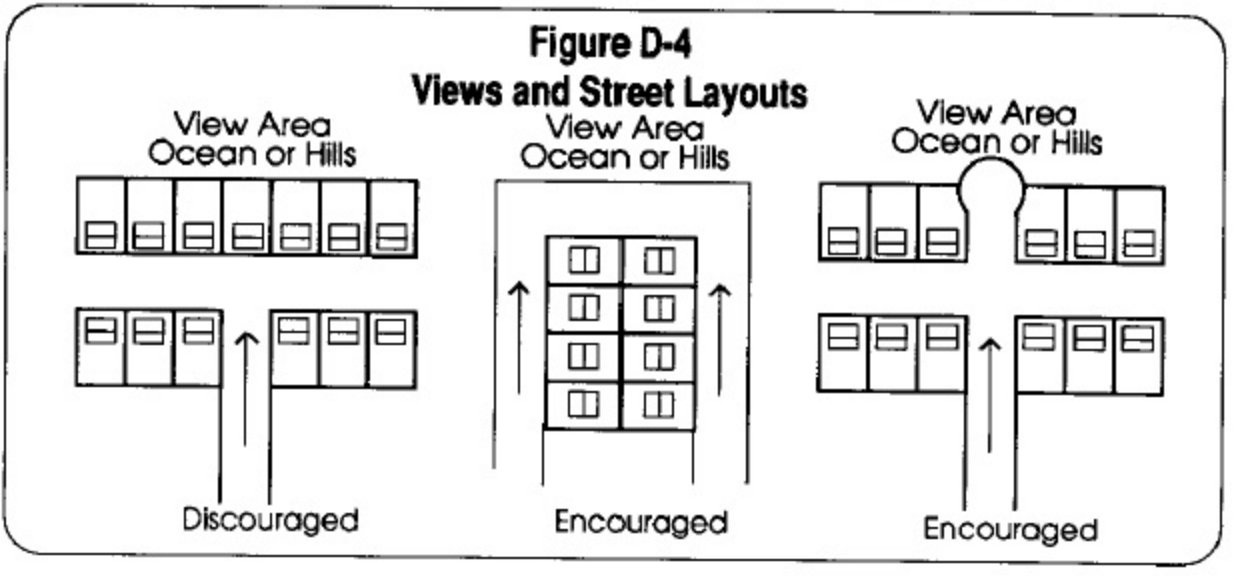


Figure D-4
Views and Street Layouts
View Area
Ocean or Hills
View Area
Ocean or Hills
View Area
Ocean or Hills
Discouraged
Encouraged
Encouraged

Table PR-1 Parks & Open Space										
				Public (publically owned) or Quassi Public (privately owned with public access		Private				
Planning Area	No.	Name	Class	Existing	Proposed	Existing	Proposed	Access	Parking	Comments
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)

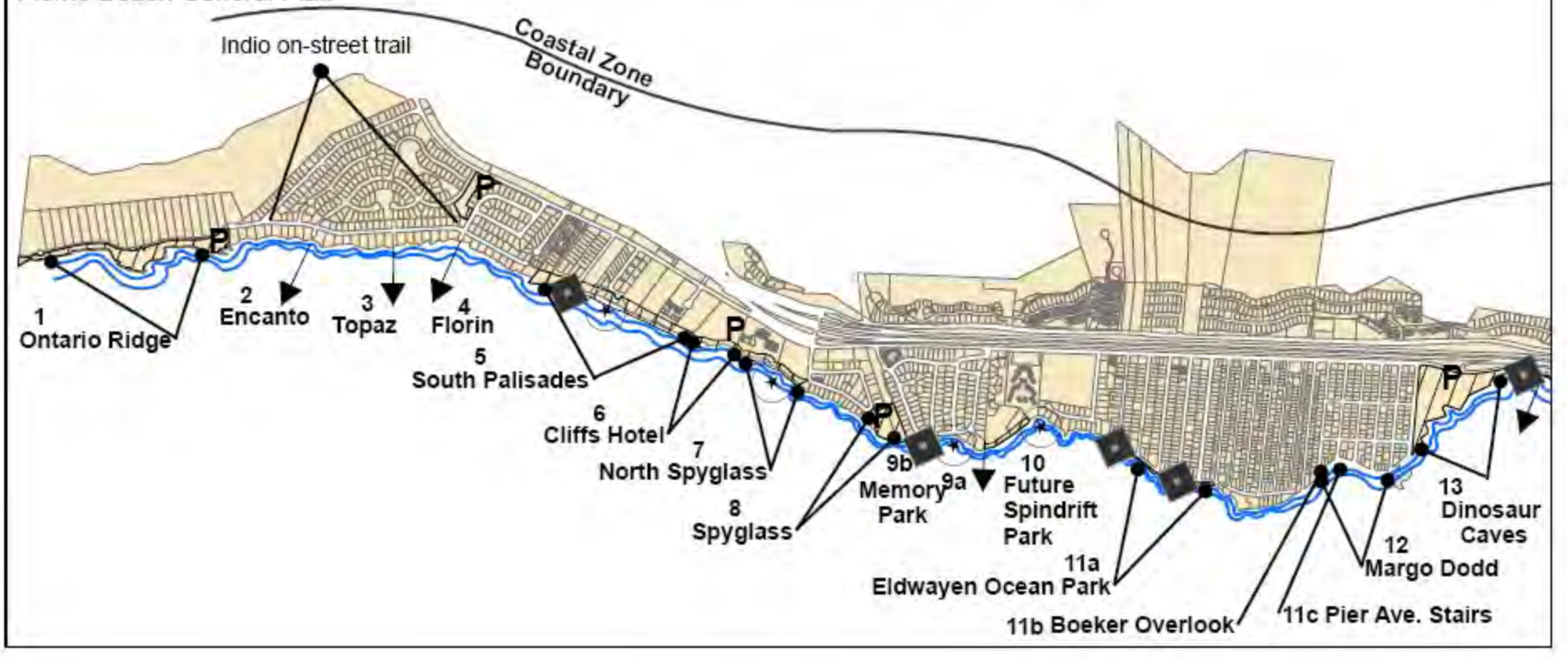
X - Existing
 # - Proposed

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.		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. 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	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	Steep 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



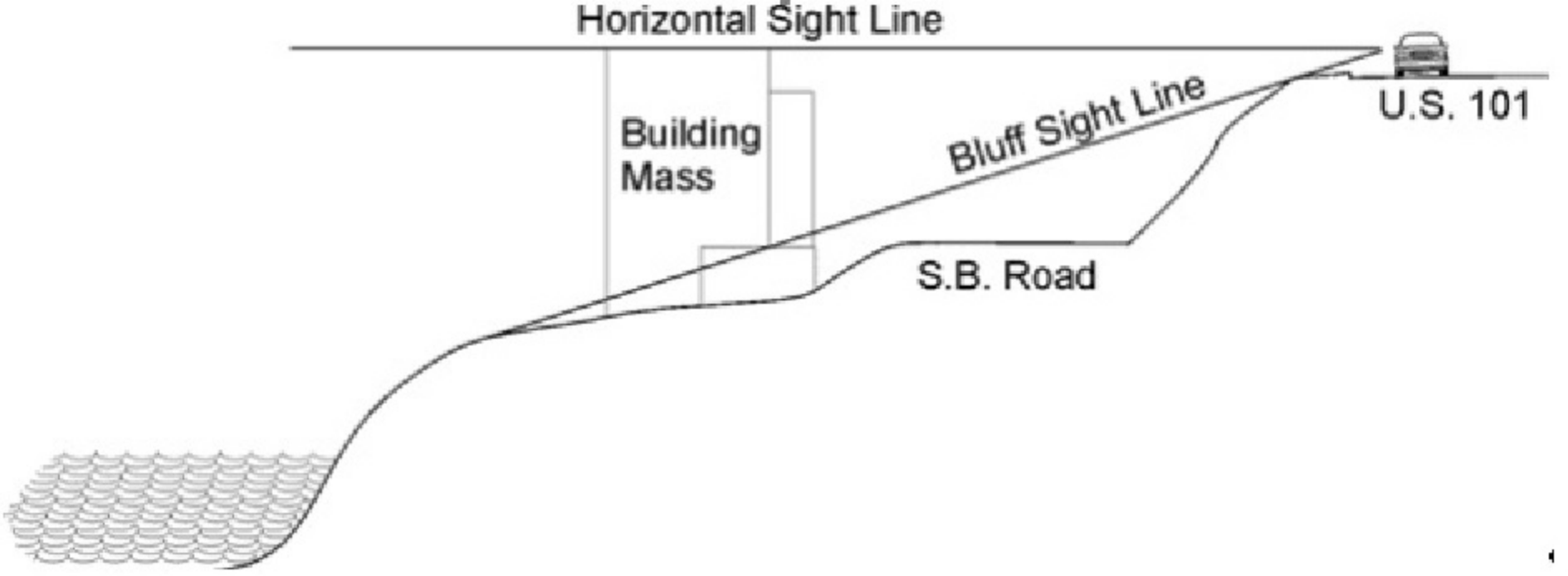


Figure 2-30. Visual Impact Analysis

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

Cleath-Harris Geologists, Inc.
11545 Los Osos Valley Road, Suite C-3
San Luis Obispo, California 93405
(805) 543-1413

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."

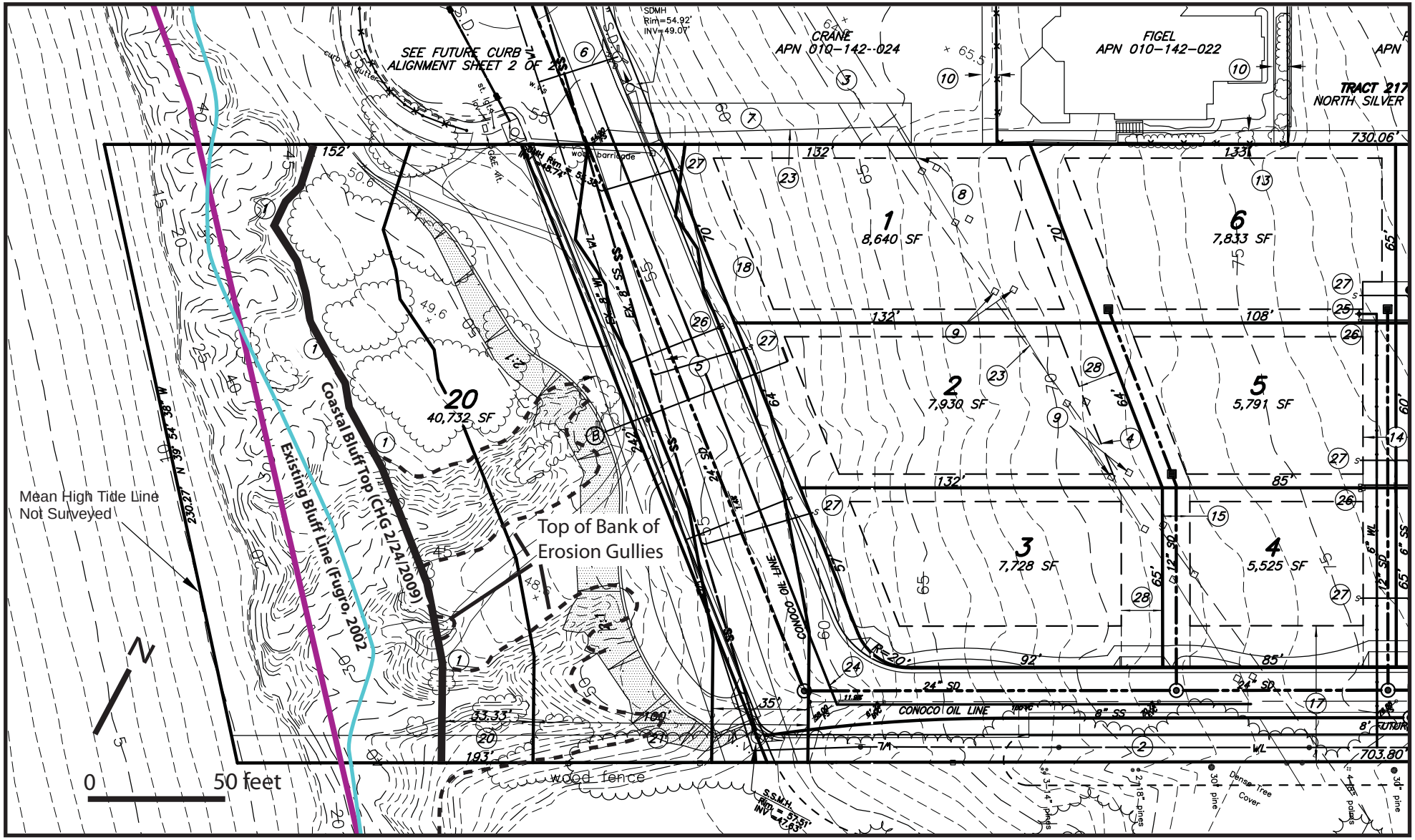
CONCLUSION

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

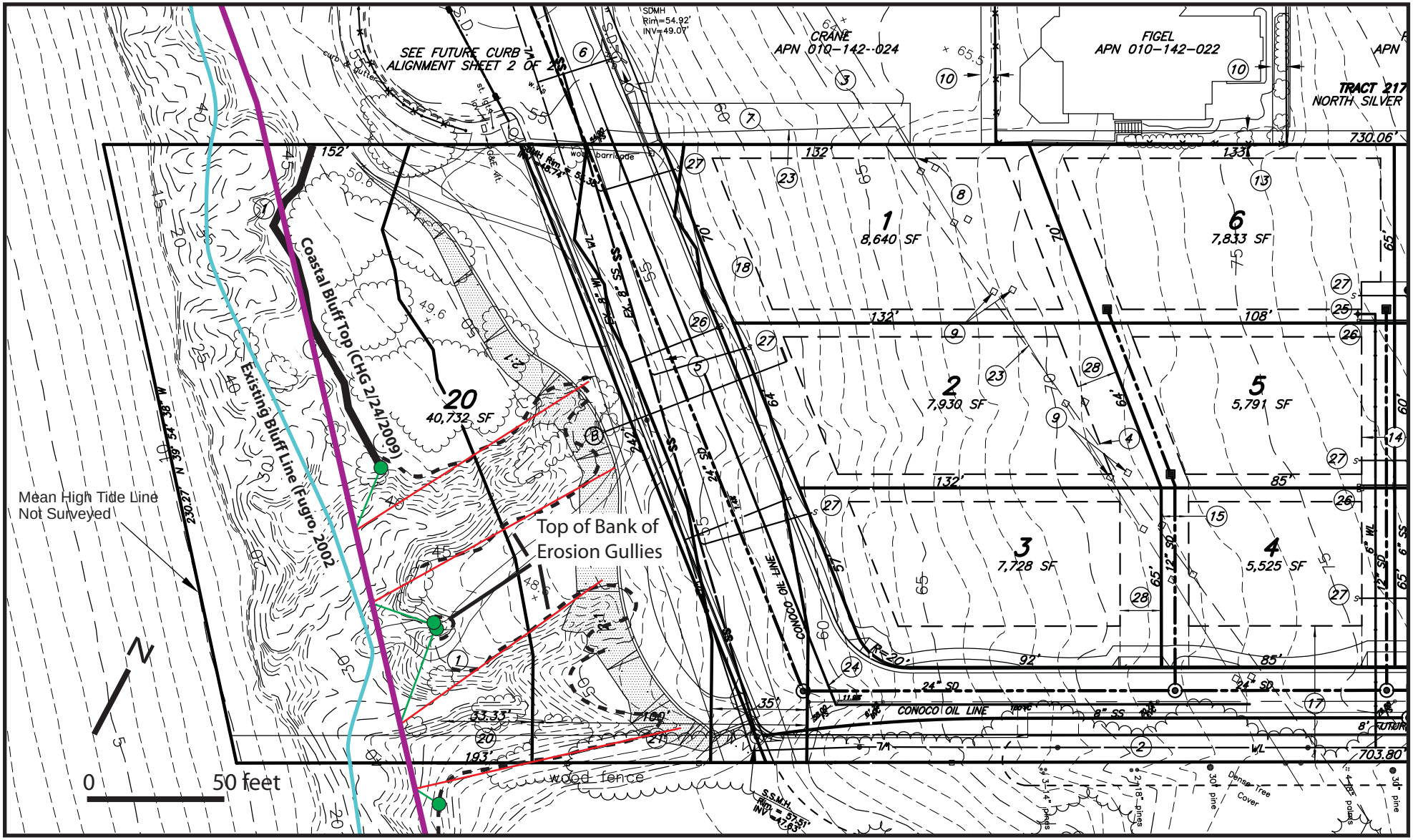


Explanation

- 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

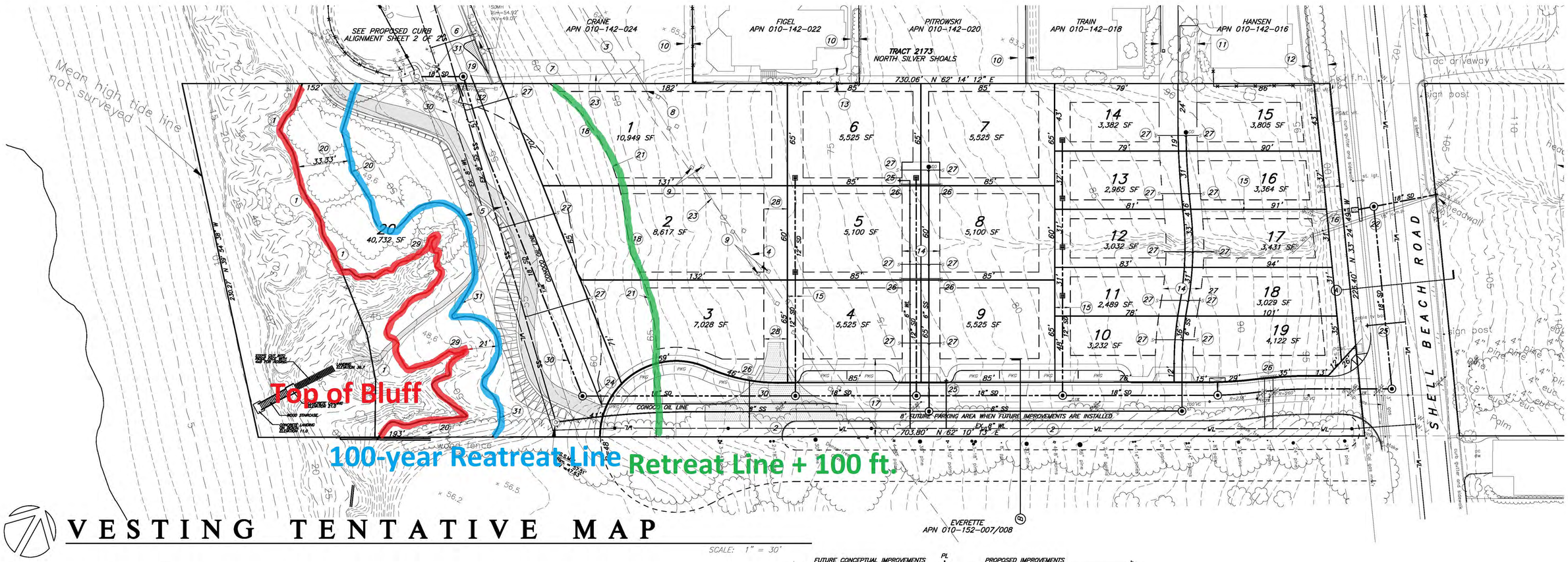


Explanation

- 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



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:

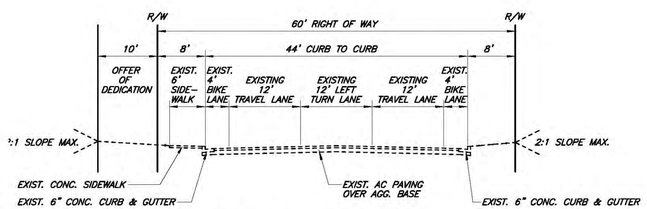
40,007 SF	PRIVATE OPEN SPACE PROVIDED LOTS 1-19

40,007 SF PROVIDED > 37,955 SF REQUIRED, OK

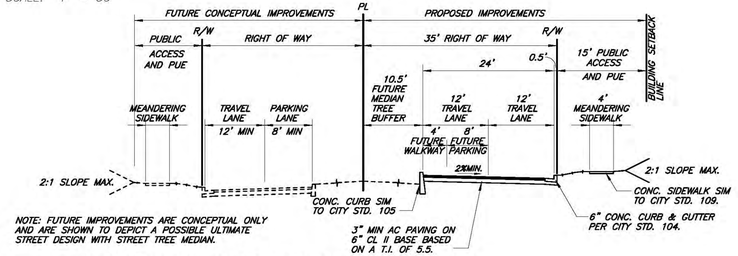
TOTAL OPEN SPACE PROVIDED:

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



NOTE: FUTURE IMPROVEMENTS ARE CONCEPTUAL ONLY AND ARE SHOWN TO DEPICT A POSSIBLE ULTIMATE STREET DESIGN WITH STREET TREE MEDIAN.

