

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



Click here to go to
original staff report

W17b

Prepared March 6, 2017 for March8, 2017 Hearing

To: Commissioners and Interested Persons

From: Susan Craig, Central Coast District Manager

Subject: Additional hearing materials for W17b

Appeal Number: A-3-PSB-15-0030 (Rozo, Pismo Beach)

Where checked in the boxes below, this package includes additional materials related to the above-referenced hearing item as follows:

- ☐ Staff report addendum
- ☒ Additional correspondence received in the time since the staff report was distributed
- ☐ Additional ex parte disclosures received in the time since the staff report was distributed
- ☐ Other:

W17b ✓

Wayne and Julie Maire
347 Boeker
Pismo Beach, CA 93449

RECEIVED

MAR - 3 2017

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

March 1, 2017

VIA FAX TO (831) 427-4877 - ORIGINAL SENT U.S. MAIL

Yair Chaver
Coastal Program Analyst
CALIFORNIA COASTAL COMMISSION
725 Front Street, #300
Santa Cruz, CA 95060-4508

Re: Ernie and Pam Roza - 388 Windward Ave., Pismo Beach, CA
Opposition to Permit No. : A-3-PSB-15-0030
Hearing Date : Wednesday, March 8, 2017
Time : 9:00 a.m.
Item No. : W17b

Dear Mr. Chaver:

I have received the Public Hearing Notice regarding the above-entitled matter which is set for hearing before the California Coastal Commission on March 8, 2017. I would appreciate it if you could convey to the Commission our opposition to this project as presently proposed. Our opposition is based on two primary grounds: 1) it fails to include the necessary dedication of a public pedestrian access path which is essential to the completion of the Pismo Beach Bicycle and Pedestrian Master Plan; 2) this project as presently proposed clearly violates the City of Pismo Beach building standards. I will address briefly each of these issues below.

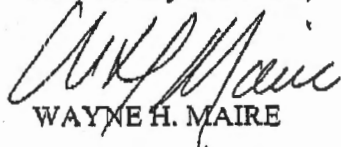
As I believe the Commission is fully aware, the Pismo Beach Bicycle and Pedestrian Master Plan Resolution R2010-039 was adopted by the Pismo Beach City Council on June 15, 2010. The purpose of that Master Plan is to develop a continual coastal walkway-bikeway from the north end of Shell Beach to the south end of Shell Beach. The only remaining obstacle to the completion of that coastal walkway-bikeway is access from Boeker to Windward. As I believe the Commission is fully aware, there has been a significant amount of public input on this issue recognizing that if this project is approved without the requirement to dedicate that eight foot public pedestrian access path along the western property line, this will forever prohibit development of that continuous pedestrian-bikeway from the north end of Shell Beach to the south end of Shell Beach.

Yair Chaver
March 1, 2017
Page 2

With regard to the second issue, I am in full agreement with the staff report that this project as presently designed does not comply with the City of Pismo Beach's own building standards. Prior to the purchase of our home in 2005, we contacted the Planning Department at Pismo Beach with regard to development of this parcel on Windward Avenue. Our home was built by Mr. Mark Daniels, who, at the time, also owned 388 Windward Avenue. Mr. Daniels informed us that the City would not allow him to build a second story at 388 Windward except over his garage. The Pismo Beach Planning Department confirmed that prior to our purchase of our residence. In fact, the Planning Commission confirmed in its hearing on this project that was their position when Mr. Daniels owned this property and they had, in fact, confirmed to my wife and I, as well as to our neighbors, they would not allow a structure like the type now proposed prior to the purchase of our homes. Over three years later, in September of 2008, the Rozos approached an interim associate engineer at the City of Pismo Beach Engineering Department and obtained a letter from him advising them that, "Construction of permanent structures over a City sewer easement is against current City policy." Despite that, staff was willing to approve their project based upon our series of conditions. At the Planning Commission meeting on this proposed project, the City felt obligated to allow this process to proceed forward based primarily upon the fact that the Rozos had obtained this letter from an interim associate engineer and despite the fact that it was against City policy and the size of this project clearly exceeded the City's own building guidelines.

On multiple occasions, my neighbors and I have reached out to the Rozos and their representatives in attempt to work out a project that all of us can support. Up to this point, the Rozos have refused to meet with us or consider revising the project to meet the concerns of the community and their neighbors. We would like to see the Rozos' project proceed if it addresses the issue of access for the pedestrian-bicycle walkway and the size and scope of this project is reduced to meet the standards as noted in the staff's report. I would be glad to discuss this further should you to desire. Please feel free to contact me at my office at (530) 246-6050 or my cell at (530) 355-8675.

Respectfully submitted,



WAYNE H. MAIRE

WHM/th

ALSTON & BIRD LLP

1115 11th Street
Sacramento, CA 95814

916-498-3354
Fax: 213-576-2864
www.alston.com

Paul J. Beard II

Direct Dial: 916-498-3354

Email: paul.beard@alston.com

March 1, 2017

VIA EMAIL TO MR. YAIR CHAVER

Chairperson Bochco and Honorable
Commissioners
California Coastal Commission

Re: Application No. A-3-PSB-15-0030
Hearing Date: 3/08/17
Item No. W17b

Dear Chairperson Bochco and Honorable Commissioners,

I am the legal representative of the Applicants, Pam and Ernie Rozo. For the reasons stated below, the Rozos support the Staff Recommendation set forth in the Staff Report for their application. In accordance with that recommendation, we ask that you approve the Rozos' project subject to the conditions identified on page 5 of the Staff Report.

The Rozos propose to demolish an existing residence and construct a new one at 388 Windward Avenue, in the City of Pismo Beach. The Staff Report finds that the project is fully consistent with the City's LCP, except with respect to one issue: The staff finds that the project does not meet the LCP requirement limiting second-story gross floor area to 80% of the first story. As a result, the staff recommends approval with a special condition ("Special Condition No. 1") requiring project modification to bring the project within the 80% ratio. Staff Report at 5.

The staff concludes that the project as proposed does not meet the 80% ratio, because it counts the floor area on the second story devoted to a stairwell and an elevator shaft. The Rozos have contended, and continue to contend, that the historic practice of both the City and of the industry in California has been to *exclude* that second-story floor area occupied by a stairwell or elevator shaft. Without waiving that argument, the Rozos are prepared to accept, for the limited purpose of this hearing, the staff's square-footage calculations, along with the special condition—based on those calculations—that the project be redesigned to satisfy the 80% ratio.

The Staff Report addresses two other points raised by the appeals that culminated in this *de novo* hearing. First, appellants argued that project approval must be conditioned

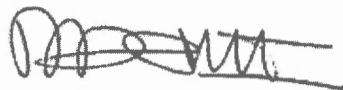
on the Rozos' dedication of a public-access trail along the side-yard of their property. Staff concludes that such a trail cannot be legally mandated, because the project's impacts do not rise to the level of requiring "compensatory mitigation" in the form of a public-access exaction. Staff Report at 2. Staff also concludes that a trail across the Rozos' property would lack any connection to the California Coastal Trail, making an exaction at their location unwarranted. *Id.* The Rozos agree. Importantly, a public-access trail cannot be exacted from the Rozos, because no "nexus" exists between the project's impacts and the need for a trail—as is constitutionally required to avoid an unlawful taking of private property. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987).

Second, appellants complained that the project is designed to bridge over a City sewer easement. As the Staff Report notes, the existing house is built directly on top of that easement. Staff Report at 13. Thus, the project would benefit the City by providing it access where none currently exists. Significantly, the Staff Report concludes that constructing a bridge over the sewer easement does not violate either the terms of the City's sewer easement or any provision of the LCP. *Id.* The Rozos agree.

For all these reasons, the Rozos support the Staff Report and its recommendation that the project be approved, subject to the conditions identified in the report.

Sincerely,

ALSTON & BIRD LLP

A handwritten signature in dark ink, appearing to read "Paul J. Beard II", with a horizontal line drawn through the middle of the signature.

Paul J. Beard II

APPLICATION: #A3-PSB-15-0030
TO THE CALIFORNIA COASTAL COMMISSION: ITEM #: W 17 B

The undersigned residents support the City approved plans for the Rozo's to rebuild their family home at 388 Windward Ave in Pismo Beach. The City did not require public access at this location because it makes no sense. There is no public path through their property now and this location will never be viable. In fact, their home plans will benefit the City by providing access to a City Sewer Utility, where there is no access currently. For more than the last three years, they have worked hard to please the various facets of government and made many concessions. The plans are consistent with Pismo Beach Development Standards and neighborhood character. Please allow them to move forward with the redevelopment of their home.

NAME:

ADDRESS:

DATE:

- 1- RICK WARNER 242 PALISADE AVE SHELL BEACH CA 93449 1/25/17
- 2- Michael Smith 342 Palisade Shell Beach CA 93449 1/25/17
- 3- Harvey Kim 251 MONTECITO AVE SHELL BEACH 1/25/17
- 4- Chloe Weaver 251 Montecito Ave Shell Beach 1/25/17
- 5- LOIS BARBER 728 OCEAN BLVD SHELL BEACH 1/26/17
- 6- Tom ISRAEL 306 LEeward AVE - Shell Beach 1-26-17
- 7- LINDA FARBERSTEIN 1200 OCEAN, SHELL BEACH 1-27-
- 8- BRUCE EISENGART 1101 OCEAN BLVD. SHELL BEACH 1/27/17
- 9- MARC D. SALINAS 309 CASTAIC AVE SHELL BEACH CA 93449
- 10- Jeff Showers 333 Castaic Ave, Shell Beach 93449
- 11- Kym Showers 333 Castaic Ave Shell Beach 93449
- 12- Andrew Brown 332 Castaic Ave Shell Beach 93449

APPLICATION # A-3-PSB-15-0036

TO THE CALIFORNIA COASTAL COMMISSION: ITEM # W. 17-B

The undersigned residents support the City approved plans for the Rozo's to rebuild their family home at 388 Windward Ave in Pismo Beach. The City did not require public access at this location because it makes no sense. There is no public path through their property now and this location will never be viable. In fact, their home plans will benefit the City by providing access to a City Sewer Utility, where there is no access currently. For more than the last three years, they have worked hard to please the various facets of government and made many concessions. The plans are consistent with Pismo Beach Development Standards and neighborhood character. Please allow them to move forward with the redevelopment of their home.

NAME:

ADDRESS:

DATE:

13-	Collette Smith	306 Castaic	1/27/17
14-	Patricia Gilmore	315 Castaic	1/27/17
15-	Pam Beards	363 Castaic	1/27/17
16-	Theresa L. Lammiman	257 Castaic	1-27-17
17-	TAMM M. TOSTE	257 CASTAIC	1-27-17
18-	Simcha L. Brath	250 Castaic Ave.	1-27-17
19-	Allison Limon	234 Castaic Ave	1-27-17
20-	Angela Limon	234 CASTAIC AVE.	1-27-17
21-	Donna	202 Castaic Ave	1-27-17
22-	Tina Nott	202 Castaic Ave	1-27-17
23-	Elena Japanschik	150 Castaic Ave	1-27-17
24-	Erika Sullivan	145 Castaic Ave	1/27/17

APPLICATION#: A-3-PSB-15-0030
TO THE CALIFORNIA COASTAL COMMISSION: ITEM#: W 17 B

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NAME:

ADDRESS:

DATE:

- 25- Donna McQuone 139 CASTAIC 1-27-16
- 26- Attin 132 Castaic Ave 1-27-16
- 27- Renee Reyes 144 Castaic 1/27/16
- 28- Louie Reyes 144 Castaic 1/27/16
- 29- Jondra Mancini 151 Castaic 1-27-16
- 30- GM SIVINSKI 305 LEeward 1-27-17
- 31- Laura M. Hendrich 278 Leeward 1-27-17
- 32- CHELSEA BRESCIA 289 LEeward 1/27/17
- 33- SUSAN BRATCHER 217 Leeward 1/27/17
- 34- MARK LIBBY 253 LEeward AV 1/27/17
- 35- KEVIN BRATCHER 217 LEeward AV 1/27/17
- 36- Joe Rogovoy 265 LEeward AVE. 1-27-17

APPLICATION # A-3-PSB-15-0030
TO THE CALIFORNIA COASTAL COMMISSION ITEM #: W 17 B

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NAME:

ADDRESS:

DATE:

- 37- Summer Rogovoy 265 Leeward Ave. Shell Beach 1/27/17
- 38- David Dieter 222 Leeward Ave. Shell Beach 1/27/17
- 39- ERIC Bickle 178 Leeward Ave Shell Beach 1/27/17
- 40- Tina Stanley 602 Pearl St Pismo
- 41- Edmond Stanley 265 Pier Ave Shell Beach 1-27
- 42- Anya Stanley 265 Pier Ave Shell Beach 1-27-17
- 43- Dan Maunelle 702 Ocean BLVD Shell Beach 1/27
- 44- Fran Natale 702 OCEAN BLVD SHELL BCH 1/27
- 45- Shawn Claggett 306 Palisade Ave Shell Beach, CA 93449 1/27/17
- 46- Maria Loren 290 Palisade Ave Shell Beach 93449 1/29/17
- 47- Rebecca Groszider 342 Palisade Ave Shell Beach CA 93449 1/29/17
- 48- Vicki Harrison 275 Palisade Ave Shell Beach CA 93449 1/29/17

APPLICATION#: A-3-PSB-15-0030
TO THE CALIFORNIA COASTAL COMMISSION:
ITEM# W17B

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ADDRESS:

DATE:

49. Richard Harris 278 Palisade Ave SB 1/29/17

50. Joni Arnold 253 Palisade 1/29/17

51- DENNIS KUNKEL 230 Palisade 1/29/17

52- Loren Fernandez 241 Palisade 1/29/17

53- Connie Wilkinson 229 Palisade Ave. 1/29/17

54- WAYNE SHIMP 207 Palisade Ave 1/29/17

55- CASEY MCGINTY 196 PALISADE 1/29/17

56- Bob Kodak 258 Cuyama Av 2/1/17

57- Chris Kodak 258 Cuyama Ave 2-1-17

58- Chun Plumm 259 CUYAMA 2/1/17

59- Karen Leonard 250 Cuyama 2/1/17

60- GEO. OSBORNE 226 CUYAMA 2/1/17

APPLICATION #: A-3-PSB-15-0030
TO THE CALIFORNIA COASTAL COMMISSION:
ITEM # W 17 B

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NAME:

ADDRESS:

DATE:

- 61- LARRY Cobbs 231 Seaview Ave Pismo Beach 2/1/17
- 62- Judith Cobbs 231 Seaview Ave, PB 2/1/17
- 63- Aaron Bergen 118 A Cuyama Shell Beach 2/1/17
- 64- Paul Schir 1217 Cuyama ST Shell Beach 2/1/17
- 65- JOHN ROFFONI 467 BOCKER, SHELL BEACH 2/4/17
- 66- John Farley 365 Bocker Ave 2/4/17
- 67- Maryanne Terine 1029 Ocean Blvd Shell Beach 2/4/17
- 68- Dorothea Duke 350 Placentia Shell Beach 2/4/17
- 69- DAVID DUKE 350 PLACENTIA SHELL BEACH 2/4/17
- 70- JOHN FRANK 338 PLACENTIA AVE SHELL BEACH 2/4/17
- 71- Janice Richards 326 Placentia Ave Shell Bch 2/4/17
- 72- Marcus Adams 321 Placentia Ave Shell Beach 2/4/17

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NAME:

ADDRESS:

DATE:

- | | | | |
|-----|------------------|------------------|-----------|
| 73- | Victoria Thomas | 376 Windward | 1-25-2017 |
| 74- | Fred [Signature] | 376 Windward | 1-25-2017 |
| 75- | DENNY THATCHER | 317 WINDWARD AVE | 1-25-2017 |
| 76- | Richard J. Ryger | 768 Ocean Blvd | 1/26/2017 |
| 77- | Seamus M. Ryger | 780 Ocean Blvd | 1/26/2017 |
| 78- | JIM SCHWABEL | 316 WINDWARD | 1-27-17 |
| 79- | TERRI SCHWABEL | " " | 1-27-17 |
| 80- | Eric Rodriguez | 352 Windward | 1-27-17 |
| 81- | Chris Power | 341 Windward | 1-29-17 |
| 82- | Jon A. Power | 341 Windward | 2-5-17 |
| 83- | Pat McKeague | 398 Windward | 2/13/17 |
| 84- | Rachel White | 324 WINDWARD | 2/13/17 |

APPLICATION#: A-3-PSB-15-0030
TO THE CALIFORNIA COASTAL COMMISSION: ITEM# W17B
— WINDWARD AVE. —

The undersigned residents support the City approved plans for the Rozo's to rebuild their family home at 388 Windward Ave in Pismo Beach. The City did not require public access at this location because it makes no sense. There is no public path through their property now and this location will never be viable. In fact, their home plans will benefit the City by providing access to a City Sewer Utility, where there is no access currently. For more than the last three years, they have worked hard to please the various facets of government and made many concessions. The plans are consistent with Pismo Beach Development Standards and neighborhood character. Please allow them to move forward with the redevelopment of their home.

NAME:

ADDRESS:

DATE:

- 85- Jeanne M. Heideman 204 Windward Ave, Shell Beach, CA 2/13/17
- 86- Mark A. Foster 204 WINDWARD AVE SHELL BEACH 2-13-17.
- 87- Jeff Fiedler 190 WINDWARD AVE SHELL BEACH 2/13/17
- 88- Orin Biddle 177 Windward AVE Shell Beach 2/13/17
- 89- Neil A. Hummel 154 WINDWARD AVE SHELL BEACH 2/13/17
- 90- Chris Pellegrini 149 WINDWARD AVE SHELL BEACH 2/13/17
- 91- Christy Sena 246 Windward Shell Beach 2/13/17
- 92- Jeff D. 304 WINDWARD SHELL 2/13/17
- 93- M. W. 216 Windward 2/13/17
- 94- Alan Ray 129 WINDWARD AVE 2-14-17
- 95- TMM/ha 117 WINDWARD AVE 2-14-17
- 96- John Greene 117 Windward Ave 2/14/17

APPLICATION# A-3-PSB-15-0031
ITEM#: W-17-B

TO THE CALIFORNIA COASTAL COMMISSION:

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NAME:

ADDRESS:

DATE:

- | | | | |
|------|------------------|---------------------|---------|
| 97- | Justin Bixler | 321 Placentia | 2-4-17 |
| 98- | CT Sigler | 320 Placentia | 2-4-17 |
| 99- | Patty Nunez | 308 Placentia | 2-4-17 |
| 100- | Ed Lubowsky | 200 Cliff Ave | 2-4-17 |
| 101- | Karen A. Collins | 200 CLIFF AVE | 2/4/17 |
| 102- | Male Hunt | 118 Cliff Ave APT 3 | 2/4/17 |
| 103- | Catherine Hunt | 118 Cliff #3 | 2-4-17 |
| 104- | DAVID H. NEECK | 212 Cliff Ave | |
| 105- | Eravis Gons | 308 Cliff Ave | 2-4-17 |
| 106- | Dianne [unclear] | 134 Boeker St | 2-11-17 |
| 107- | Cassie [unclear] | 151 Boeker St | 2-11-17 |
| 108- | Peg [unclear] | 143 Boeker St | 2-11-17 |

APPLICATION # A-3-PB-15-0030

TO THE CALIFORNIA COASTAL COMMISSION: ITEM # W 17 B

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109 -	LARRY CARBOROUGH	147 BOEKER AVE ST.	2/11/17
110 -	Melissa TenKate	139 Boeker Ave	2/11/17
111 -	Robert H. Dickerson	215 Boeker St.	2/11/17
112 -	Leo Savalia	245 Boeker St.	2/11/17
113 -	Jacquelyn Griffin	227 Boeker St	2/12/17
114 -	BOB & Pam Seeloy	125 PALDMARA	2/12/17
115 -	Walter Clark	319 Boeker St.	2/12/17
116 -	Norm & Kath Reber	189 LEeward	12 FEB 17
117 -	Damon Saunders	218 Pier Ave	2-12-17
118 -	KEN BUTCHER	241 Pier Ave.	2-12-17
119 -	Ken Rodriguez	240 Pier Ave	2/12/17
120 -	Jim Smith	267 Pier Ave	2/12/17

APPLICATION # A-3-PSB-15-0030

TO THE CALIFORNIA COASTAL COMMISSION:

ITEM W 17 B

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NAME:

ADDRESS:

DATE:

- 121- GERRY LAWSON 290 PIER AVE PISMO BEACH 2-12-1
- 122- Linda M. Russell 306 Pier Ave Shell Beach 2-12-1
- 123- Shirley M. M. M. 508 Ocean Bl Shell Beach CA 9/12/7
- 124- Susan J. M. M. 323 1/2 Palisade Ave Shell Beach CA 2/12/17
- 125- Paul Hansen 289 Seaview Ave Shell Beach CA
- 126- Jim & Sheila 278 Seaview Ave Shell Beach CA.
- 127- GORDON + JEAN LOIS 217 SEAVIEW AVE SHELL BEACH CA.
- 128- DAVID & JAMIE HARDISTY 219 SEAVIEW AVE SHELL BEACH, CA.
- 129- CHARLES YENNER 266 PIER AVE SHELL BEACH CA
- 130- L. Robert J. M. 178 Palisade " " CA
- 131- Deborah Spence 141 Palisade Ave Shell Beach, Ca.
- 132- G. W. A. T. M. 119 Palisade Shell Beach

APPLICATION # A-3-PSB.15.0036
TO THE CALIFORNIA COASTAL COMMISSION: ITEM # W 17 B

The undersigned residents support the City approved plans for the Roza's to rebuild their family home at 388 Windward Ave in Pismo Beach. The City did not require public access at this location because it makes no sense. There is no public path through their property now and this location will never be viable. In fact, their home plans will benefit the City by providing access to a City Sewer Utility, where there is no access currently. For more than the last three years, they have worked hard to please the various facets of government and made many concessions. The plans are consistent with Pismo Beach Development Standards and neighborhood character. Please allow them to move forward with the redevelopment of their home.

NAME:

ADDRESS:

DATE:

133- Terry D. Ellis 342 MORRO AVE. 2-12-17

134- [Signature] 1802 Ocean Blvd 2-12-17

135- [Signature] 1780 Ocean Blvd. 2-12-17

136- EDWARD EGAN 332 Cagistrano 2/13/17

Margie Mills 343 MORRO AVE 2-24-17

APPLICATION: #A-3-PSB-15-0030
TO THE CALIFORNIA COASTAL COMMISSION: ITEM #: W-17-B

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NAME:

ADDRESS:

DATE:

- 37- Ozzie Norsworthy 326 Venus Court Nipomo, Ca. 1/24/17
- 38- Lindsay Nelson 473 Mar Vista Dr. Los Osos CA 1/25/17
- 39- Rebecca Holt 6370 Merlot Ln Paso Robles CA 1/25/17
- 140- R. Aaron Talerico 1460A Newport Ave Grover Beach, CA 1/25/17
- 141- Jayna Pansy 319 Smith St. #302 San Luis Obispo Ca 1/25/17
- 142- Eric Jorgensen 263 N. Cuesta St SLO 1/25/17
- 143- Michelle Lopez 687 Branch St Apt B, SLO 1/25/17
- 144- Nancy Poole 360 Corralitos Ag 1-25-17
- 145- Steven Gorka 1839 Strandway 1/25/17 Oleano
- 146- Eduardo Cripin 264 Pioneer St Guadalupe 1/25/17
- 147- Jonathan Shadrach 250 Moore LN Arroyo Grande 93420 1/25/17
- 148- Angelo Balletti 5265 Capistrano Ave Atascadero 93422

APPLICATION #: A-3-PSB-15-0030

TO THE CALIFORNIA COASTAL COMMISSION: ITEM #: W17B

The undersigned residents support the City approved plans for the Roza's to rebuild their family home at 388 Windward Ave in Pismo Beach. The City did not require public access at this location because it makes no sense. There is no public path through their property now and this location will never be viable. In fact, their home plans will benefit the City by providing access to a City Sewer Utility, where there is no access currently. For more than the last three years, they have worked hard to please the various facets of government and made many concessions. The plans are consistent with Pismo Beach Development Standards and neighborhood character. Please allow them to move forward with the redevelopment of their home.

NAME:

ADDRESS:

DATE:

- 149- Justin Venturini 1750 Rochelle Way Oceano CA 9-24-17
- 150- PATRICK LUTTRELL 1106 OCEANAIRE DR #23, SLO, CA 93405
- 151- ANTHONY E. STEARS 1253 VENTURE LN. AVILA BEACH, CA 93424
- 152- Shelley McMinin, 1200 Bennett Way, Templeton, CA. 93465
- 153- Jon McGree 2170 BRANCH MILL RD Arroyo Grande CA 93420
- 154- Laura Luttrell 1106 Oceanaire dr #23 SLO CA 93405
- 155- CARI TRENER 1112TH ST CAYUCOS, CA 93420
- 156- Sophie Mann 290 Casa Real Pl, CA 93444 9/25/17
- 157- Joshua Hill 572 E. Foothill Blvd Apt. 22 SLO, CA 93401
- 158- Kaitlin Keltner 771 Mushito Dr., San Luis Obispo 11/25/17
- 159- Chael Haines 11690 Los Osos Valley Rd Ap San Luis Obispo CA 93403
- 160- Zac Anthony 677 Branch St Apt B SLO, CA 93401

APPLICATION #. A-3-PSB-15-0030
TO THE CALIFORNIA COASTAL COMMISSION: ITEM# W17B

The undersigned residents support the City approved plans for the Rozo's to rebuild their family home at 388 Windward Ave in Pismo Beach. The City did not require public access at this location because it makes no sense. There is no public path through their property now and this location will never be viable. In fact, their home plans will benefit the City by providing access to a City Sewer Utility, where there is no access currently. For more than the last three years, they have worked hard to please the various facets of government and made many concessions.

The plans are consistent with Pismo Beach Development Standards and neighborhood character. Please allow them to move forward with the redevelopment of their home.

NAME:

ADDRESS:

DATE:

- 61- Mary DeBiller 1901 Henry St. 1/25/17
- 62- Bruce Huston 1315 9th St. 1/25/17
- 63- Eric Peterson 355 Via Vicente 1/25/17
Nipome, CA 93444
- 64- Miguel Thomas 135-10 Oak Glen 1-25-17
Nipome, CA 93444
- 65- Aaron Cronkite 830 Boysen Ave 1-25-17
SLO, Ca. 93401
- 66- Stephanie Kintz 959 Hidden Pine Ln. 1/25/17
Arroyo, Grande, CA 93420
- 67- Michael DiTomasso 695B Montone Ave 1/25/17
Grover Beach, CA 93433
-
-
-
-
-

DAVID AND MARY STORNETTA
349 Boeker Avenue
Shell Beach
Pismo Beach, Calif. 93449
805 481-1105; fax 805 489-3865

February 1, 2017

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, California 95060-4508

RECEIVED

FEB 23 2017

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Regarding
PERMIT NO.: A-3-PBS-15-0030
Project Location: 388 Windward Avenue, Shell Beach (Pismo Beach, Calif.)
Hearing Date: Wednesday, March 8, 2017
ITEM NO.: W17b

To The Attention of Coastal Planner, Yair Chaver

We are unable to attend the Public hearing. Please take the following into account before rendering a decision.

The Pismo Beach Bicycle and Pedestrian Master Plan, Resolution R2010-039 was adopted by the Pismo Beach City Council on June 15, 2010. The plan shows maps of existing and proposed Bikeways and Pedestrian Walkways, including a proposed Pedestrian Walkway continuing from Boeker to Windward. The vision and purpose is that of a continual coastal walkway-bikeway from the North end of Shell Beach to the South end of Shell Beach. The building permit issued to 367 Boeker required dedication of an 8 foot Public pedestrian access path along the east side property line. This is in line with the required dedication of footage to the pathway that was required across the street from 367 Boeker, which meets the requirement to provide continuity to the Master Plan.

The project at 388 Windward does not include the required 8 foot dedication to the Public Pedestrian access path, which jeopardizes the future of the City's Master Plan.

DAVID AND MARY STORNETTA
349 Boeker Avenue
Shell Beach
Pismo Beach, Calif. 93449
805 481-1105; fax 805 489-3865

February 1, 2017

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, California 95060-4508

RECEIVED

FEB - 6 2017

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Regarding

PERMIT NO.: A-3-PBS-15-0030

Project Location: 388 Windward Avenue, Shell Beach (Pismo Beach, Calif.)

Hearing Date: Wednesday, February 8, 2017

ITEM NO.: W23a

To The Attention of Coastal Planner, Yair Chaver

We are unable to attend the Public hearing. Please take the following into account before rendering a decision.

The Pismo Beach Bicycle and Pedestrian Master Plan, Resolution R2010-039 was adopted by the Pismo Beach City Council on June 15, 2010. The plan shows maps of existing and proposed Bikeways and Pedestrian Walkways, including a proposed Pedestrian Walkway continuing from Boeker to Windward. The vision and purpose is that of a continual coastal walkway-bikeway from the North end of Shell Beach to the South end of Shell Beach. The building permit issued to 367 Boeker required dedication of an 8 foot Public pedestrian access path along the east side property line. This is in line with the required dedication of footage to the pathway that was required across the street from 367 Boeker, which meets the requirement to provide continuity to the Master Plan.

The project at 388 Windward does not include the required 8 foot dedication to the Public Pedestrian access path, which jeopardizes the future of the City's Master Plan.

An argument has been made that the proposed easement poses a danger because of limited visibility. This is a moot point, because, in fact, there are other footpaths in existence in the Plan with limited visibility.

We purchased our home at 349 Boeker in October, 2012.

Prior to our decision to purchase, we went to the Pismo Beach Planning Dept. and discussed with Engineers, in detail, the possibility of the one-story structure at 388 Windward being developed into a 2-story structure. We were told that the size and scope of a future home would be limited. The size and scope of the project now being proposed is 3600 Sq. Ft., including an attached second residence.

There ARE building plans at the Planning Dept. for 388 Windward, submitted by the prior owner, Mark Daniels, which were compatible and in compliance with the wishes of the City.

We believe that a 1 ½ story structure would be an excellent compromise for all concerned parties.

The proposed structure will obstruct our daylight and our airflow. In the interest of the environment, we prefer natural daylight to artificial light. And, we prefer a natural airflow of fresh air to an electrically manufactured airflow.

Please give the aforementioned considerable thought before rendering your decision regarding the permit to build at 388 Windward.

Sincerely,

A handwritten signature in cursive script, appearing to read "Mary Stornetta".

David and Mary Stornetta

California Coastal Commission
Central Coast District office
725 Front St. Suite 300
Santa Cruz Ca. 95060-4508
01/30/2017

RECEIVED

FEB - 1 2017

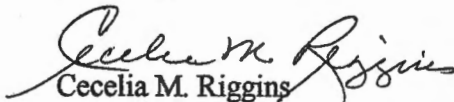
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

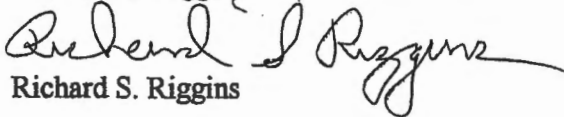
Hearing Date Wednesday Feb. 8, 2017
9:00 AM Item W23a
New Port Beach Civic Center

Dear Commissioners,

We are writing you in support of Pam and Ernie Rozo's Permit No; A-3-PSB-15-0030 to demolish an existing single family residence and construct a new single residence at 388 Windward Ave. in the Shell Beach area of Pismo Beach CA. (APN 010-371-012). Their new residence will improve the appearance and value of the property and in so doing will enhance the value of our property which is 780 Ocean Blvd. on the corner of Windward Ave. and Ocean Blvd. and across the street from 388 Windward Ave.

Sincerely,


Cecelia M. Riggins


Richard S. Riggins

CC Pam & Ernie Rozo



PISMO BEACH CITY COUNCIL/ PLANNING COMMISSION AGENDA REPORT

Agenda Item #4.A

SUBJECT/TITLE:
SHELL BEACH DESIGN STANDARDS AND GUIDELINES

RECOMMENDATION:

Adopt a **Resolution** accepting the Shell Beach Design Standards and Guidelines document, directing staff to begin implementation, and accepting Categorical Exemption No. 2017-001.

BACKGROUND:

One of the Council's major goals for 2015-17 is to revise the development standards and to create design guidelines and assistance in Shell Beach. A focus of the guidelines is to reduce the size and scale of new residential projects, ensure commercial development is designed to be more consistent with the current neighborhood, ensure adequate parking is provided, and to make projects more attractive and compatible with the neighborhood. In pursuit of this goal, staff has engaged in an intensive review of the existing development standards and design guidelines for the Shell Beach community. The focus of this effort has been to work with the community and decision makers in reviewing the existing standards and guidelines in an effort to create a new design manual that will guide future development while preserving the unique character and essence of Shell Beach.

Extensive community stakeholder input, professional analysis by City staff, and guidance from consultants RRM Design Group have culminated in the Draft Shell Beach Design Standards and Guidelines (**Attachment 3**), which comprises refined and newly-created development standards and design guidelines, along with other useful information about the area.

Development Standards vs. Guidelines

Development standards are important as they establish the detailed rules for what can be built and in what manner. Development standards are typically found in the Zoning Ordinance and consist of specific land use regulations such as parking requirements, building heights and front, rear and side yard setbacks. Development standards are vetted through the legislative process requiring extensive review by the Coastal Commission, City Council, Planning Commission, and City staff. All single family, multi-family and commercial development or redevelopment in Shell Beach is subject to comply with these standards.

Each of the standards listed at the beginning of each section of the guidelines document are consistent with or more stringent than what is currently required in the City's Zoning Ordinance and Local Coastal Plan (LCP). Those standards listed in the guideline's Appendix are for future consideration as an LCP Amendment by the City and, ultimately, the California Coastal Commission.

Design guidelines, on the other hand, are public statements of intent and are used to evaluate the acceptability of a project's design. They encourage, but don't require, development in a specific direction, taking into account neighborhood scale, compatibility, context, and overall character in order to achieve a desired level of quality. In order for guidelines to become standards, they must be reviewed and approved by the Coastal Commission via a Local Coastal Plan (LCP) Amendment. At this time, staff has not been directed by the City Council to submit an LCP Amendment for review and approval by the Coastal Commission. Because the guidelines have not been vetted by the Coastal Commission, an applicant may choose not to comply. However, formal project submissions that purposely ignore or otherwise fail to follow the guidelines will not be supported by staff and will not receive a favorable recommendation at any public hearing. The overall objective of the document is to refine the existing development standards and produce user-friendly visual design guidelines that will provide clear direction to Shell Beach homeowners and the development community about design expectations.

Public Process

Stakeholder Interviews

In order to learn about the issues associated with the current development standards and design guidelines, interviews were conducted with stakeholders—those who have used the Shell Beach area development standards and design guidelines, or who have specific interest in the community. The stakeholders interviewed included elected and appointed officials, landowners, residents, developers, architects, real estate professionals, designers, and representatives from the business community.

On July 20, 2016 the City's consultants, RRM Design Group, conducted an entire day's worth of 30-minute interview sessions. An additional in-person interview with Council Member Erik Howell was conducted on August 3, 2016. A total of 22 stakeholders in groups of one to four people were interviewed. The interviewees were asked a series of questions regarding overarching concerns as well as specific topics. People attending were also given the opportunity to discuss issues of significance to them that were not otherwise discussed in response to specific questions.

Stakeholder Comments

A strong consensus among stakeholders emerged about the major issues relating to the current development standards and design guidelines for Shell Beach. While the stakeholders differed on the exact recommended changes, there was agreement that development standards and design guidelines need to be drafted in such a way as to be understandable and to ensure consistent interpretation. Those interviewed pointed out numerous ways in which current development standards and design guidelines work against achieving the community's desired character. The following is a list of the major themes heard during the interviews.

1. Ensure consistency in application and interpretation of standards and guidelines.
2. Strengthen single-family residential design guidelines.
3. Address boxy architecture and unarticulated, blank two-story wall planes.

4. Continue to allow roof decks while addressing adjacency issues.
5. Include good-neighbor standards that address privacy and shadowing issues.
6. Revise parking requirements to allow for varying configurations.
7. Pursue in-lieu fees for commercial/mixed-use parking and utility undergrounding.
8. Incorporate incentives for commercial/mixed-use properties to remodel and improve properties.
9. Provide incentives for homeowners to pursue additions rather than teardown/remodel of single-story homes.
10. Encourage a variety of architectural styles consistent with the unique Shell Beach character.

Community Workshop

City staff, in conjunction with the consultant, conducted a community workshop on August 11, 2016 with over 30 people from the community in attendance. The workshop included a presentation discussing the scope of the project, followed by a number of group exercises focused on relevant topics from the existing Development Standards and Guidelines found within the City's Municipal Code. The aim of these group exercises was to identify key design and development issues of concern to the community. Upon completion of the group exercises, participants from each of the six tables were asked to present their Top 3 priorities to the workshop group. These Top 3 priorities are provided below.

- Table Groups—Top 3 Priorities

The following priorities represent the Top 3 ideas, concerns, or recommendations presented by individual table groups toward the end of the community workshop.

Table 1

- Not too restrictive (standards)
- Speedy Gourmet improvement; other commercial buildings on Shell Beach Road
- Diverse architecture; beach style buildings

Table 2

- Change standards, make variances more restrictive
- Include articulation on all projects, no boxes
- Roof decks—get neighbor approval from 2 of 3 neighbors

Table 3

- Guidelines should reflect different streets and lot sizes
- Address roof decks
- Parking options/variety is good

Table 4

- Maintain diversity—in architecture and community
- Encourage front yard living
- Variety of parking options—one size does not fit all

Table 5

- Bury utilities
- Place time constraints on construction schedules
- Not overly restrictive (standards); look at minimizing tear downs of small homes on large lots for multiple homes

Table 6

- Respect constitution; property rights
- Underground utilities; green light posts—go solar
- Restrict RV parking, especially on Ocean Boulevard

- Individual Handout Responses

Each of the six tables at the workshop were provided with individual handouts providing attendees with opportunities to provide additional feedback on the specific topics of discussion including 1) scale and massing, 2) architectural styles, 3) parking, and 4) privacy/roof decks. Additional opportunities were given to discuss other items of concern to the community. The valuable feedback was used to help drive the draft document in the desired direction.

Shell Beach Improvement Group (SBIG)

Staff attended the September 12, 2016 Shell Beach Improvement Group (SBIG) meeting to facilitate a discussion and to answer several questions regarding various design elements and standards affecting development including roof decks, parking, setbacks, lot coverage and architecture. Several members attending the SBIG meeting also attended the earlier community workshop and were appreciative of the City's outreach efforts. By the end of the meeting, the group felt comfortable with the transparency of the process, and was advised that they would have additional opportunities to provide input as the process moved forward.

On January 9, 2017, RRM Design Group attended an SBIG meeting and provided an update and answered questions regarding the status of the draft document to a large group of attendees that were very engaged in the process.

Throughout this process, staff has made significant efforts to maintain a high level of public participation and transparency. The draft document was provided to the City Council and the Planning Commission on January 18, 2017 and to the public on January 24, 2017, allowing the public a two-week review period prior to the joint meeting of the bodies to consider acceptance of the document. The draft document was also uploaded to the City's website with a link sent to every stakeholder that was interviewed, every member of the public listed on the sign-in sheet that attended the Community Workshop, and to the Shell Beach Improvement Group. Hard copies were made available at both the City Manager's and the Planning Division's public counters. Hard copies were also delivered to the Shell Beach Library. In the spirit of customer service, staff will also be revising the Planning Division's project application template so that it is consistent with the design guidelines document.

City Council Update

Staff presented an update to the City Council on the status of the effort at the October 4, 2016 City Council meeting. Staff presented the summary findings of the stakeholder interviews and the community workshop and received positive direction from the City Council.¹ This direction translated into what staff believes is a comprehensive list of topics included in the guidelines document (in no particular order):

- Site Planning and Neighborhood Character
- Scale and Massing
- Parking
- Roof Forms and Roof Decks
- Architectural Features and Articulation
- Incentives for Single Story Homes
- Additions to Existing Single Family Homes
- Garages, Carports and Accessory Structures
- Entries, Doorways and Windows
- Materials and Colors
- Landscaping
- Good Neighbor
- Signage
- Lighting
- Public Spaces
- Utilitarian and Trash Areas

Based on specific feedback from the City Council and the public, particular attention was focused on the treatment of roof decks, "good neighbor guidelines," parking, and incentives for maintaining single story single family development. The subject of roof decks was of significant concern, specifically relating to the associated issues of privacy, height and aesthetics. In response, separate design standards and guidelines have been included in an effort to mitigate concerns.

In addition, several Council Members supported the idea of "good neighbor guidelines" that speak to privacy-sensitive issues and the development of guidelines favoring attention to design that respects privacy. Draft guidelines responding to this direction have also been added to the document.

Along with the text of the standards and guidelines, the design guidelines document has also been abundantly illustrated with graphics intended to help the end-user easily translate the associated text into meaningful and acceptable design solutions.

Applicability

Upon acceptance of the design standards and guidelines document by the City Council, all future submittals of new single family, multi-family and commercial development or redevelopment in Shell Beach will be subject to conformance to receive staff support.

¹ Stakeholder Summary and related agenda materials are available online at pismo beach.org/DocumentCenter/View/48513 or upon request from the Clerk's Office.

Conclusion and Recommendation

Moving forward, this document will evolve in a natural progression. As the standards, guidelines and graphics are implemented, there will be lessons learned. These lessons will present opportunities for staff to bring the guidelines document back to the City Council at the end of the first year with appropriate revisions for continuous improvement.

Staff recommends that the Council seek Planning Commission concurrence on the approval of the Guidelines document, and adopt a Resolution (**Attachment 1**) accepting the Shell Beach Design Standards and Guidelines, directing staff to begin implementation, and accepting Categorical Exemption No. 2017-001.

FISCAL IMPACT:

None.

ALTERNATIVES:

1. Provide staff with other direction.

ATTACHMENTS:

1. Resolution for approval
2. Categorical Exemption No. 2017-001
3. Draft Shell Beach Design Standards and Guidelines

Prepared by: Matt Everling, Planning Manager**Meeting Date:** February 7, 2017**Approved by:** Jeff Winklepleck, Community Development Director**City Manager Approval:**

RESOLUTION NO. R-2017-XXX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH
ACCEPTING THE SHELL BEACH DESIGN STANDARDS AND GUIDELINES
DOCUMENT, DIRECTING STAFF TO BEGIN IMPLEMENTATION, AND ACCEPTING
CATEGORICAL EXEMPTION NO. 2017-001**

WHEREAS, the adopted Fiscal Year 2016 & 2017 budget includes \$50,000 to revise the development standards for Shell Beach, and in October 2015 the City Council directed staff to move forward with the development of the Shell Beach Design Standards and Guidelines; and

WHEREAS, in December 2015, staff issued a Request for Proposals for Consulting Services for the Shell Beach Design Standards and Guidelines; and

WHEREAS, in January 2016, two proposals were received and evaluated by a review panel and the proposal from RRM Design Group was selected by the panel; and

WHEREAS, on February 16, 2016, the City Council adopted Resolution No. R-2016-012 that authorized the City Manager to enter into an agreement with RRM Design Group for consulting services to prepare the Shell Beach Design Standards and Guidelines; and

WHEREAS, the City Council held a duly-noticed joint meeting with the Planning Commission on February 7, 2017, at which all interested persons were given the opportunity to be heard; and

WHEREAS, the City Council has determined that under the provisions of the California Environmental Quality Act (CEQA), Design Guidelines are exempt per CEQA Section 15305; and, the City Council has determined that the project meets the required findings under CEQA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pismo Beach hereby accepts the Shell Beach Design Standards and Guidelines and accepts Categorical Exemption No. 2017-001 subject to the Findings attached as **Exhibit A**.

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

Approved:

Attest:

Ed Waage, Mayor

Erica Inderlied, City Clerk

FINDINGS

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

1. The project consists of the establishment of the Shell Beach Design Standards and Guidelines for reviewing new construction, remodels and additions to single family, multi-family and commercial development; and
2. There are no site constraints or other factors that would create the potential for significant environmental impacts as a result of the adoption of the Design Guidelines; and
3. The Design Guidelines are exempt under CEQA Section 15305 of the CEQA Guidelines, exempting minor alterations in land use limitations.



CITY OF PISMO BEACH NOTICE OF EXEMPTION

To: County of San Luis Obispo Clerk-Recorder's Office **From:** City of Pismo Beach
1055 Monterey Street, Suite D120 760 Mattie Road
San Luis Obispo, CA 93408 Pismo Beach, CA 93449-2056

County Clerk County of: San Luis Obispo

Project Title: Categorical Exemption No.: 2017-001

Project Applicant: City of Pismo Beach

Project Location - Specific: Shell Beach, Pismo Beach, CA 93449

Project Location - City: Pismo Beach

Project Location - County: San Luis Obispo

Description of Nature, Purpose and Beneficiaries of Project: Establishment of the Shell Beach Design Standards and Guidelines for reviewing new construction, remodels and additions to single family, multi-family and commercial development.

Name of Public Agency Approving Project: City of Pismo Beach

Name of Person or Agency Carrying Out Project: City of Pismo Beach

Exempt Status: (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption. State type and section number: Construction of one single-family residence, 15305 (Class 5)
- ☐ Statutory Exemptions. State code number:

Reasons why project is exempt: The result of the adopted design guidelines will be the improvement of visual resources in the built environment in Shell Beach. Such minor alterations in existing land use limitations are intended and anticipated to enhance the environmental quality of the area. No physical changes will occur as a result of the adoption of the proposed Design Guidelines unless and until a specific project is proposed that triggers the implementation of the guidelines and the City approves such a project. These changes will only occur as a result of any future development proposal and not the adoption of this Resolution. Further, all of the development possibilities that existed prior to the adoption of these Design Guidelines will continue to exist after the adoption of these Design Guidelines, and therefore there are no project-specific effects peculiar to this Resolution.

Lead Agency

Contact Person: Matt Everling **Area Code/Telephone/Extension:** (805) 773-7043

Email: meverling@pismo-beach.org

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?
 - ☒ Yes
 - ☐ No

Signature: _____ **Date:** _____ **Title:** Planning Manager
☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.

Date Received for filing at OPR: _____

Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

SHELL BEACH

DESIGN STANDARDS AND GUIDELINES

PUBLIC REVIEW DRAFT
JANUARY 18TH, 2017



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ACKNOWLEDGMENTS

CITY COUNCIL

Ed Waage, Mayor
Etik Howell, Mayor Pro Tempore
Sheila Blake, Council Member
Marcia Guthrie, Council Member
Mary Ann Reiss, Council Member
Shelly Higginbotham, Former Mayor

PLANNING COMMISSION

Mark Natfal
Mark Padovan
Doreen Curtze
Stacy Inman
Kari Bhana

CITY STAFF

James Lewis, City Manager
Jeff Winklepleck, Community Development Director
Matt Everling, Planning Manager
Aileen Nygaard, Associate Planner
Michael Gruver, Associate Planner



PREPARED FOR:
City of Pismo Beach
760 Mattie Road
Pismo Beach, CA 93449

PREPARED BY:



RRM Design Group

ADOPTED BY:

Ordinance No. ###

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INTRODUCTION

DESIGN STANDARDS AND GUIDELINES

VISION AND COMMUNITY CHARACTER

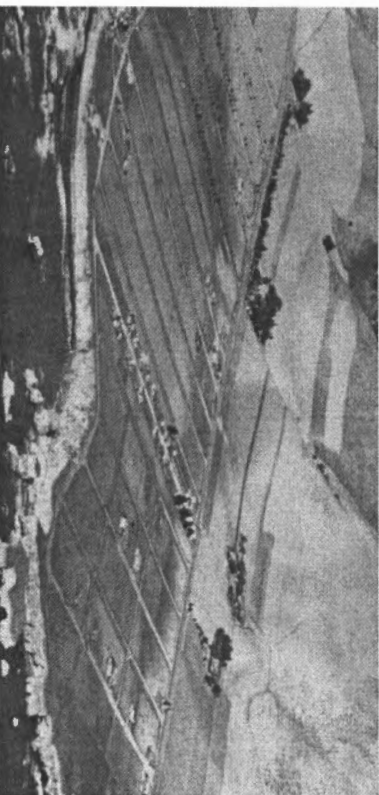
Shell Beach is a unique beachside community located on picturesque cliffs within the City of Pismo Beach. The character of the built environment can be described as a diverse village with a mix of old and new, with structures that do not resemble cookie cutter designs but rather individual buildings that collectively can be described as an eclectic beach community. Its natural beauty, small town charm and convenient location make it a desirable place for both families and retirees alike to call home. It is safe, kid-friendly, family-oriented and provides both residents and visitors with access to spacious parks, beautiful beaches and stunning sunsets. This is the 'essence' of Shell Beach.

HISTORY

The history of Shell Beach is one intrinsically tied to the growth of the town of Pismo Beach. As Pismo Beach grew in the early 1900's as a seaside vacation town, need for more permanent accommodations led to new development demand in nearby Shell Beach. The first subdivision of Shell Beach was focused along Boeker Street and was characterized by a number of small, individual lots. Around 1925, subdivisions began to increase in the area and the original Boeker Street subdivision was soon joined by an additional six streets to the south and another six streets to the north. The final five streets were later added to the north, thus completing the Shell Beach village area that exists today; extending from Cliff Avenue in the south to Vista Del Mar Avenue in the north.



Public art within Shell Beach.



Historical photo of Shell Beach from 1931.
Photo courtesy of Effie McDermott.

INTRODUCTION

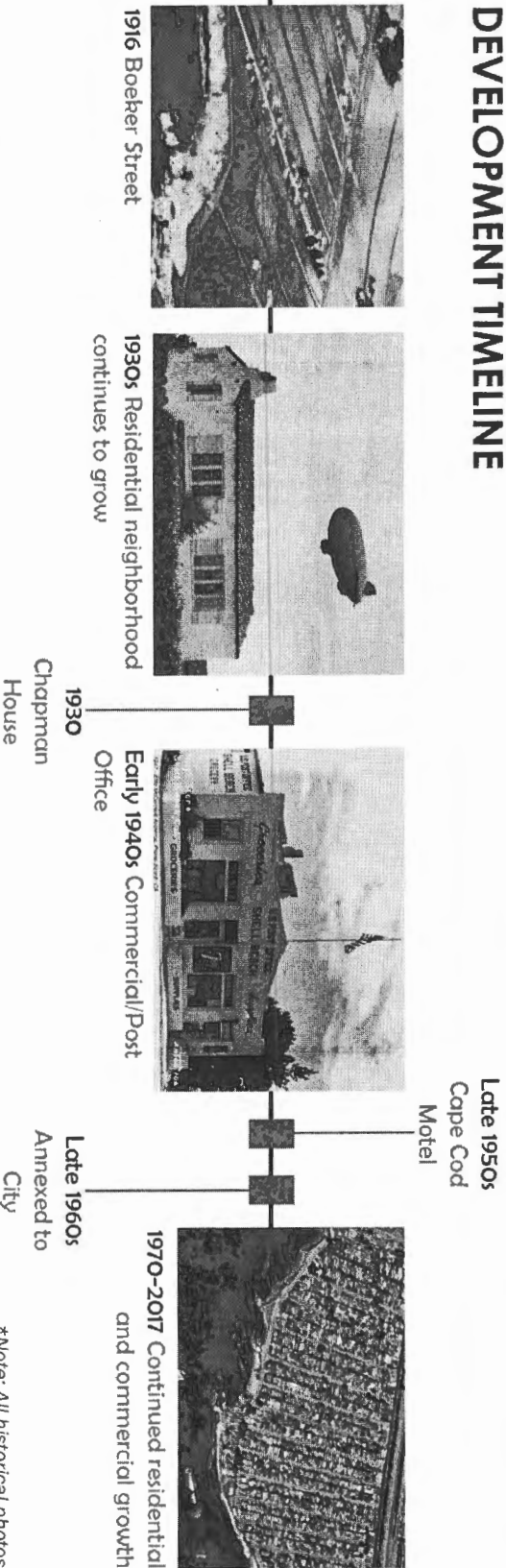
DESIGN STANDARDS AND GUIDELINES

A number of architectural styles have occurred since the initial period of growth and development in Shell Beach to the present day. Architectural styles that are most visually prominent in Shell Beach include Spanish Revival, Cape Cod, Bungalow, Craftsman, Beach Cottage, Ranch, Mid-Century Modern and Contemporary. While Shell Beach is not defined by any one particular architectural style, it is rather the collection of individual styles and unique homes that comprise the Shell Beach community.



Historical photo of Cape Cod Motel.

DEVELOPMENT TIMELINE



*Note: All historical photos courtesy of Effie McDermott.

PURPOSE

The purpose of this Shell Beach Development Standards and Design Guidelines document is to guide future residential, commercial and mixed-use developments and to give clear direction for the renovation and redevelopment of built areas within the community. The intent of these standards and guidelines is to retain and encourage architectural variety, promote quality development and ensure both existing and new development within Shell Beach are compatible in size and scale, incorporate quality articulation and detailing and exude the characteristics of the community.

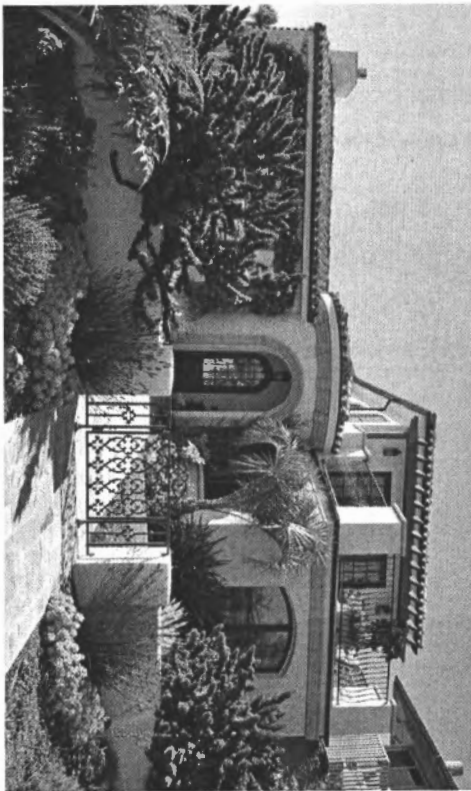
Design standards and guidelines contained herein have been written in a manner to make it easy for property owners, architects, developers, City staff, members of the various City commissions and the City Council to use. It is intended to provide clear and concise direction in a user-friendly format that is easy to administer.

Projects that are not consistent with the general intent of these guidelines will not receive a positive recommendation from staff nor will they be supported by staff at any public hearings that may be required.

INTRODUCTION

DESIGN STANDARDS AND GUIDELINES

4.A-18



Single-family residence in Shell Beach.



Northwest view of Shell Beach.

INTRODUCTION

DESIGN STANDARDS AND GUIDELINES

CONTENT AND ORGANIZATION

This document is a compilation of development standards and design guidelines that provide direction for new development and redevelopment within Shell Beach. No single architectural theme is promoted, but rather the emphasis is focused on promoting a variety of styles and designs.

As part of these standards and guidelines, a number of pictures and graphic illustrations have been provided. These visual cues are intended to demonstrate the concepts of recommended building elements and details as opposed to strictly thematic images. More specifically, the design guidelines are intended to provide a general framework for design and do not mandate specific styles or details. While the City is open to considering innovative and alternative designs not envisioned as part of these standards and guidelines, development must comply with the general intent.

This document is organized as follows:

Chapter 1 – Introduction

Chapter 2 – Single-Family Residential Design Guidelines

Chapter 3 – Multi-Family Residential Design Guidelines

Chapter 4 – Commercial/Mixed-Use Design Guidelines

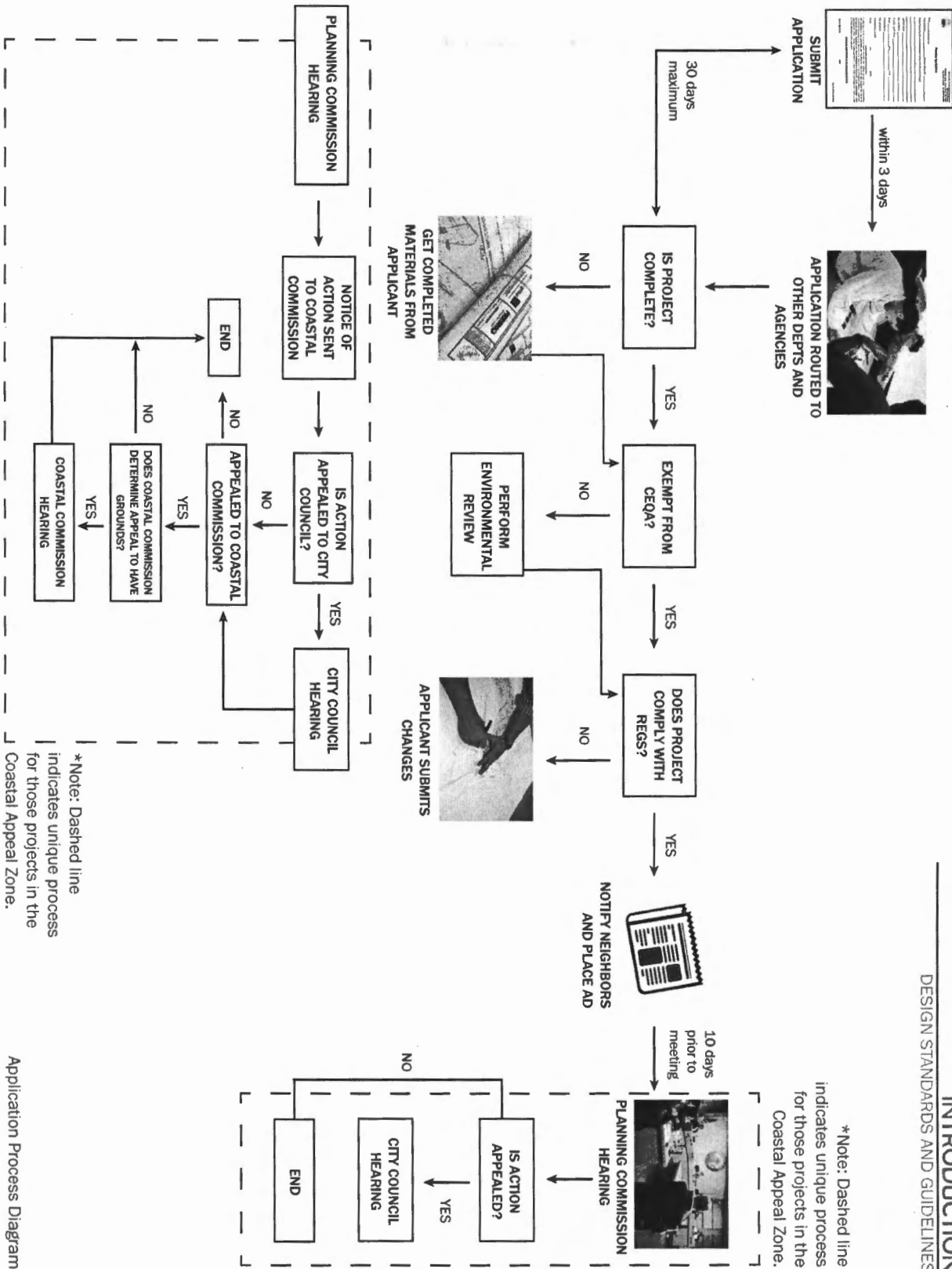
Appendix A - Future Recommendations for Edits to the City's Local Coastal Plan

RELATIONSHIP TO OTHER PLANNING DOCUMENTS

This document is a tool for the implementation of the City of Pismo Beach's Municipal Code and the General Plan. While the standards and guidelines contained herein are not intended to supersede the requirements of the Municipal Code, they should be considered "recommended practices" the community considers important to the design of projects within the City. Projects within Shell Beach Planning Area H shall comply with the Municipal Code and other Citywide design guidelines. Where there are discrepancies between other Citywide design guidelines and this Shell Beach Design Standards and Guidelines document, this document shall prevail.