B SOUTH SILVER SHOALS

REFERENCE NOTES

1. TOP OF BLUFF LINE AS MARKED BY TIM CLEATH & ASSOCIATES; APRIL 2006. BLUFF RESTRAINT SYSTEM CONSISTENT WITH CITY STANDARDS TO BE INSTALLED.
2. 10' WIDE SEWER AND WATER EASEMENT TO CITY OF PISMO BEACH PER 2592 OR 852.
3. UNION OIL EASEMENT PER 66 DD 275 AND 72 DD 42 TO BE ABANDONED BY SEPERATE INSTRUMENT PER 18 MB 22.
4. 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".
5. APPROXIMATE 25' WIDE SEWER AND WATER EASEMENT TO CITY OF PISMO BEACH PER 2592 OR 852.
6. 15' EASEMENT TO TOSCO PER 18 MB 22.
7. 15' TEMPORARY EASEMENT TO TOSCO PER 18 MB 22.
8. CONOCO OIL CO. LINE PER FLAGS IN THE FIELD.
9. STAKES ON SURFACE MARKING APPROXIMATE OIL LINE LOCATION BY OTHERS (TYP.).
10. PRIVATE STORM DRAIN AND WALL MAINTENANCE EASEMENT PER 18 MB 22.
11. PRIVATE ACCESS, SEWER, HOA, DRIVEWAY MAINTENANCE AND PUE PER 18 MB 22.
12. 10' BIKEWAY AND PEDESTRIAN ACCESS, PUE, TREE AND LANDSCAPE EASEMENT PER 18 MB 22.
13. PRIVATE STORM DRAIN EASEMENT PER 18 MB 22.
14. NEW 24' WIDE PRIVATE DRIVEWAY, ACCESS AND PUE EASEMENT.
15. NEW 7.5' WIDE PRIVATE DRAINAGE EASEMENT.
16. NEW 10' BIKEWAY AND PEDESTRIAN ACCESS, PUE, TREE AND LANDSCAPE EASEMENT.
17. BUILDING SETBACK LINE 50 FEET FROM SOUTHERLY TRACT BOUNDARY.
18. BUILDING SETBACK LINE AT 100 YEAR RETREAT PLUS 100 FEET.
19. STORMWATER TREATMENT FACILITY TO BE LOCATED IN THE LAST DOWNSTREAM MAN HOLE.
20. 100 YEAR BLUFF RETREAT LINE.
21. 100 FOOT SETBACK FROM 100 YEAR BLUFF RETREAT PER CITY POLICY LU-B-3.
22. EXISTING 18" CMP TO BE REMOVED.
23. PORTION OF EXISTING CONOCO OIL LINE TO BE REMOVED.
24. LOCATION OF PROPOSED EXISTING CONOCO OIL LINE REALIGNMENT.
25. NEW FIRE HYDRANT.
26. NEW WATER SERVICE(S) PER CITY STANDARDS.
27. NEW SEWER LATERAL PER CITY STANDARDS.
28. 15 FOOT PRIVATE ACCESS EASEMENT AND PUE.
29. TOP OF BLUFF/EROSION GULLIES DEFINED BY CLEATH HARRIS GEOLOGISTS 11/2/12.
30. EMERGENCY VEHICLE TURN AROUND.
31. 100 YEAR ARROYO RETREAT LINE.

NOTES

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

Garing Taylor & Associates
Civil Engineering
Surveying
Project Development
141 South Elm Street
Arroyo Grande, CA 93420
805 / 489-1321

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 CALIFONIA 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 Whitely 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. Emrick, P.E., AIA

Plot Date: 02.04.15
File Name: VTM.DWG

Sheet 1 of 2

GTA No. 12.383.000

March 18, 2015

RECEIVED
MAR 23 2015
CALIFORNIA
COASTAL COMMISSION

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

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 are19 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 SMITH	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 No. Silver Shoals Dr
	ROGER G. FRANEY	125 No. 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
	DELLWYN 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	160 N. SILVER SHOALS DR
Elizabeth Bell Atty in fact for Stanley Bell	STANLEY BELL	160 N. SILVER SHOALS DR
Judy Blaume	Judy Blaume	2930 Shell Beach Rd
Paul Blaume	Paul Blaume	2920 Shell Beach Rd
PHILIP TIERRSI	PHILIP TIERRSI	106 SILVER SHOALS DR.
Chris Macek	CHRIS MACEK	106 N. Silver Shoals Dr.
	MONTE 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
JoAnn Bennett	JOANN BENNETT	130 N SILVER SHOALS
/s/ Ron Lehr	by James G. Harris (3/18/15)	118 N. Silver Shoals
/s/ Louise Lehr	by James G. Harris (3/18/15)	118 N. Silver Shoals

signature	name (printed)	address
William A. Everett		28015 Shell Beach Rd
William	E. EVERETT	
↑		
(owner of 3.5+/- acres adjacent to the new		
Shell Beach Road subdivision)		

CLAM CHRONICLE

VOL. 21, ISSUE 1 FEBRUARY - APRIL 2015

CITY DIRECTORY

CITY COUNCIL
Sheila Blake - 773-4035

Shelly Higginbotham - 235-6604

Erik Howell - 556-4640

Mary Ann Reiss - 709-6296

Ed Waage - 550-3345

CITY MANAGER
James R. Lewis - 773-7007

DEPARTMENTS

Emergency	911
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

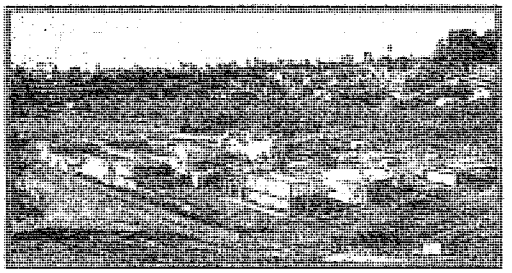
In This Issue:

1-3 Public Works
4 Community Development
4-5 City News
6-7 Police Beat
7 Pismo Fire
8-9 Library News
10 Tourism'ly Yours
11 Recreation Happenings
12 Calendar of Events

www.pismobeach.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.



Expanding water supply is the top goal for City Council.

Prior to establishing major goals, Council reaffirmed the City's committment 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 expand 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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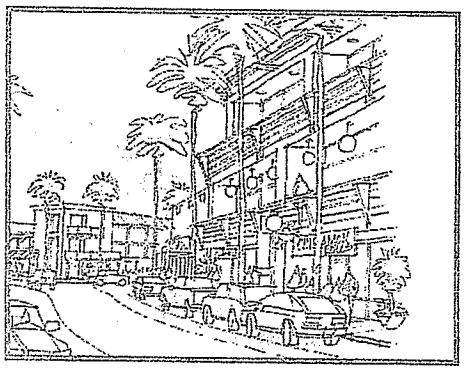
Council Goals

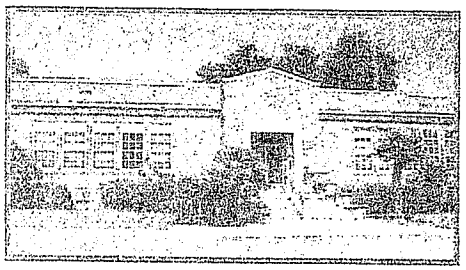
Continued from page 1

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.

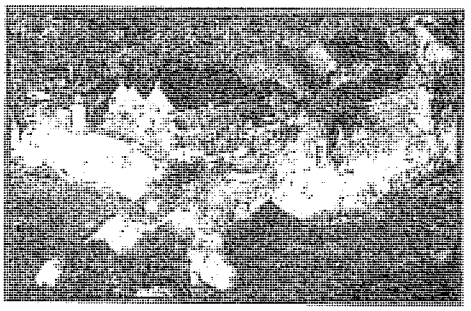
Re-Use of Old City Hall: Evaluate possible uses for the old City Hall and develop a program for implementing the preferred option.



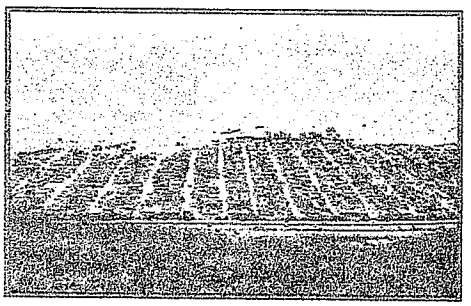
Shell Beach Development Standards: Revise development standards in Shell Beach to reduce the size and scale of new residential projects and commercial development designed to be more consistent with the current neighborhood and provide adequate parking.

OTHER PRIORITY OBJECTIVES

Chapman House: Develop and implement 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 Presenration 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

CITY OF PISMO BEACH

DEADLINE IS FEBRUARY 27, 2015

FOR MORE INFORMATION AND OFFICIAL RULES, PLEASE VISIT PISMOBEACH.ORG

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

6/6

March 19, 2015

RECEIVED
MAR 25 2015
CALIFORNIA
COASTAL COMMISSION

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

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,

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

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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.***

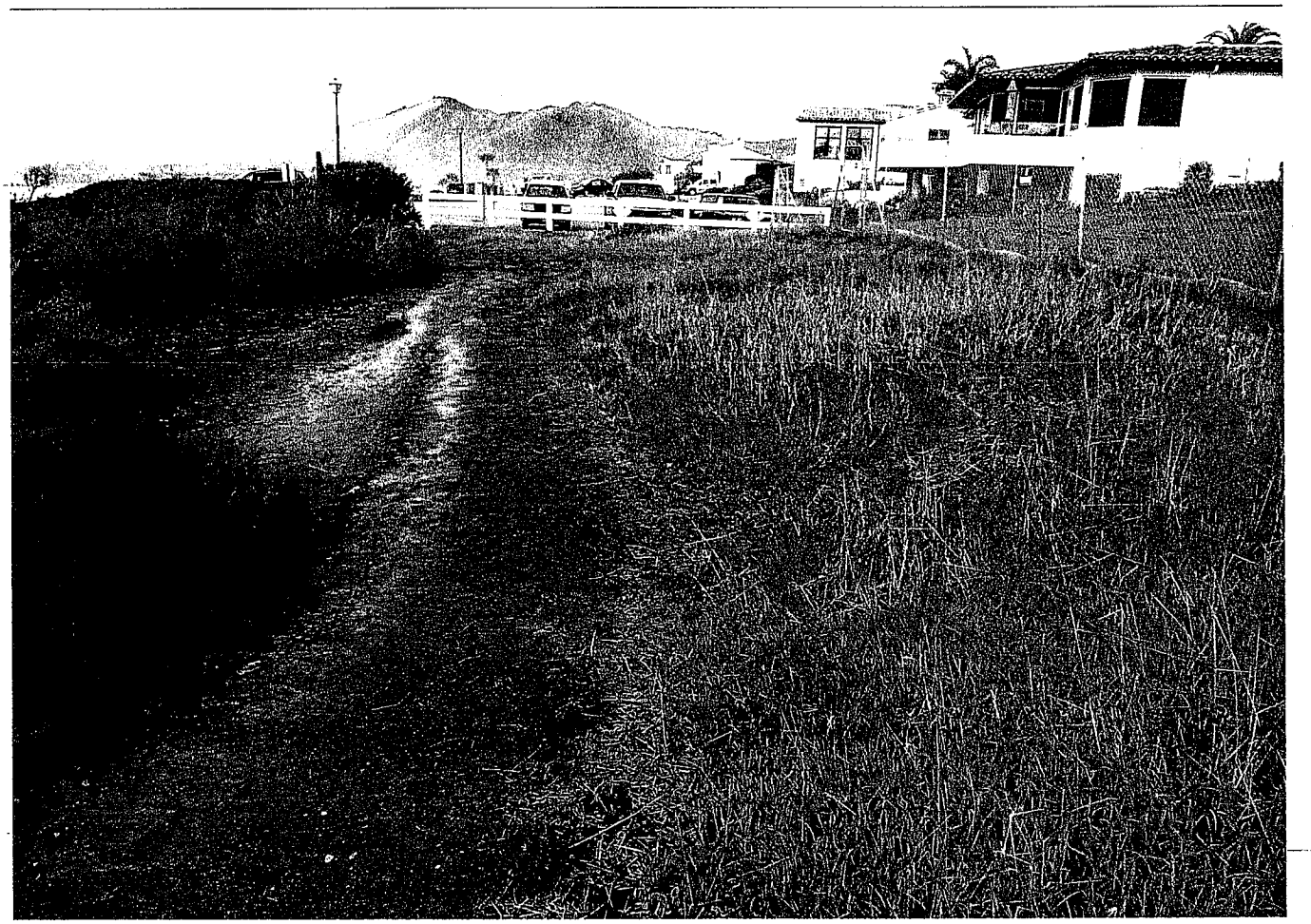
6. Lastly, there is no legitimate reason for a reduction of the 20 foot wide existing beach-goers trails.