APPLICATION PROCESS

All applications for Coastal Development Permits, Development Permits, Conditional Use Permits, Tentative Parcel Maps, Tentative Tract Maps, Major and Minor Planned Development Permits and Administrative Development Permits shall be reviewed to ensure consistency with these standards and guidelines. In approving an application for a proposed project, the Community Development Director and/or the Planning Commission/City Council must find that the proposed project is consistent with the overall intent of this document.



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SINGLE-FAMILY

DESIGN STANDARDS AND GUIDELINES

SITE PLANNING AND NEIGHBORHOOD CHARACTER

STANDARDS

- SP S.1** Where a new single-family structure is proposed on a lot without curb, gutter and/or sidewalk improvements within the street right-of-way, the City shall require the installation of one (1) or all of these improvements as part of a project approval. Permeable pavers, decomposed granite or decorative pea gravel shall be provided within the street right-of-way in instances where the installation of a standard sized sidewalk is determined to be infeasible due to lot size limitations to the satisfaction of the Director of Public Works.

GUIDELINES

- SP G.1** While no specific architectural style is required for single-family dwellings, applicants should identify the chosen architectural style and its defining characteristics as part of the permit application. All building designs should contribute to and complement the neighborhood character as outlined in the Vision and Community Character and History sections in Chapter One.
- SP G.2** Though contemporary architecture styles are allowed, applicants should exhibit caution when considering architectural styles that have recently become popular or trendy but have not yet withstood the test of time. In addition, historic styles that cannot be authentically replicated should be avoided.
- SP G.3** The City strongly encourages the renovation, repair,
- SP G.4** Site planning should look to provide opportunities for outdoor living, address street frontage with front porches and by minimizing prominent garage doors. maintenance and/or addition to existing single-story homes to maintain the diverse and eclectic mix of structures within the Shell Beach area.
- SP G.5** Site planning and building designs should create areas of open space for outdoor living while also aiding in the reduction of perceived building massing.
- SP G.6** Homes are encouraged to engage the street by including front porches and minimizing the prominence of garage doors.
- SP G.7** While interior floor plans of adjacent sites may be repeated, the front facade massing, roof forms and articulation should provide clear differentiation between single-family dwellings on adjacent sites to avoid "cookie-cutter" designs.



Site planning should look to provide opportunities for outdoor living, address street frontage with front porches and by minimizing prominent garage doors.

SINGLE-FAMILY

DESIGN STANDARDS AND GUIDELINES

SCALE AND MASSING

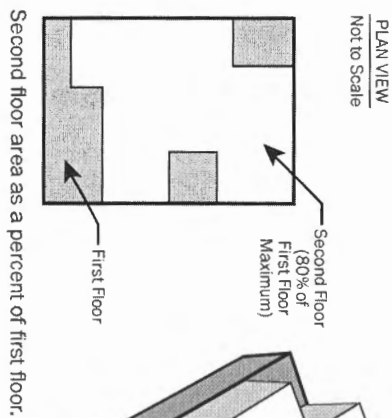
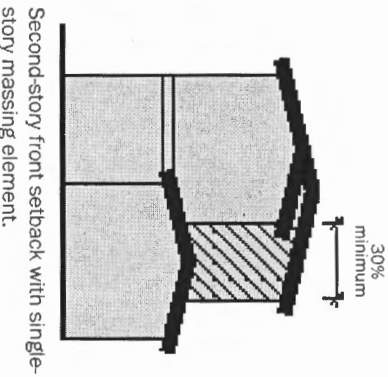
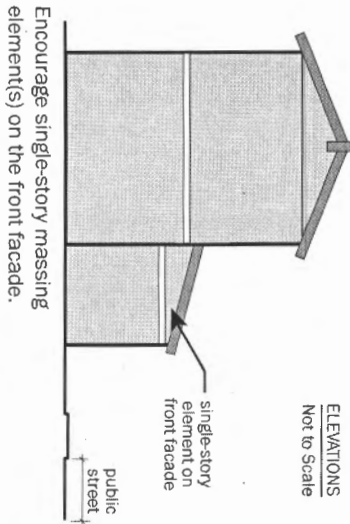
STANDARDS

SM 5.1 For single-family residential lots greater than 3,000 square feet, the amount of gross floor area on any second floor shall not exceed 80% of the amount of gross floor area on the ground floor, based on the area contained within the exterior walls including footprint of stairs on the ground floor and airspace (i.e. vaulted ceilings or elevators).

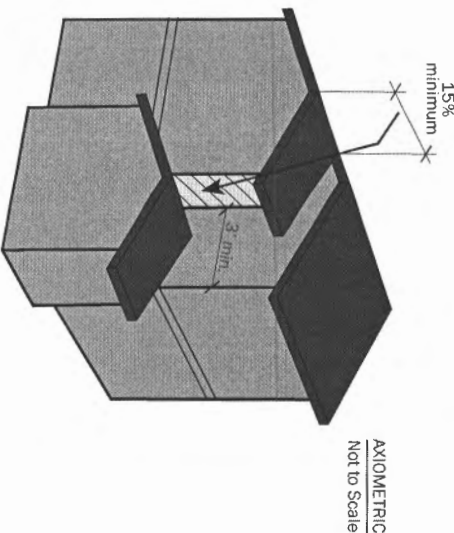
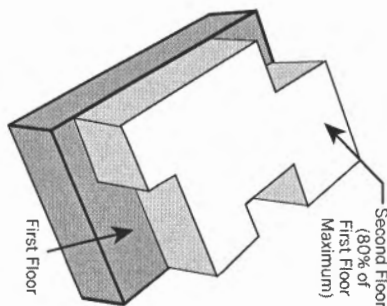
SM 5.2 For single-family residential lots less than 3,000 square feet, the amount of gross floor area on any second floor area shall not exceed 70% of the amount of gross floor area on the ground floor, based on the area contained within the exterior walls including footprint of stairs on the ground floor and airspace (i.e. vaulted ceilings or elevators).

SM 5.3 Front building elevations shall not be single, solid monolithic planes. Thirty (30%) of the width of the second-story front elevation shall be stepped back a minimum of 3-feet.

SM 5.4 Side building elevations shall not be single, solid monolithic planes. Fifteen (15%) of the width of the second-story side elevations shall be stepped back a minimum of 3-feet, including roof overhang/design.



Second floor area as a percent of first floor.



Second-story side setback with associated roof forms reflecting setback area, and single-story massing element.

SCALE AND MASSING

SM S.5 Where a new or remodeled two-story home is proposed, a single-story massing element(s) shall be provided on the front facade to aide in breaking up the overall massing. This may be achieved by using porches or single-story living areas visible from the street.

GUIDELINES

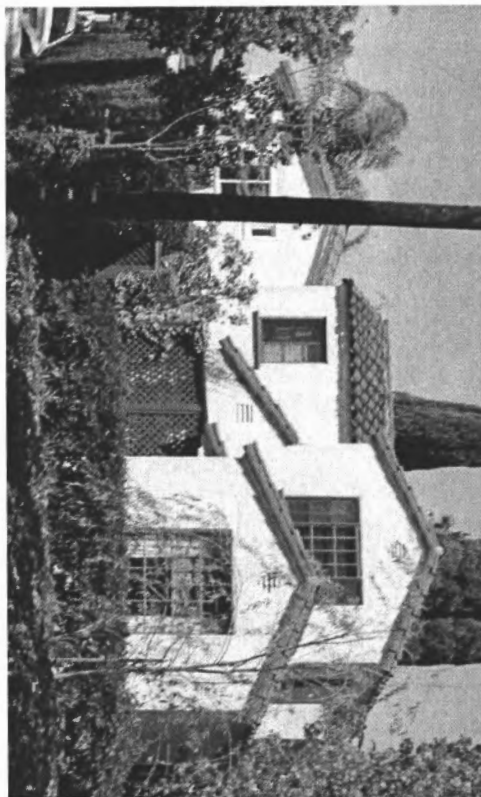
SM G.1 Break up massing through the use of design features such as balconies, varied upper floor setbacks and/or varying roof forms.

SM G.2 When located next to an existing single-story home, place second-story massing elements towards the rear or away from the adjacent single-story home to the greatest extent feasible.

SM G.3 To reduce large blank wall expanses on side yard wall planes visible from the street, articulate with a variety in form and/or material use, similar to those used on the front facade.

SM G.4 Traditional scale and proportions of the chosen architectural style should be reflected in the building design.

SM G.5 Surface detailing, such as score lines and color changes, are not considered a substitute for required material integration and distinctive scale and massing.



Massing is broken up and upper floors stepped back.



Varied roof forms help break up massing.

SINGLE-FAMILY**DESIGN STANDARDS AND GUIDELINES****ROOF FORMS AND ROOF DECKS****STANDARDS**

RF S.1 The permitted area of all roof decks shall not exceed 25% of the total square footage of the second floor of the structure or 300 square feet, whichever is less. Where a roof deck is proposed on a single-story dwelling, all roof decks shall not exceed 50% of the total square footage of the first floor of the structure or 600 square feet, whichever is less.

RF S.2 Roof decks shall be setback a minimum of 10-feet from the front and rear yard roof eaves and minimum of five (5) feet from the side yard roof eaves.

GUIDELINES

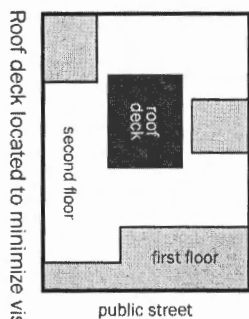
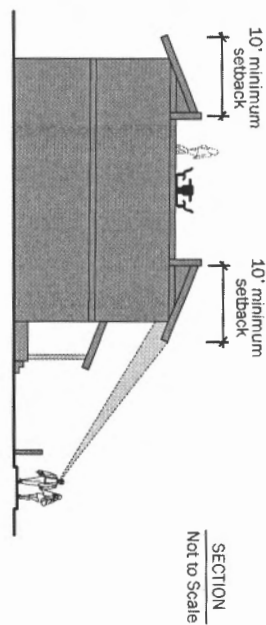
RF G.1 Roof decks should be integrated into roof forms to minimize their appearance in the overall form of a structure.

RF G.2 Access to roof decks should be architecturally integrated into the building form through the use of building massing and/or articulation.

RF G.3 Roof forms should be utilized to minimize the appearance of any roof deck screening walls to the greatest extent feasible. Any roof deck railing should be solid, with transparent roof deck railing strongly discouraged.

RF G.4 Exterior stairways should complement the architectural massing and be integrated into the design of the structure. Thin-looking, open metal, prefabricated stairs are strongly discouraged and are not to be placed along the front elevation to be visible from the street.

RF G.5 Ensure roof forms, materials and detailing are consistent with the chosen architectural style.



Roof deck located to minimize visibility.

RF G.6 Multi-form roofs, such as gable, hip and shed roof combinations, are encouraged to create varying roof forms, create interest and break up the massing of the building. Mansard type roofs are discouraged.

RF G.7 Place lower profile roof forms adjacent to existing single-story homes to promote greater compatibility.

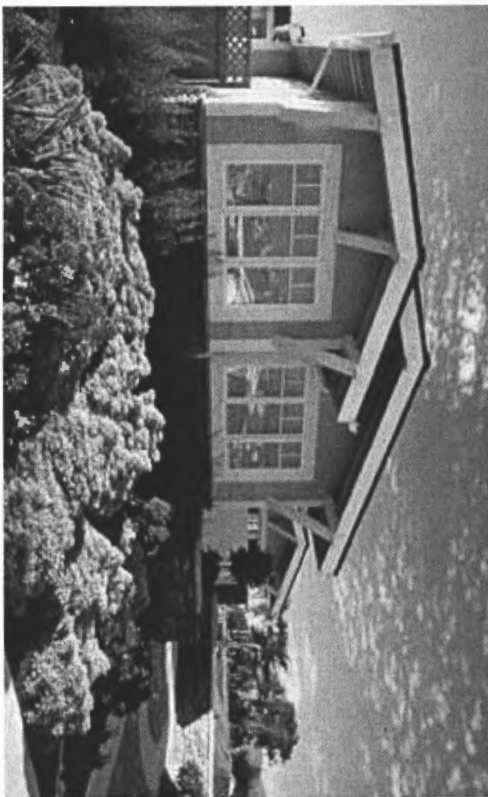
RF G.8 If flat or low-slope roof forms are proposed on a second-story, the shading of adjacent structures should be minimized to the greatest extent feasible.

RF G.9 Deep roof overhangs are encouraged to create shadow and add depth to building forms.

RF G.10 Rafter tails and other roof elements are encouraged as roof overhang details.

ARCHITECTURAL FEATURES AND ARTICULATION**GUIDELINES**

- AF G.1** Incorporate four-sided architecture with variation in massing and wall planes, as well as surface articulation on each building elevation.
- AF G.2** Varied architectural elements and details, such as porches, balconies, trellises or decks, consistent with the chosen architectural style, should be designed to enhance visual interest and help reduce perceived building mass on all elevations.
- AF G.3** Building facades should be well-articulated with windows, window trim, window sills, wall articulations, moldings, pilasters, exposed chimneys, variation of building materials, etc. Blank walls should be avoided.
- AF G.4** Artificial plant-ions, foam detailing and other similar elements not consistent with the chosen architectural style of the house, are discouraged.
- AF G.5** Ensure all architectural elements are in proportion with the overall home design.
- AF G.6** Align architectural elements (i.e. windows, doors), whether vertically or horizontally, to provide balance on each building elevation consistent with the chosen architectural style.



Roof elements and windows help articulate the front facade.



Provide architectural features and details, to enhance overall building design.

**SINGLE-FAMILY
DESIGN STANDARDS AND GUIDELINES**

GARAGES, CARPORTS AND ACCESSORY STRUCTURES

STANDARDS

GC 5.1 Where the width of a garage exceeds 50% of the linear front or side elevations, recess the garage a minimum of five (5) feet from the front wall of the house or provide an entry porch or trellis extending in front of the face of the garage.

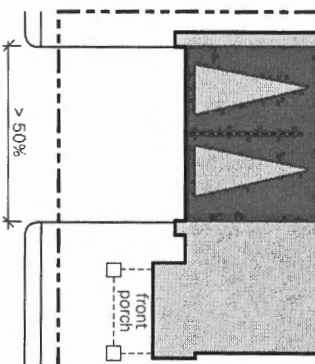
GC 5.2 Recess garage doors a minimum of 4-inches from the adjacent exterior wall plane.

GC 5.3 To minimize the dominance of garage doors along the street frontage, no three (3) car garages are allowed with side-by-side garage doors on lots less than 60-feet wide.

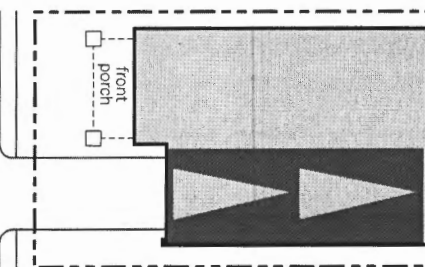
GUIDELINES

GC G.1 Acknowledging lot size, applicants are encouraged to utilize alternative garage configurations in new developments and remodels such as those recessed from the front facade, side loaded, single door tandem or detached and located at the rear of a lot.

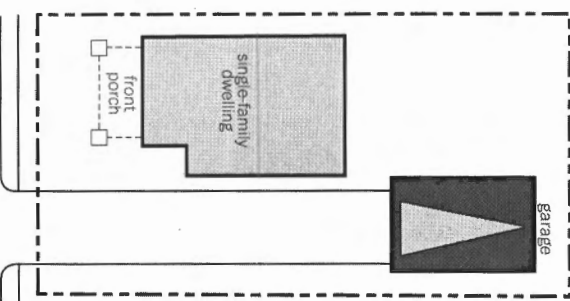
GC G.2 Vehicle lifts may be permitted on a case-by-case basis, provided they are integrated into the design of a structure, improve the design aesthetic and aid in meeting the off-street parking requirements for a property with physical constraints or as determined appropriate by the Community Development Director. Where a vehicle lift is pursued as part of a project, the City may require a deed restriction to ensure the property complies with off-street parking requirements long-term.



Garage setback standard.



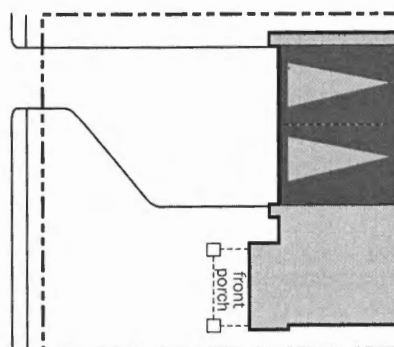
Recessed and tandem garages encouraged.



Garage located at back of lot.

GARAGES, CARPORTS AND ACCESSORY STRUCTURES

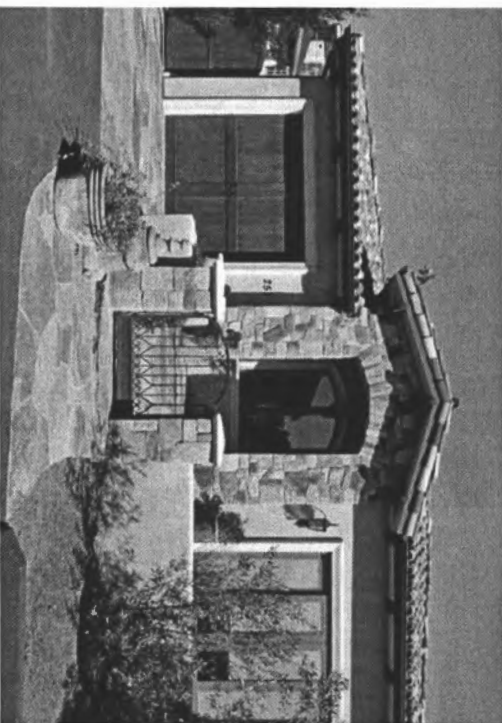
- CC G.3** Single car curb cuts with driveways that widen to divided or staggered garage door openings are encouraged to aid in minimizing the concrete area of the driveway apron.
- CC G.4** Provide decorative paving materials, tire strips and/or other driveway enhancements to minimize large expanses of paving.
- CC G.5** Garage doors should be articulated with panels and/or windows to minimize the dominance of these large planes on a front or side facade.
- CC G.6** Design garages, carports and accessory structures as an integral part of the architecture of a project in terms of similar materials, colors and detailing to the principal structure.



Single car curb cuts should widen to a two car garage, to minimize the driveway apron when viewed from the street.



Garages located at rear of lot minimizes the dominance of garage doors.



Single car garages with decorative paving are encouraged.

SINGLE-FAMILY

DESIGN STANDARDS AND GUIDELINES

MATERIALS AND COLORS

STANDARDS

MC S.1 A minimum of three (3) colors and/or materials shall be provided as part of a project submittal. This may include trellis structures, terra cotta tile roof materials and wall materials.

GUIDELINES

MC G.1 Material changes should occur at intersecting planes to appear natural and integral to the facade. Material or color changes at the outside corners of structures should be avoided.

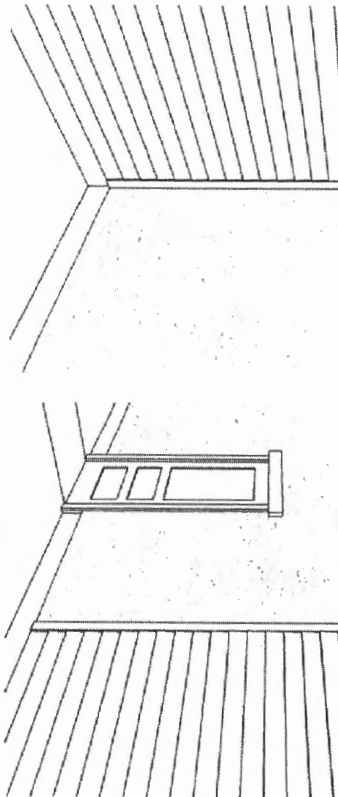
MC G.2 Materials, colors and details should be used in an authentic manner, reinforcing the chosen architectural style and overall development concept proposed.

MC G.3 While stucco is not prohibited as a material, it should be used only when consistent with the chosen architectural style and in the correct application manner (e.g. smooth troweled finish).

MC G.4 Where appropriate to the proposed architectural style, vary materials and textures between the base and body of a building to break up large wall planes and add a visual base to the building. In general, heavier materials and darker colors should be used lower on the building elevation to form the building base and anchor the building to the site.

MC G.5 Natural materials such as brick, stone, copper, etc. should be left in their natural state or color.

MC G.6 Accent and trim elements should be differentiated from the primary surface materials/colors through colors and/or materials.



Change of materials or colors should occur at interior corners of wall planes.

Change of materials or colors should not occur on the same wall plane.



Change materials and colors at inside corners and where intersecting planes meet.

MC G.7 While more subdued colors usually work best for overall building color, bright or accent colors are typically more appropriate for trim, windows, doors and/or key architectural elements, as long as they are consistent with the chosen architectural style.

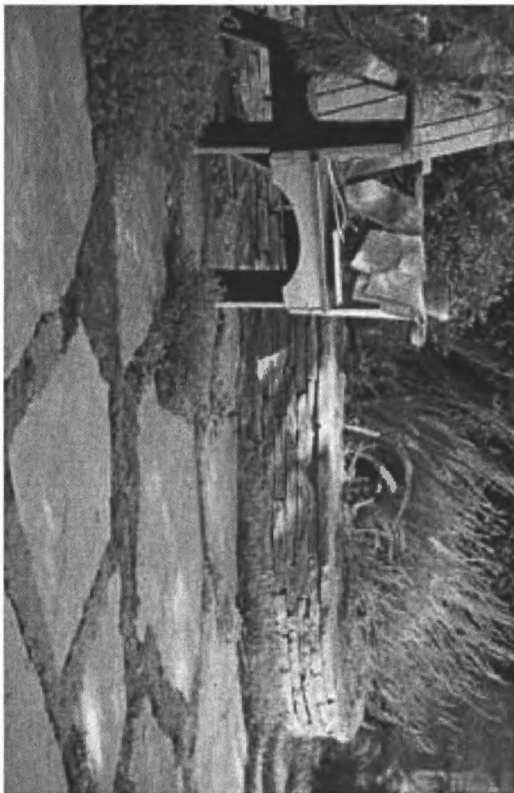
LANDSCAPE AREAS AND FENCING

GUIDELINES

- LA G.1 Landscape areas should be an integral part of the project design and not simply left-over areas of a site.
- LA G.2 Define outdoor spaces and soften a buildings appearance through the use of landscaping.
- LA G.3 Drought tolerant landscaping is required consistent with City water requirements. Alternative plant materials, such as artificial turf, may be considered.
- LA G.4 Locate and space trees and shrubs to allow for adequate mature and long-term growth. Trees and shrubs that create minimal root problems should be selected.
- LA G.5 Front yard fencing and walls should complement the chosen architectural style of the structure through the use of materials and colors. Chain link type fences are strongly discouraged.
- LA G.6 Any decks proposed within front yard areas of a property should be architecturally compatible with the dwelling and be located outside of any street right-of-way area.

SINGLE-FAMILY DESIGN STANDARDS AND GUIDELINES

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Provide definition to outdoor spaces with appropriate landscaping.



Drought tolerant landscaping is encouraged.

SINGLE-FAMILY

DESIGN STANDARDS AND GUIDELINES

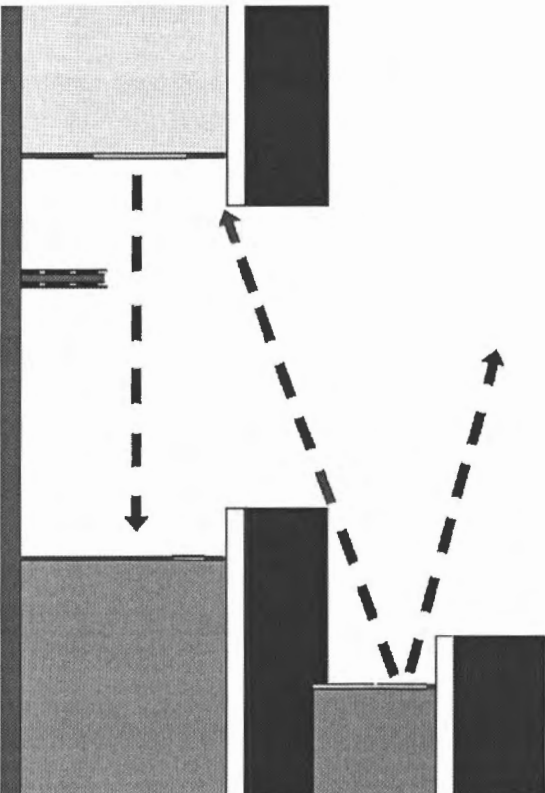
GOOD NEIGHBOR

GUIDELINES

- GN G.1** Identify on the proposed site plan potential privacy-sensitive areas on adjacent parcels with details provided on how they have been addressed by the proposed design.
- GN G.2** New development should carefully consider floor plan layout and window placement to minimize unfiltered and direct views from a primary living area into a neighboring primary living area or backyard recreational area, as feasible.
- GN G.3** Roof decks and balconies should be located and designed to minimize potential privacy-sensitive issues on adjacent parcels, as feasible.
- GN G.4** The use of large, blank walls as a method to address privacy impacts is not acceptable.



Landscaping associated with appropriate fencing can also enhance privacy.



Minimize direct sight lines into adjacent properties by proper planning of window placement.

INCENTIVES FOR SINGLE-STORY HOMES**STANDARDS**

- IS 5.1** As allowed by the Municipal Code, permit Administrative Coastal Development Permits (CDPs) for the renovation or addition to an existing single-story cottage.
- IS 5.2** Consistent with General Plan Land Use Policy LU-H-4a.c, where a new single-story dwelling or a single-story addition to an existing single-story dwelling is proposed, only one (1) off-street, enclosed parking space is required without the requirement of a variance.
- IS 5.3** For the purposes of this document, the required enclosed parking space for single-story dwellings may be provided as a carport and is not required to provide three walls and a door(s) but shall provide a permanent roof.
- IS 5.4** Where a carport is proposed as part of a single-story dwelling, it shall be setback from the front facade a minimum of two (2) feet. Any parking space located within a carport must meet the minimum City Standards for parking space dimensions.
- IS 5.5** Where General Plan Land Use Policy LU-H-4a.c is pursued as part of a proposed project, the City shall require the applicant to record a deed restriction limiting future second-story additions, unless off-street parking required under the Municipal Code can be met.
- IS 5.6** Where a single-story dwelling is existing or proposed, accessory structures may be setback five (5) feet from the rear property line on non-bluff top properties, where feasible with utility constraints. Accessory structures associated with single-story dwellings shall not have cooking facilities but living and sleeping quarters are permitted.
- IS 5.7** As permitted by General Plan Land Use Policy LU-H-4a.c, where a new single-story dwelling or an addition to an existing single-story dwelling is proposed, the total building area may be expanded in excess of that specified in the Zoning Ordinance with the ability to reduce the front, side and rear yard setbacks without the requirement of a variance, subject to Community Development Director approval.