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,

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

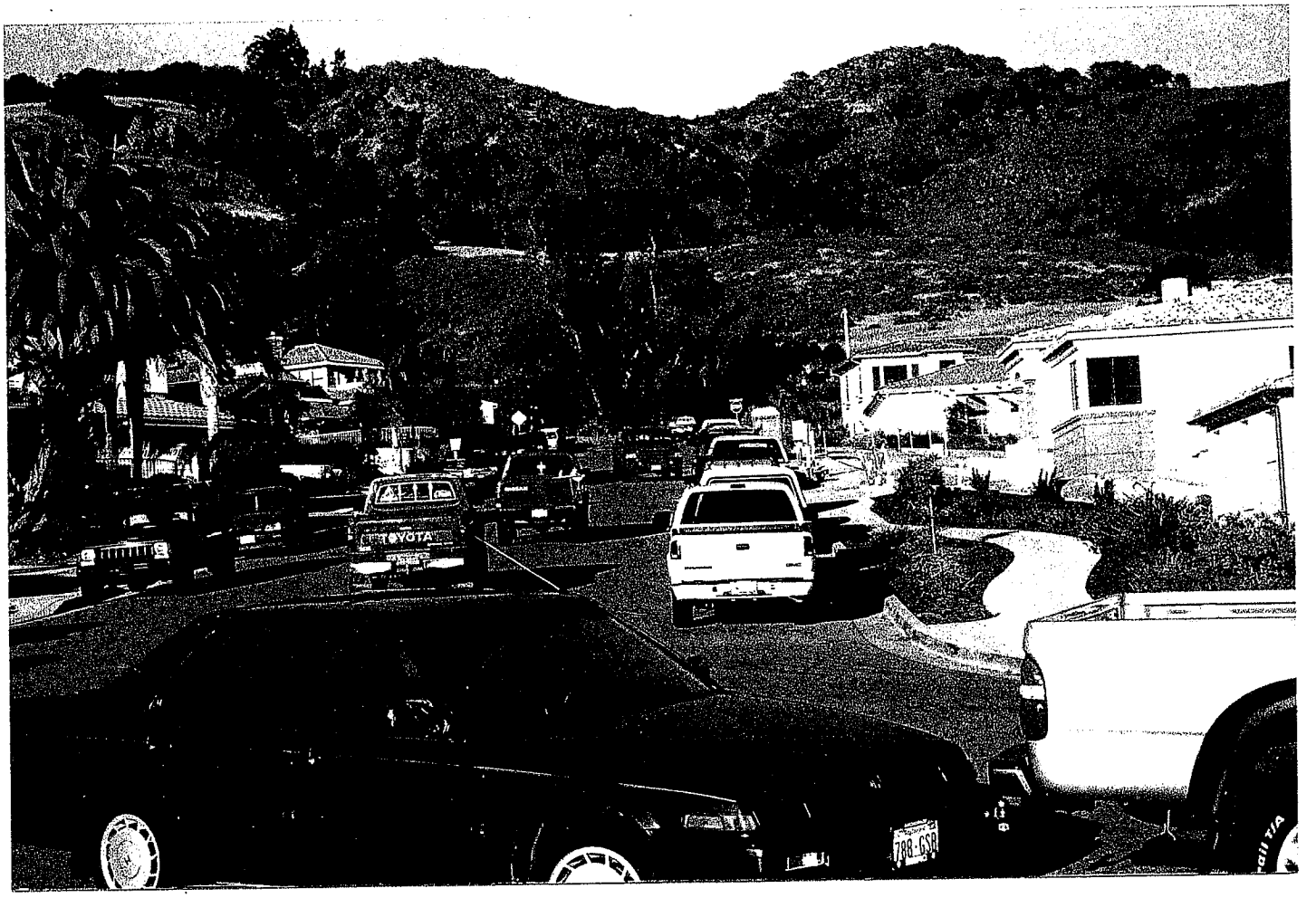
and

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

Ocean Front Lot *Ocean Front Lot* *Ocean Front Lot*

50 ft VIEW

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

Ocean View

William S Everett

Ocean View 2800 Shell BEACH ROAD

Ocean View

Diane Polley

Diane Polley 133 Silver Shoals

Ocean View

Butch + Pam Fischer

129 N. silver shoals

Shell Beach, CA

Ocean View

Butch + Pam

Ocean View

Ed & Chris Henry

117 N. Silver Shoals

Ocean View

Edy

Delwyn Wagner

DELWYN WAGNER

Ocean View 100 Silver Shoals Dr

BETTY J WAGNER

Marilyn Hanson

105 Silver Shoals

Ocean View

113 N. SILVER SHOALS

RICHARD SMITH

One way road

Stanley Bell 160 SILVER SHOALS

STANLEY BELL

Ocean View

Elizabeth Bell

ELIZABETH BELL

113 N. Silver Shoals

Linda Lee

Ocean View

Richard Barta

142 N. Silver Shoals

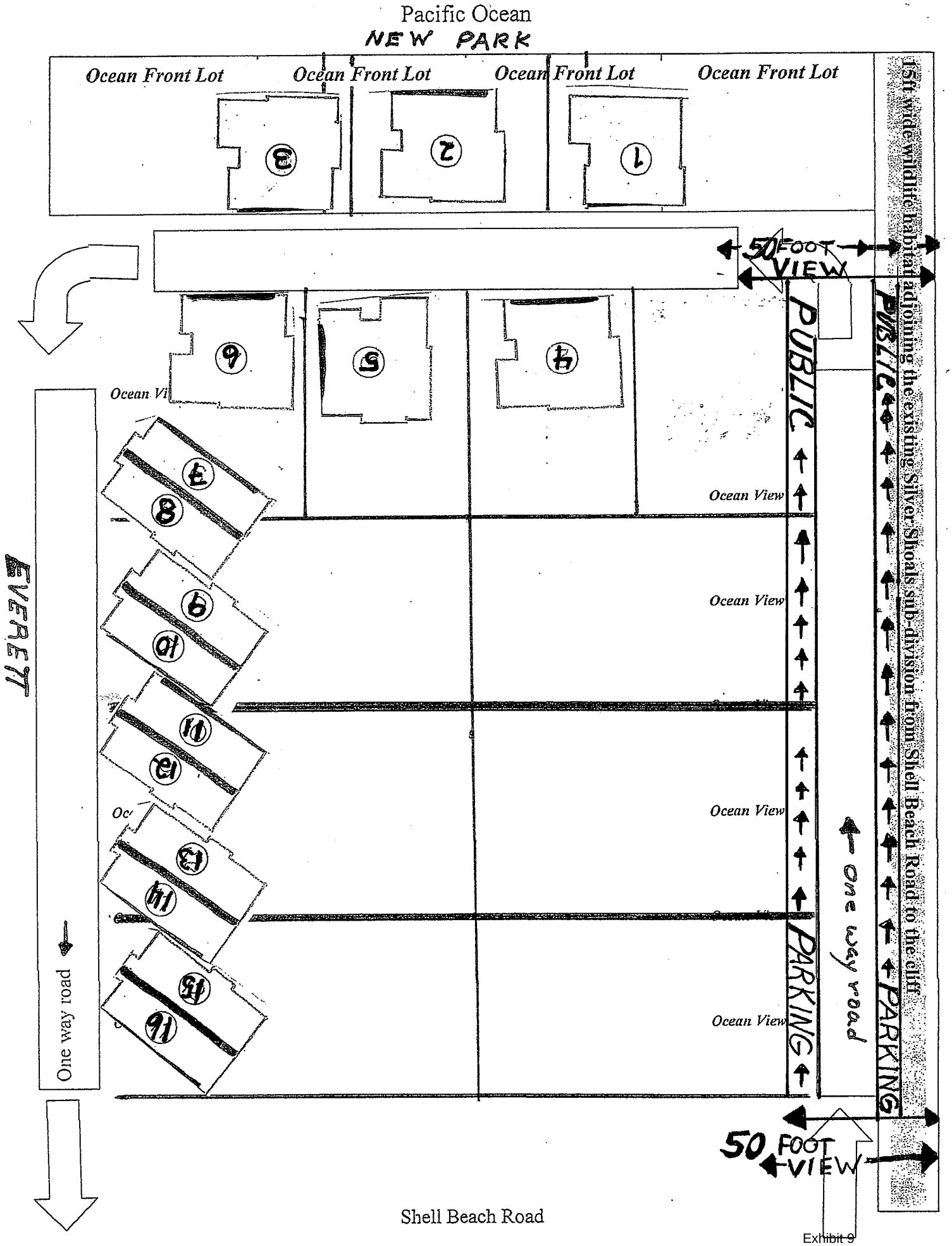
50 ft VIEW AREA

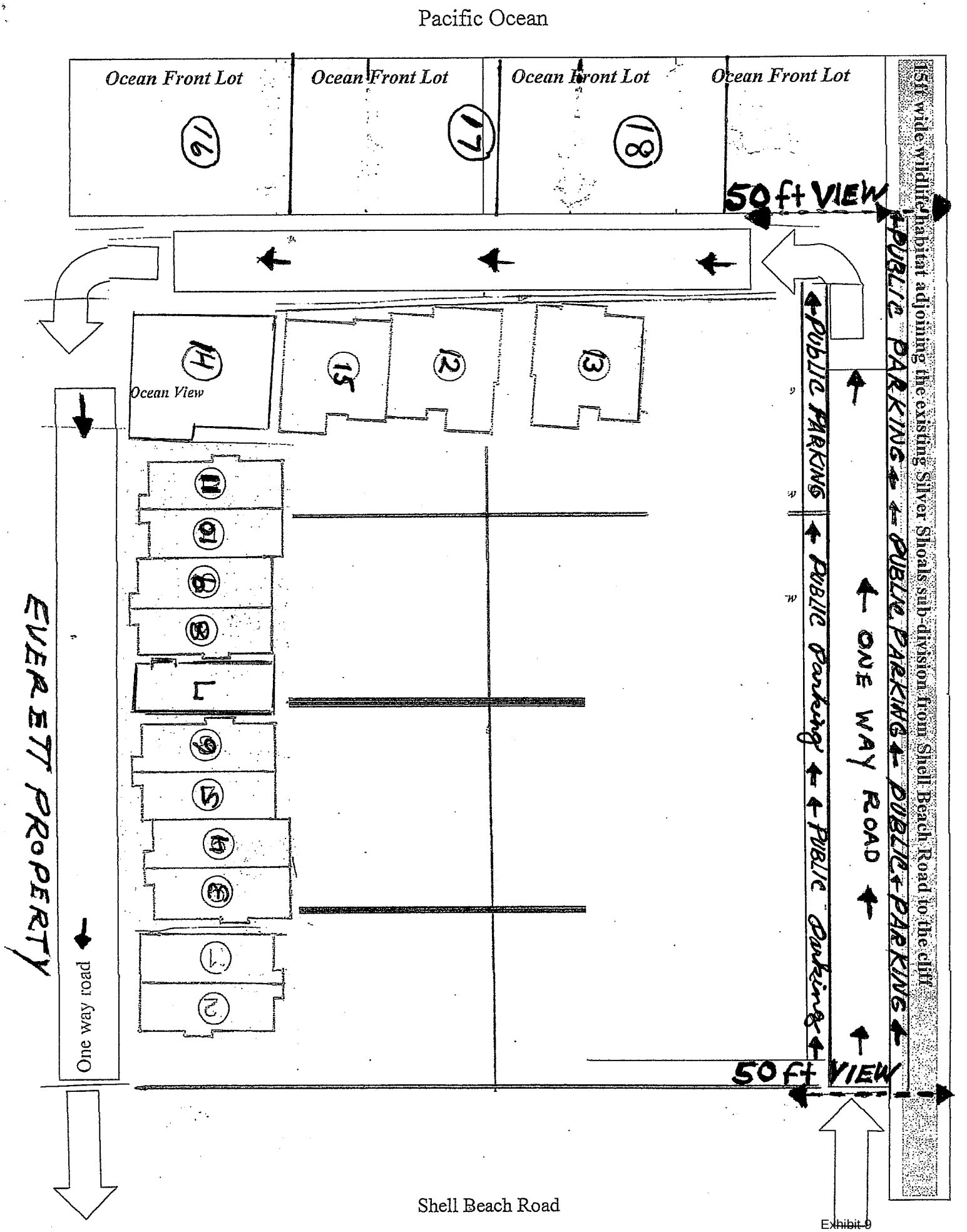
Roger Franey

Roger FRANEY 125 Silver Shoals

Marge & Jim Harris Shell Beach Road

Marge Harris James R. Harris 124 Silver Shoals


Pacific Ocean
NEW PARK
Ocean Front Lot
Ocean Front Lot
Ocean Front Lot
Ocean Front Lot
1
2
3
4
5
6
15ft wide wildlife habitat adjoining the existing Silver Shoals sub-division from Shell Beach Road to the cliff
50 FOOT VIEW
PUBLIC
PARKING
Ocean View
Ocean View
Ocean View
Ocean View
One way road
EVERETT
One way road
50 FOOT VIEW
Shell Beach Road


Pacific Ocean
Ocean Front Lot
Ocean Front Lot
Ocean Front Lot
Ocean Front Lot
16
17
18
50 ft VIEW
15ft wide wildlife habitat adjoining the existing Silver Shoals sub-division from Shell Beach Road to the cliff
PUBLIC PARKING
PUBLIC PARKING
PUBLIC PARKING
PUBLIC PARKING
ONE WAY ROAD
PUBLIC PARKING
PUBLIC Parking
PUBLIC Parking
50 ft VIEW
14
Ocean View
15
12
13
11
10
9
8
7
6
5
4
3
1
2
EVERETT PROPERTY
One way road
Shell Beach Road

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CALIFORNIA
COASTAL COMMISSION

March 22, 2014

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

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 you support in the past.

Respectfully,

Marge Harris Jim Harris

Marge and Jim Harris
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Shell Beach, CA 93449

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(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:

<u>Views from Highway 101:</u> 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. <u>Inadequate Public Access</u>

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.

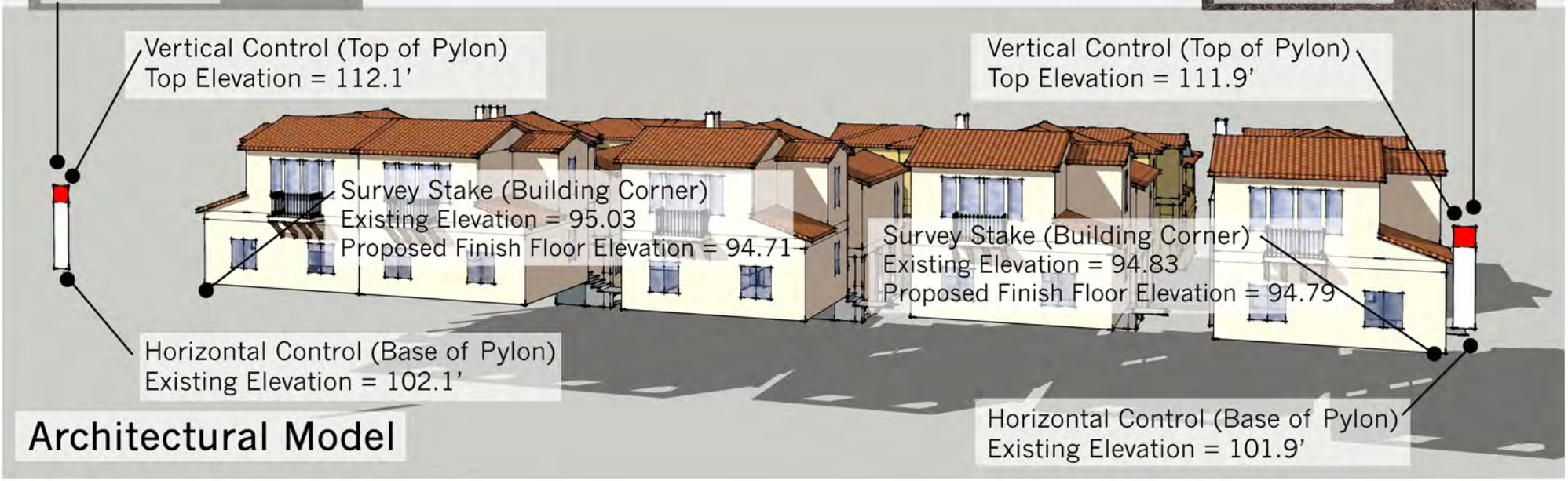
The commenter states that the width of the proposed project access road, perpendicular to Shell Beach Road along the southern site boundary, is a visual concern. The commenter states that all of the neighboring streets provide a 40 foot-wide corridor (with the exception of El Portal Road). The commenter 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,

Jeff Oliveira, Principal Environmental Planner
Oliveira Environmental Consulting LLC



firma landscape architects planning environmental studies

South Silver Shoals
Pismo Beach, CA

Visual Analysis Methodology

Exhibit 1

Firma_SilverShoals_Visual_21234.PSD Last Date Modified: March 19. 2015

firma landscape architects planning-environmental studies

South Silver Shoals
Pismo Beach, CA

Visual Analysis

Exhibit 2

Firma_SilverShoals_Visual_21234.PSD Last Date Modified: March 19. 2015

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Steve Kinsey

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: 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 Kinsey

7) Identity of all person(s) present during the communication:
Steve Kinsey & 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

SHKinsey
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 Loordan, 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

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

1/5

Gmail by Google

Edward Henry <edhenry11@gmail.com>

North Silver Shoals parking

Fine, Benjamin <bfine@pismobeach.org> Tue, Jul 21, 2015 at 11:02 AM
To: Edward Henry <edhenry11@gmail.com>

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@pismobeach.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

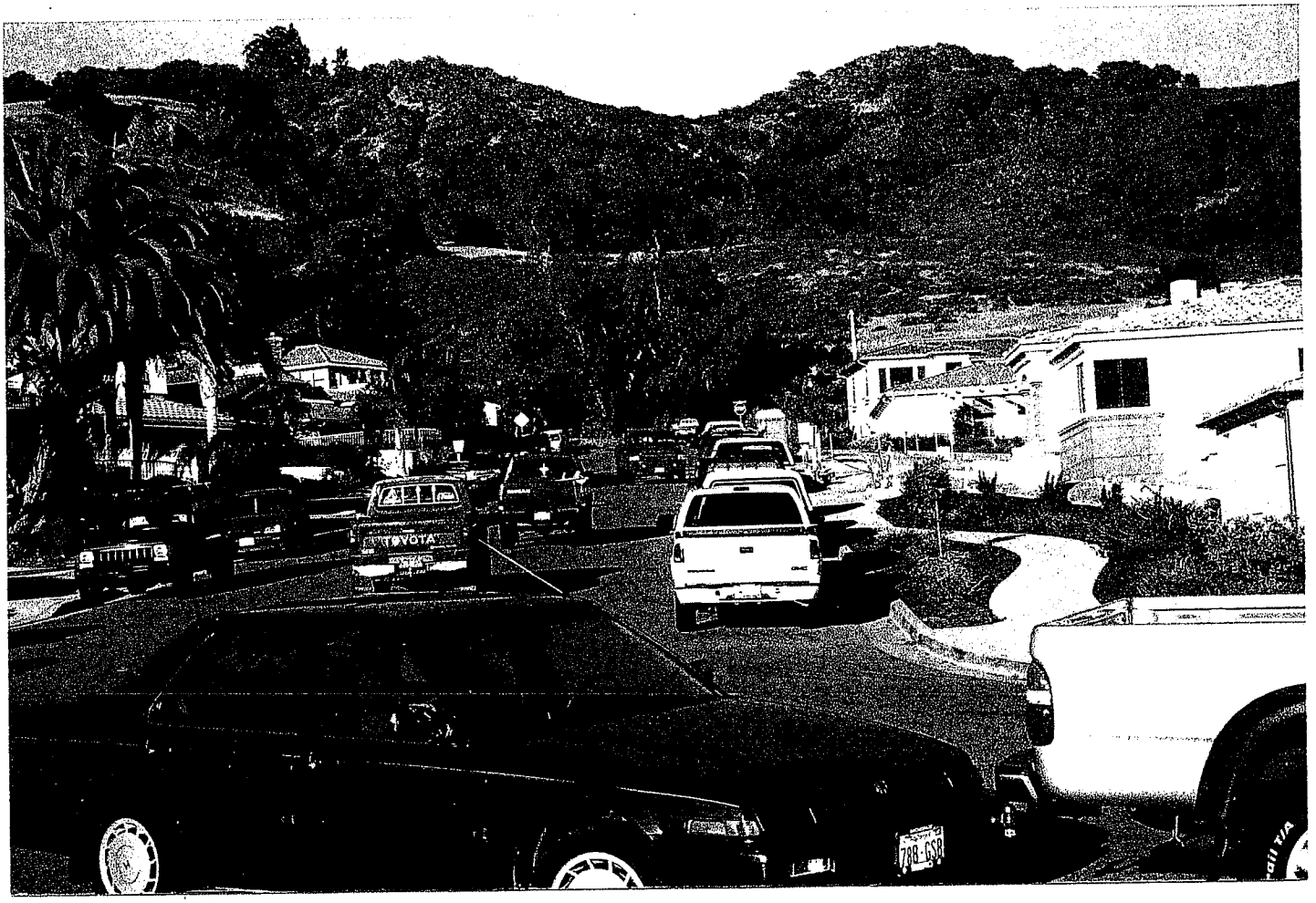
approximately 45-50 parking spaces on North Silver Shoals which are available to the public. I believe the city has calculated approximately 150 public parking spaces available on both North and South Beachcomber.

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. 1b: Indio Drive		X X		X X	X		X	X	X X	X X	Improved public trail with access at the north and 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 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	Steep dirt trail at the edge of Barranca provides beach access but should be improved. Benches and trash receptacles available along bluff top.

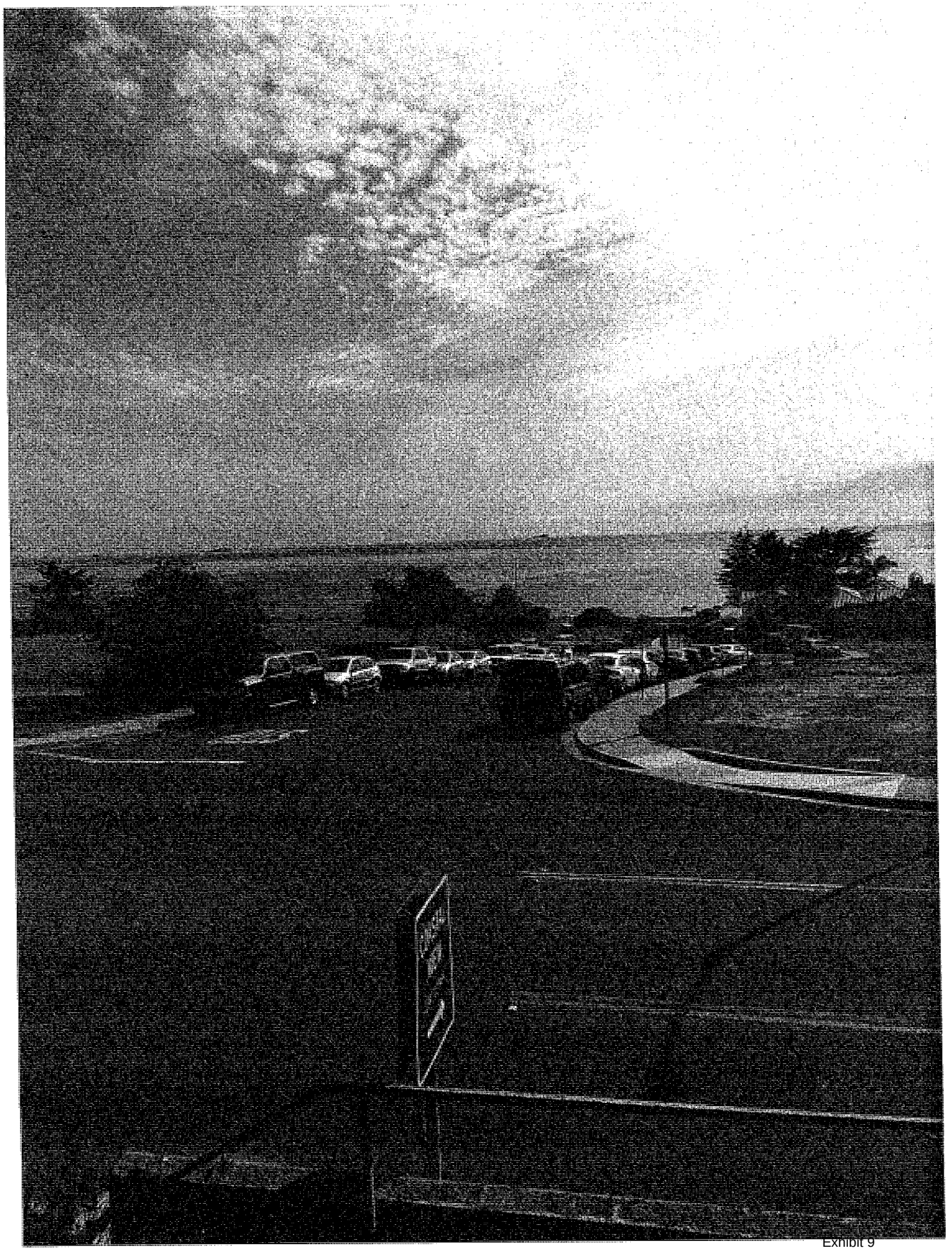
Table PR-4 Physical and Visual Ocean Access/California Coastal Trail
(See Figure PR-3 for map locations)

X - Existing
- Proposed

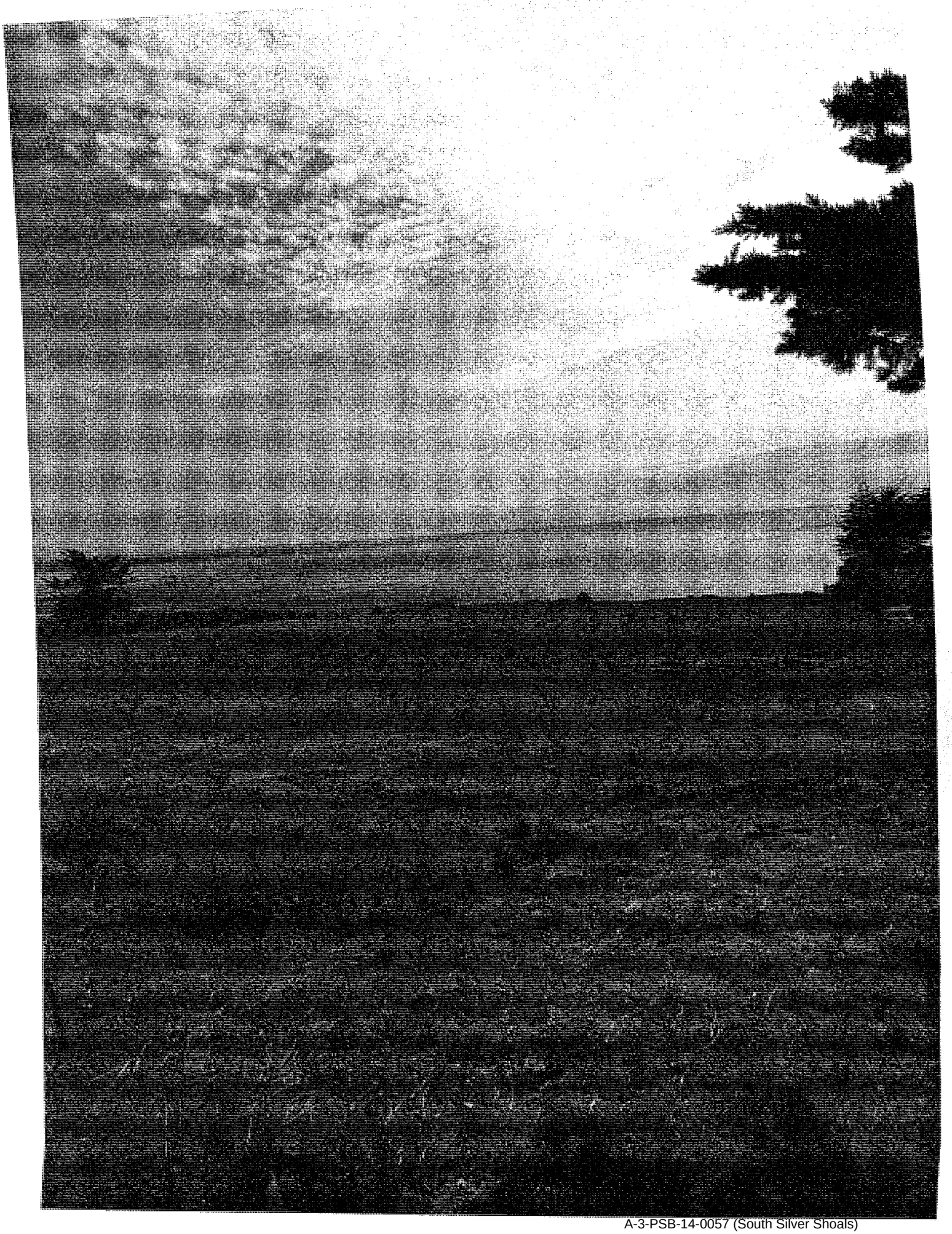
Planning Area	Access Points	Public Beach Access Stairs	Walking Path and/or Walking with View Access	Direct Beach Access No Stairs	View Points	Lateral Open Space Top of Bluff	Barranca	Parking On-Street	Parking Off-Street	Signage &/or Amenities	Open to Public	Comments
E. St. Andrews Tract	9a. Memory Park	#			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. Elkwayen Ocean Park	X	X		X	X		X		X	X	Beach access at Vista Del Mar and Cuyama. Cuyama stairs require improvements.
	11b. Booker overlook		X		X	X		X		X	X	Access path from Placentia to Booker along oceanfront. Future public bluff top access through to Ocean Blvd. to the south if/when development occurs directly to the southwest of Booker.

EBB TIDE PARKING

515



UNDEVELOPET TRACT 1/10

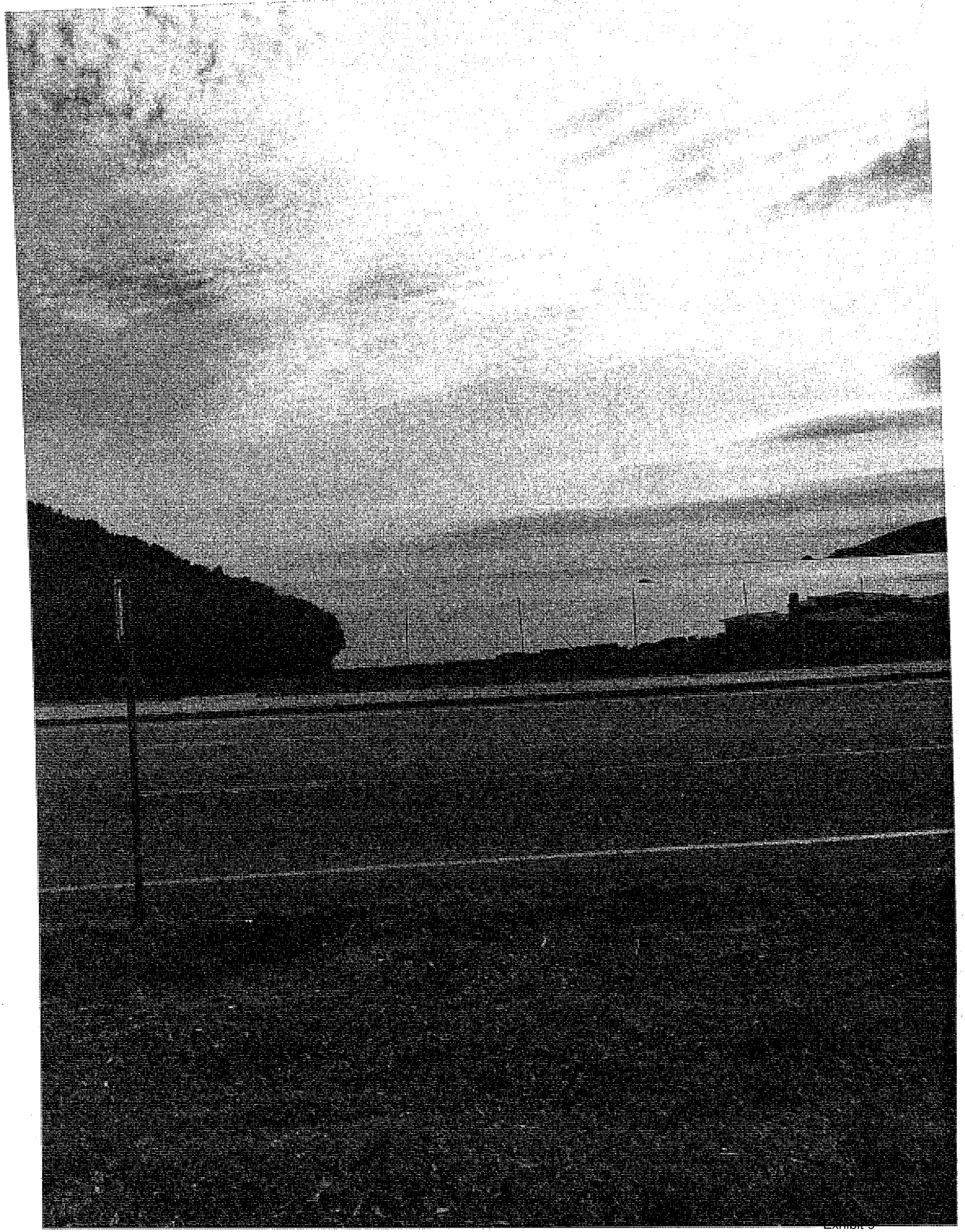


UNDEVELOPED TRACT

2/10

UNDEVELOPED TRACT

3/10



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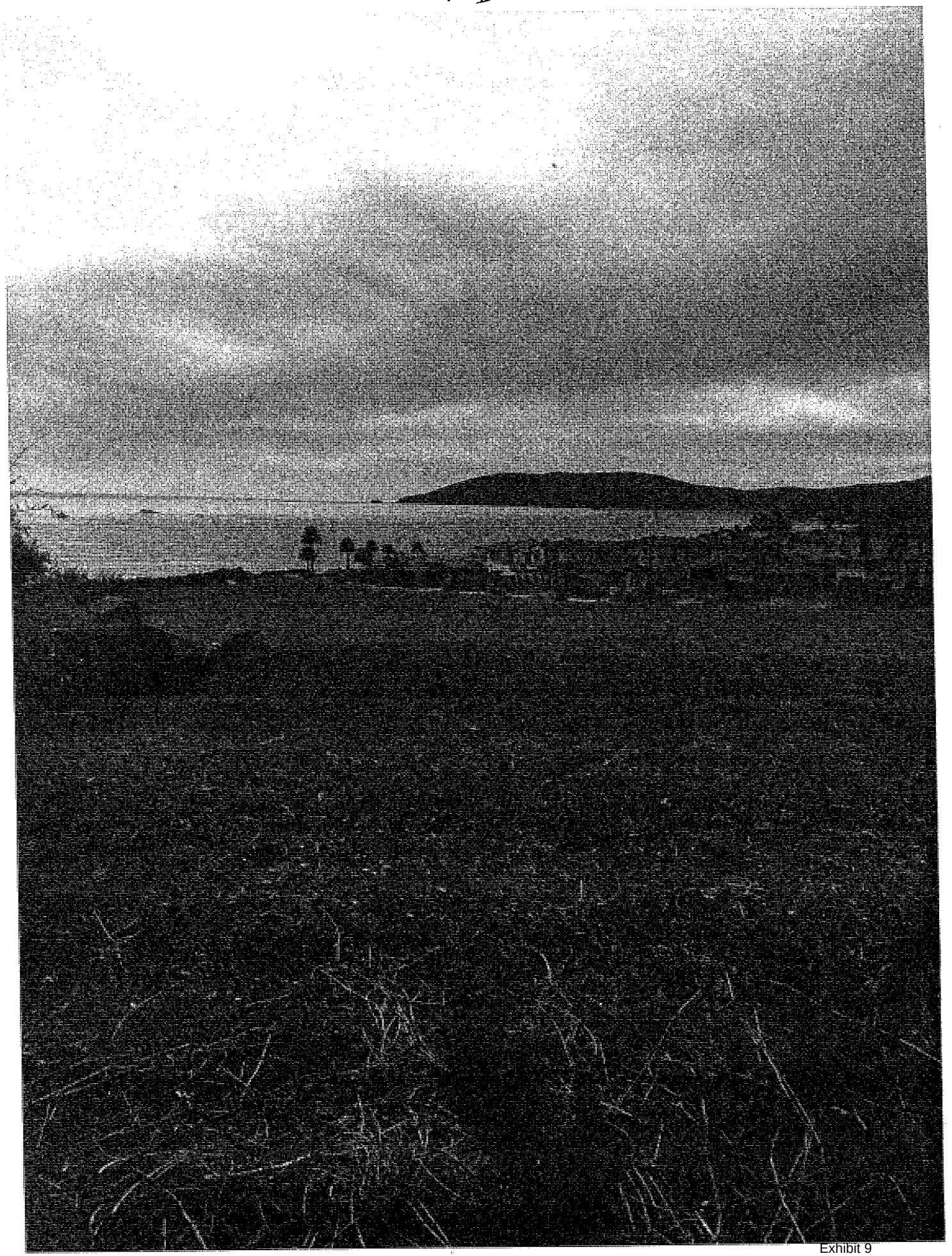
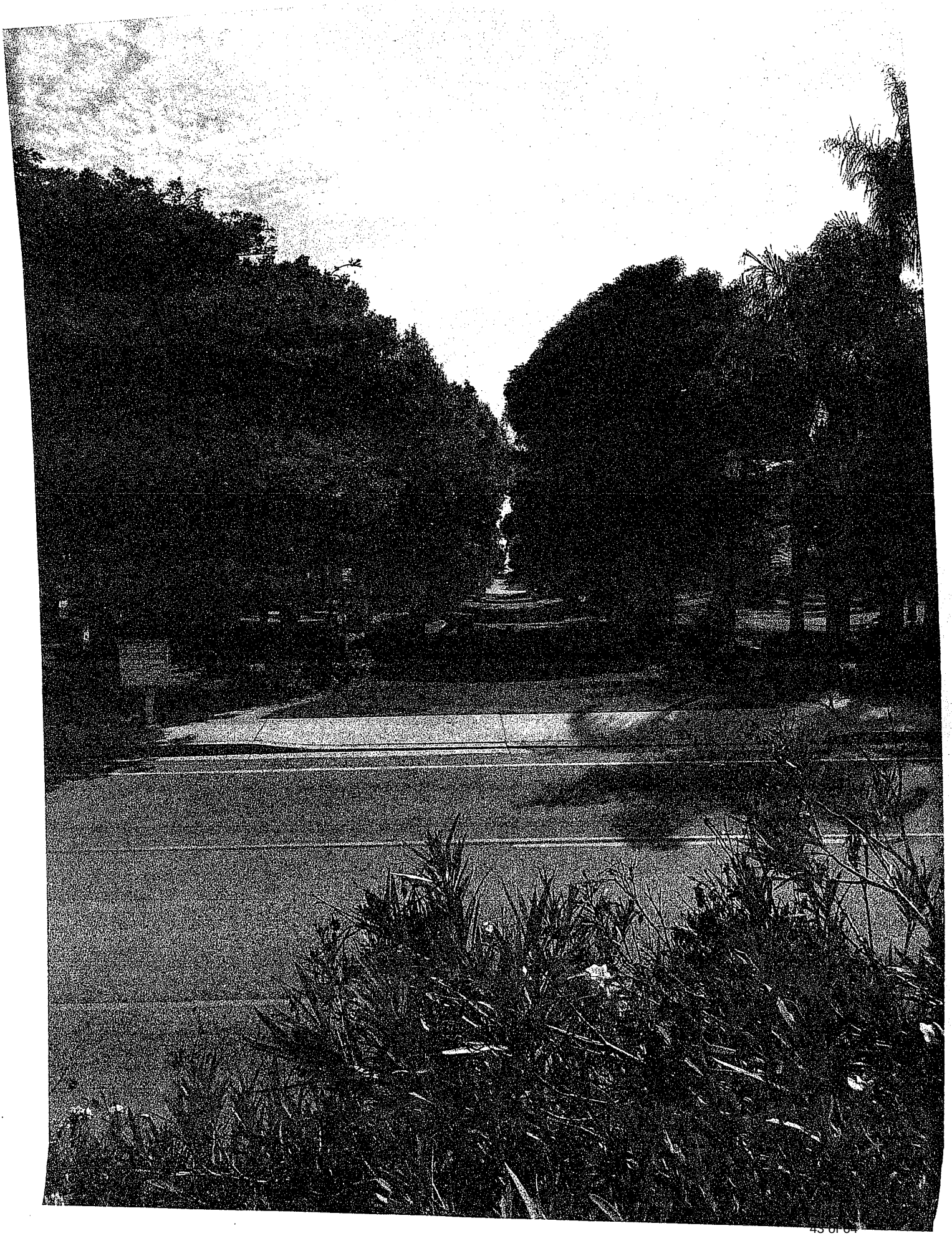