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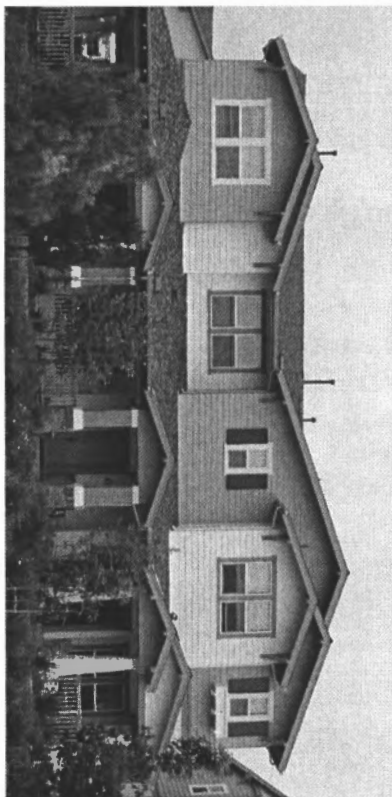
MULTI-FAMILY

DESIGN STANDARDS AND GUIDELINES

SITE PLANNING AND NEIGHBORHOOD CHARACTER

STANDARDS

- SP 5.1** Where a new multi-family development is proposed on a lot without curb, gutter, and/or sidewalk improvements within the street right-of-way, the City shall require the installation of one (1) or all of these improvements as part of a project approval. Permeable pavers, decomposed granite or decorative pea gravel shall be provided within the street right-of-way in instances where the installation of a standard sized sidewalk is determined to be infeasible due to lot size limitations.



Address street frontages to minimize garage door and parking area dominance.

GUIDELINES

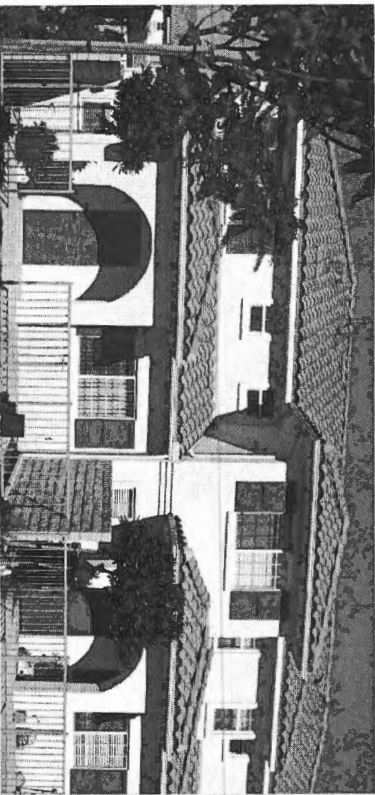
- SP G.1** While no specific architectural style is required for multi-family dwellings, applicants should identify the chosen architectural style and its defining characteristics as part of the permit application. All building designs should contribute to and complement the neighborhood character as outlined in the Vision and Community Character and History sections in Chapter One.
- SP G.2** Though contemporary architecture styles are allowed, applicants should exhibit caution when considering architectural styles that have recently become popular or trendy but have not yet withstood the test of time. In addition, historic styles that cannot be authentically replicated should be avoided.
- SP G.3** Multi-family buildings should be oriented towards the adjacent primary public street while also utilizing porches, landscaping and other features to extend the living area toward the street.
- SP G.4** Buildings should be oriented to avoid instances where living spaces of one dwelling unit face the living space of another.
- SP G.5** Private drive aisles at rear or side of lot should be utilized when garage parking is proposed in order to maximize landscaping, porches, and entries at the street edge.
- SP G.6** Incorporate additional landscaping, setbacks and/or address building orientation and placement where adjacent land uses may be incompatible with a multi-family development.

MULTI-FAMILY**DESIGN STANDARDS AND GUIDELINES****SCALE AND MASSING****GUIDELINES**

- SM G.1** Break up massing through the use of design features such as balconies, varied upper floor setbacks and/or varying roof forms.
- SM G.2** Combinations of single and multi-story elements are encouraged to create variation in massing and building height.
- SM G.3** Step back upper stories to reduce the scale of facades that are adjacent to the street, courtyards or open spaces and adjacent single-family dwellings.
- SM G.4** Traditional scale and proportions of the chosen architectural style should be reflected in the building design.
- SM G.5** Minimize the appearance of building mass with building articulation such as the use of windows, roof overhangs, awnings, moldings, fixtures and/or other detailing.
- SM G.6** Utilize architectural details and materials on lower walls that relate to the human scale such as arches, trellises and/or awnings.
- SM G.7** Surface detailing, such as score lines and color changes, are not considered a substitute for required material integration and distinctive scale and massing.



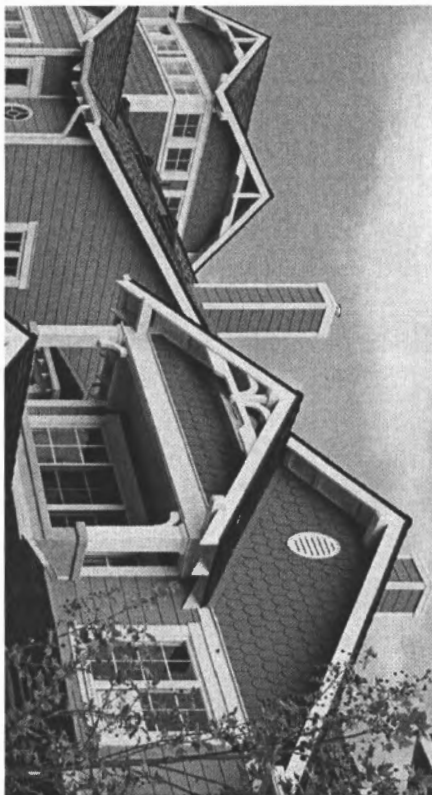
Incorporate articulation into the building design, such as roof overhangs, balconies or porches to minimize the mass of the overall building.



Step back the upper stories of developments to break up building massing.

ROOF FORMS AND ROOF DECKS**GUIDELINES**

- RF G.1** Ensure roof forms, materials and detailing are consistent with the chosen architectural style.
- RF G.2** Multi-form roofs, such as gable, hip and shed roof combinations, are encouraged to create varying roof forms, create interest and break up the massing of the building. Mansard roofs are discouraged.
- RF G.3** Place lower profile roof forms adjacent to existing single-story homes to ensure greater compatibility.
- RF G.4** If flat or low-slope roof forms are proposed, the shading of adjacent structures should be minimized to the greatest extent feasible.
- RF G.5** Roof elements should continue all the way around the building and not just be utilized in the most visible locations.
- RF G.6** Deep roof overhangs are encouraged to create shadow and add depth to building forms.
- RF G.7** Rafter tails and other roof elements are encouraged as roof overhang details.
- RF G.8** Roof decks should be integrated into roof forms to minimize their appearance in the overall form of a structure.
- RF G.9** Roof forms should be utilized to minimize the appearance of any roof deck screening walls to the greatest extent feasible.



A variety of roof forms should be utilized in a project.

- RF G.10** Roof decks should be integrated into roof forms to minimize their appearance in the overall form of a structure.
- RF G.11** Access to roof decks should be architecturally integrated into the building form through the use of building massing and/or articulation.
- RF G.12** Roof forms should be utilized to minimize the appearance of any roof decks to the greatest extent feasible. Any roof deck railing should be solid, with transparent roof deck railing strongly discouraged.
- RF G.13** Exterior stairways should complement the architectural massing and be integrated into the design of the structure. Thin-looking, open metal, prefabricated stairs are strongly discouraged and are not to be placed along the front elevation so as to be visible from the street.

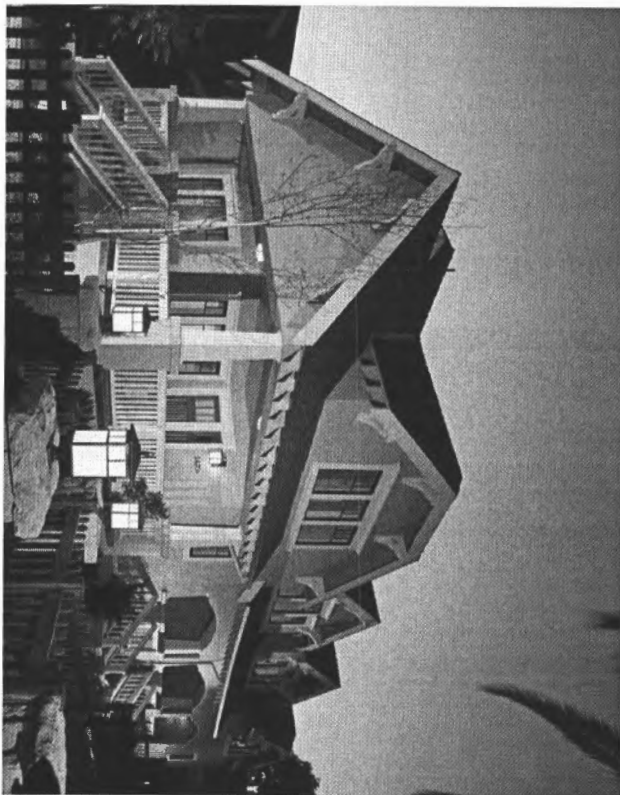
MULTI-FAMILY

DESIGN STANDARDS AND GUIDELINES

ARCHITECTURAL FEATURES AND ARTICULATION

GUIDELINES

- AF G.1 Incorporate four-sided architecture with variation in massing and wall planes, as well as surface articulation on each building elevation.
- AF G.2 Varied architectural elements and details, such as porches, balconies, trellises, awnings or decks, consistent with the chosen architectural style, should be designed to enhance visual interest and help reduce perceived building mass on all elevations.
- AF G.3 Building facades should be well-articulated with windows, wall articulations, moldings, pilasters, trellises, exposed chimneys, variation of building materials, etc. Blank walls should be avoided.
- AF G.4 Artificial plant-ons, foam detailing and other similar elements not consistent with the chosen architectural style of the house, are discouraged.
- AF G.5 Ensure all architectural elements proposed are in proportion with the overall building design.
- AF G.6 Align architectural elements (i.e. windows, doors), whether vertically or horizontally, to provide balance on each building elevation consistent with the chosen architectural style.



Porches, roof detailing, and windows help articulate front and side facades.

GARAGES, CARPORTS, AND ACCESSORY STRUCTURES

STANDARDS

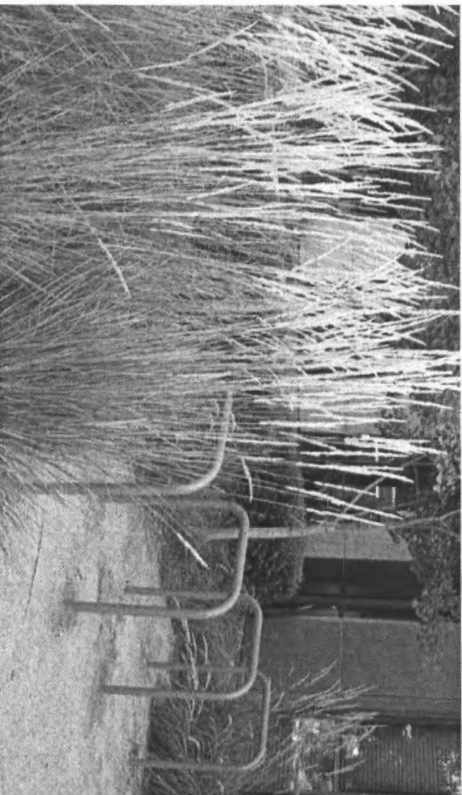
- GC S.1** Parking areas tucked under residential structures and visible from the street shall be enclosed behind garage doors.
- GC S.2** Recess garage doors a minimum of 4 inches from the adjacent exterior wall plane.

GUIDELINES

- GC G.1** Design garages, carports and accessory structures as an integral part of the architecture of a project in terms of similar materials, colors and detailing to the principal structure.
- GC G.2** Recess garages and parking areas behind a structure, where feasible, rather than being located between the main living area and a public street.
- GC G.3** Where it is determined that recessed garages and parking areas behind a structure are infeasible, minimize the appearance of garage doors through the use of roof forms, trellises and/or balconies above garage doors to minimize the impact from street view.
- GC G.4** Sectional roll-up garage doors should be used and articulated with panels and/or windows to minimize the dominance of these large planes on a building elevation.
- GC G.5** Any required bicycle parking should be placed in conveniently accessible locations on a site.



Locate parking areas under residential units and away from streets.



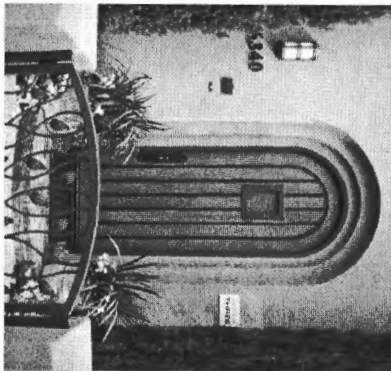
Incorporate accessible bicycle parking throughout a project.

MULTI-FAMILY
DESIGN STANDARDS AND GUIDELINES

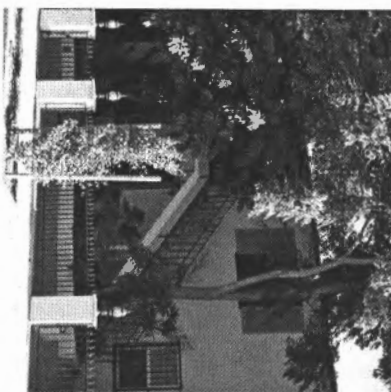
ENTRIES, DOORWAYS, AND WINDOWS

GUIDELINES

- ED G.1** Emphasize dwelling unit entries through the use of lighting, landscaping, porches and/or architectural detailing.
- ED G.2** Upper story unit entries should have a distinctive design that complements the main building frontage.
- ED G.3** Utilize window and door types, materials, shapes and proportions that complement the proposed architectural style of the building.
- ED G.4** Apply window articulation such as sills, trim, kickers, shutters, balconies, trellises or similar treatments to articulate the façades of the development.
- ED G.5** To enhance privacy, particularly when adjacent to existing single-family dwellings, stagger and offset windows on side elevations from the windows of an adjacent structure.
- ED G.6** Stairways should complement the architectural massing and form of multi-family structures.



Ensure door types are consistent with the proposed architectural style.



Provide stairways that complement multi-family structures.



Incorporate window detailing, such as flower boxes or trims to aid in providing facade interest.

UTILITARIAN AND TRASH AREAS

STANDARDS

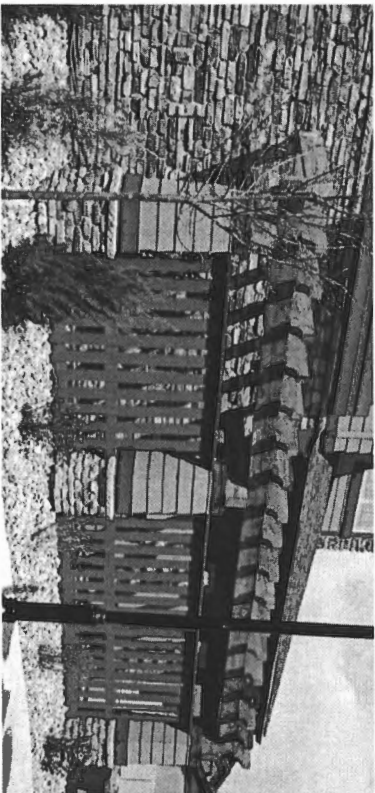
- UT S.1** A minimum 10' x 10' concrete pad shall be placed at the front of a trash enclosure to accommodate large collection vehicles and minimize long term paving maintenance.

GUIDELINES

- UT G.1** Integrate gutters and downspouts that are designed or decorated to be consistent with the building elevation on which they are proposed.
- UT G.2** Screen any outdoor mechanical or utility equipment, whether on a roof, side of a structure or attached to the ground from public view. The method of screening should be architecturally integrated with the adjacent structure in terms of materials, colors, shape and size.
- UT G.3** Utility equipment such as Fire Access Control Panels (FACP) and/or electrical service (SES) panels should be placed in a room that is architecturally integrated into the building. Exterior access doors to mechanical rooms should be labeled appropriately and be painted to match the approved building color.
- UT G.4** Roof-mounted equipment should be screened so that it is not visible from any street or scenic highway, such as Shell Beach Road or the 101 Freeway.
- UT G.5** Screen trash and recycling enclosures from public view with landscaping and/or decorative wall materials and colors that are architecturally compatible with the building design.



Provide landscaping screens, where appropriate and feasible.



Architecturally integrate utilitarian equipment rather than locating on the exterior of a building.

- UT G.6** On larger properties, trash enclosures should be set at a 30-degree angle to the drive aisle to provide efficient trash truck access and collection, where feasible.
- UT G.7** Where large trash and recycling bins are proposed, they should be located for easily accessible collection and maintenance.

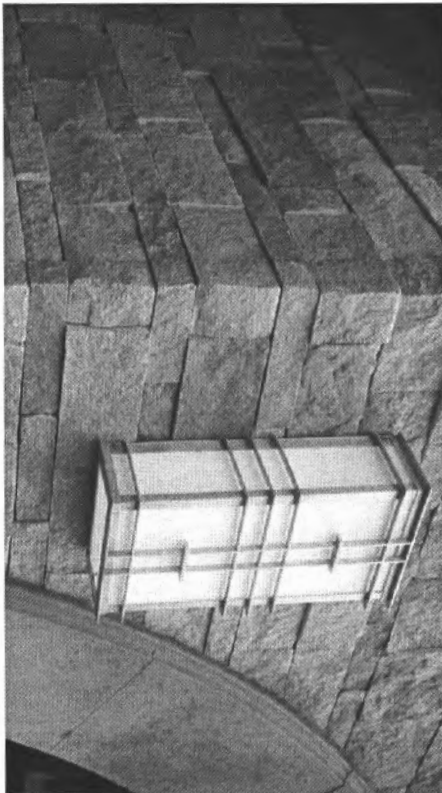
MULTI-FAMILY

DESIGN STANDARDS AND GUIDELINES

LIGHTING

GUIDELINES

- LG G.1** Design or select light fixtures to be architecturally compatible with the main structure or theme of the development.
- LG G.2** Shield and direct lighting downward or to specific object or target areas to avoid spilling onto adjacent properties.
- LG G.3** Utilize accent lighting to illuminate walkways, entries, seating areas, common open space areas, and/or specimen plants and trees.
- LG G.4** Any uplighting of building, signage or landscape elements should use the lowest wattage possible to minimize impacts to the night sky.



Utilize light fixtures that are architecturally compatible with the building.



Integrate accent lighting to illuminate walkways and other important features.

MATERIALS AND COLORS**STANDARDS**

- MC S.1** A minimum of three (3) colors and/or materials shall be provided as part of a project submittal. This may include trellis structures, terra cotta tile roof materials and wall materials.

GUIDELINES

- MC G.1** Materials, colors and details should be used in an authentic manner, reinforcing the chosen architectural style and overall development concept proposed.

- MC G.2** While stucco is not prohibited as a material, it should be used only when consistent with the chosen architectural style and in the correct application manner (e.g. smooth troweled finish).

- MC G.3** Where appropriate to the proposed architectural style, vary materials and textures between the base and body of a building to break up large wall planes and add a visual base to the building. In general, heavier materials and darker colors should be used lower on the building elevation to form the building base and anchor the building to the site.

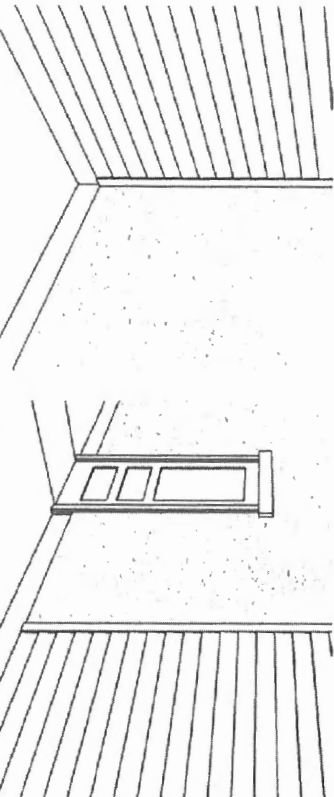
- MC G.4** Natural materials such as brick, stone, copper, etc. should be left in their natural state or color.

- MC G.5** Accent and trim elements should be differentiated from the primary surface materials/colors through the use of textures, colors, or materials.

- MC G.6** While more subdued colors usually work best for overall building color, bright or accent colors are typically more appropriate for trim, windows, doors and/or key architectural elements.



Incorporate a change of materials at intersecting planes on a building facade.



Change of materials or colors should occur at interior corners of wall planes. Change of materials or colors should not occur on the same wall plane.

- MC G.7** Material changes should occur at intersecting planes to appear substantial and integral to the façade. Material or color changes at the outside corners of structures should be avoided.

MULTI-FAMILY**DESIGN STANDARDS AND GUIDELINES****LANDSCAPE AREAS AND FENCING****STANDARDS**

LA 5.1 Provide a minimum of 80 square feet of usable private open space for each residential unit proposed, with a minimum of six (6) feet in any one direction. Private open space areas may include, but are not limited to, patios, balconies, courtyards and/or usable landscape areas.

LA 5.2 Areas not covered by structures, parking, or walkways shall be appropriately landscaped with a variety of materials in compliance with Chapter 17.30 (Landscaping) of the Municipal Code.

GUIDELINES

LA G.1 Landscape areas should be an integral part of the project design and not simply left-over areas of a site.

LA G.2 Orient private and common open space areas to take advantage of sunlight while also sheltering residents from noise and traffic of adjacent streets or other incompatible uses.

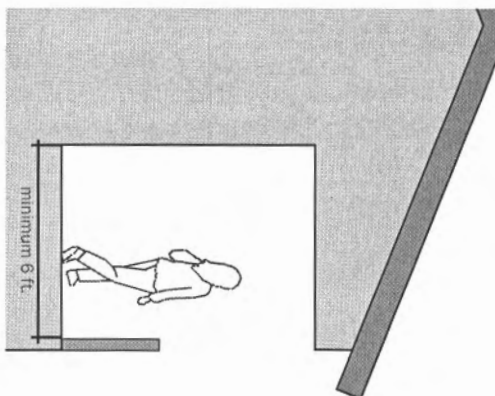
LA G.3 Utilize landscaping to frame, soften and embellish the quality of the site, buffer units from undesirable views, provide privacy screening, break up areas of parking and separate projects from adjacent public streets.

LA G.4 Accent plantings should be utilized around entries and activity hubs such as common open space areas.

LA G.5 Drought tolerant landscaping is required consistent with City water requirements. Alternative plant materials, such as artificial turf, may be considered.

LA G.6 Locate and space trees and shrubs to allow for adequate mature and long-term growth. Trees and shrubs that create minimal root problems should be selected.

LA G.7 Front yard fencing and walls should complement the chosen architectural style of the structure through the use of materials and colors. Chain link type fences are strongly discouraged.



Usable private open space standards.



Utilize accent plantings in entryways and common areas.

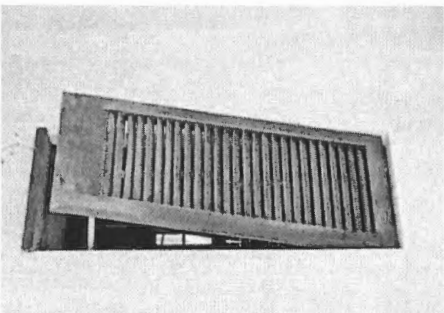
GOOD NEIGHBOR

GUIDELINES

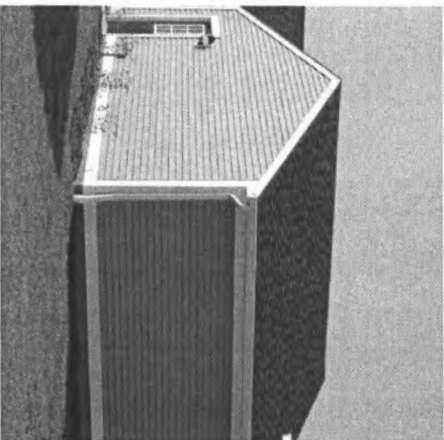
- GN G.1 Identify on the proposed site plan potential privacy-sensitive areas on adjacent parcels with details provided on how they have been addressed by the proposed design.
- GN G.2 New development should carefully consider floor plan layout and window placement to minimize unfiltered and direct views from a primary living area into a neighboring primary living area or backyard recreational area.
- GN G.3 Roof decks and balconies should be located and designed to minimize potential privacy-sensitive issues on adjacent parcels, as feasible.
- GN G.4 The use of large, blank walls as a method to address privacy impacts is not acceptable.



Landscaping and trees can provide screening between neighboring properties.



Shutters provide screening between neighboring properties.



Blank walls are not an acceptable method to address privacy issues.

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COMMERCIAL/MIXED-USE

DESIGN STANDARDS AND GUIDELINES

SITE PLANNING AND NEIGHBORHOOD CHARACTER

STANDARDS

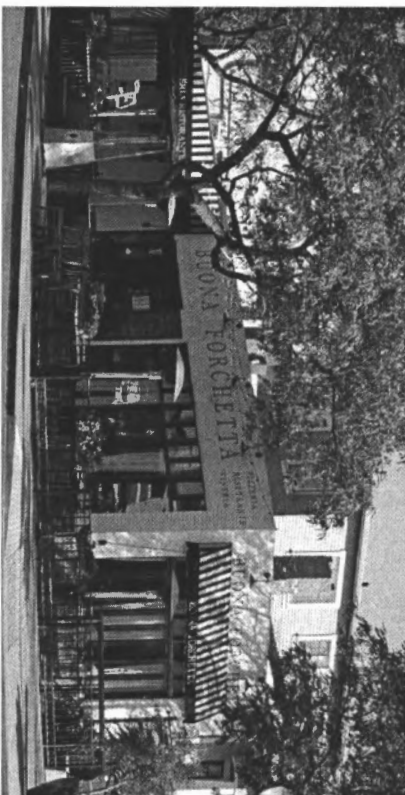
- SP S.1** Provide a minimum three (3) foot buffer area between buildings and parking areas or driveways in order to avoid placing paved vehicular areas next to building walls. Except where there are walkways, this buffer area shall be landscaped (See Municipal Code 17.108.030(B) 7).

GUIDELINES

- SP G.1** While no specific architectural style is required for commercial/mixed-use buildings, applicant's should identify the chosen architectural style and its defining characteristics as part of the permit application. All building designs should contribute to and complement the neighborhood character as outlined in the Vision and Community Character and History sections in Chapter One.

- SP G.2** Buildings and plazas should be oriented towards the site's primary public street and placed at the property lines (back of sidewalk) to define the street frontage and pedestrian areas. Where buildings are not placed at the property line, a publicly accessible outdoor use area should be provided.

- SP G.3** Siting of buildings should be located in a manner to optimize views from public streets to the ocean or nearby hills, as feasible.



Orient entries towards the street and create plazas/patio dining

- SP G.4** Multiple buildings in a single project are preferable to create building clusters that achieve "village" scale and creates opportunities for plazas while preventing long repetitive "barracks-like" rows of buildings.

- SP G.5** Commercial and mixed-use projects should be linked to residential areas through pedestrian circulation and strong visual relationships created by landscape and buildings.

- SP G.6** Parking areas should be located behind, on the side or underground from main building.

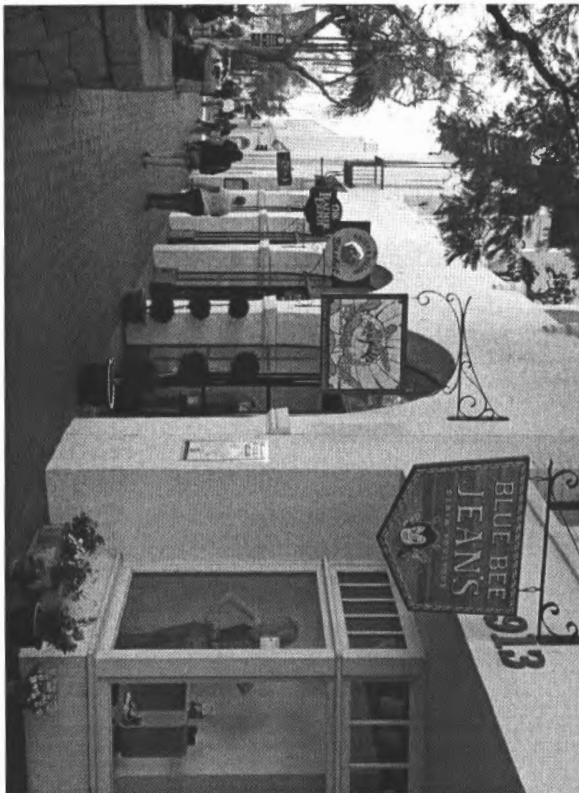
- SP G.7** Connect parking areas to building entrances through the use of enhanced or decorative paving and/or develop rear business entries, as feasible.

COMMERCIAL/MIXED-USE
DESIGN STANDARDS AND GUIDELINES

SCALE AND MASSING

GUIDELINES

- SM G.1** Scale and proportions of a structure should be consistent with the proposed architectural style of the neighborhood.
- SM G.2** Transition the scale and massing of new developments to address adjacent existing developments.
- SM G.3** Large monolithic massing and unarticulated buildings are unacceptable.
- SM G.4** Building footprints should be designed with variations composed of insets, entries, corners and jogs integrated with adjacent outdoor areas in order to create visual interest and give a sense of small scale and intimacy.
- SM G.5** Upper stories of new commercial/mixed-use developments should be stepped back, consistent with General Plan Land Use Policy LU-H 4b.b requirements, to reduce the scale of facades along street frontages.
- SM G.6** Provide a sense of human scale through the proper use of awnings, street level windows, roof overhangs, moldings, fixtures and/or other detailing.
- SM G.7** Surface detailing, such as score lines and color changes, are not considered a substitute for required material integration and distinctive scale and massing.



Recessed storefront entryways help provide a sense of human scale.

ROOF FORMS**GUIDELINES**

- RF G.1 Ensure roof forms, materials and detailing are consistent with the chosen architectural style.
- RF G.2 Multi-form roofs, such as gable, hip and shed roof combinations, are encouraged to create varying roof forms, create interest and break up the massing of the building. Mansard roofs are discouraged.
- RF G.3 Roof lines should be varied in height, and long horizontal roof lines should be broken up.
- RF G.4 Buildings with flat or low pitched roofs should incorporate parapets or other architectural elements to break up long horizontal rooflines.
- RF G.5 If flat or low-slope roof forms are proposed, the shading of adjacent structures should be minimized to the greatest extent feasible.
- RF G.6 Roof elements should continue all the way around the building and not just be utilized in the most visible locations.
- RF G.7 Deep roof overhangs are encouraged to create shadow and add depth to building forms.
- RF G.8 Rafter tails and other roof elements are encouraged as roof overhang details.
- RF G.9 Roof vents should be painted to match the roof color.



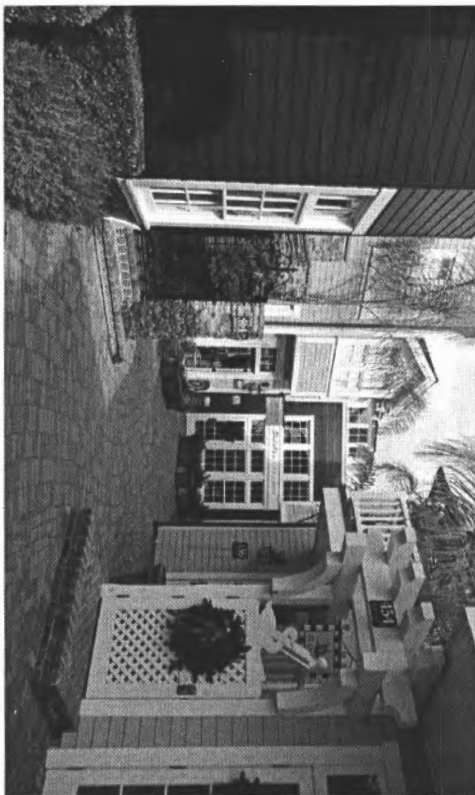
Varied roof heights and forms are encouraged to provide articulation and variety to a building facade.

COMMERCIAL/MIXED-USE DESIGN STANDARDS AND GUIDELINES

ARCHITECTURAL FEATURES AND ARTICULATION

GUIDELINES

- AF G.1** Incorporate four-sided architecture with variation in massing and wall planes, as well as surface articulation on each building elevation.
- AF G.2** Varied architectural elements and details, such as porches, balconies, trellises, awnings, or decks, consistent with the chosen architectural style, should be designed to enhance visual interest and help reduce perceived building mass on all elevations.
- AF G.3** Building facades should be well-articulated with windows, wall articulations, moldings, pilasters, trellises, exposed chimneys, variation of building materials, etc. Blank walls should be avoided.
- AF G.4** Ensure all architectural elements proposed are in proportion with the overall building design.
- AF G.5** Align architectural elements (i.e. windows, doors), whether vertically or horizontally, to provide balance on each building elevation consistent with the chosen architectural style.
- AF G.6** Awnings should be made of high quality, durable materials. Plastic awnings are strongly discouraged.



Provide well-articulated building facades.



Balconies enhance visual interest and reduce a building's perceived mass.

ENTRIES, DOORWAYS, AND WINDOWS**STANDARDS**

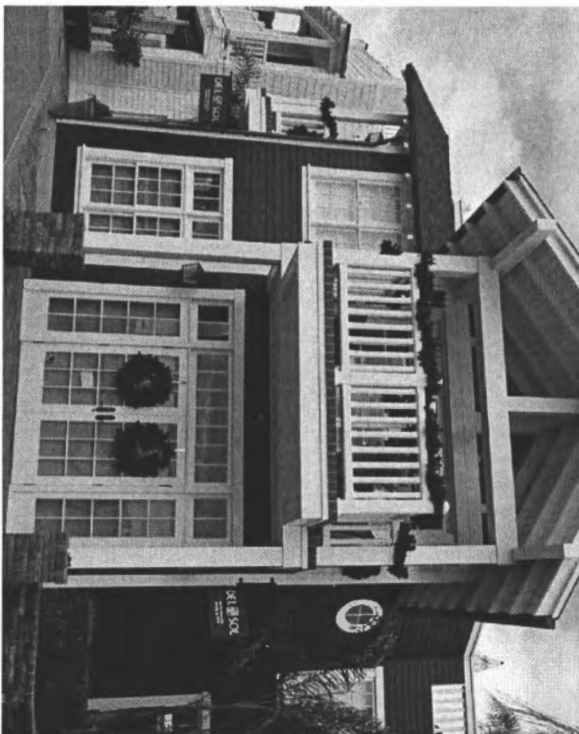
- ED 5.1** Exterior walls facing any front- or street-facing lot line must include windows, doors, or other openings for at least 30% of the building wall area located between three (3) and seven (7) feet above the elevation of the sidewalk. Openings fulfilling this requirement have transparent glazing and provide views into work areas, sales areas, lobbies, or similar active spaces or into window displays that are at least three (3) feet deep.

GUIDELINES

- ED G.1** Primary entries for commercial and residential uses should be emphasized through the use of lighting, landscaping, unique paving and/or architectural detailing.
- ED G.2** Where multiple uses are proposed within the same building, separate and conveniently located entrances should be provided for each use.
- ED G.3** For commercial uses, recessed storefront entries are strongly encouraged.
- ED G.4** All commercial and residential unit entries should have a distinctive design that complements the main building frontage.
- ED G.5** Utilize window and door types, materials, shapes and proportions that complement the proposed architectural style of the building.
- ED G.6** Apply window articulation such as sills, trim, kickers, shutters, balconies, trellises or similar treatments to articulate the facades of the development.

COMMERCIAL/MIXED-USE
 DESIGN STANDARDS AND GUIDELINES

4.A-50



Window, door and balcony treatments help articulate the facade.



Utilize window and storefront detailing, including flower boxes.

- ED G.7** To enhance privacy, particularly when adjacent to existing dwellings, stagger and offset windows from the windows of an adjacent structure.
- ED G.8** Exterior stairways should complement the architectural massing and form of commercial/mixed-use structures.

COMMERCIAL/MIXED-USE

DESIGN STANDARDS AND GUIDELINES

PARKING

STANDARDS

- PA S.1** Consistent with General Plan Land Use Policy LU-H-4b.e, on-site parking is not required for new development or redevelopment of commercial structures adjacent to Shell Beach Road, which are not adjacent or accessible to a side street.

GUIDELINES

- PA G.1** Utilize landscaping, low walls, berms and/or other means to further minimize views of parking areas from adjacent public streets while promoting views of buildings on the site.

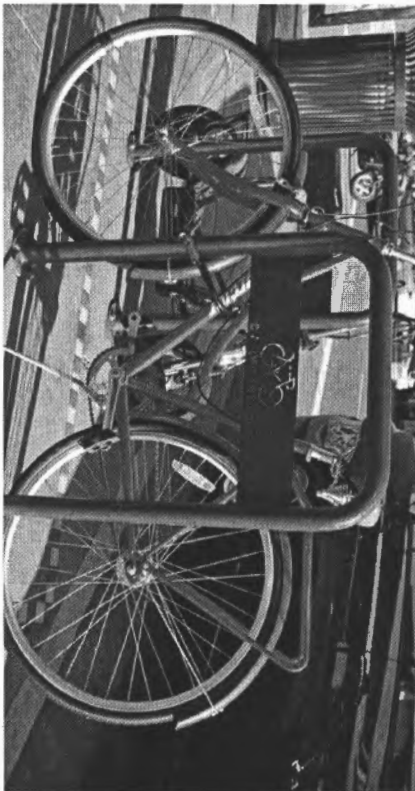
- PA G.2** Locate loading facilities to the rear of the site, as feasible.

- PA G.3** Design detached garages, carports and accessory structures as an integral part of the architecture of a project, incorporating similar materials, colors and detailing to the principal structure of the development.

- PA G.4** Avoid open views of basement parking structures and carports, as feasible.

- PA G.5** Where a parcel fronts onto Shell Beach Road, place bicycle parking in conveniently accessible locations consistent with the Shell Beach Road Streetscape Master Plan.

- PA G.6** Parking areas should be designed so as to physically and visually link the site to the street sidewalk as an extension of the internal pedestrian environment in order to invite pedestrian access and reduce pedestrian/vehicle conflicts. This may be accomplished by using design features such as walkways, trellis structures and/or landscaping.



Locate bicycle parking in appropriate and accessible areas.



Create and connect pedestrian areas from parking to commercial uses.

UTILITARIAN AND TRASH AREAS

STANDARDS

- UT 5.1** A minimum 10'x 10' concrete pad shall be placed at the front of a trash enclosure to accommodate large collection vehicles and minimize long term paving maintenance.

GUIDELINES

- UT G.1** Integrate gutters and downspouts that are designed or decorated to be consistent with the building elevation on which they are proposed.

- UT G.2** Screen any outdoor mechanical or utility equipment, whether on a roof, side of a structure, or attached to the ground from public view. The method of screening should be architecturally integrated with the adjacent structure in terms of materials, colors, shape and size.

- UT G.3** Utility equipment such as Fire Access Control Panels (FACP) and/or electrical service (SES) panels should be placed in a room that is architecturally integrated into the building. Exterior access doors to mechanical rooms should be labeled appropriately and be painted to match the approved building color.

- UT G.4** Roof-mounted equipment should not be visible from a street or a scenic highway, such as Shell Beach Road or the 101 Freeway.

- UT G.5** Screen trash and recycling enclosures from public view with landscaping and/or decorative wall materials and colors that are architecturally compatible with the building design.

- UT G.6** On larger properties, trash enclosures should be set at a 30-degree angle to the drive aisle to provide efficient trash truck access and collection, as feasible.



Ensure materials are architecturally compatible with the building design.



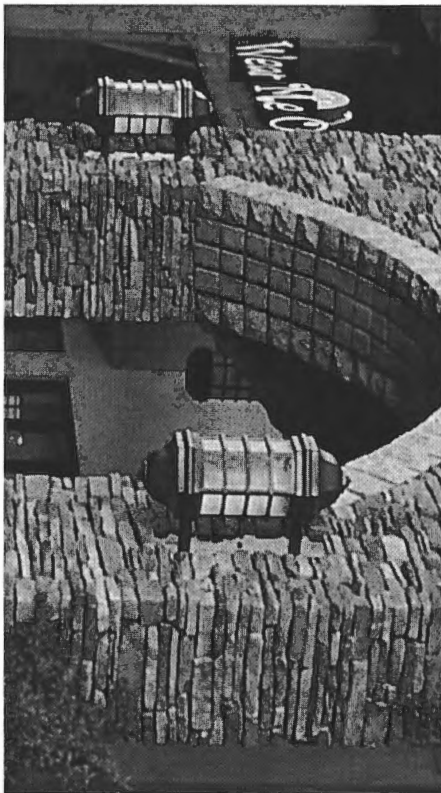
Utilize landscaping to screen utility service areas.

- UT G.7** Where large trash and recycling bins are proposed, they should be located for easily accessible collection and maintenance.

- UT G.8** Trash enclosures should be located away from adjacent single-family residential uses to the greatest extent feasible.

COMMERCIAL/MIXED-USE**DESIGN STANDARDS AND GUIDELINES****LIGHTING****GUIDELINES**

- LG G.1** Design or select light fixtures to be architecturally compatible with the main structure or theme of the development.
- LG G.2** Decorative shields that direct lighting downward or to specific object or target areas to avoid spilling onto adjacent properties should be used for overhead lighting.
- LG G.3** Any parking lot and/or other outdoor lighting proposed should be the minimum illumination necessary to accommodate safety and security in order to minimize impacts on the adjacent residential areas.
- LG G.4** Bollard or other low-height lighting should be used whenever possible for pedestrian areas of the project.
- LG G.5** Utilize accent lighting to illuminate walkways, entries, seating areas, common open space areas and/or specimen plants and trees.
- LG G.6** Any uplighting of building or landscape elements should use the lowest wattage possible to minimize impacts to the night sky.



Utilize accent lighting.

SIGNAGE**GUIDELINES**

- SE G.1** Neon is highly encouraged for signage within commercial and mixed-use projects, as it contributes to the historical and community character of Shell Beach.
- SE G.2** Signage proposed as part of a commercial or mixed-use project should reflect the type of business through design, shape, and/or graphic form.
- SE G.3** Integrate the method of sign attachment to the building into the overall sign design chosen.
- SE G.4** For commercial portions of a project, hanging signs attached to a building that project perpendicular to the building are encouraged along pedestrian areas.
- SE G.5** Signs should not cover up windows or important architectural features of a building.
- SE G.6** Any lighting associated with exterior signage should be directed to illuminate the sign without producing glare on pedestrians, vehicles or adjacent properties. Neon signs are exempt from this guideline.
- SE G.7** Projects should be identified by low-level monument signing in order to provide business center identification for commercial tenants, visitors and patrons. Such signs may include logos and should be harmonious in scale, form, materials and colors with project buildings, walls and other structures. Plastic-faced internally-lighted signs and sign cabinets or raceways are not acceptable.
- SE G.8** Monument signs should be placed perpendicular to the street and should be located within a landscape planter.

COMMERCIAL/MIXED-USE
DESIGN STANDARDS AND GUIDELINES

4.A-54



Hanging signs should project perpendicular to the building.



Neon signs contribute to Shell Beach character and are highly encouraged.

COMMERCIAL/MIXED-USE**DESIGN STANDARDS AND GUIDELINES****MATERIALS AND COLORS****STANDARDS**

- MC S.1** A minimum of three (3) colors and/or materials shall be provided as part of a project submittal. This may include trellis structures, terra cotta tile roof materials and wall materials.

GUIDELINES

- MC G.1** Materials, colors and details should be used in an authentic manner, reinforcing the architectural style and overall development concept proposed.

- MC G.2** While stucco is not prohibited as a material, it should be used only when consistent with the chosen architectural style and in the correct application manner (e.g. smooth, rough, trowel, etc.).

- MC G.3** Where appropriate to the proposed architectural style, vary materials and textures between the base and body of a building to break up large wall planes and add a visual base to the building. In general, heavier materials and darker colors should be used lower on the building elevation to form the building base and anchor the building to the site.

- MC G.4** Where a mixed-use project is proposed, utilize a consistent architectural style and materials palette. If the intent of an applicant is to differentiate between proposed buildings or uses, variation in architectural detailing may be considered appropriate.

- MC G.5** Natural materials such as brick, stone, copper, etc. should be left in their natural state or color.



Apply change of materials at intersecting planes.

- MC G.6** Accent and trim elements should be differentiated from the primary surface materials/colors through the use of textures, colors or materials.

- MC G.7** While more subdued colors usually work best for overall building color, bright or accent colors are typically more appropriate for trim, windows, doors and/or key architectural elements.

- MC G.8** Material changes should occur at intersecting planes to appear substantial and integral to the facade. Material or color changes at the outside corners of structures should be avoided.

PUBLIC SPACES, OPEN SPACE AND LANDSCAPE AREAS

STANDARDS

PS 5.1 Where a single development is proposed over two or more contiguous lots or extending along an entire block frontage along Shell Beach Road, a minimum of 5% of the gross lot area shall be dedicated to publicly accessible open space areas. Publicly accessible open space areas may include, but are not limited to, outdoor areas such as plazas, paseos, outdoor dining areas and/or usable landscape areas.

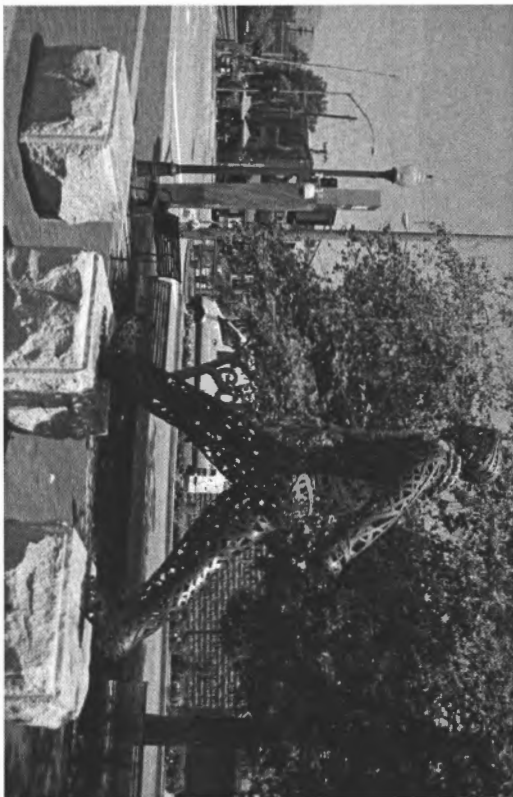
PS 5.2 Provide a minimum of 60 square feet of usable private open space for each residential unit proposed, with a minimum of six (6) feet in any one direction. Private open space areas may include, but are not limited to, patios, balconies, courtyards and/or usable landscape areas.

PS 5.3 Public art, subject to City approval (Municipal Code Chapter 15.49), shall be provided with all new development and additions or reconstruction that expand existing floor area by 50% or greater.

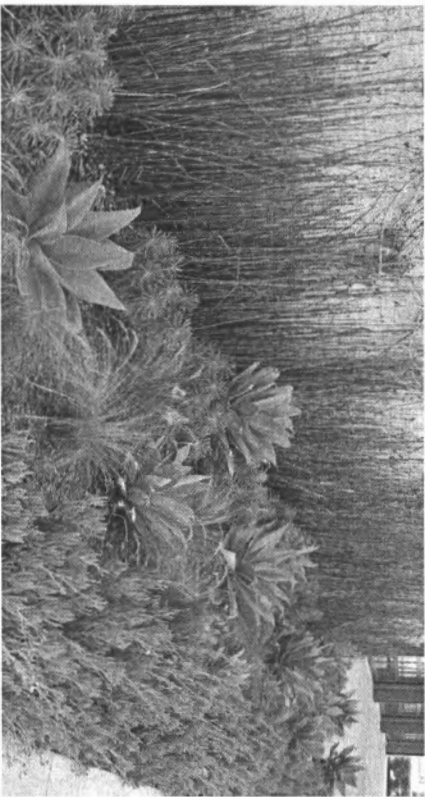
PS 5.4 One (1) tree shall be planted in a parking lot diamond planter for every four (4) parking spaces.

COMMERCIAL/MIXED-USE DESIGN STANDARDS AND GUIDELINES

4.A-56



Integrate public art into any new development, additions or reconstruction.



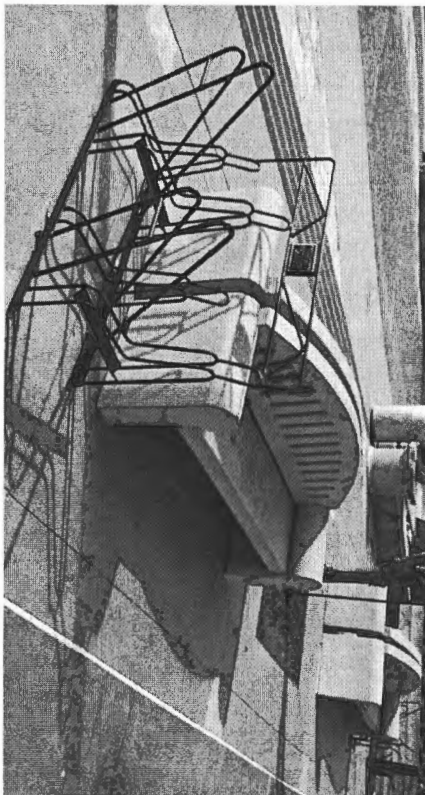
Incorporate drought tolerant landscaping into the project design.

COMMERCIAL/MIXED-USE DESIGN STANDARDS AND GUIDELINES

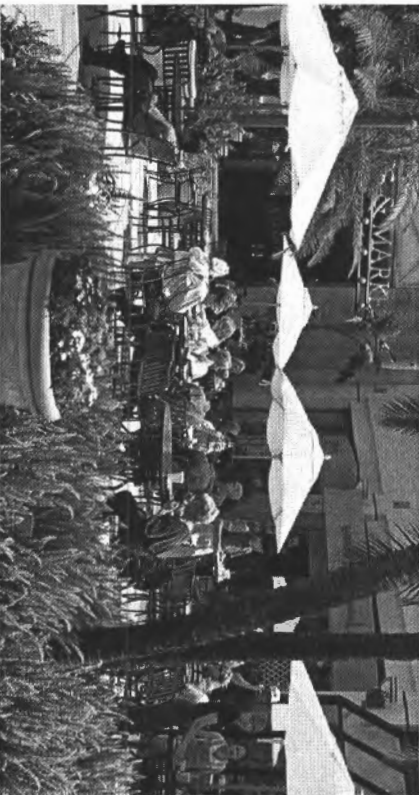
PUBLIC SPACES, OPEN SPACE AND LANDSCAPE AREAS

GUIDELINES

- PS G.1** The streetscape design should invite pedestrian activity, through defined publicly accessible outdoor spaces, such as arcades, colonnades and courtyards.
- PS G.2** Publicly accessible outdoor spaces should include seating, trash cans, bicycle racks and/or pedestrian amenities.
- PS G.3** Landscape areas should be an integral part of the project and not simply left-over areas of a site.
- PS G.4** Landscape should be designed to accentuate the architecture and not be a substitute for quality building design.
- PS G.5** Define outdoor spaces and soften a building's appearance through the use of landscaping.
- PS G.6** Accent plantings should be utilized around entries and activity hubs such as public open space areas.
- PS G.7** Drought tolerant landscaping is required consistent with City water requirements.
- PS G.8** Locate and space trees and shrubs to allow for adequate mature and long-term growth. Trees and shrubs that create minimal root problems should be selected.
- PS G.9** Decorative paving at project entries and interior project pedestrian areas should be used. This may consist of brick, tile, pavers, integrally-colored stamped concrete and/or similar materials.



Provide pedestrian amenities in publicly accessible area.

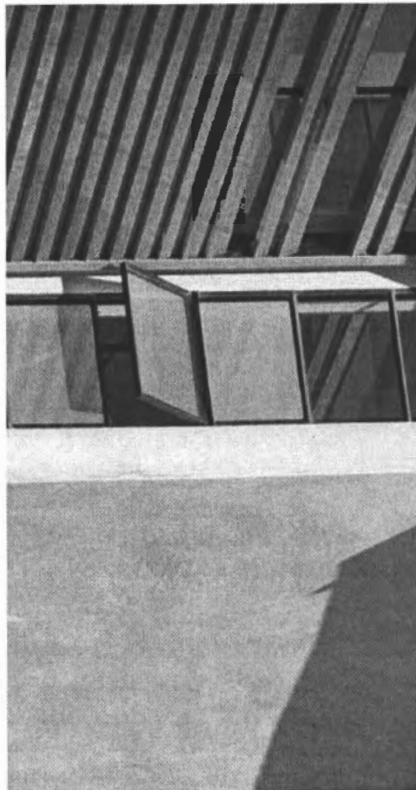


Intentionally create public and accessible open space areas.

GOOD NEIGHBOR

GUIDELINES

- GN G.1** Identify on proposed site plan potential privacy-sensitive areas on adjacent parcels with details provided on how they have been addressed by the proposed design.
- GN G.2** New development should carefully consider floor plan layout and window placement to minimize unfiltered and direct views from a primary living area into a neighboring primary living area or backyard recreational area.
- GN G.3** Roof decks and balconies should be located and designed to minimize potential privacy-sensitive issues on adjacent parcels, as feasible.
- GN G.4** The use of large, blank walls as a method to address privacy impacts is not acceptable.



Provide appropriate treatments to privacy-sensitive areas.

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APPENDIX

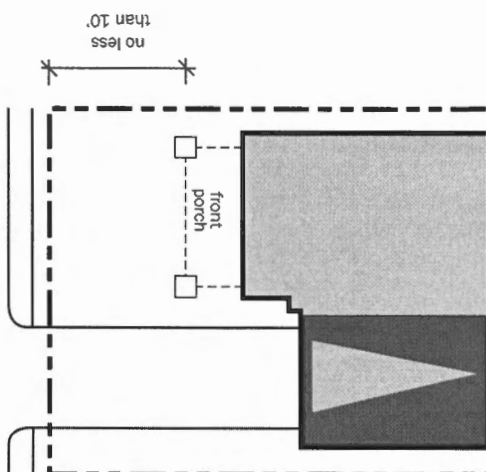
DESIGN STANDARDS AND GUIDELINES

FUTURE RECOMMENDATIONS FOR EDITS TO THE CITY'S LOCAL COASTAL PLAN (LCP) SCALE AND MASSING

The following list has been included as part of this document to direct future efforts needed to conduct a Local Coastal Plan (LCP) Amendment. Language provided herein will need to be updated and/or modified at the time of an LCP Amendment.

SINGLE-FAMILY DESIGN STANDARDS

- Front entry porches for a dwelling may encroach into the required front yard setback to a maximum of 30% of the required setback distance, but in no instance may the total front entry porch encroachment area exceed 90 square feet. All front entry porches may be covered but not enclosed, with the maximum allowable rolling height limited to 42 inches.



Front entry porch encroachment area.

APPENDIX

DESIGN STANDARDS AND GUIDELINES

ROOF DECKS AND ROOF FORMS

SINGLE-FAMILY DESIGN STANDARDS

- Modifying the max height to a flat roof vs. pitched roof (midpoint).

GARAGES AND CARPORTS

SINGLE-FAMILY DESIGN STANDARDS

- One (1) required off-street parking space for single-family dwellings must be located in an enclosed garage, however the second required space may be located in a carport or a driveway. Any parking space located within a carport or driveway must meet the minimum City Standards for parking space dimensions.
- Property owners proposing to include a vehicle lift as part of a proposed project shall be required to record a deed restriction ensuring the property maintains the required one (1) enclosed and one (1) non-enclosed off-street parking spaces.

PUBLIC SPACES, OPEN SPACE, AND LANDSCAPE AREAS

COMMERCIAL/MIXED-USE DESIGN STANDARDS

- Consistent with General Plan Land Use Policy LU-H-4b.d, for those commercial and/or mixed-use projects over two or more contiguous lots or where a single lot is greater than 6,000 square feet, publicly accessible areas provided within a project shall include enhanced landscaping, seating, unique paving, fountains and/or other streetscape amenities. Where streetscape amenities are proposed, Public Works shall review the proposal to determine whether the amenities are consistent with the Shell Beach Road Streetscape Master Plan.
- Consistent with General Plan Land Use Policy LU-H-4b.d, for those commercial and/or mixed-use projects on a single lot development less than 6,000 square feet fronting Shell Beach Road, streetscape amenities such as seating, bicycle racks and/or other pedestrian amenities shall be provided where Public Works determines them to be consistent with the Shell Beach Road Streetscape Master Plan.

OTHER

PLANNING AREA H

- Modify existing Coastal Appeal Overlay Zone to simplify and bring consistency to the Administrative Coastal Development Permit process within Planning Area H.

APPENDIX
DESIGN STANDARDS AND GUIDELINES

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Item No.: W 17 B
Application No. A-3-PSB-15-0030
Name: DAVID DUKE
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.

First, their project conforms in all respects to the community character. There are similar two-story residence in the area. The staff's suggestion that the Rozos second story should be reduced is based on a misinterpretation of the City's LCP, and unfairly imposes on them a different rule than is applied by the City to every other project that has come before them. The Rozos' proposed residence should not be unfairly targeted for modifications (let alone permit denial).

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Finally, I agree with your staff that there is no "sewer easement" issue with the project. The existing house is built DIRECTLY over the easement, so the proposed project only improves the City's access to its easement by bridging the building over it. There is no law that prohibits their proposed house on this ground.

Please do the right thing and vote to **approve the Rozos' project as they have proposed it**—and as approved by the City of Pismo Beach.

Sincerely,

David Duke

350 PLACENTIA SKULL BEACH

Item No.: W17B
Application No. A-3-PSB-15-0030
Name: MIKE EHRENBERG
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.

First, their project conforms in all respects to the community character. There are similar two-story residence in the area. The staff's suggestion that the Rozos second story should be reduced is based on a misinterpretation of the City's LCP, and unfairly imposes on them a different rule than is applied by the City to every other project that has come before them. The Rozos' proposed residence should not be unfairly targeted for modifications (let alone permit denial).

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Please do the right thing and vote to approve the Rozos' project as they have proposed it—and as approved by the City of Pismo Beach.

Sincerely, Mike Ehrenberg
154 WINDWARD AVE

Item No.: W17B
Application No. A-3-PSB-15-0030
Name: ERIC MILLER
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.