MR. EVERRETT'S PROPERTY

5/10



MR. EVERETT'S PROPERTY

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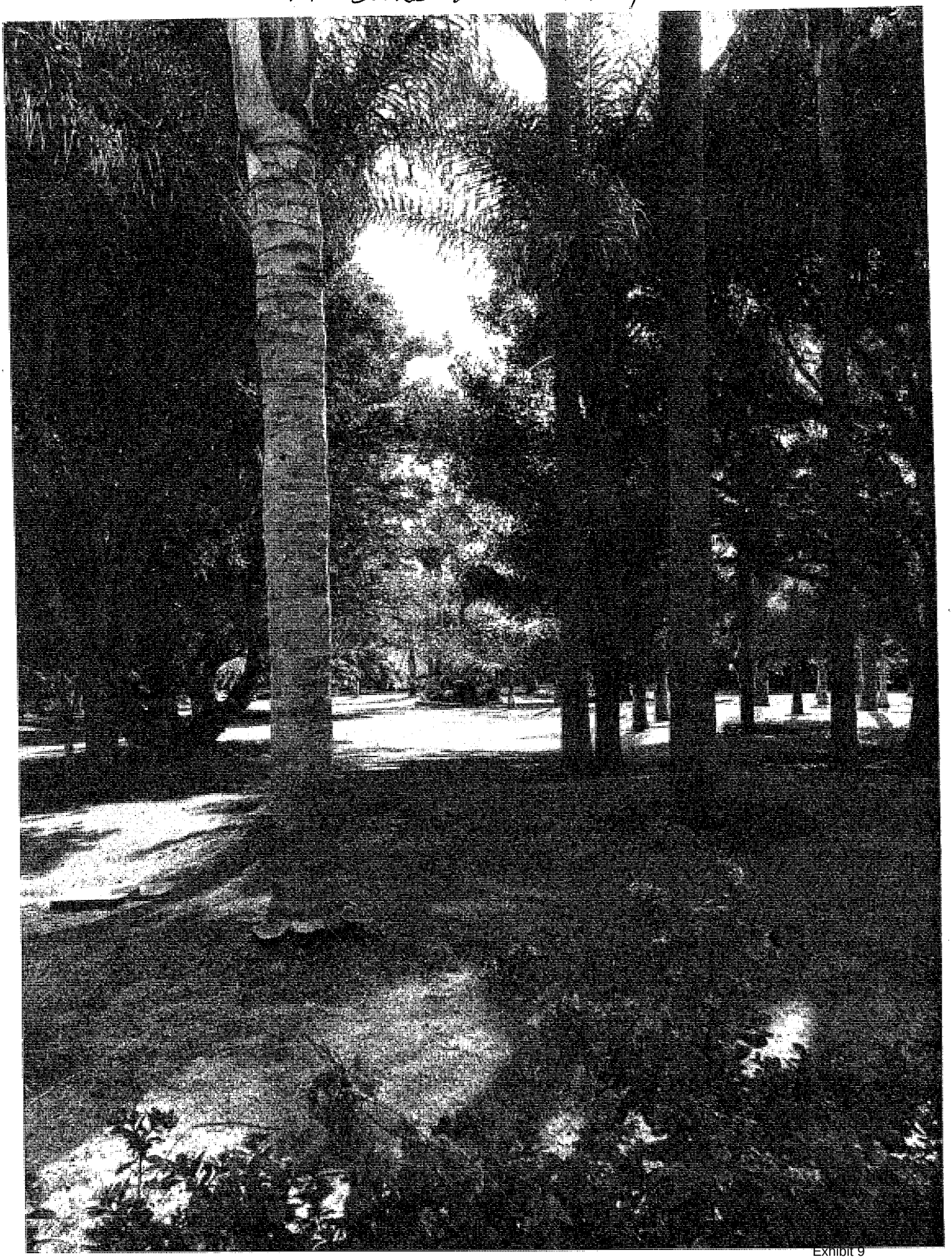

MR. EVERETT'S PROPERTY

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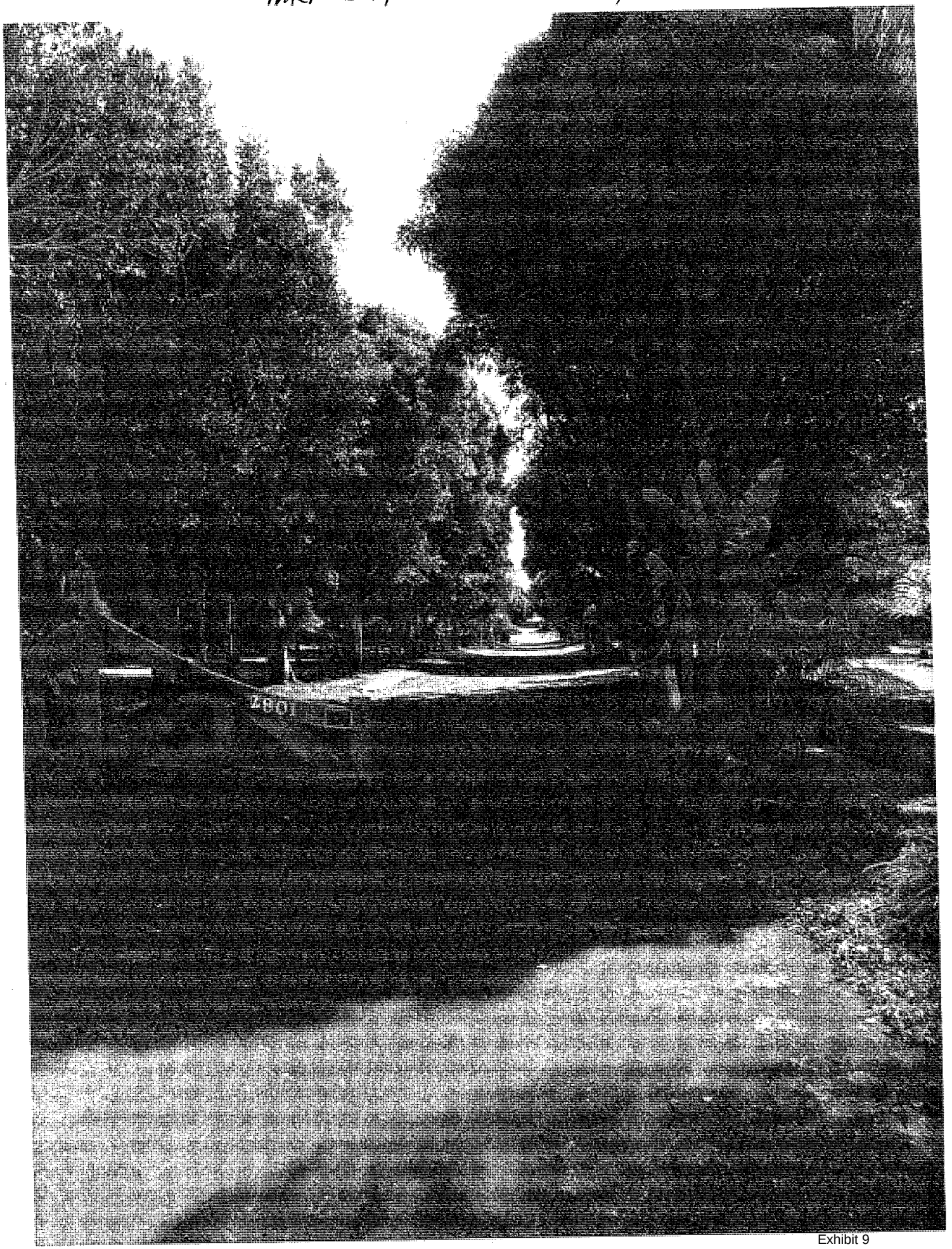
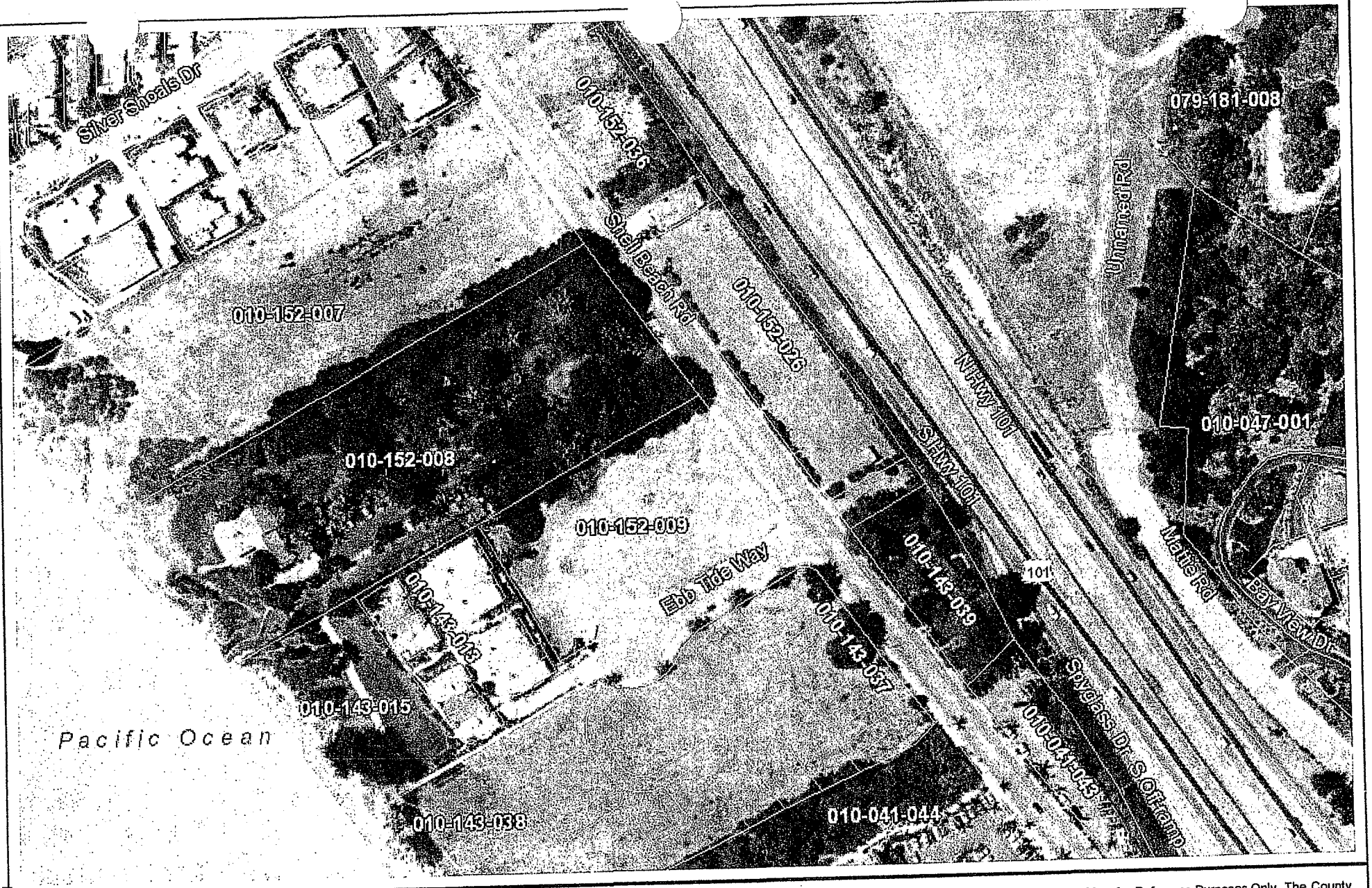




San Luis Obispo County
Assessor's Office
Mapping Section
(805) 781-5643

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

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

0118

UNDEVELOPED SITE
DEVELOPED SITE

10/10

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.

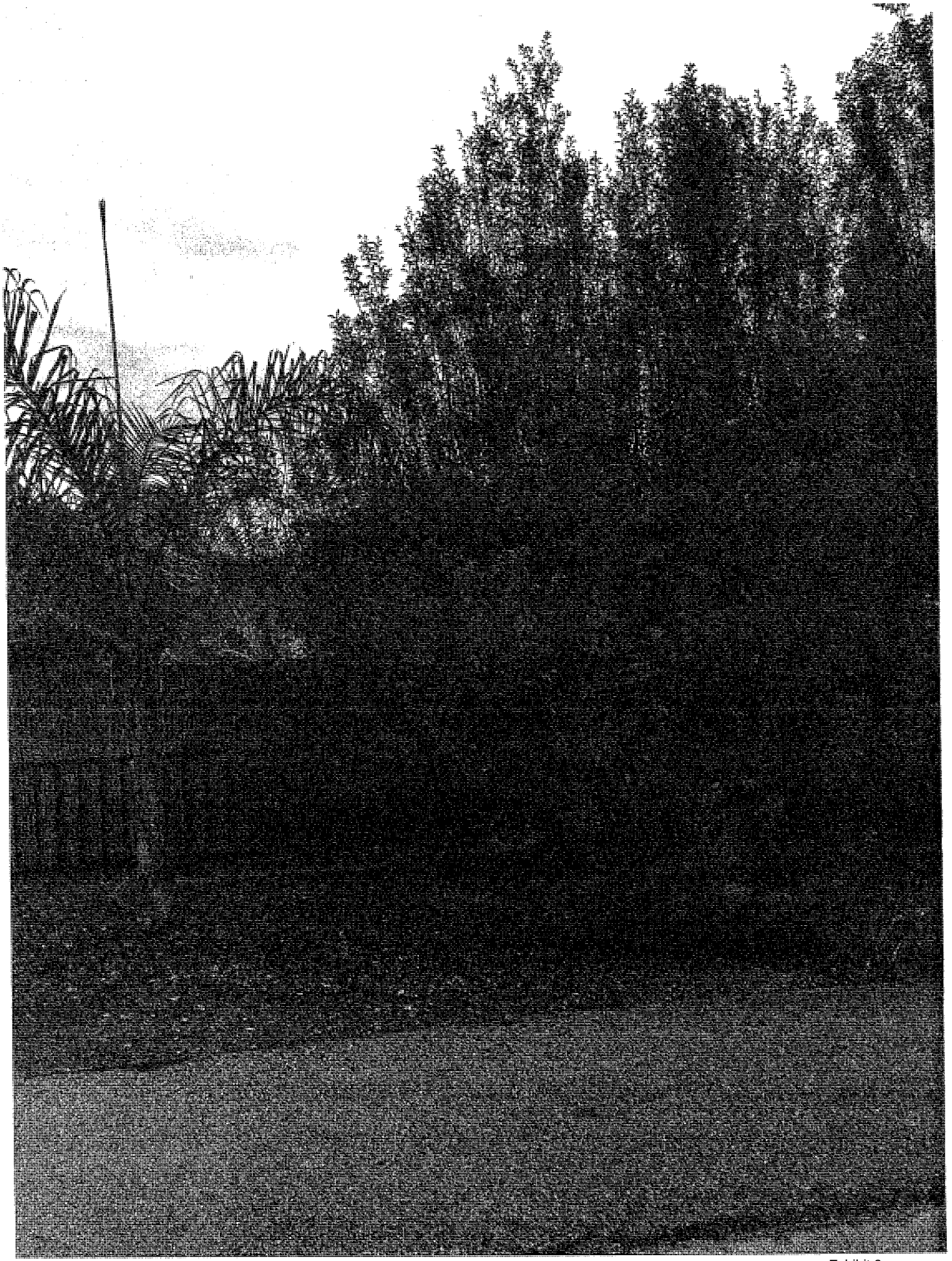
If I wished to build additional apartments on my property, I have plenty of land on both sides of my existing road, for many additional apartments. I would have no reason to build an additional road.