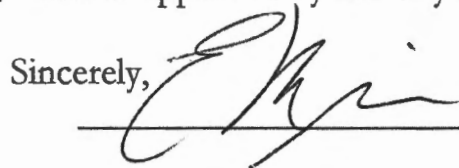
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Please do the right thing and vote to approve the Rozos' project as they have proposed it—and as approved by the City of Pismo Beach.

Sincerely,



Add: 343 MORRO AVE, PISMO BEACH, CA

Item No.: W17B
Application No. A-3-PSB-15-0030
Name: Georgianne Ferini
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.

First, their project conforms in all respects to the community character. There are similar two-story residence in the area. The staff's suggestion that the Rozos second story should be reduced is based on a misinterpretation of the City's LCP, and unfairly imposes on them a different rule than is applied by the City to every other project that has come before them. The Rozos' proposed residence should not be unfairly targeted for modifications (let alone permit denial).

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Please do the right thing and vote to **approve the Rozos' project as they have proposed it**—and as approved by the City of Pismo Beach.

Sincerely,

Georgianne Ferini
1829 Ocean Blvd. Jell Beach

Item No.: W17B
Application No. A-3-PSB-15-0030
Name: JOHN FRADY
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.

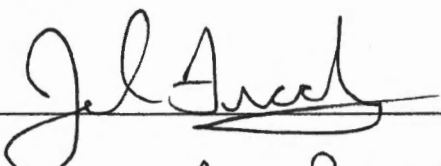
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Please do the right thing and vote to **approve the Rozos' project as they have proposed it**—and as approved by the City of Pismo Beach.

Sincerely,



338 PLACENTIA AVE PISMO BEACH CA 93449

Item No.: W17 B
Application No. A-3-PSB-15-0030
Name: TERRY O. HERRICK
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.

First, their project conforms in all respects to the community character. There are similar two-story residence in the area. The staff's suggestion that the Rozos second story should be reduced is based on a misinterpretation of the City's LCP, and unfairly imposes on them a different rule than is applied by the City to every other project that has come before them. The Rozos' proposed residence should not be unfairly targeted for modifications (let alone permit denial).

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Please do the right thing and vote to **approve the Rozos' project as they have proposed it**—and as approved by the City of Pismo Beach.

Sincerely,

Terry O. Herrick

342 MORRO AVE., PISMO BEACH, 93449

Item No.: W17B
Application No. A-3-PSB-15-0030
Name: _____
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.

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Please do the right thing and vote to approve the Rozos' project as they have proposed it—and as approved by the City of Pismo Beach.

Sincerely,

Daniel & Diana Mead

Add: 126 El Portal Drive
Pismo Beach CA 93449

Item No.: W17B
Application No. A-3-PSB-15-0030
Name: DENNIS KUNKEL
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.

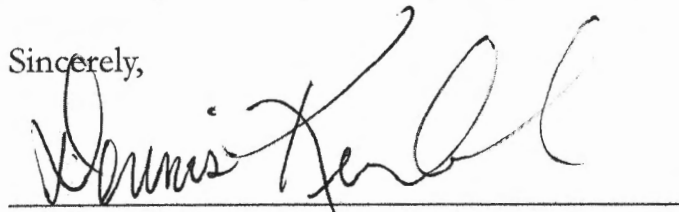
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Please do the right thing and vote to approve the Rozos' project as they have proposed it—and as approved by the City of Pismo Beach.

Sincerely,



230 PALISADE AVE.
SHEL BEACH, CA
93449

Item No.: W17B
Application No. A-3-PSB-15-0030
Name: Mike McCarroll
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.

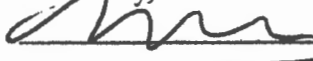
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Please do the right thing and vote to **approve the Rozos' project as they have proposed it**—and as approved by the City of Pismo Beach.

Sincerely,



Mike McCarroll

Item No.: W17B
Application No. A-3-PSB-15-0030
Name: MARY MILLER
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.

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Please do the right thing and vote to approve the Rozos' project as they have proposed it—and as approved by the City of Pismo Beach.

Sincerely,

M. Miller
Add: 343 Morro Ave, Pismo Beach, 93449

Item No.: W 17 B
Application No. A-3-PSB-15-0030
Name: Jean m. Power
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.

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Sincerely,

341 WINDWARD AVE. S.B. CA 93449

Jean m. Power

RESOLUTION NO. R-2017-013

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH
ACCEPTING THE SHELL BEACH DESIGN STANDARDS AND GUIDELINES
DOCUMENT, DIRECTING STAFF TO BEGIN IMPLEMENTATION, AND ACCEPTING
CATEGORICAL EXEMPTION NO. 2017-001**

WHEREAS, the adopted Fiscal Year 2016 & 2017 budget includes \$50,000 to revise the development standards for Shell Beach, and in October 2015 the City Council directed staff to move forward with the development of the Shell Beach Design Standards and Guidelines; and

WHEREAS, in December 2015, staff issued a Request for Proposals for Consulting Services for the Shell Beach Design Standards and Guidelines; and

WHEREAS, in January 2016, two proposals were received and evaluated by a review panel and the proposal from RRM Design Group was selected by the panel; and

WHEREAS, on February 16, 2016, the City Council adopted Resolution No. R-2016-012 that authorized the City Manager to enter into an agreement with RRM Design Group for consulting services to prepare the Shell Beach Design Standards and Guidelines; and

WHEREAS, the City Council held a duly-noticed joint meeting with the Planning Commission on February 7, 2017, at which all interested persons were given the opportunity to be heard; and

WHEREAS, the City Council has determined that under the provisions of the California Environmental Quality Act (CEQA), Design Guidelines are exempt per CEQA Section 15305; and, the City Council has determined that the project meets the required findings under CEQA.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Pismo Beach hereby accepts the Shell Beach Design Standards and Guidelines and accepts Categorical Exemption No. 2017-001 subject to the Findings attached as **Exhibit A**.

UPON MOTION OF Council Member Reiss, seconded by Council Member Blake, the foregoing resolution was adopted by the City Council of the City of Pismo Beach this 7th day of February 2017, by the following vote:

AYES:	5	Reiss, Blake, Howell, Guthrie, Waage
NOES:	0	
ABSENT:	0	
ABSTAIN:	0	
RECUSED:	0	

Approved:

Ed Waage
Ed Waage, Mayor

Attest:

Debbie Di Bianca
Debbie Di Bianca, Deputy City Clerk

FINDINGS

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

1. The project consists of the establishment of the Shell Beach Design Standards and Guidelines for reviewing new construction, remodels and additions to single family, multi-family and commercial development; and
2. There are no site constraints or other factors that would create the potential for significant environmental impacts as a result of the adoption of the Design Guidelines; and
3. The Design Guidelines are exempt under CEQA Section 15305 of the CEQA Guidelines, exempting minor alterations in land use limitations.

Item No.: W 17 B
Application No. A-3-PSB-15-0030
Name: JOHN A. BOFFENI
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.

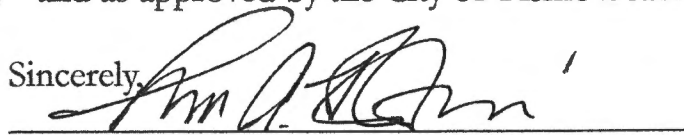
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Please do the right thing and vote to **approve the Rozos' project as they have proposed it**—and as approved by the City of Pismo Beach.

Sincerely,



367 BOEKER AV, PISMO BEACH, CA. 93449

Item No.: W17B
Application No. A-3-PSB-15-0030
Name: William Romero
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.

First, their project conforms in all respects to the community character. There are similar two-story residence in the area. The staff's suggestion that the Rozos second story should be reduced is based on a misinterpretation of the City's LCP, and unfairly imposes on them a different rule than is applied by the City to every other project that has come before them. The Rozos' proposed residence should not be unfairly targeted for modifications (let alone permit denial).

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Please do the right thing and vote to **approve the Rozos' project as they have proposed it**—and as approved by the City of Pismo Beach.

Sincerely,

1475 Shell Beach Rd.
William Romero

February 23, 2017

Item Number: W17B

Application Number: A-3-PSB-15-0030

In support of the applicants:

Larry and Donna Coffey

Dear Commissioners:

We are current residents of Pismo Beach and wish to communicate our support for Ernie and Pam Rozo in their application to build their residence as approved by the city of Pismo Beach. Having recently gone through a similar process with the city to build our residence, we are acutely aware of the many standards that must be met and the particular guidelines to be followed when building in the Shell Beach area of Pismo Beach. Both the Rozos and ourselves are involved in the Shell Beach Improvement Group (SBIG), whose mission is to preserve and improve the unique village atmosphere of Shell Beach for the enjoyment of its residents, businesses, and visitors.

We believe, as did the Pismo Beach Planning Commission when they approved the project, that it is consistent with the community character and meets the current standards and guidelines and even exceeds them by making accommodation for sewer access in a way the current house does not. The Rozos are friendly, accommodating people who want to live in and be a part of the community, not speculative builders or renters who have moved about within the community but have no ties to it.

We disagree with the move to require the Rozos to have a public trail cross their yard, just as we would have disagreed if someone had suggested that we provide a public train through our own yard. There is no public trail in the near area with which it would connect and not much chance of having one either, as fast as the bluffs are eroding in the area.

We ask that you approve the building project as proposed and approved by the city so that we may welcome the Rozos into our neighborhood and continue to work with them to support and enhance it.

Thank you for your kind attention.

Larry and Donna Coffey

Item No.: W17B
Application No. A-3-PSB-15-0030
Name: Jim Schaller
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.

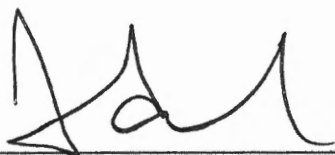
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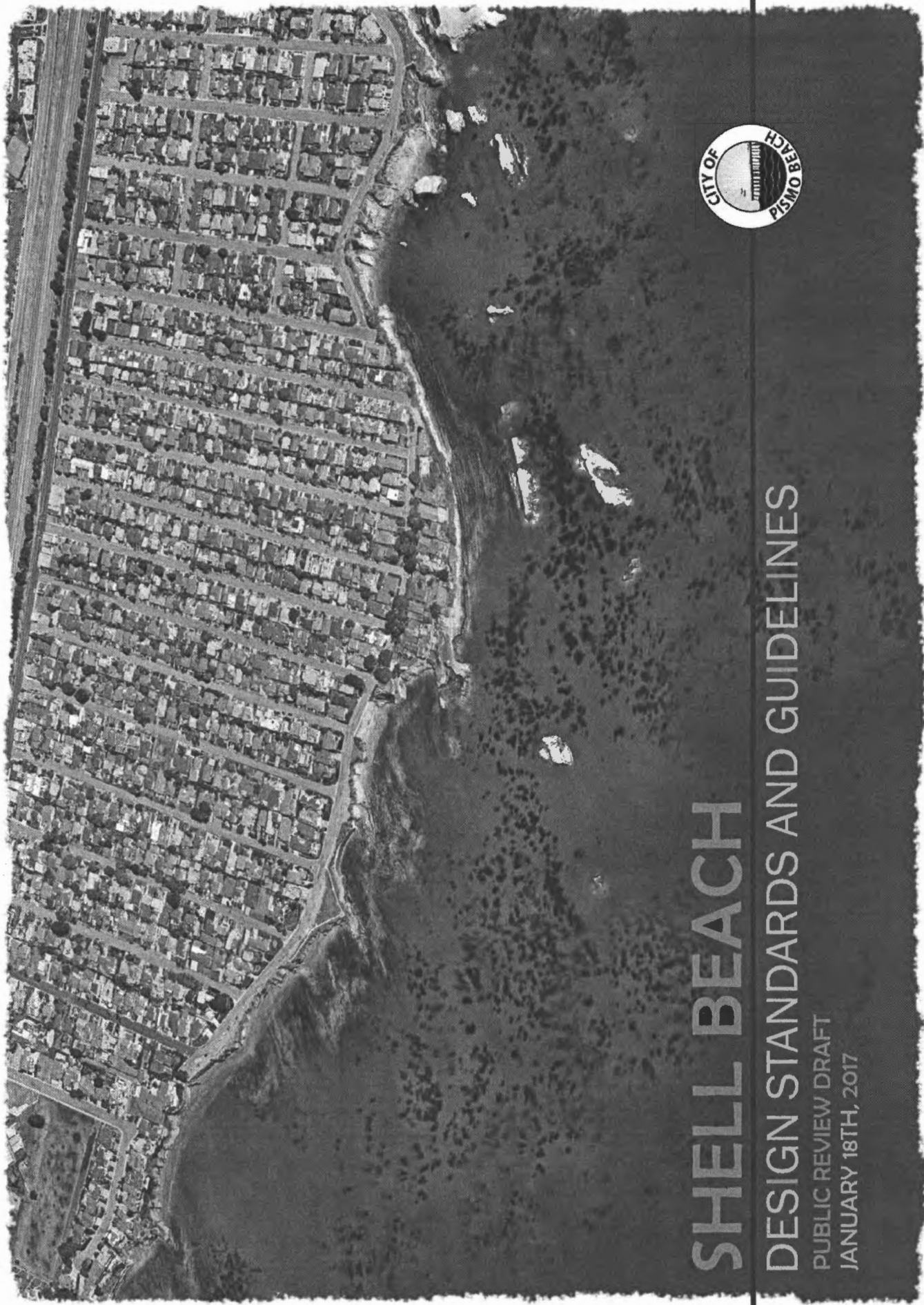
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Please do the right thing and vote to approve the Rozos' project as they have proposed it—and as approved by the City of Pismo Beach.

Sincerely,



316 WINDWARD AVE
PISMO BEACH, CA
93449



SHELL BEACH

DESIGN STANDARDS AND GUIDELINES

PUBLIC REVIEW DRAFT
JANUARY 18TH, 2017

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ACKNOWLEDGMENTS

CITY COUNCIL

Ed Waage, Mayor
Erik Howell, Mayor Pro Tempore
Sheila Blake, Council Member
Marcia Guthrie, Council Member
Mary Ann Reiss, Council Member
Shelly Higginbotham, Former Mayor

PREPARED FOR:



City of Pismo Beach
760 Mattie Road
Pismo Beach, CA 93449

PLANNING COMMISSION

Mark Naftal
Mark Padovan
Doreen Curtze
Stacy Inman
Kari Bhana

PREPARED BY:



RRM Design Group

CITY STAFF

James Lewis, City Manager
Jeff Winklepleck, Community Development Director
Matt Everling, Planning Manager
Aileen Nygaard, Associate Planner
Michael Gruver, Associate Planner

ADOPTED BY:

Ordinance No. ###

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Roof Forms and Roof Decks		Roof Forms	
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Materials and Colors		Parking	
Landscape Areas and Fencing		Utilitarian and Trash Areas	
Good Neighbor		Lighting	
Incentives for Single-Story Homes		Signage	
Additions to Existing Single-Family Structures		Materials and Colors	
03 MULTI-FAMILY DESIGN STANDARDS AND GUIDELINES	pg. 19	Public Spaces, Open Space and Landscape Areas	
Site Planning and Neighborhood Character		Good Neighbor	
Scale and Massing			
Roof Forms and Roof Decks		05 APPENDIX	pg. 45
Architectural Features and Articulation		Future Recommendations for Edits to the City's Local Coastal Plan	

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INTRODUCTION

DESIGN STANDARDS AND GUIDELINES

VISION AND COMMUNITY CHARACTER

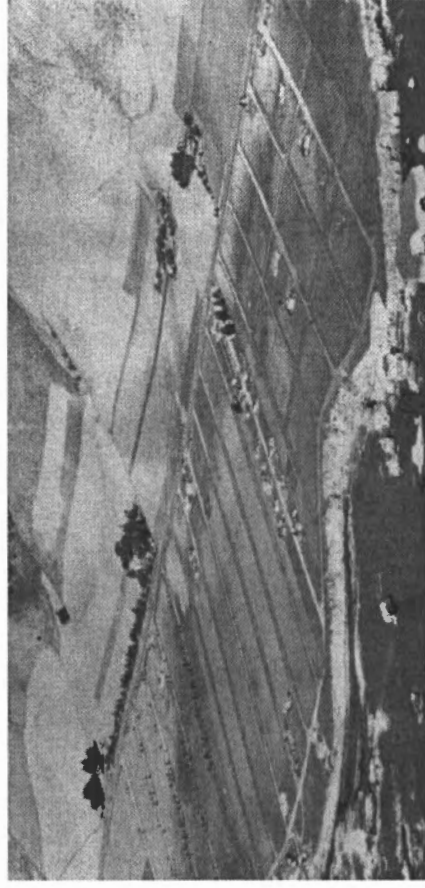
Shell Beach is a unique beachside community located on picturesque cliffs within the City of Pismo Beach. The character of the built environment can be described as a diverse village with a mix of old and new, with structures that do not resemble cookie cutter designs but rather individual buildings that collectively can be described as an eclectic beach community. Its natural beauty, small town charm and convenient location make it a desirable place for both families and retirees alike to call home. It is safe, kid-friendly, family-oriented and provides both residents and visitors with access to spacious parks, beautiful beaches and stunning sunsets. This is the 'essence' of Shell Beach.

HISTORY

The history of Shell Beach is one intrinsically tied to the growth of the town of Pismo Beach. As Pismo Beach grew in the early 1900's as a seaside vacation town, need for more permanent accommodations led to new development demand in nearby Shell Beach. The first subdivision of Shell Beach was focused along Boeker Street and was characterized by a number of small, individual lots. Around 1925, subdivisions began to increase in the area and the original Boeker Street subdivision was soon joined by an additional six streets to the south and another six streets to the north. The final five streets were later added to the north, thus completing the Shell Beach village area that exists today; extending from Cliff Avenue in the south to Vista Del Mar Avenue in the north.



Public art within Shell Beach.



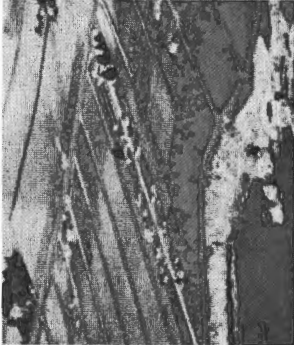
Historical photo of Shell Beach from 1931.
Photo courtesy of Effie McDermott.

A number of architectural styles have occurred since the initial period of growth and development in Shell Beach to the present day. Architectural styles that are most visually prominent in Shell Beach include Spanish Revival, Cape Cod, Bungalow, Craftsman, Beach Cottage, Ranch, Mid-Century Modern and Contemporary. While Shell Beach is not defined by any one particular architectural style, it is rather the collection of individual styles and unique homes that comprise the Shell Beach community.

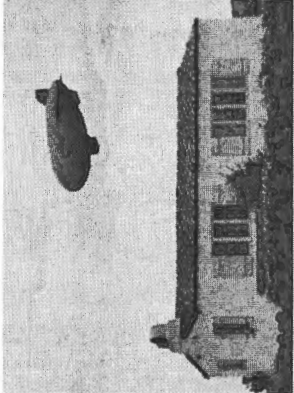


Historical photo of Cape Cod Motel.

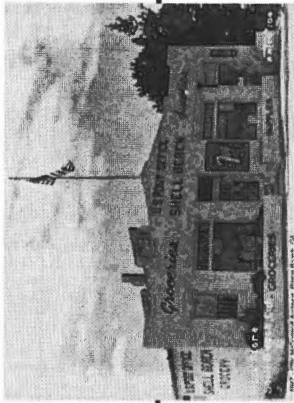
DEVELOPMENT TIMELINE



1916 Boeker Street



1930s Residential neighborhood continues to grow



Early 1940s Commercial/Post Office



1970-2017 Continued residential and commercial growth

Late 1950s Cape Cod Motel

Late 1960s Annexed to City

1930 Chapman House

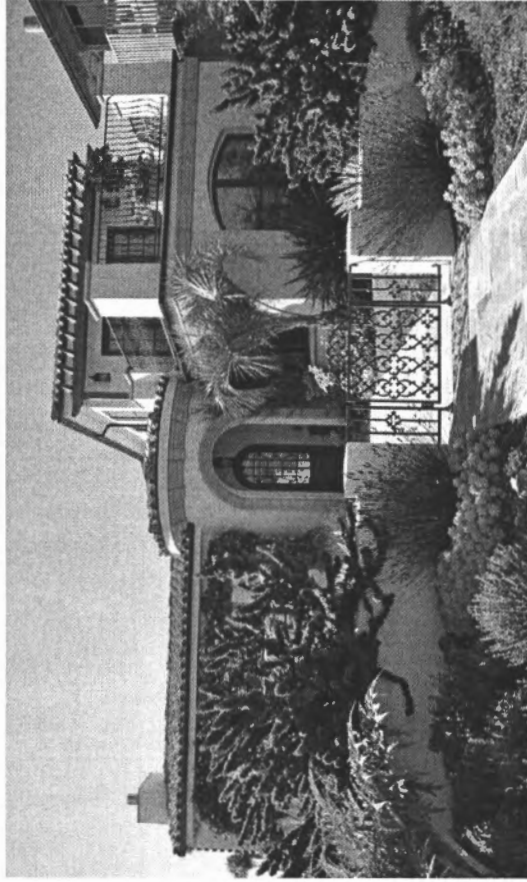
*Note: All historical photos courtesy of Effie McDermott.

PURPOSE

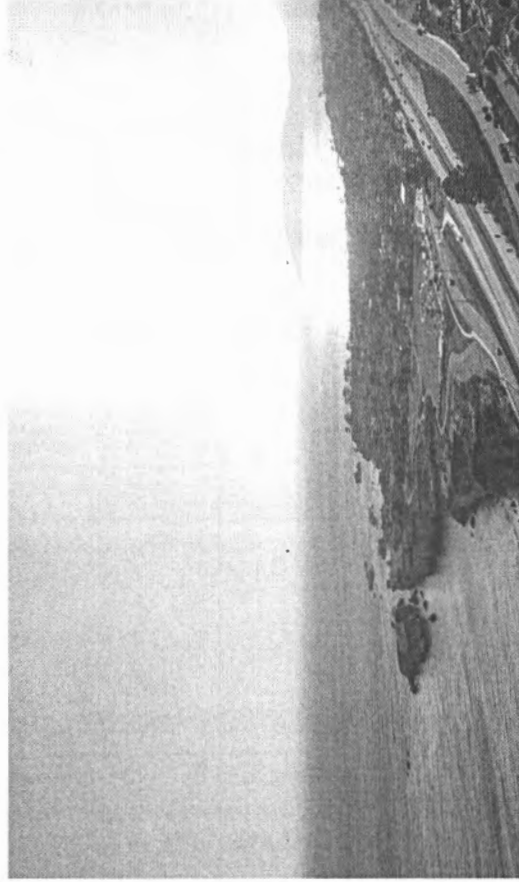
The purpose of this Shell Beach Development Standards and Design Guidelines document is to guide future residential, commercial and mixed-use developments and to give clear direction for the renovation and redevelopment of built areas within the community. The intent of these standards and guidelines is to retain and encourage architectural variety, promote quality development and ensure both existing and new development within Shell Beach are compatible in size and scale, incorporate quality articulation and detailing and exude the characteristics of the community.

Design standards and guidelines contained herein have been written in a manner to make it easy for property owners, architects, developers, City staff, members of the various City commissions and the City Council to use. It is intended to provide clear and concise direction in a user-friendly format that is easy to administer.

Projects that are not consistent with the general intent of these guidelines will not receive a positive recommendation from staff nor will they be supported by staff at any public hearings that may be required.



Single-family residence in Shell Beach.



Northwest view of Shell Beach.

CONTENT AND ORGANIZATION

This document is a compilation of development standards and design guidelines that provide direction for new development and redevelopment within Shell Beach. No single architectural theme is promoted, but rather the emphasis is focused on promoting a variety of styles and designs.

As part of these standards and guidelines, a number of pictures and graphic illustrations have been provided. These visual cues are intended to demonstrate the concepts of recommended building elements and details as opposed to strictly thematic images. More specifically, the design guidelines are intended to provide a general framework for design and do not mandate specific styles or details. While the City is open to considering innovative and alternative designs, not envisioned as part of these standards and guidelines, development must comply with the general intent.

This document is organized as follows:

- Chapter 1 – Introduction
- Chapter 2 – Single-Family Residential Design Guidelines
- Chapter 3 – Multi-Family Residential Design Guidelines
- Chapter 4 – Commercial/Mixed-Use Design Guidelines
- Appendix A – Future Recommendations for Edits to
the City's Local Coastal Plan

RELATIONSHIP TO OTHER PLANNING DOCUMENTS

This document is a tool for the implementation of the City of Pismo Beach's Municipal Code and the General Plan. While the standards and guidelines contained herein are not intended to supersede the requirements of the Municipal Code, they should be considered "recommended practices" the community considers important to the design of projects within the City. Projects within Shell Beach Planning Area H shall comply with the Municipal Code and other Citywide design guidelines. Where there are discrepancies between other Citywide design guidelines and this Shell Beach Design Standards and Guidelines document, this document shall prevail.

APPLICATION PROCESS

All applications for Coastal Development Permits, Development Permits, Conditional Use Permits, Tentative Parcel Maps, Tentative Tract Maps, Major and Minor Planned Development Permits and Administrative Development Permits shall be reviewed to ensure consistency with these standards and guidelines. In approving an application for a proposed project, the Community Development Director and/or the Planning Commission/City Council must find that the proposed project is consistent with the overall intent of this document.



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SINGLE-FAMILY

DESIGN STANDARDS AND GUIDELINES

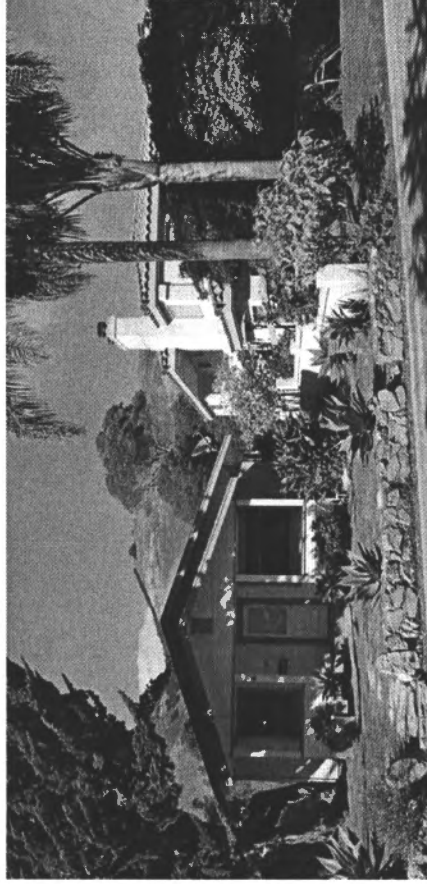
SITE PLANNING AND NEIGHBORHOOD CHARACTER

STANDARDS

- SP S.1** Where a new single-family structure is proposed on a lot without curb, gutter and/or sidewalk improvements within the street right-of-way, the City shall require the installation of one (1) or all of these improvements as part of a project approval. Permeable pavers, decomposed granite or decorative pea gravel shall be provided within the street right-of-way in instances where the installation of a standard sized sidewalk is determined to be infeasible due to lot size limitations to the satisfaction of the Director of Public Works.

GUIDELINES

- SP G.1** While no specific architectural style is required for single-family dwellings, applicants should identify the chosen architectural style and its defining characteristics as part of the permit application. All building designs should contribute to and complement the neighborhood character as outlined in the Vision and Community Character and History sections in Chapter One.
- SP G.2** Though contemporary architecture styles are allowed, applicants should exhibit caution when considering architectural styles that have recently become popular or trendy but have not yet withstood the test of time. In addition, historic styles that cannot be authentically replicated should be avoided.
- SP G.3** The City strongly encourages the renovation, repair,



Site planning should look to provide opportunities for outdoor living, address street frontage with front porches and by minimizing prominent garage doors.

maintenance and/or addition to existing single-story homes to maintain the diverse and eclectic mix of structures within the Shell Beach area.

- SP G.4** Site planning and building designs should create areas of open space for outdoor living while also aiding in the reduction of perceived building massing.
- SP G.5** Homes are encouraged to engage the street by including front porches and minimizing the prominence of garage doors.
- SP G.6** While interior floor plans of adjacent sites may be repeated, the front facade massing, roof forms and articulation should provide clear differentiation between single-family dwellings on adjacent sites to avoid "cookie-cutter" designs.

SCALE AND MASSING

STANDARDS

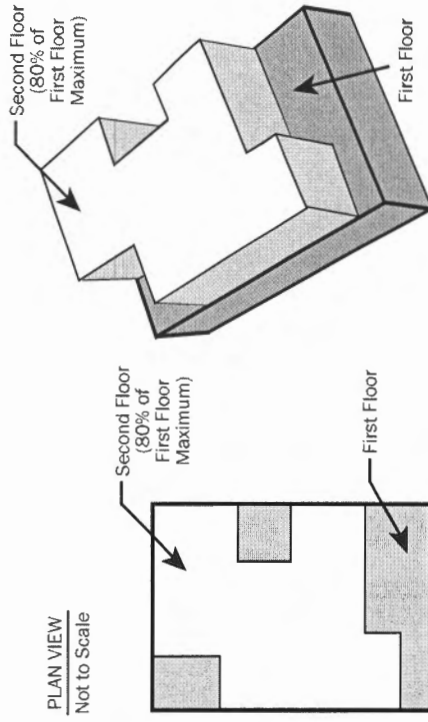
SM 5.1 For single-family residential lots greater than 3,000 square feet, the amount of gross floor area on any second floor shall not exceed 80% of the amount of gross floor area on the ground floor, based on the area contained within the exterior walls including footprint of stairs on the ground floor and airspace (i.e. vaulted ceilings or elevators).