WILLIAM S. EVERETT

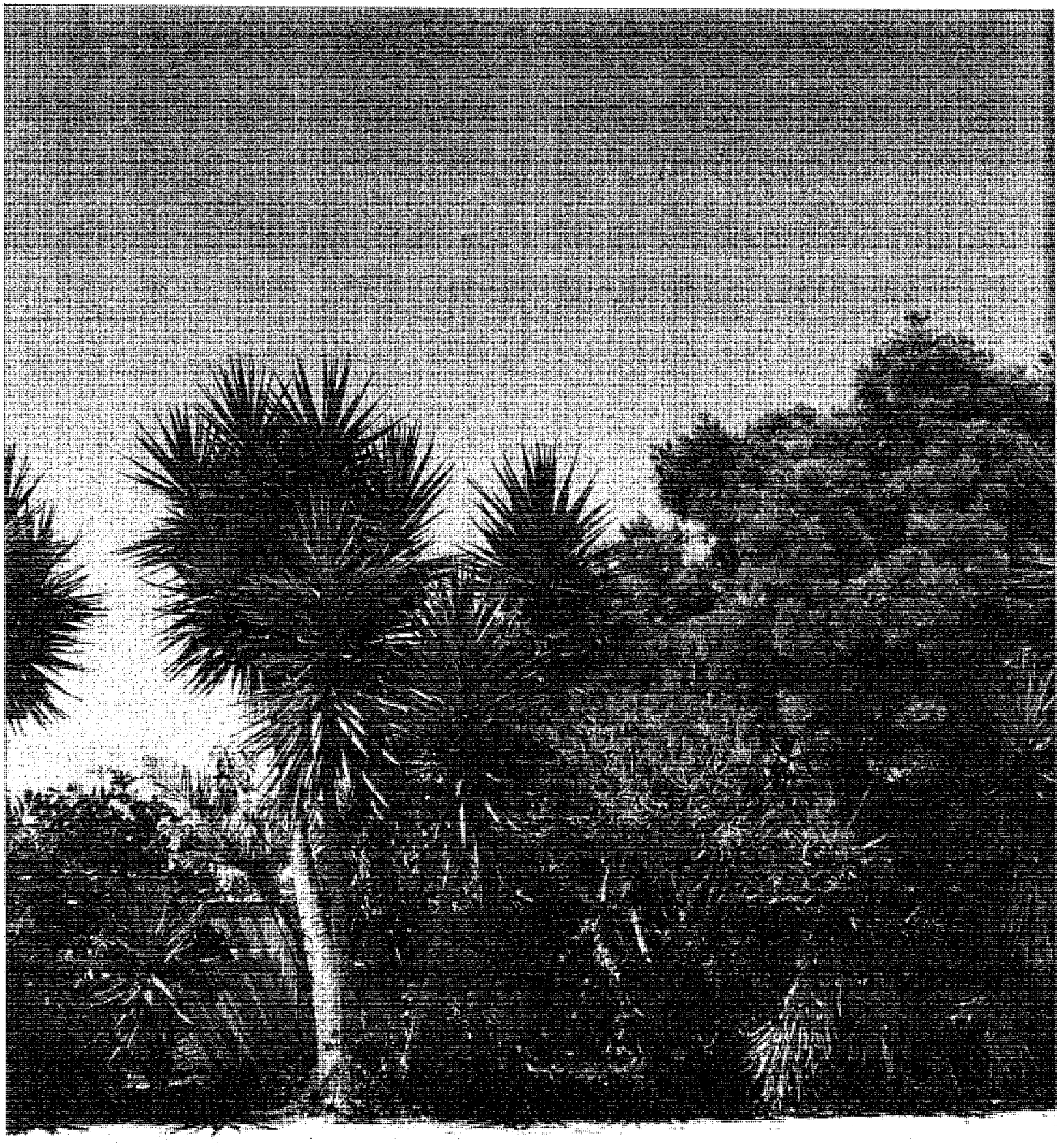
ATTACHMENT C

3 pages

BEACHCOMBER "VIEW" CORRIDOR 113

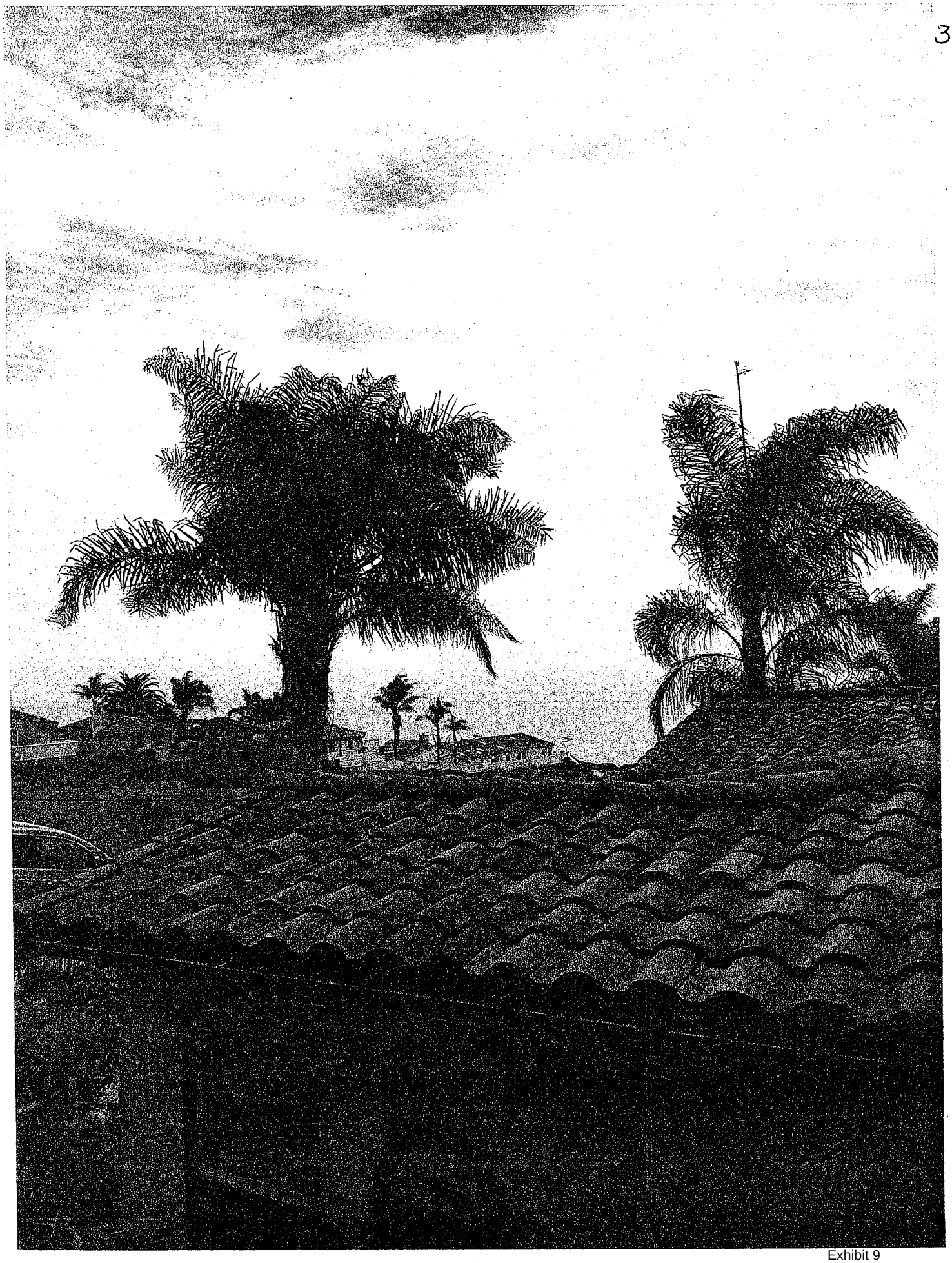


"VIEW" CORRIDOR ON N. SILVER SHOALS 2/3

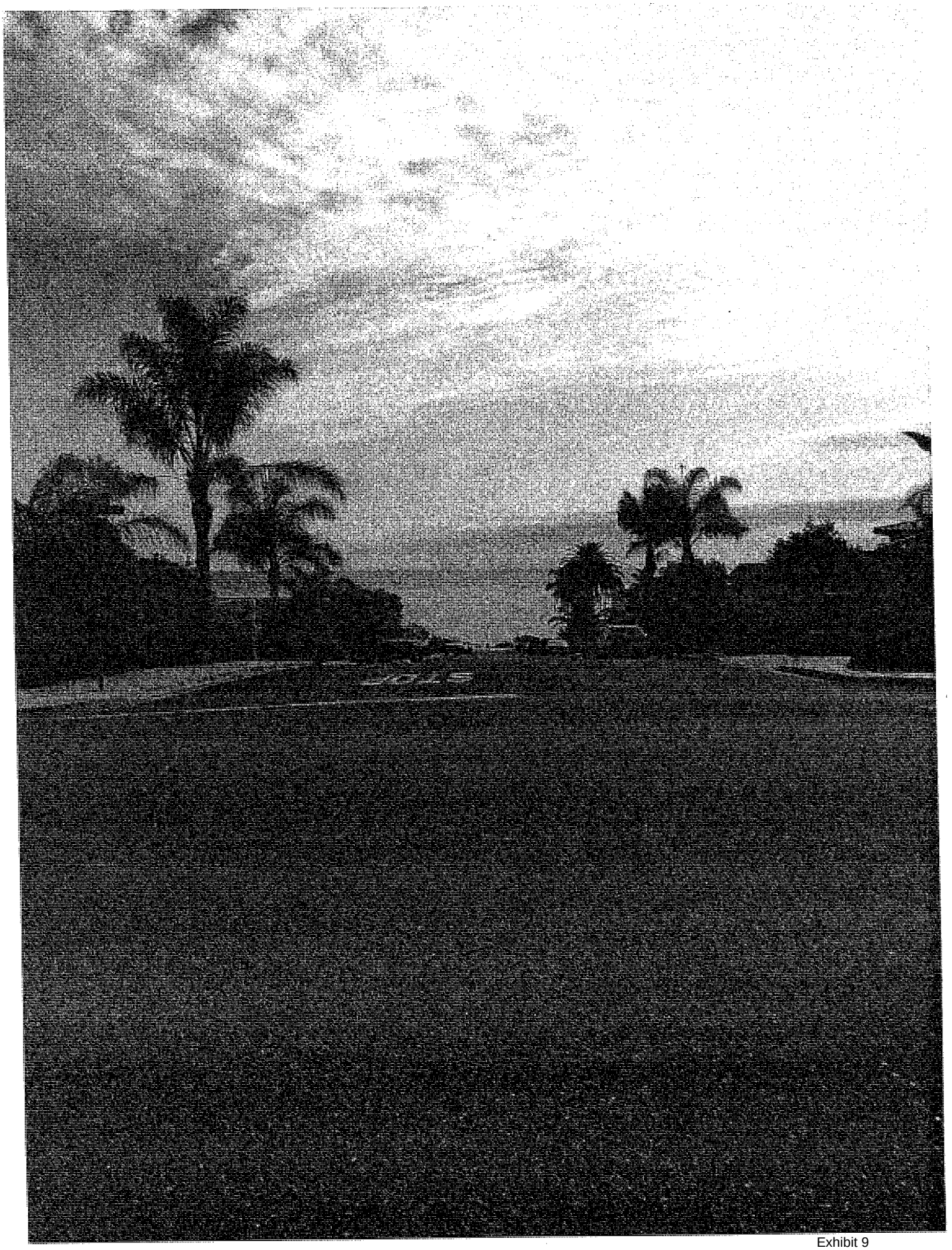


VIEW AVAILABLE OVER A 15' HIGH HOME

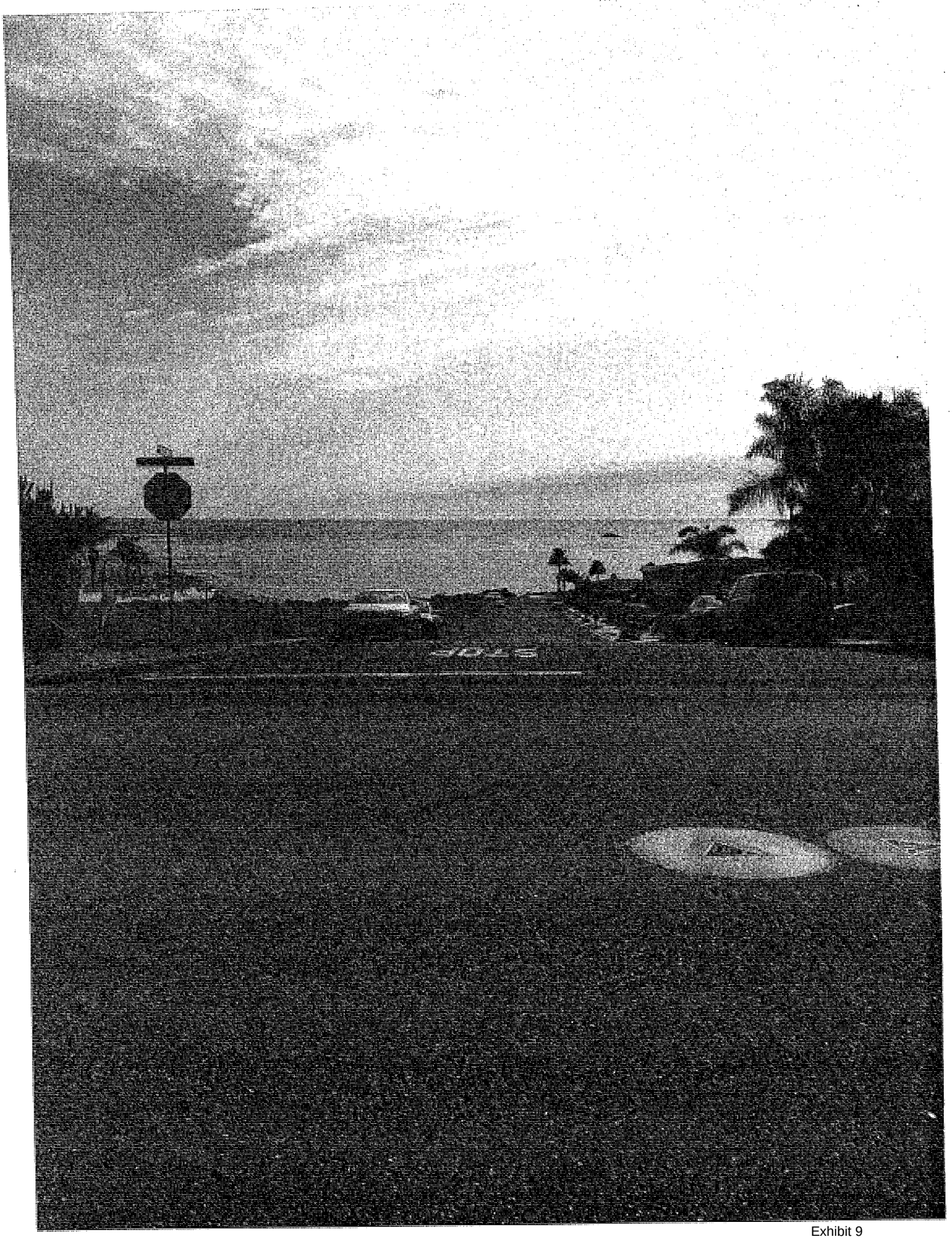
3/3



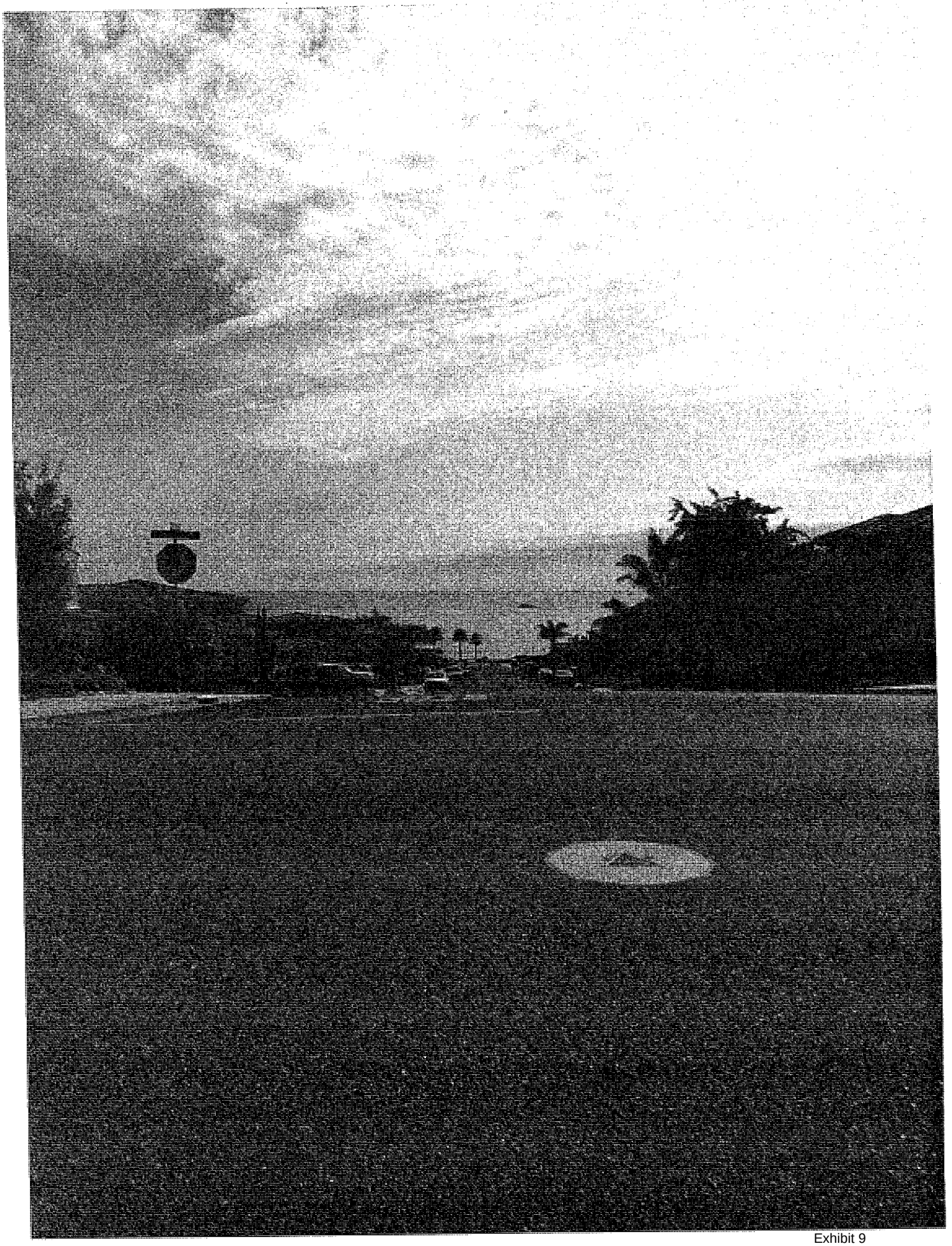
VIEW DOWN N. SILVER SHOALS 116



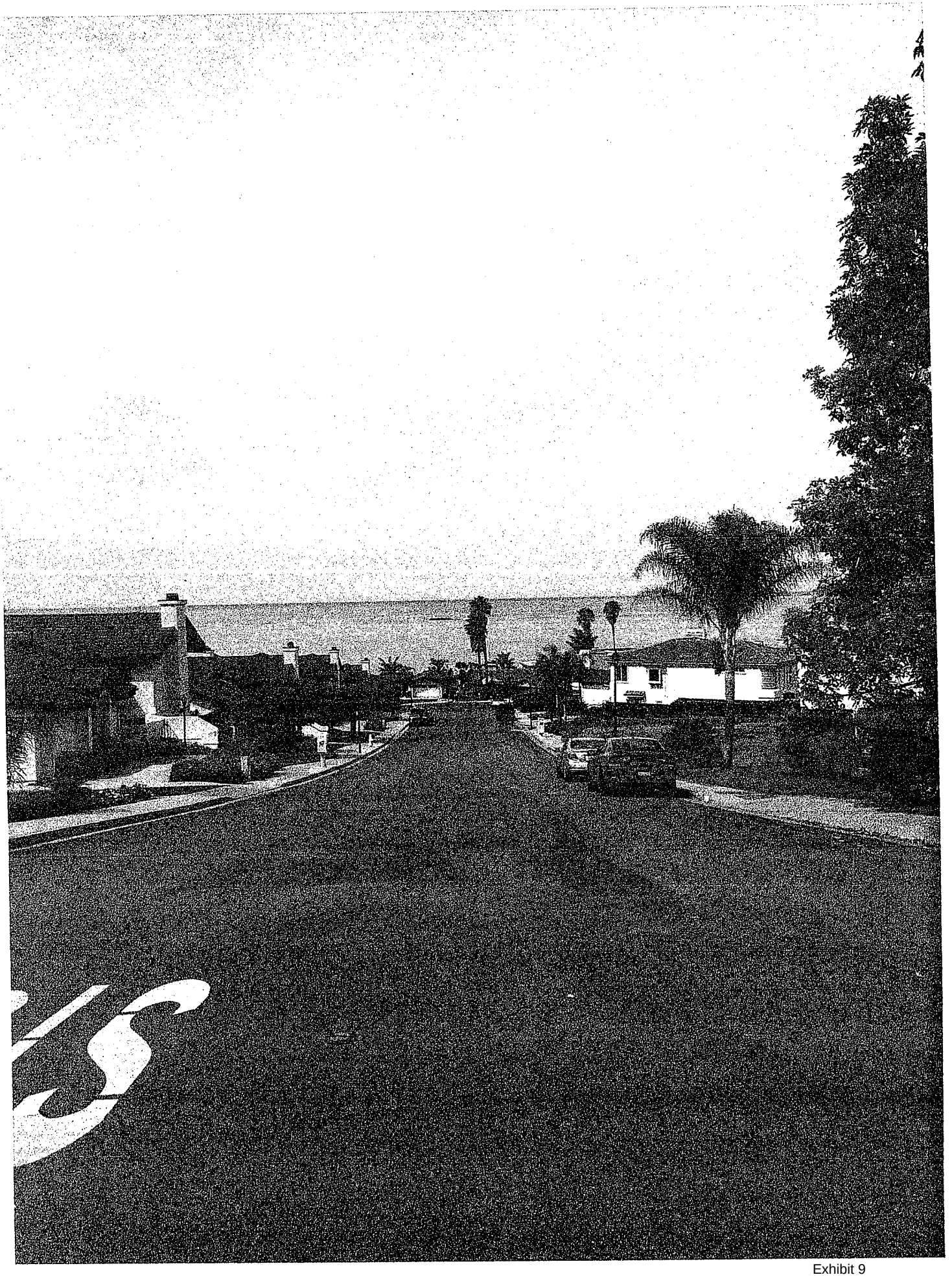
VIEW DOWN S. BEACHCOMBER 216



VIEW DOWN N. BEACHCOMBER 316



VIEW DOWN SEARIDGE CT. 4/C



VIEW DOWN HERMOSA DR. 5/6

VIEW DOWN FLORIN ST.