SM 5.2 For single-family residential lots less than 3,000 square feet, the amount of gross floor area on any second floor area shall not exceed 70% of the amount of gross floor area on the ground floor, based on the area contained within the exterior walls including footprint of stairs on the ground floor and airspace (i.e. vaulted ceilings or elevators).

SM 5.3 Front building elevations shall not be single, solid monolithic planes. Thirty (30%) of the width of the second-story front elevation shall be stepped back a minimum of 3-feet.

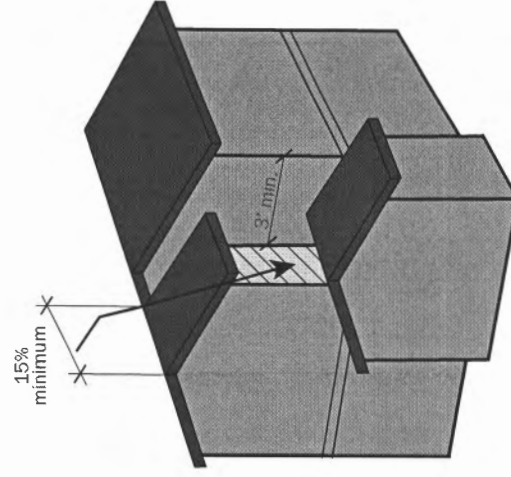
SM 5.4 Side building elevations shall not be single, solid monolithic planes. Fifteen (15%) of the width of the second-story side elevations shall be stepped back a minimum of 3-feet, including roof overhang/design.

AXIOMETRIC
Not to Scale

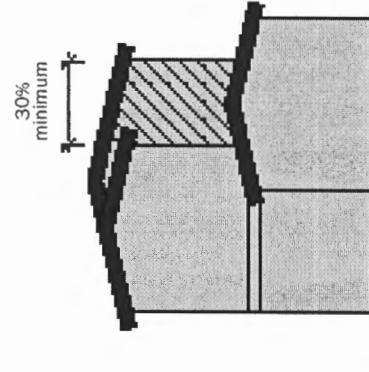


Second floor area as a percent of first floor.

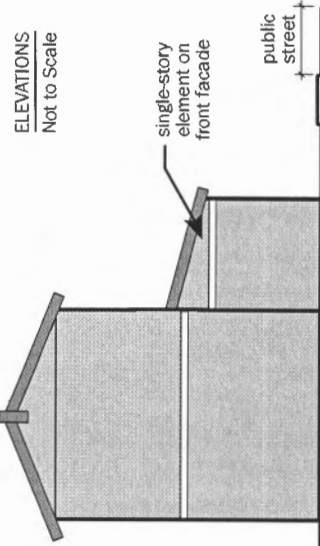
AXIOMETRIC
Not to Scale



Second-story side setback with associated roof forms reflecting setback area, and single-story massing element.



Second-story front setback with single-story massing element.



Encourage single-story massing element(s) on the front facade.

SCALE AND MASSING

SM S.5 Where a new or remodeled two-story home is proposed, a single-story massing element(s) shall be provided on the front facade to aide in breaking up the overall massing. This may be achieved by using porches or single-story living areas visible from the street.

GUIDELINES

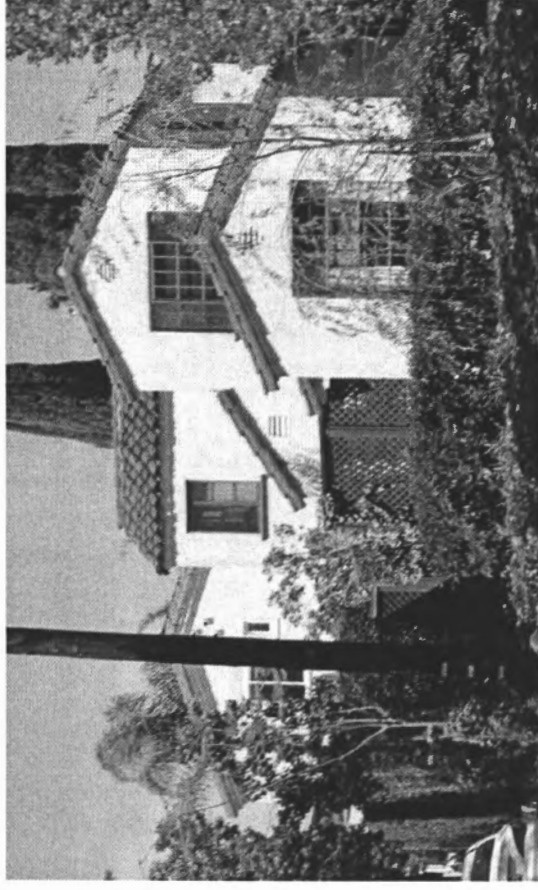
SM G.1 Break up massing through the use of design features such as balconies, varied upper floor setbacks and/or varying roof forms.

SM G.2 When located next to an existing single-story home, place second-story massing elements towards the rear or away from the adjacent single-story home to the greatest extent feasible.

SM G.3 To reduce large blank wall expanses on side yard wall planes visible from the street, articulate with a variety in form and/or material use, similar to those used on the front facade.

SM G.4 Traditional scale and proportions of the chosen architectural style should be reflected in the building design.

SM G.5 Surface detailing, such as score lines and color changes, are not considered a substitute for required material integration and distinctive scale and massing.



Massing is broken up and upper floors stepped back.



Varied roof forms help break up massing.

ROOF FORMS AND ROOF DECKS

STANDARDS

RF S.1 The permitted area of all roof decks shall not exceed 25% of the total square footage of the second floor of the structure or 300 square feet, whichever is less. Where a roof deck is proposed on a single-story dwelling, all roof decks shall not exceed 50% of the total square footage of the first floor of the structure or 600 square feet, whichever is less.

RF S.2 Roof decks shall be setback a minimum of 10-feet from the front and rear yard roof eaves and minimum of five (5) feet from the side yard roof eaves.

GUIDELINES

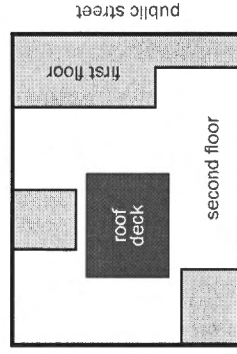
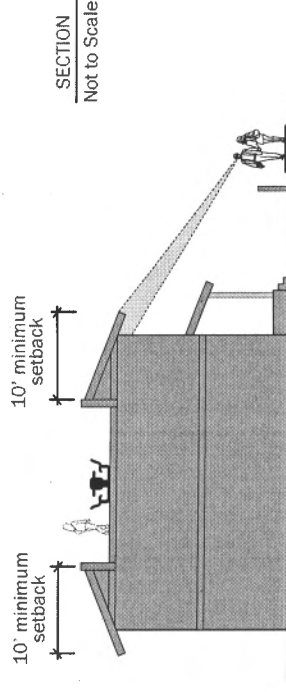
RF G.1 Roof decks should be integrated into roof forms to minimize their appearance in the overall form of a structure.

RF G.2 Access to roof decks should be architecturally integrated into the building form through the use of building massing and/or articulation.

RF G.3 Roof forms should be utilized to minimize the appearance of any roof deck screening walls to the greatest extent feasible. Any roof deck railing should be solid, with transparent roof deck railing strongly discouraged.

RF G.4 Exterior stairways should complement the architectural massing and be integrated into the design of the structure. Thin-looking, open metal, prefabricated stairs are strongly discouraged and are not to be placed along the front elevation to be visible from the street.

RF G.5 Ensure roof forms, materials and detailing are consistent with the chosen architectural style.



Roof deck located to minimize visibility.

RF G.6 Multi-form roofs, such as gable, hip and shed roof combinations, are encouraged to create varying roof forms, create interest and break up the massing of the building. Mansard type roofs are discouraged.

RF G.7 Place lower profile roof forms adjacent to existing single-story homes to promote greater compatibility.

RF G.8 If flat or low-slope roof forms are proposed on a second-story, the shading of adjacent structures should be minimized to the greatest extent feasible.

RF G.9 Deep roof overhangs are encouraged to create shadow and add depth to building forms.

RF G.10 Rafter tails and other roof elements are encouraged as roof overhang details.

ARCHITECTURAL FEATURES AND ARTICULATION

GUIDELINES

- AF G.1 Incorporate four-sided architecture with variation in massing and wall planes, as well as surface articulation on each building elevation.
- AF G.2 Varied architectural elements and details, such as porches, balconies, trellises or decks, consistent with the chosen architectural style, should be designed to enhance visual interest and help reduce perceived building mass on all elevations.
- AF G.3 Building facades should be well-articulated with windows, window trim, window sills, wall articulations, moldings, pilasters, exposed chimneys, variation of building materials, etc. Blank walls should be avoided.
- AF G.4 Artificial plant-ons, foam detailing and other similar elements not consistent with the chosen architectural style of the house, are discouraged.
- AF G.5 Ensure all architectural elements are in proportion with the overall home design.
- AF G.6 Align architectural elements (i.e. windows, doors), whether vertically or horizontally, to provide balance on each building elevation consistent with the chosen architectural style.



Roof elements and windows help articulate the front facade.



Provide architectural features and details, to enhance overall building design.

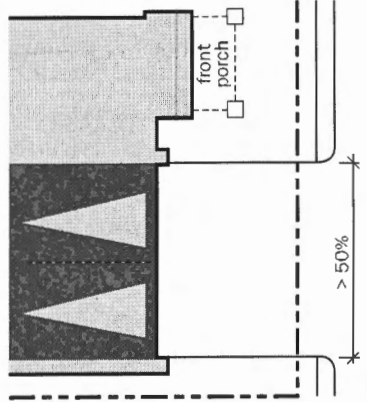
GARAGES, CARPORTS AND ACCESSORY STRUCTURES

STANDARDS

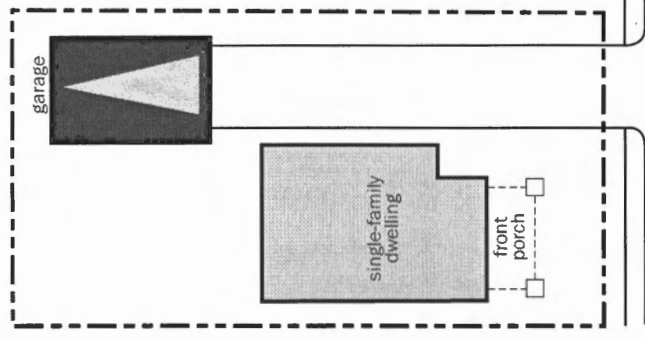
- GC S.1 Where the width of a garage exceeds 50% of the linear front or side elevations, recess the garage a minimum of five (5) feet from the front wall of the house or provide an entry porch or trellis extending in front of the face of the garage.
- GC S.2 Recess garage doors a minimum of 4-inches from the adjacent exterior wall plane.
- GC S.3 To minimize the dominance of garage doors along the street frontage, no three (3) car garages are allowed with side-by-side garage doors on lots less than 60-feet wide.

GUIDELINES

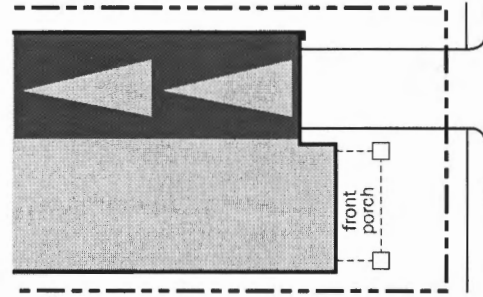
- GC G.1 Acknowledging lot size, applicants are encouraged to utilize alternative garage configurations in new developments and remodels such as those recessed from the front facade, side loaded, single door tandem or detached and located at the rear of a lot.
- GC G.2 Vehicle lifts may be permitted on a case-by-case basis, provided they are integrated into the design of a structure, improve the design aesthetic and aid in meeting the off-street parking requirements for a property with physical constraints or as determined appropriate by the Community Development Director. Where a vehicle lift is pursued as part of a project, the City may require a deed restriction to ensure the property complies with off-street parking requirements long-term.



Garage setback standard.



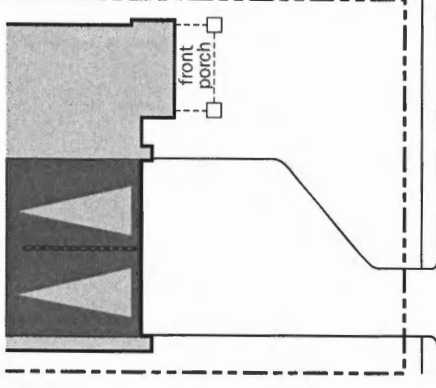
Garage located at back of lot.



Recessed and tandem garages encouraged.

GARAGES, CARPORTS AND ACCESSORY STRUCTURES

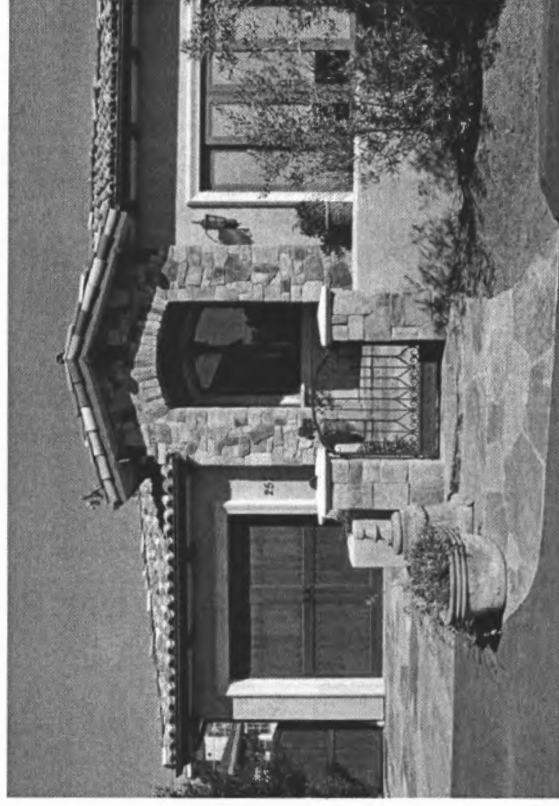
- GC G.3** Single car curb cuts with driveways that widen to divided or staggered garage door openings are encouraged to aid in minimizing the concrete area of the driveway apron.
- GC G.4** Provide decorative paving materials, tire strips and/or other driveway enhancements to minimize large expanses of paving.
- GC G.5** Garage doors should be articulated with panels and/or windows to minimize the dominance of these large planes on a front or side facade.
- GC G.6** Design garages, carports and accessory structures as an integral part of the architecture of a project in terms of similar materials, colors and detailing to the principal structure.



Single car curb cuts should widen to a two car garage, to minimize the driveway apron when viewed from the street.



Garages located at rear of lot minimizes the dominance of garage doors.



Single car garages with decorative paving are encouraged.

MATERIALS AND COLORS

STANDARDS

MC S.1 A minimum of three (3) colors and/or materials shall be provided as part of a project submittal. This may include trellis structures, terra cotta tile roof materials and wall materials.

GUIDELINES

MC G.1 Material changes should occur at intersecting planes to appear natural and integral to the facade. Material or color changes at the outside corners of structures should be avoided.

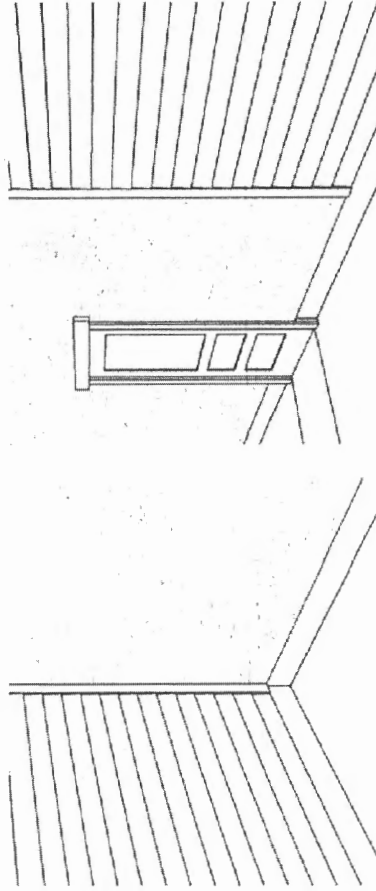
MC G.2 Materials, colors and details should be used in an authentic manner, reinforcing the chosen architectural style and overall development concept proposed.

MC G.3 While stucco is not prohibited as a material, it should be used only when consistent with the chosen architectural style and in the correct application manner (e.g. smooth troweled finish).

MC G.4 Where appropriate to the proposed architectural style, vary materials and textures between the base and body of a building to break up large wall planes and add a visual base to the building. In general, heavier materials and darker colors should be used lower on the building elevation to form the building base and anchor the building to the site.

MC G.5 Natural materials such as brick, stone, copper, etc. should be left in their natural state or color.

MC G.6 Accent and trim elements should be differentiated from the primary surface materials/colors through colors and/or materials.



Change of materials or colors should occur at interior corners of wall planes.

Change of materials or colors should not occur on the same wall plane.



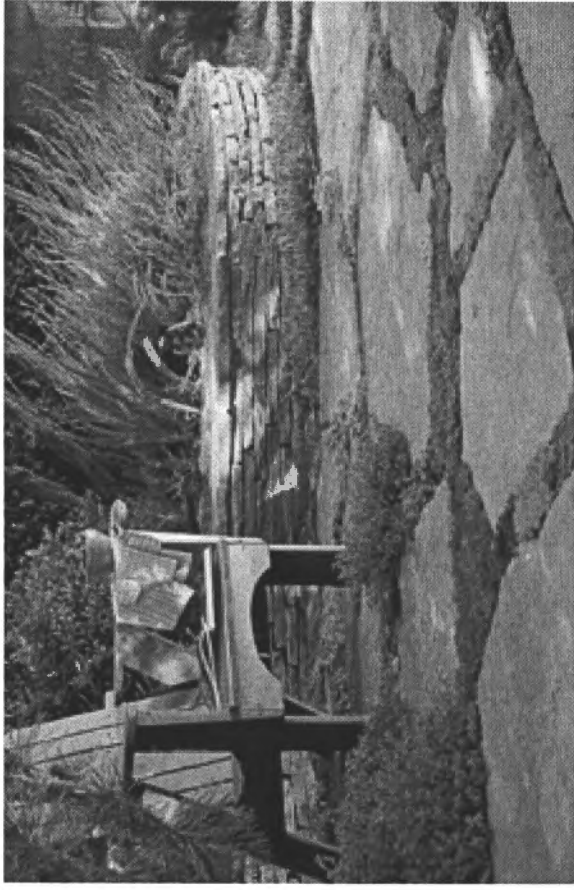
Change materials and colors at inside corners and where intersecting planes meet.

MC G.7 While more subdued colors usually work best for overall building color, bright or accent colors are typically more appropriate for trim, windows, doors and/or key architectural elements, as long as they are consistent with the chosen architectural style.

LANDSCAPE AREAS AND FENCING

GUIDELINES

- LA G.1 Landscape areas should be an integral part of the project design and not simply left-over areas of a site.
- LA G.2 Define outdoor spaces and soften a buildings appearance through the use of landscaping.
- LA G.3 Drought tolerant landscaping is required consistent with City water requirements. Alternative plant materials, such as artificial turf, may be considered.
- LA G.4 Locate and space trees and shrubs to allow for adequate mature and long-term growth. Trees and shrubs that create minimal root problems should be selected.
- LA G.5 Front yard fencing and walls should complement the chosen architectural style of the structure through the use of materials and colors. Chain link type fences are strongly discouraged.
- LA G.6 Any decks proposed within front yard areas of a property should be architecturally compatible with the dwelling and be located outside of any street right-of-way area.



Provide definition to outdoor spaces with appropriate landscaping.



Drought tolerant landscaping is encouraged.

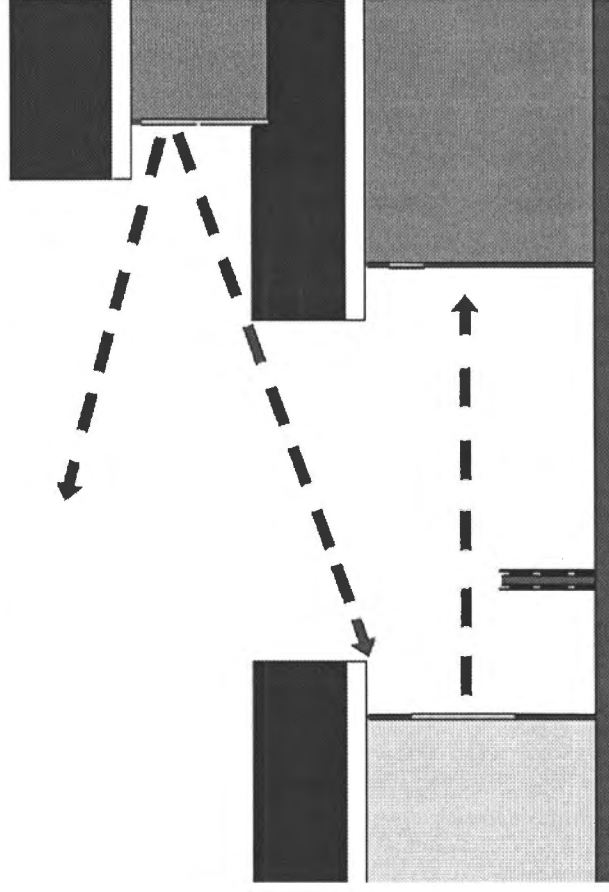
GOOD NEIGHBOR

GUIDELINES

- GN G.1** Identify on the proposed site plan potential privacy-sensitive areas on adjacent parcels with details provided on how they have been addressed by the proposed design.
- GN G.2** New development should carefully consider floor plan layout and window placement to minimize unfiltered and direct views from a primary living area into a neighboring primary living area or backyard recreational area, as feasible.
- GN G.3** Roof decks and balconies should be located and designed to minimize potential privacy-sensitive issues on adjacent parcels, as feasible.
- GN G.4** The use of large, blank walls as a method to address privacy impacts is not acceptable.



Landscaping associated with appropriate fencing can also enhance privacy.



Minimize direct sight lines into adjacent properties by proper planning of window placement.

INCENTIVES FOR SINGLE-STORY HOMES

STANDARDS

- IS S.1** As allowed by the Municipal Code, permit Administrative or Coastal Development Permits (CDPs) for the renovation or addition to an existing single-story cottage.
- IS S.2** Consistent with General Plan Land Use Policy LU-H-4a.c, where a new single-story dwelling or a single-story addition to an existing single-story dwelling is proposed, only one (1) off-street, enclosed parking space is required without the requirement of a variance.
- IS S.3** For the purposes of this document, the required enclosed parking space for single-story dwellings may be provided as a carport and is not required to provide three walls and a door(s) but shall provide a permanent roof.
- IS S.4** Where a carport is proposed as part of a single-story dwelling, it shall be setback from the front facade a minimum of two (2) feet. Any parking space located within a carport must meet the minimum City Standards for parking space dimensions.
- IS S.5** Where General Plan Land Use Policy LU-H-4a.c is pursued as part of a proposed project, the City shall require the applicant to record a deed restriction limiting future second-story additions, unless off-street parking required under the Municipal Code can be met.
- IS S.6** Where a single-story dwelling is existing or proposed, accessory structures may be setback five (5) feet from the rear property line on non-bluff top properties, where feasible with utility constraints. Accessory structures associated with single-story dwellings shall not have cooking facilities but living and sleeping quarters are permitted.
- IS S.7** As permitted by General Plan Land Use Policy LU-H-4a.c, where a new single-story dwelling or an addition to an existing single-story dwelling is proposed, the total building area may be expanded in excess of that specified in the Zoning Ordinance with the ability to reduce the front, side and rear yard setbacks without the requirement of a variance, subject to Community Development Director approval.

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MULTI-FAMILY

DESIGN STANDARDS AND GUIDELINES

SITE PLANNING AND NEIGHBORHOOD CHARACTER

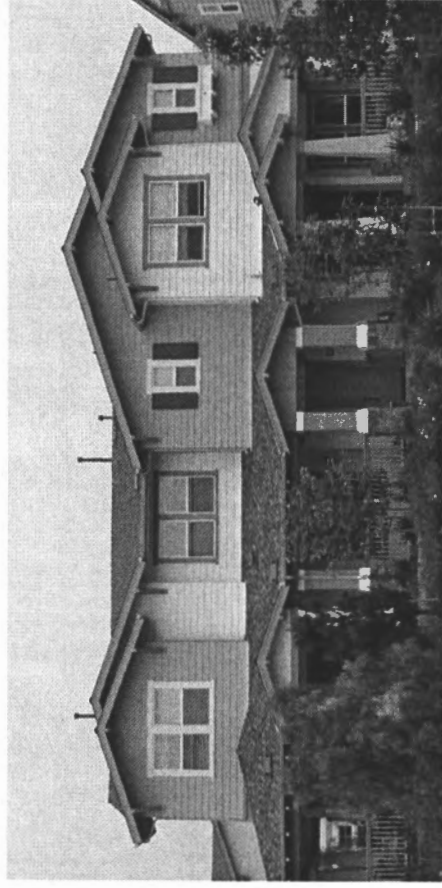
STANDARDS

- SP S.1** Where a new multi-family development is proposed on a lot without curb, gutter, and/or sidewalk improvements within the street right-of-way, the City shall require the installation of one (1) or all of these improvements as part of a project approval. Permeable pavers, decomposed granite or decorative pea gravel shall be provided within the street right-of-way in instances where the installation of a standard sized sidewalk is determined to be infeasible due to lot size limitations.

GUIDELINES

- SP G.1** While no specific architectural style is required for multi-family dwellings, applicants should identify the chosen architectural style and its defining characteristics as part of the permit application. All building designs should contribute to and complement the neighborhood character as outlined in the Vision and Community Character and History sections in Chapter One.

- SP G.2** Though contemporary architecture styles are allowed, applicants should exhibit caution when considering architectural styles that have recently become popular or trendy but have not yet withstood the test of time. In addition, historic styles that cannot be authentically replicated should be avoided.



Address street frontages to minimize garage door and parking area dominance.

- SP G.3** Multi-family buildings should be oriented towards the adjacent primary public street while also utilizing porches, landscaping and other features to extend the living area toward the street.
- SP G.4** Buildings should be oriented to avoid instances where living spaces of one dwelling unit face the living space of another.
- SP G.5** Private drive aisles at rear or side of lot should be utilized when garage parking is proposed in order to maximize landscaping, porches, and entries at the street edge.
- SP G.6** Incorporate additional landscaping, setbacks and/or address building orientation and placement where adjacent land uses may be incompatible with a multi-family development.

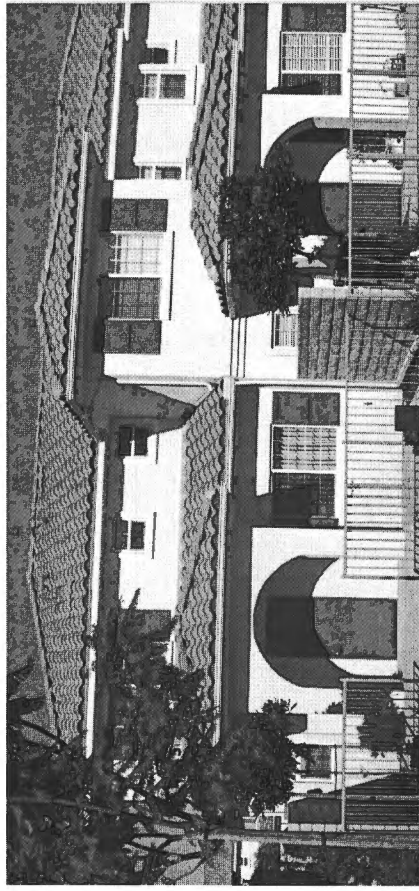
SCALE AND MASSING

GUIDELINES

- SM G.1** Break up massing through the use of design features such as balconies, varied upper floor setbacks and/or varying roof forms.
- SM G.2** Combinations of single and multi-story elements are encouraged to create variation in massing and building height.
- SM G.3** Step back upper stories to reduce the scale of facades that are adjacent to the street, courtyards or open spaces and adjacent single-family dwellings.
- SM G.4** Traditional scale and proportions of the chosen architectural style should be reflected in the building design.
- SM G.5** Minimize the appearance of building mass with building articulation such as the use of windows, roof overhangs, awnings, moldings, fixtures and/or other detailing.
- SM G.6** Utilize architectural details and materials on lower walls that relate to the human scale such as arches, trellises and/or awnings.
- SM G.7** Surface detailing, such as score lines and color changes, are not considered a substitute for required material integration and distinctive scale and massing.