6/6

RECEIVED
AUG 17 2015
CALIFORNIA
COASTAL COMMISSION

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 18 2015
California Coastal Commision
South Central Coast District

TRACT 3043

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.

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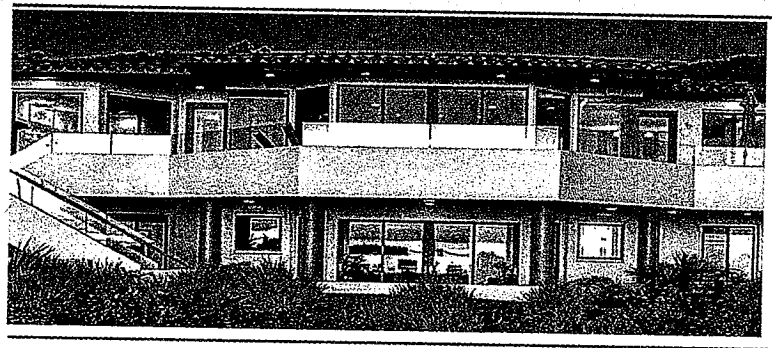

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October 29, 2015

Th19b

VIA ELECTRONIC MAIL

Steve Kinsey, Chair
and Honorable Commissioners
California Coastal Commission
45 Fremont Street, Suite 200
San Francisco, CA 91405

Re: **A-3-PSB-14-0057 (Silver Shoals Investors, LLC)**

Agenda Item: Item 19b, Thursday, November 5, 2015

Dear Chair Kinsey and Commissioners:

This firm, together with McCabe and Company, represents the Applicant, Silver Shoals Investors, LLC, in requesting Commission approval of the South Silver Shoals Project ("Project"). The Applicant owns a 3.7-acre oceanfront bluff top lot located on Shell Beach Road in Pismo Beach in the City's "South Palisades Planning Area." The site is located between a developed, Commission-approved subdivision to the north (the North Silver Shoals subdivision) and a similarly situated bluff top lot currently developed with an old single-family residence to the south. **(See Exhibits 1 and 2.)**

The Project, as proposed, complies with all of the applicable requirements of the City of Pismo Beach LCP. For this reason, Staff recommended "no substantial issue" on this appeal. The Commission, however, found substantial issue and requested additional information on the building height issue.

The current Staff Recommendation now represents an about-face of Staff's previous position. The Staff Report proposes three conditions -- Special Conditions 1.a, 1.b and 1.g-- that would drastically alter the Project in terms of terms of height, street design and parking such that it is no longer buildable or consistent in nature and scale with every other subdivision in the South Palisades Planning Area that the Commission and City have consistently approved in interpreting and applying the certified LCP.

A copy of this letter has been provided to Central Coast District Staff

On the height issue, the Project, as proposed, fully complies with LUP Policy LU-B-5, which is the specific height policy which governs for the City's "South Palisades Planning Area." The residences proposed on Lots 1-3, which are adjacent to the bluff top park that the Applicant has agreed to dedicate and improve, will meet the 15' height requirement. The residences on the rest of the parcels to-be-created will meet the 25' height limit. The Project will provide 100% sweeping unobstructed blue water views of the ocean from Highway 101 over the tops of the structures – downcoast, in front of, and upcoast of the subdivision to Point San Luis and Avila Beach Bay -- and three additional view corridors to the ocean through the Project. The primary difference between this Project and the residential subdivisions previously approved is that Special Condition 5.c here also requires that the height of landscaping not exceed the height of the buildings, thus ensuring the blue water ocean view will not be obstructed. This fully conforms to the visual access requirements of the City's certified LUP and IP. The Staff Recommendation would instead draw an arbitrary line of sight from Highway 101 to the 15' height limit on Lots 1-3, which is contrary to LUP Policy LU-B-5 and IP section 17.081.020.3, and would result in townhomes that, realistically, would be single-story instead of two-story and approximately 635 square feet in size, as opposed to the 1700-1800 square foot, modest-sized units proposed.

On the issue of parking, the Project, as proposed, fully complies with LUP Policy LU-B-4, which is the governing parking policy for this Planning Area. A loop road system adjacent to the bluff top park would provide 10 public parking spaces. However, because of LCP-required blufftop setback requirements, Staff and the Applicant agree that a loop road is not feasible, so, as dictated by the Policy LU-B-4, a half cul-de-sac will be provided at the end of the vertical road proposed, South Silver Shoals Road. With a cul-de-sac, the Policy requires at least the same number of parking spaces that a loop road system would provide. This Project provides 10 public parking spaces along the cul-de-sac road, the number of spaces a loop road would provide, and therefore it is LCP-compliant. The Staff Recommendation, however, would require expanding the South Silver Shoals Road right-of-way to provide yet additional public parking and a further sidewalk on the downcoast side which would have the effect of altering the building setback and eliminating six of the residences proposed – 32% of the Project.

As discussed further below, the Applicant is requesting changes to Special Conditions 1.a, 1.b, and 1.g, as set forth in the attachment to this letter. With those changes, the Applicant is in agreement with the remainder of the conditions recommended in the Staff Report.

A copy of this letter has been provided to Commission Staff

The South Silver Shoals Project

Like the other existing and approved subdivisions in the South Palisades Planning Area, the Applicant proposes a 19-lot subdivision with 10 townhomes and 9 single-family residences, development of a one-acre public bluff-top park (with access amenities, including a lateral access trail, two public benches, bike racks, and picnic tables), and an offer to dedicate and construct a vertical stairway access to the beach. The Project would include restoration of approximately 20,400 square feet of degraded coastal scrub habitat along the top of the bluff in the open space park. **(See Exhibit 3, Updated Site Plan.)**

Consistent with the certified LCP, the three single-family residences adjacent to the bluff park would be limited to 15' in height, while development on all other lots would be slightly less than 25' in height. 60% of the parcels created would be retained in open space. The Project would provide substantial unobstructed blue water views of the ocean from Highway 101 over the tops for the residences, as well downcoast and upcoast to Port San Luis and Avila Beach Bay, and also three blue water view corridors – a 50' wide view corridor along the southern portion of the site from the property line to the residences and two 10' wide view corridors through the Project.

The Applicant worked with Staff to determine the location of the bluff edge. Because of a notch in the bluff, the bluff setback for this Property (the 100-year bluff retreat line plus a 100' setback from that line) makes a loop road system along the bluff infeasible. Consequently, the Applicant proposes South Silver Shoals Road as a two-lane 24' wide road ending in the half cul-de-sac near the bluff park. The Project includes a 4' wide sidewalk and 10 public parking spaces (6 in "bump-outs" along South Silver Shoals Road and 4 in the cul-de-sac), with signage along the road to indicate the parking is to serve coastal access to the bluff and beach. As noted, the property downcoast is currently developed with an old single-family residence, and is separated from the Applicant's property by a row of mature Italian Stone Pines also located on the downcoast property. Once the neighboring property is developed, then like other developments in the South Palisades Planning Area, South Silver Shoals Road would consist of two lanes of traffic, a center median containing the pines, the rest of the cul-de-sac and a further row of public parking and additional sidewalk on the adjoining downcoast property.

A copy of this letter has been provided to Commission Staff

Special Condition 1(g) -- The Project, as Proposed, is Consistent with the LCP's Visual Access Policy and Implementation Plan Requirements

At the substantial issue hearing, Staff explained that the Project is consistent with the visual access policies in the Coastal Act and that, in Staff's view, no statewide issue is presented. The Staff Report now departs from that recommendation, as well as its previous recommendations on similar subdivisions in the South Palisades Planning Area – recommendations that the Commission and City have consistently followed. Special Condition 1.g would "squash" the Project and disregard the 15' and 25' height restrictions in the LCP, making this Project not only unbuildable (as noted, the resulting townhomes would be approximately 635 square feet in size), but completely out of character with the nature and scale of residential development in this Planning Area. The Staff Report suggests that because this property is one of the few remaining vacant parcels in this Planning Area, the Commission can now essentially write on a "blank slate," *i.e.*, to rewrite the LCP. However, Staff's about-face from the substantial issue hearing and its proposed reinterpretation of LCP is what the courts have said is legally impermissible – a recommendation that would effectively amend the LCP in the context of an appeal. (*Security National Guaranty v. California Coastal Com.* (2008) 159 Cal.App.4th 402, 422-423 and 425 fn. 12.)

While the Staff Reports cites general LUP policies that address views of the ocean from Highway 101, this LUP contains a single and very specific policy, LU-B-5, which governs Highway 101 views in the South Palisades Planning Area. LUP Policy LU-B-5 provides:

> "**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.

A copy of this letter has been provided to Commission Staff

(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." (Emphasis added.)

This Project meets each and every one of the very specific parameters set forth in LUP Policy LU-B-5. This was best explained in the "No Substantial Issue" Staff Report (on page 2):

> "The City-approved project meets all of these tests. The project includes a view corridor along the southern portion of the site that measures some 50 feet from the property line to the residences, and it also provides a view over the top of the structures that ensures that blue water view access remains from Highway 101, the primary and most critical public view affected by the project. Yes, the project affects public view shed, but in a way that is allowed for such infill development on residentially-zoned property in this case, and in a way that appropriately provides view protection as dictated by the LCP."

Importantly, LUP Policy LU-B-5 does not state that development in the South Palisades Planning Area may not block, reduce, or diminish blue water views as seen from Highway 101. Rather, in this Planning Area, the Policy specifically states that development shall retain "to the maximum extent feasible <u>intermittent views of the ocean from U.S. Highway 101</u>," and that the 7 parameters noted above are to accomplish that "design objective." (Emphasis added.)

This Project provides much more than the "intermittent views" of the ocean that this LUP policy requires. A color view analysis of the Project is provided as **Exhibit 4**. It demonstrates the Project will provide complete and substantial blue water views of the ocean over the top of the development. This ocean view, moreover, is not confined to area immediately seaward of the Project, but allows for

unobstructed blue water views from downcoast of the Project over the tree row all the way to Port San Luis and Avila Bay beach. **(See Exhibit 5, an exhibit from the Staff Report that we have modified to address the view issue.)** The Project also has been designed with two 10' wide view corridors through the Project, and it provides a view corridor along the southern portion of the site that measures some 50' from the property line to the residences.

As discussed below, while every other subdivision that the Commission or City has approved in this Planning Area has complied with LUP Policy LU-B-5 and provides intermittent ocean views and blue water views over the tops of the structures, this Project will provide both unobstructed blue water views over the tops of the structures and intermittent ocean views. Further, Staff's Special Condition 5.c, with which the Applicant agrees, limits landscaping to no higher than the tops of the buildings, further ensuring that blue water ocean views are preserved. And, it is worth noting that because trees and residences in the upcoast tract and tall trees adjacent to the freeway on the inland side of Shell Beach Road frame the view of this property and ocean from Highway 101, a motorist traveling 50 to 65 miles per hour southbound would have to turn 90 degrees to the right for a view lasting 1 second – but it would be an obstructed ocean view over the tops of the approved structures. **(Exhibit 5.)**

In short, the Project fully complies with the LCP's visual access policy for the South Palisades Planning Area.

The Staff Report essentially dismisses LUP Policy LU-B-5 in favor a new, unsanctioned LCP interpretation that would foreclose any obstruction of blue water ocean views from Highway 101. As Staff puts it, "development may not reduce or degrade blue water views." (Staff Report, page 26.) Staff further notes (at page 27) that the Project site is "one of the last remaining undeveloped parcels in South Palisades." What the Staff Report does not explain is that the rest of the parcels in this area already have been subdivided and developed exactly like the proposal here, and consistent with Policy LU-B-5 <u>and Staff's own recommendations</u>, the developments (which include largely two-story structures) all block some ocean view from Highway 101, but permit blue water views over the tops of the structures and intermittent ocean views down the streets between Shell Beach Road and the ocean bluff. Staff and the Commission must apply the same LCP standards to this Project that were applied to, and supported approval of, these earlier projects.

A copy of this letter has been provided to Commission Staff

The Staff Report relies on general LUP policies which address ocean views in the City from Highway 101. However, the specific LUP policy in LU-B-5 governs the South Palisades Planning Area. "A well settled rule of statutory construction dictates that the specific must control over the general." (*Rossco Holdings, Inc. v. State of California* (1989) 212 Cal.App.3d 642, 652 [a case involving the Commission]; see also *Ojavan Investors, Inc. v. California Coastal Commission* (1997) 54 Cal.App.4th 373, 388 ["statutory construction principles require a specific statute to prevail over a general statute."].)

The Staff Report cites two general LUP Policies in support of its recommendation. Policy D-23 provides that new commercial signs, sound walls and other new developments "be modified in height, size, location and design so that existing blue water ocean views from Highway 101 will not be blocked, reduced or degraded." Policy D-28 states that any new development along City-designated scenic highways "should" not significantly obscure, detract from nor diminish the scenic quality of the highway. As to the latter policy, Staff incorrectly substitutes the word "must" for the word actually used in the Policy, "should." And, while the Substantial Issue staff report for this Project clearly understood that LU-B-5 is the controlling policy in this Planning Area, and that this Project complies with it, the de novo Staff Report now shades its discussion of the Policy, initially noting that it relates to protecting "intermittent views of the ocean," but then stating, in its separate analysis of the view issue:

> "Proposing structure heights at the absolute maximum allowable height ignores the requirement in LU-B-5, which is that structures must be modified in height to maintain ocean views to the maximum extent feasible." (Staff Report, p. 26.)

That, however, is not what LU-B-5 states. Staff's characterization of the Policy omits the important qualifier in the Policy -- "retain to the maximum extent feasible intermittent views of the ocean from U.S. Highway 101." Preserving "intermittent" views is the "objective" that the seven design parameters which follow support.

The flaw in Staff's reversal of position, therefore, is that it stands the "settled rule of statutory construction" on its head, elevating the general over the specific. In so doing, in the context of this appeal, Staff would rewrite the LUP for this property and nullify LU-B-5, an approach that, as noted above, is not legally permissible. Case law holds that the Commission cannot amend the LCP when hearing an appeal.

A copy of this letter has been provided to Commission Staff

As the Court of Appeal stated in *Security National Guaranty v. California Coastal Commission* (2008) 159 Cal.App.4th 402:

> "The Commission has no power to revise the content of . . . [a] certified LCP when hearing an administrative appeal from the grant of a CDP. (159 Cal.App.4th at 422-423 and 425 fn. 12.)

Moreover, the Staff Report fails to describe the "big picture" here for the Commission. Not a single decision made under this LUP and in this Planning Area supports Staff's position. To the contrary, every subdivision has been developed or approved in the same manner as this Project (although this Project will provide more generous blue water views over the structures).

The Staff Report buries in a footnote (page 26, footnote 7) discussion of one such development, the North Silver Shoals Subdivision appeal. There, on Staff's recommendation, the Commission approved a 10-lot subdivision immediately upcoast of this Project. Applying LU-B-5, the Commission approved residences which, as shown in the line of sight analysis for that project, would block some ocean view, but retain blue water views over the structures and "intermittent" blue water views down North Silver Shoals Drive, as required. Staff's footnote characterizes this Commission decision as "erroneous," but this clearly was no aberration. The Commission also approved A-3-PSB-95-79, the Beachcomber Subdivision appeal. There, again on Staff's recommendation, the Commission approved a 23 residential lot subdivision just upcoast of the North Silver Shoals tract. The line of sight analysis again showed there would be some blue water ocean view blockage from Highway 101, but blue water views would be retained over the tops of the structures and views would be provided down the street proposed between Shell Beach Road and the bluff.

And, not surprisingly, the City of Pismo Beach has followed the lead of the Commission, as it is required to do under the Coastal Act. (Pub. Res. Code, § 30625(c) ["Decisions of the commission, where applicable, shall guide local governments . . . in their future actions under this division."].) Thus, in 2004, the City approved a CDP for the Sunset Beach Estates Subdivision, 8 condominiums and 12 single-family residences downcoast of the Project site with a development plan configured much like this Project. (City of Pismo Beach Permit No. 01-0170.) The required line of sight visual there again showed the residences would block some ocean view from Highway 101, but would preserve blue water views over the tops of the structures, and view to the ocean down Ebb Tide Way from Shell Beach Road.

A copy of this letter has been provided to Commission Staff

Significantly, although Staff was necessarily aware of this City approval, no appeal was filed.

Here, the City again adhered to the Commission's prior decisions, with the Planning Commission and City Council approving the Project based on the visual analyses prepared which show, as noted, protection of unobstructed substantial blue water views over the tops of the residences, along with the three view corridors provided. What is striking about the procedural history of this Project, however, is that Staff well understood how to apply LU-B-5 to this Project when Staff recommended to the Commission that this Project presents "No Substantial Issue."

Thus, the consistent record of Commission and City actions in interpreting and applying LU-B-5 (and the corresponding IP provision discussed below) on the view issue demonstrates it was not the Commission's decision on the project referenced in footnote 7 that was erroneous or an aberration. Rather, it clearly is the Staff's recommendation now on appeal here. Staff cannot rewrite the rules simply because it sees this property as vacant and now would prefer a new approach that differs dramatically from the LCP and Staff's past recommendations.

LUP Policy LU-B-5 anticipates that approved development may result in some ocean view blockage. It permits two-story structures where ocean views "will not be blocked or substantially impaired." As Staff explained at the Substantial Issue hearing, this Project satisfies that requirement because it preserves the majority of the blue water views from Highway 101. The view analysis shows that in addition to the intermittent blue water views provided (50' of street right-of-way and building setbacks and two views corridor through the development), a majority (approximately 68%) of the blue water overview would be retained and unobstructed. While this applies to the view of the ocean in front of the Project, it must be emphasized again that blue water views will be unobstructed downcoast of the Project, in front of it, and upcoast all the way to Port San Luis and Avila Bay Beach. **(Exhibit 5.)** This is also consistent with IP Section 17.081.020.3, which states:

> "**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 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." (Emphasis added.)

The Staff Report (at p. 25) dismisses this IP provision as well, stating that the standards in the IP provision "are subordinate to and must conform with the LUP policies," and that the general LUP view policies cited are controlling. That is incorrect. As noted, the general LUP view policies give way to the specific LUP policy which applies to the "South Palisades planning area," and to this IP provision, which likewise is specific to the "South Palisades planning area" and is perfectly consistent with LUP Policy LU-B-5.

Here, as required by the LUP and IP, the height of the residences on Lots 1-3 of the proposed Project, which are immediately landward of the required bluff setback, are 15' in height. The other lots does do not exceed 25' above existing grade. The Staff Recommendation, and specifically Special Condition 1.g, instead would limit development on those lots to a line of sight from Highway 101 to the 15' limit for the residences on the bluff-fronting lots. Not only is that limitation not required by LUP Policy LU-B-5, but it would make development of the townhomes proposed here impossible and a project completely out of step with every other subdivision in this area. The townhomes here are exceptional in that while proximate to the ocean, they are currently proposed as modest in size, and thus constitute reasonably affordable units close to the ocean in Pismo Beach. They range in size from about 1700–1800 square feet. The height limitation Staff recommendations in Special Condition 1(g) would eliminate the second story, leaving an approximately 635 square foot unit with a garage, a residence that is infeasible on its face and that no one would build.

To conclude on the visual access issue, the Project, as proposed, is compliant with the applicable visual policy and requirements in the LUP and IP. The Applicant respectfully requests that Special Condition 1.g be modified as follows:

> **g. Building Heights.** The height of all development on lots 1, 2, and 3 shall be limited to a maximum of 15 feet above natural grade at the center of the proposed lots as shown on **Exhibit 3**. The height of all development on other lots shall be limited to a maximum height of 25' above natural grade ~~that is 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~~.

A copy of this letter has been provided to Commission Staff

Special Conditions 1.a, b: The Project, as Proposed, is Consistent with the LCP's Public Parking Requirements

The Staff Report also raises for the first time an issue regarding public beach access parking. The Applicant submits that there is no parking issue, and therefore requests changes to Special Conditions 1.a (South Silver Shoals Drive Design and Parking) and 1.b (Public Sidewalk).[1]

LUP Policy LU-B-4 provides that "a loop road system is required and will provide public access to the linear bluff top park and visual access to the ocean." In this case, the Staff Report explains that because of the required setbacks from the bluff top park, a loop road system connected to North Silver Shoals Drive upcoast is infeasible. Anticipating this, Policy LU-B-4 further states, in relevant part:

> ". . . Where the loop road is infeasible due to bluff retreat, a cul-de-sac may be constructed for remaining parcels that have not yet been subdivided. . . 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)." (Emphasis added.)

This Policy thus permits the cul-de-sac design proposed here. The Staff Report, however, goes well beyond Policy LU-B-4, requiring instead a radical redesign of South Silver Shoals Drive and additional parking that is not required but would result in eliminating 6 of the 19 units.

As to the number of public parking spaces required by the LUP, if a two lane loop road were possible to construct here, 10 public parking spaces could be provided. This Project proposes 10 public parking spaces – 6 spaces in "bump-outs" along the proposed 24' wide road and four parking spaces in the half cul-de-sac

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[1] Separate and apart from the public beach parking spaces proposed, the Project provides more than the number of spaces required for the development itself. Each single-family residence and townhome will provide 2 covered parking spaces. The City's Code does not require guest parking for any of the units, but each single-family residence will provide a guest parking space and the townhomes will provide 6 guest spaces for the 10 units.

proposed at the end of South Silver Shores Drive. Thus, the current proposal satisfies LU-B-4.[2]

The Staff Report argues (despite fn. 2 below) that public parking is already heavily used "and that the new vertical and lateral access created by this project will only exacerbate public demand for parking." (Staff Report, p. 21.) That, however, is not a proper legal basis for requiring yet additional public parking beyond the LU-B-4. The question is not whether the exaction (dedication of a bluff top park and provision of access amenities and dedication and construction of a vertical access) causes the need for additional parking, but rather whether the residential development itself creates that need. Put another way: an exaction cannot legally create the need for another exaction. Consequently, Staff's rationale for additional public parking does not provide the essential "nexus" and "rough proportionality" which is necessary to constitutionally require yet a further exaction for the public. (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825; *Dolan v. City of Tigard* (1994) 512 U.S. 374.)

Beyond the constitutional limitation, Staff's suggestion for more parking ignores how this Property relates to the property downcoast and, further, that it would unnecessarily eliminate 6 of the 19 units from the Project. The property downcoast is currently developed with an old residence. The Project site is separated from the downcoast property by a row of mature Italian Stone Pines which are also located on the downcoast property. As proposed here, South Silver Shores Road would extend seaward from Shell Beach Road and terminate in a half cul-de-sac. The road would begin at the south property line and consist of two lanes of traffic 24' in width, followed by the "bulb-outs" for parking (8' in width), a sidewalk (4' in width), and then a 20' setback from the residences, as required by LUP Policy LU-B-5(6). If and when the downcoast property is developed, South Silver Shoals Road then would become two lanes of traffic and two rows of parking on each side of a center median containing the Italian Stone Pines. This is shown on the Tract Map. **(Exhibit 6.)**

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[2] Moreover, LUP Policy LU-B-8 requires a minimum of 65 public parking spaces in the South Palisades and North Spyglass Planning Areas. The City Staff Report, however, note that from a recent inventory of parking, 212 public parking spaces are now located in those two planning areas, exceeding the LUP requirements for the area.

A copy of this letter has been provided to Commission Staff

The Staff Report instead recommends in Special Conditions 1.a and 1.b that the Applicant provide the entire street, parking, and sidewalk on the Applicant's property. The result would be a road 24' in width, with two sidewalks (8'), two rows of parking (16'), and then the 20' setback from residences, along with the full cul-de-sac – a total of 68', which would eliminate 6 townhomes and residences on the lots along the street (Lots 2, 3, 4, 9, 10 and 19), or over 30% of the Project .[3] **(Exhibit 7.)**

Thus, on the parking issue, the Project, as proposed, is compliant with the applicable parking requirements in the LUP and IP. The Applicant, therefore, respectfully requests that Special Conditions 1.a and 1.b be modified as follows:

> **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~~ the northerly side of the road. The road shall include a ~~full bulb~~ half cul-de-sac at the road's terminus and be a minimum of ~~40~~24 feet in width to provide for two 12-foot wide travel lanes and two eight-foot wide ~~parking lanes~~ "bump-outs" on ~~each side~~ the northerly side of the road to accommodate 10 designated public parking spaces in the bump-outs and at the cul-de-sac (with access signage as required in **Special Condition 2.b**). 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~~ the northerly side of South Silver Shoals Drive. ~~Each~~ The sidewalk shall be a minimum of 4 1/2 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.

Conclusion

The additional information now provided demonstrates that the Staff got it right when it recommended no substantial issue on the appeal. The current Staff Recommendation radically departs from the LCP on the issues relating to visual access and public beach access parking. As to the former, it would squash the Project

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[3] As support, the Staff Report cites Coastal Act section 30252, which requires that new development enhance public access to the coast by providing adequate parking. The applicant has no problem with the concept, but because the City has a certified LCP, Section 30252 does not apply.

A copy of this letter has been provided to Commission Staff

and effectively eliminate the 10 townhomes, or over half the Project. As to the parking issue, it would unnecessarily eliminate 2 townhomes and 4 residences proposed – over 30% of the Project. And, it would create a result completely out of step with every other subdivision that the Commission and City have approved in the South Palisades Planning Area in interpreting and applying the requirements of the City's certified LCP.

Accordingly, for all the reasons above, the Applicant respectfully requests that the Commission approve the Project, but with changes to Special Conditions 1.a, 1.b, and 1.g, as requested and set forth on the attached "Applicant's Requested Changes to Special Conditions."

We hope this further information is helpful to you and look forward to discussing the issues further with you at the next week's meeting.

Very truly yours,

Steven H. Kaufmann

Steven H. Kaufmann

Attachments

ccs (w/attachments.):

Dr. Charles Lester, Executive Director
John (Jack) Ainsworth, Senior Deputy Director
Chris Pederson, Chief Counsel
Dan Carl, Deputy Director
Brian O'Neill, Coastal Program Analyst
Jamee Jordan Patterson, Supervising Deputy Attorney General
James R. Lewis, City Manager, City of Pismo Beach
Stacy Bromley, Silver Shoals Investors, LLC
Susan McCabe, McCabe and Company

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A copy of this letter has been provided to Commission Staff

Applicant's Requested Changes to Special Conditions
A-3-PSB-14-0057 (Silver Shoals Investors, LLC)

Changes to Special Condition 1:

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~~ the northerly side of the road. The road shall include a ~~full bulb~~ half cul-de-sac at the road's terminus and be a minimum of ~~40~~ 24 feet in width to provide for two 12-foot wide travel lanes and two eight-foot wide ~~parking lanes~~ bump-outs on ~~each side~~ the northerly side of the road to accommodate 10 designated public parking spaces in the bump-outs and at the cul-de-sac (with access signage as required in Special Condition 2.b). 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~~ the northerly side of South Silver Shoals Drive. ~~EachA~~ The sidewalk shall be a minimum of 4 1/2 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.

g. Building Heights. The height of all development on lots 1, 2, and 3 shall be limited to a maximum of 15 feet above natural grade at the center of the proposed lots as shown on **Exhibit 3**. The height of all development on other lots shall be limited to a maximum height of 25 feet above natural grade above. ~~that is 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 at the center of the lots adjacent to the bluff.~~

From: Fine, Benjamin
To: Kahn, Kevin@Coastal
Cc: O"Neill, Brian@Coastal; Carl, Dan@Coastal; Craig, Susan@Coastal
Subject: RE: Silver Shoals Drive configuration
Date: Monday, November 02, 2015 8:17:22 PM

I think this needs to be fully vetted through Engineering, Police and Fire. The last plan I saw showed North and South Silver Shoals connected as approved by the City.

Ben

Please forgive typos, sent from my iPad
Benjamin A. Fine
Director of Public Works/City Engineer
City of Pismo Beach
805.773.7037 p
805.773.4648 f

From: Kahn, Kevin@Coastal [Kevin.Kahn@coastal.ca.gov]
Sent: Monday, November 02, 2015 4:27 PM
To: Fine, Benjamin
Cc: Lewis, James; O'Neill, Brian@Coastal; Eldridge, Eric; Gruver, Mike; Draze, Michael; Carl, Dan@Coastal; Craig, Susan@Coastal
Subject: RE: Silver Shoals Drive configuration

Thanks, Ben. This newly proposed road configuration would include a half cul-de-sac, two 12 foot travel lanes, and parking only in six designated spaces in bulb-outs along the northern side of the street, and four parking spaces along the half cul-de-sac. It would not include any parking or sidewalks on the southern side of the street. Our recommended condition of approval would require the road to be configured similar to North Silver Shoals Drive: two 12 foot travel lanes, two 8 foot parking lanes (one on each side), sidewalks on both sides of the street, and a full cul-de-sac.

It is not clear to us that the half cul-de-sac would even functionally work, including whether a large vehicle can turn around without having to make a three-point-turn. Thus, it may be dangerous. Furthermore, the proposed alignment does not meet applicable LCP and Coastal Act requirements calling for the number of parking spaces, and public coastal access, to be maximized.

Please let me know if you see any concerns with the proposed road alignment, including from a traffic engineering perspective. Let me know if you need any additional information.

Thanks,
Kevin

Kevin Kahn
District Supervisor
Central Coast District Office
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
(831) 427-4863

From:	Fine, Benjamin
To:	O"Neill, Brian@Coastal; Kahn, Kevin@Coastal
Cc:	Carl, Dan@Coastal; Craig, Susan@Coastal; Steve Puglisi; Lewis, James; Lee, Paul; Byrnes, Dennis@CALFIRE
Subject:	RE: Silver Shoals Drive configuration
Date:	Wednesday, November 04, 2015 11:40:40 AM

Brian

Denis Burns (Fire Captain) and myself have reviewed the proposed plan for the temporary cul-de-sac on Silver Shoals. We, Public Works and Public Safety, both agree that the best option is the one that was approved by the City Council that shows a road connecting North and South Silver Shoals and that is what we would like to see built. This option makes the most sense and provides for the best public beach access and routes for public safety. In the absence of this road connecting the two streets we agree the next best option would be to move the temporary cul-de-sac out into the park area to allow for a full cul-de-sac until the property next door is developed at which time the HOA could pay to relocate the cul-de-sac and restore the park. If neither of these two options are acceptable, we could live with the design as presented.

Ben

Benjamin A. Fine, PE
Director of Public Works/City Engineer
City of Pismo Beach
805.773.7037 (Direct)
805.773.4686 (fax)
bfine@pismobeach.org

Visit **www.ThinkH2Onow.com** for rebates, mandates, and water conservation tips

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Steve Kinsey

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: 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 Kinsey

7) Identity of all person(s) present during the communication:
Steve Kinsey & 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

SHKinsey
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 Loordan, 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

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.

THURSDAY 19B

EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Roberto Uranga

1) Name or description of project: A-3-PSB-14-0057
2) Date and time of receipt of communication: Oct. 28, 2015 at 1:50pm
3) Location of communication: Telephone
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
4) Identity of person(s) initiating communication:
Anne Blemker
5) Identity of person(s) on whose behalf communication was made:
Stacy Bromley
6) Identity of persons(s) receiving communication:
Roberto Uranga
7) Identity of all person(s) present during the communication:
Steve Kaufmann, Susan McCabe, Anne Blemker, Celina Luna

Received at Commission Meeting
NOV 0 5 2015
From:

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

I received a briefing from project representatives in which we went through a briefing booklet that was previously provided to staff. They explained the context of the proposed residential project and the various public access benefits that are being provided by the applicant, including the lateral blufftop trail, benches, bike rack, picnic tables, construction of vertical access, addition of road access to new bluff park and 10 designated, signed public parking spaces.

We discussed the project's consistency with the LCP and applicable policies of the Coastal Act, including those related to public views, access and recreation. The applicant stated that they were requesting revisions to the Special Conditions 1(a), 1(b) and 1(g). The representatives noted that the current recommendation was a significant departure from staff's NSI recommendation previously. The applicant requests approval of the project by the Commission with the proposed revisions.

11/05/15
Date

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: Bochco

1) Name or description of project: Th 19b Silver Shoals-Pismo

2) Date and time of receipt of communication: 11/2/15 3pm

3) Location of communication: telephone

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

4) Identity of person(s) initiating communication: Susan McCabe

5) Identity of person(s) on whose behalf communication was made: Silver Shoals

6) Identity of persons(s) receiving communication: Bochco

7) Identity of all person(s) present during the communication: Steve Kaufman, Anne Blemker, Susan McCabe

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

Went over presentation book

Received at Commission Meeting
NOV 05 2015
From:

11/3/15
Date

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.

Mon 3pm

Steve Kaufman Anne Blemker

Susan McCabe

Silver Shoals

Appealed by upcoast neighbors

Staff recom'd NSI.

Jana - view issues since no analysis

2 issues:

visual access

parking

1a, 1b, 1g → not consistent w/LCP

- unbuildable height
- parking - squeeze too narrow

All others O/K

Map: 20 lots much like this

Similar size, height +

All projects (approved)
very similar

Appellants

So Palladio Sub.

Modest townhomes size

Provides lateral/vertical
access
10 designated Coastal parking
- develop parking self contained
w/ guest parking

LCP — 100' from bluff edge
+ 100' more
- so wont fit a fuel loop
road

pg 10 LUP + IP specific provisions re height
which has controlled in
the past
"maxim feasible intermittent
views of ocean"
- 7 factors: including
2 story not to signif impair view
from Hi 1

p 13 Project is consistent w/ all of these 7 provisions

LCP D-23 · General policy in D28

Centric city not the specific policies

Marilyn Hanson No. Silver Shoals owner who is appealing whose house & landscape is higher

p 18 — almost any structure will block some views

~~p 19~~

p 20 Staff would eliminate 2nd story of Townhomes.

Want: Mod Con 1(d) = 25'

Last undeveloped lots so

"rewrite" the LCP +
the "intermittent view"
- FN: No Silver Shoals
was erroneous!

- no appeal of Sunset Beach
Estate

P22 Public Beach Parking
LCP approves cul de sac
if loop isn't feasible.

If Loop were constructed, only
10 spaces / Proj provides 10

Downcoast: 100 public
spaces (now roped off)

65 spaces for this planning area
& already have 212

Exaction (park, access way)
= more exaction (more
parking)

No Silver Shores (no townhouses)
but have more spaces

Everett house:

Staff would quash Lot 2+3

10, 19 + 2 other houses
would be eliminated by
road, parking + sidewalk