Incorporate articulation into the building design, such as roof overhangs, balconies or porches to minimize the mass of the overall building.

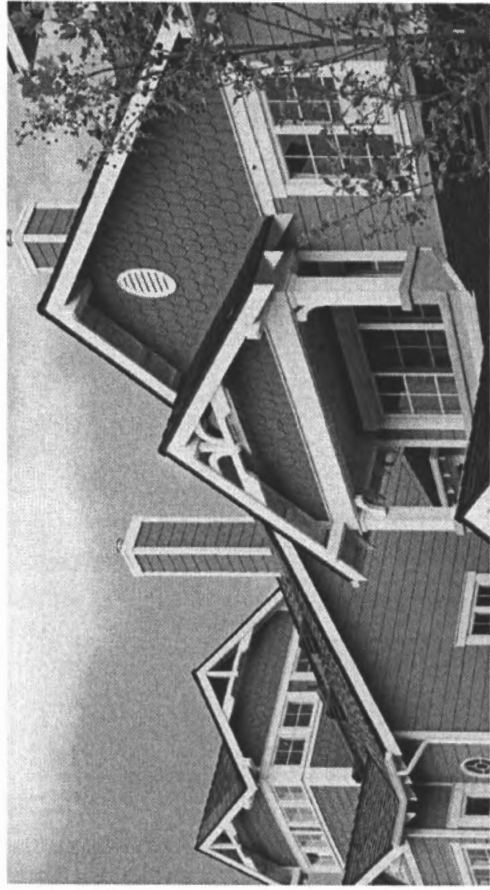


Step back the upper stories of developments to break up building massing.

ROOF FORMS AND ROOF DECKS

GUIDELINES

- RF G.1 Ensure roof forms, materials and detailing are consistent with the chosen architectural style.
- RF G.2 Multi-form roofs, such as gable, hip and shed roof combinations, are encouraged to create varying roof forms, create interest and break up the massing of the building. Mansard roofs are discouraged.
- RF G.3 Place lower profile roof forms adjacent to existing single-story homes to ensure greater compatibility.
- RF G.4 If flat or low-slope roof forms are proposed, the shading of adjacent structures should be minimized to the greatest extent feasible.
- RF G.5 Roof elements should continue all the way around the building and not just be utilized in the most visible locations.
- RF G.6 Deep roof overhangs are encouraged to create shadow and add depth to building forms.
- RF G.7 Rafter tails and other roof elements are encouraged as roof overhang details.
- RF G.8 Roof decks should be integrated into roof forms to minimize their appearance in the overall form of a structure.
- RF G.9 Roof forms should be utilized to minimize the appearance of any roof deck screening walls to the greatest extent feasible.



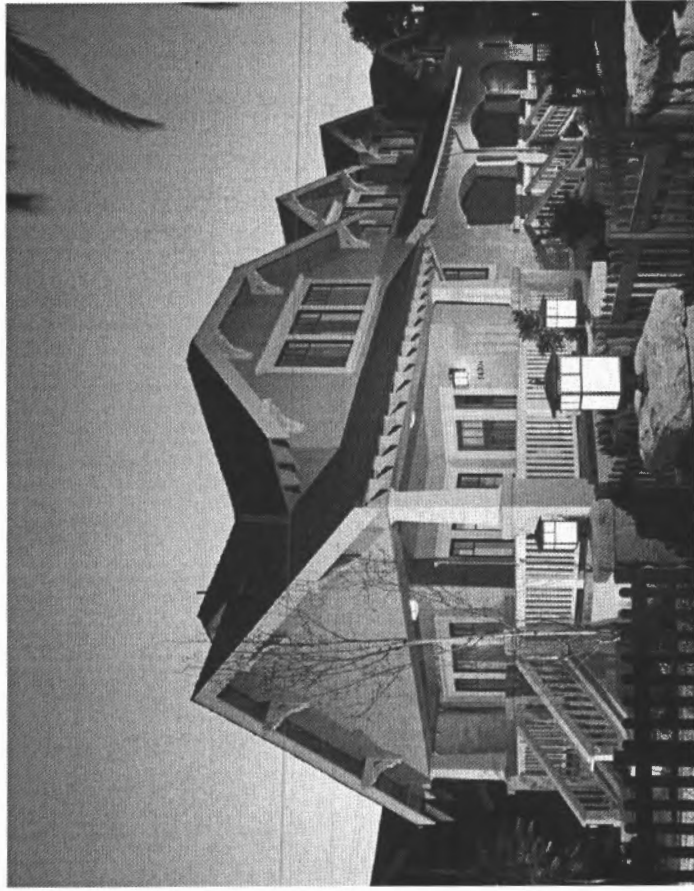
A variety of roof forms should be utilized in a project.

- RF G.10 Roof decks should be integrated into roof forms to minimize their appearance in the overall form of a structure.
- RF G.11 Access to roof decks should be architecturally integrated into the building form through the use of building massing and/or articulation.
- RF G.12 Roof forms should be utilized to minimize the appearance of any roof decks to the greatest extent feasible. Any roof deck railing should be solid, with transparent roof deck railing strongly discouraged.
- RF G.13 Exterior stairways should complement the architectural massing and be integrated into the design of the structure. Thin-looking, open metal, prefabricated stairs are strongly discouraged and are not to be placed along the front elevation so as to be visible from the street.

ARCHITECTURAL FEATURES AND ARTICULATION

GUIDELINES

- AF G.1** Incorporate four-sided architecture with variation in massing and wall planes, as well as surface articulation on each building elevation.
- AF G.2** Varied architectural elements and details, such as porches, balconies, trellises, awnings or decks, consistent with the chosen architectural style, should be designed to enhance visual interest and help reduce perceived building mass on all elevations.
- AF G.3** Building facades should be well-articulated with windows, wall articulations, moldings, pilasters, trellises, exposed chimneys, variation of building materials, etc. Blank walls should be avoided.
- AF G.4** Artificial plant-ons, foam detailing and other similar elements not consistent with the chosen architectural style of the house, are discouraged.
- AF G.5** Ensure all architectural elements proposed are in proportion with the overall building design.
- AF G.6** Align architectural elements (i.e. windows, doors), whether vertically or horizontally, to provide balance on each building elevation consistent with the chosen architectural style.



Porches, roof detailing, and windows help articulate front and side facades.

GARAGES, CARPORTS, AND ACCESSORY STRUCTURES

STANDARDS

- GC S.1** Parking areas tucked under residential structures and visible from the street shall be enclosed behind garage doors.
- GC S.2** Recess garage doors a minimum of 4-inches from the adjacent exterior wall plane.

GUIDELINES

- GC G.1** Design garages, carports and accessory structures as an integral part of the architecture of a project in terms of similar materials, colors and detailing to the principal structure.
- GC G.2** Recess garages and parking areas behind a structure, where feasible, rather than being located between the main living area and a public street.
- GC G.3** Where it is determined that recessed garages and parking areas behind a structure are infeasible, minimize the appearance of garage doors through the use of roof forms, trellises and/or balconies above garage doors to minimize the impact from street view.
- GC G.4** Sectional roll-up garage doors should be used and articulated with panels and/or windows to minimize the dominance of these large planes on a building elevation.
- GC G.5** Any required bicycle parking should be placed in conveniently accessible locations on a site.



Locate parking areas under residential units and away from streets.

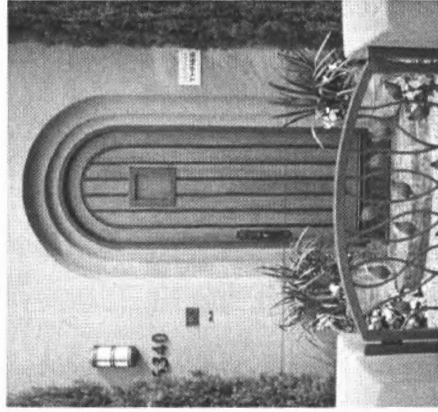


Incorporate accessible bicycle parking throughout a project.

ENTRIES, DOORWAYS, AND WINDOWS

GUIDELINES

- ED G.1** Emphasize dwelling unit entries through the use of lighting, landscaping, porches and/or architectural detailing.
- ED G.2** Upper story unit entries should have a distinctive design that complements the main building frontage.
- ED G.3** Utilize window and door types, materials, shapes and proportions that complement the proposed architectural style of the building.
- ED G.4** Apply window articulation such as sills, trim, kickers, shutters, balconies, trellises or similar treatments to articulate the façades of the development.
- ED G.5** To enhance privacy, particularly when adjacent to existing single-family dwellings, stagger and offset windows on side elevations from the windows of an adjacent structure.
- ED G.6** Stairways should complement the architectural massing and form of multi-family structures.



Ensure door types are consistent with the proposed architectural style.



Provide stairways that complement multi-family structures.



Incorporate window detailing, such as flower boxes or trims to aid in providing facade interest.

UTILITARIAN AND TRASH AREAS

STANDARDS

- UT S.1 A minimum 10' x 10' concrete pad shall be placed at the front of a trash enclosure to accommodate large collection vehicles and minimize long term paving maintenance.

GUIDELINES

- UT G.1 Integrate gutters and downspouts that are designed or decorated to be consistent with the building elevation on which they are proposed.
- UT G.2 Screen any outdoor mechanical or utility equipment, whether on a roof, side of a structure or attached to the ground from public view. The method of screening should be architecturally integrated with the adjacent structure in terms of materials, colors, shape and size.
- UT G.3 Utility equipment such as Fire Access Control Panels (FACP) and/or electrical service (SES) panels should be placed in a room that is architecturally integrated into the building. Exterior access doors to mechanical rooms should be labeled appropriately and be painted to match the approved building color.
- UT G.4 Roof-mounted equipment should be screened so that it is not visible from any street or scenic highway, such as Shell Beach Road or the 101 Freeway.
- UT G.5 Screen trash and recycling enclosures from public view with landscaping and/or decorative wall materials and colors that are architecturally compatible with the building design.



Provide landscaping screens, where appropriate and feasible.



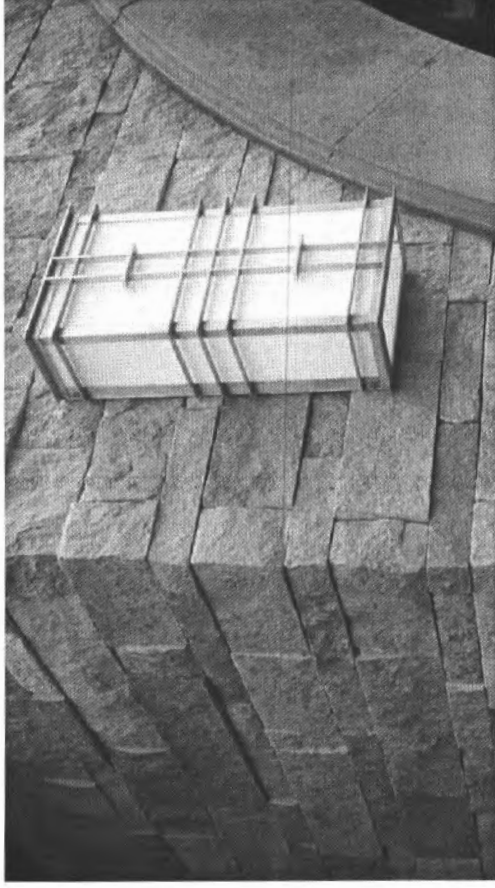
Architecturally integrate utilitarian equipment rather than locating on the exterior of a building.

- UT G.6 On larger properties, trash enclosures should be set at a 30-degree angle to the drive aisle to provide efficient trash truck access and collection, where feasible.
- UT G.7 Where large trash and recycling bins are proposed, they should be located for easily accessible collection and maintenance.

LIGHTING

GUIDELINES

- LG G.1** Design or select light fixtures to be architecturally compatible with the main structure or theme of the development.
- LG G.2** Shield and direct lighting downward or to specific object or target areas to avoid spilling onto adjacent properties.
- LG G.3** Utilize accent lighting to illuminate walkways, entries, seating areas, common open space areas, and/or specimen plants and trees.
- LG G.4** Any uplighting of building, signage or landscape elements should use the lowest wattage possible to minimize impacts to the night sky.



Utilize light fixtures that are architecturally compatible with the building.



Integrate accent lighting to illuminate walkways and other important features.

MATERIALS AND COLORS

STANDARDS

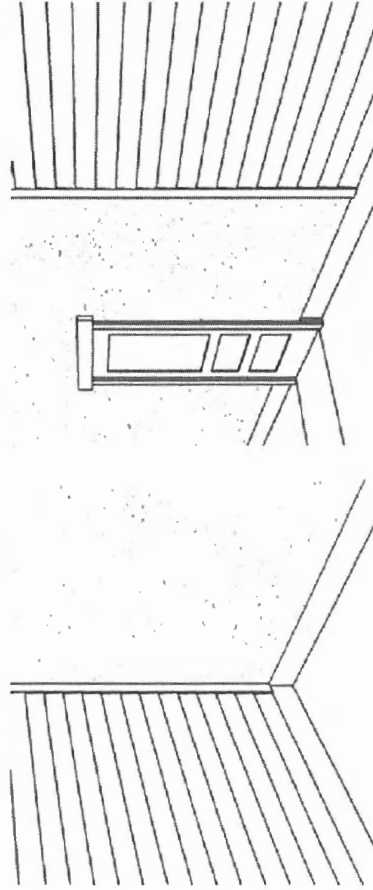
- MC S.1** A minimum of three (3) colors and/or materials shall be provided as part of a project submittal. This may include trellis structures, terra cotta tile roof materials and wall materials.

GUIDELINES

- MC G.1** Materials, colors and details should be used in an authentic manner, reinforcing the chosen architectural style and overall development concept proposed.
- MC G.2** While stucco is not prohibited as a material, it should be used only when consistent with the chosen architectural style and in the correct application manner (e.g. smooth troweled finish).
- MC G.3** Where appropriate to the proposed architectural style, vary materials and textures between the base and body of a building to break up large wall planes and add a visual base to the building. In general, heavier materials and darker colors should be used lower on the building elevation to form the building base and anchor the building to the site.
- MC G.4** Natural materials such as brick, stone, copper, etc. should be left in their natural state or color.
- MC G.5** Accent and trim elements should be differentiated from the primary surface materials/colors through the use of textures, colors, or materials.
- MC G.6** While more subdued colors usually work best for overall building color, bright or accent colors are typically more appropriate for trim, windows, doors and/or key architectural elements.



Incorporate a change of materials at intersecting planes on a building facade.



- MC G.7** Material changes should occur at intersecting planes to appear substantial and integral to the façade. Material or color changes at the outside corners of structures should be avoided.

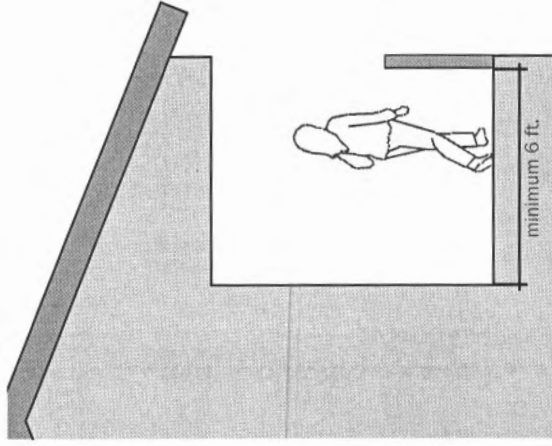
LANDSCAPE AREAS AND FENCING

STANDARDS

- LA S.1** Provide a minimum of 80 square feet of usable private open space for each residential unit proposed, with a minimum of six (6) feet in any one direction. Private open space areas may include, but are not limited to, patios, balconies, courtyards and/or usable landscape areas.
- LA S.2** Areas not covered by structures, parking, or walkways shall be appropriately landscaped with a variety of materials in compliance with Chapter 17.30 (Landscaping) of the Municipal Code.

GUIDELINES

- LA G.1** Landscape areas should be an integral part of the project design and not simply left-over areas of a site.
- LA G.2** Orient private and common open space areas to take advantage of sunlight while also sheltering residents from noise and traffic of adjacent streets or other incompatible uses.
- LA G.3** Utilize landscaping to frame, soften and embellish the quality of the site, buffer units from undesirable views, provide privacy screening, break up areas of parking and separate projects from adjacent public streets.
- LA G.4** Accent plantings should be utilized around entries and activity hubs such as common open space areas.
- LA G.5** Drought tolerant landscaping is required consistent with City water requirements. Alternative plant materials, such as artificial turf, may be considered.
- LA G.6** Locate and space trees and shrubs to allow for adequate mature and long-term growth. Trees and shrubs that create minimal root problems should be selected.
- LA G.7** Front yard fencing and walls should complement the chosen architectural style of the structure through the use of materials and colors. Chain link type fences are strongly discouraged.



Usable private open space standards.



Utilize accent plantings in entryways and common areas.

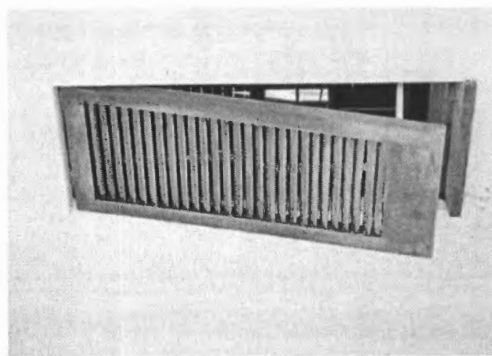
GOOD NEIGHBOR

GUIDELINES

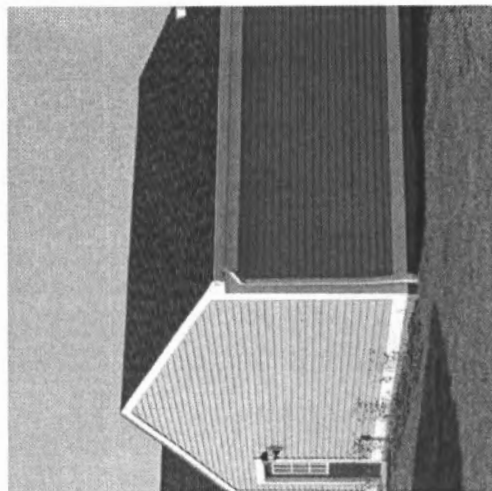
- GN G.1** Identify on the proposed site plan potential privacy-sensitive areas on adjacent parcels with details provided on how they have been addressed by the proposed design.
- GN G.2** New development should carefully consider floor plan layout and window placement to minimize unfiltered and direct views from a primary living area into a neighboring primary living area or backyard recreational area.
- GN G.3** Roof decks and balconies should be located and designed to minimize potential privacy-sensitive issues on adjacent parcels, as feasible.
- GN G.4** The use of large, blank walls as a method to address privacy impacts is not acceptable.



Landscaping and trees can provide screening between neighboring properties.



Shutters provide screening between neighboring properties.



Blank walls are not an acceptable method to address privacy issues.

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COMMERCIAL/MIXED-USE

DESIGN STANDARDS AND GUIDELINES

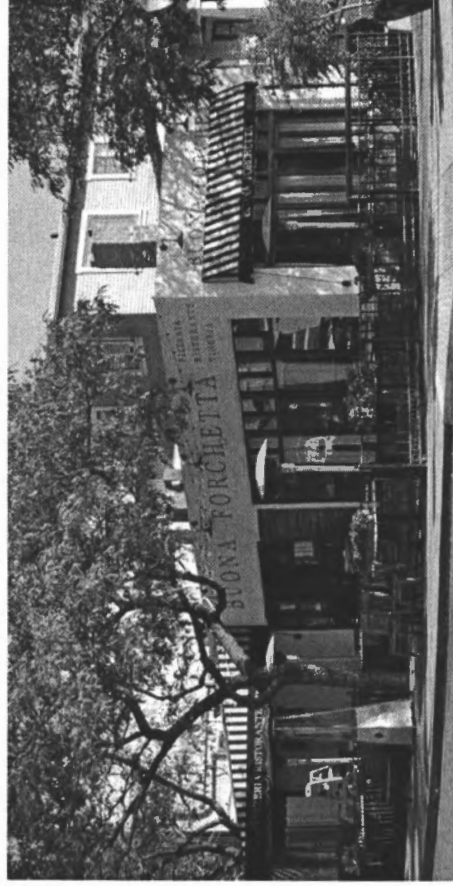
SITE PLANNING AND NEIGHBORHOOD CHARACTER

STANDARDS

- SP S.1** Provide a minimum three (3) foot buffer area between buildings and parking areas or driveways in order to avoid placing paved vehicular areas next to building walls. Except where there are walkways, this buffer area shall be landscaped (See Municipal Code 17.108.030(B) 7).

GUIDELINES

- SP G.1** While no specific architectural style is required for commercial/mixed-use buildings, applicants should identify the chosen architectural style and its defining characteristics as part of the permit application. All building designs should contribute to and complement the neighborhood character as outlined in the Vision and Community Character and History sections in Chapter One.
- SP G.2** Buildings and plazas should be oriented towards the site's primary public street and placed at the property lines (back of sidewalk) to define the street frontage and pedestrian areas. Where buildings are not placed at the property line, a publicly accessible outdoor use area should be provided.
- SP G.3** Siting of buildings should be located in a manner to optimize views from public streets to the ocean or nearby hills, as feasible.



Orient entries towards the street and create plazas/patio dining

- SP G.4** Multiple buildings in a single project are preferable to create building clusters that achieve "village" scale and creates opportunities for plazas while preventing long repetitive "barracks-like" rows of buildings.
- SP G.5** Commercial and mixed-use projects should be linked to residential areas through pedestrian circulation and strong visual relationships created by landscape and buildings.
- SP G.6** Parking areas should be located behind, on the side or underground from main building.
- SP G.7** Connect parking areas to building entrances through the use of enhanced or decorative paving and/or develop rear business entries, as feasible.

SCALE AND MASSING

GUIDELINES

- SM G.1** Scale and proportions of a structure should be consistent with the proposed architectural style of the neighborhood.
- SM G.2** Transition the scale and massing of new developments to address adjacent existing developments.
- SM G.3** Large monolithic massing and unarticulated buildings are unacceptable.
- SM G.4** Building footprints should be designed with variations composed of insets, entries, corners and jogs integrated with adjacent outdoor areas in order to create visual interest and give a sense of small scale and intimacy.
- SM G.5** Upper stories of new commercial/mixed-use developments should be stepped back, consistent with General Plan Land Use Policy LU-H 4b.b requirements, to reduce the scale of facades along street frontages.
- SM G.6** Provide a sense of human scale through the proper use of awnings, street level windows, roof overhangs, moldings, fixtures and/or other detailing.
- SM G.7** Surface detailing, such as score lines and color changes, are not considered a substitute for required material integration and distinctive scale and massing.



Recessed storefront entryways help provide a sense of human scale.

ROOF FORMS

GUIDELINES

- RF G.1 Ensure roof forms, materials and detailing are consistent with the chosen architectural style.
- RF G.2 Multi-form roofs, such as gable, hip and shed roof combinations, are encouraged to create varying roof forms, create interest and break up the massing of the building. Mansard roofs are discouraged.
- RF G.3 Roof lines should be varied in height, and long horizontal roof lines should be broken up.
- RF G.4 Buildings with flat or low pitched roofs should incorporate parapets or other architectural elements to break up long horizontal rooflines.
- RF G.5 If flat or low-slope roof forms are proposed, the shading of adjacent structures should be minimized to the greatest extent feasible.
- RF G.6 Roof elements should continue all the way around the building and not just be utilized in the most visible locations.
- RF G.7 Deep roof overhangs are encouraged to create shadow and add depth to building forms.
- RF G.8 Rafter tails and other roof elements are encouraged as roof overhang details.
- RF G.9 Roof vents should be painted to match the roof color.



Varied roof heights and forms are encouraged to provide articulation and variety to a building facade.

ARCHITECTURAL FEATURES AND ARTICULATION

GUIDELINES

- AF G.1** Incorporate four-sided architecture with variation in massing and wall planes, as well as surface articulation on each building elevation.
- AF G.2** Varied architectural elements and details, such as porches, balconies, trellises, awnings, or decks, consistent with the chosen architectural style, should be designed to enhance visual interest and help reduce perceived building mass on all elevations.
- AF G.3** Building facades should be well-articulated with windows, wall articulations, moldings, pilasters, trellises, exposed chimneys, variation of building materials, etc. Blank walls should be avoided.
- AF G.4** Ensure all architectural elements proposed are in proportion with the overall building design.
- AF G.5** Align architectural elements (i.e. windows, doors), whether vertically or horizontally, to provide balance on each building elevation consistent with the chosen architectural style.
- AF G.6** Awnings should be made of high quality, durable materials. Plastic awnings are strongly discouraged.



Provide well-articulated building facades.



Balconies enhance visual interest and reduce a building's perceived mass.

ENTRIES, DOORWAYS, AND WINDOWS

STANDARDS

ED S.1 Exterior walls facing any front- or street-facing lot line must include windows, doors, or other openings for at least 30% of the building wall area located between three (3) and seven (7) feet above the elevation of the sidewalk. Openings fulfilling this requirement have transparent glazing and provide views into work areas, sales areas, lobbies, or similar active spaces or into window displays that are at least three (3) feet deep.

GUIDELINES

ED G.1 Primary entries for commercial and residential uses should be emphasized through the use of lighting, landscaping, unique paving and/or architectural detailing.

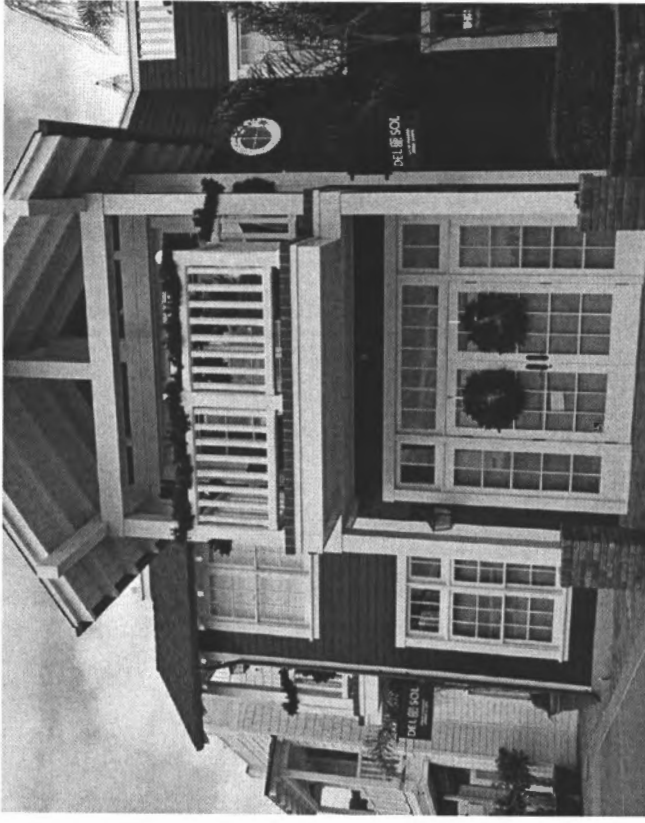
ED G.2 Where multiple uses are proposed within the same building, separate and conveniently located entrances should be provided for each use.

ED G.3 For commercial uses, recessed storefront entries are strongly encouraged.

ED G.4 All commercial and residential unit entries should have a distinctive design that complements the main building frontage.

ED G.5 Utilize window and door types, materials, shapes and proportions that complement the proposed architectural style of the building.

ED G.6 Apply window articulation such as sills, trim, kickers, shutters, balconies, trellises or similar treatments to articulate the façades of the development.



Window, door and balcony treatments help articulate the facade.



Utilize window and storefront detailing, including flower boxes.

ED G.7 To enhance privacy, particularly when adjacent to existing dwellings, stagger and offset windows from the windows of an adjacent structure.

ED G.8 Exterior stairways should complement the architectural massing and form of commercial/mixed-use structures.

PARKING

STANDARDS

PA S.1 Consistent with General Plan Land Use Policy LU-H-4b.e, on-site parking is not required for new development or redevelopment of commercial structures adjacent to Shell Beach Road, which are not adjacent or accessible to a side street.

GUIDELINES

- PA G.1** Utilize landscaping, low walls, berms and/or other means to further minimize views of parking areas from adjacent public streets while promoting views of buildings on the site.
- PA G.2** Locate loading facilities to the rear of the site, as feasible.
- PA G.3** Design detached garages, carports and accessory structures as an integral part of the architecture of a project, incorporating similar materials, colors and detailing to the principal structure of the development.
- PA G.4** Avoid open views of basement parking structures and carports, as feasible.
- PA G.5** Where a parcel fronts onto Shell Beach Road, place bicycle parking in conveniently accessible locations consistent with the Shell Beach Road Streetscape Master Plan.
- PA G.6** Parking areas should be designed so as to physically and visually link the site to the street sidewalk as an extension of the internal pedestrian environment in order to invite pedestrian access and reduce pedestrian/vehicle conflicts. This may be accomplished by using design features such as walkways, trellis structures and/or landscaping.



Locate bicycle parking in appropriate and accessible areas.



Create and connect pedestrian areas from parking to commercial uses.

UTILITARIAN AND TRASH AREAS

STANDARDS

- UT S.1 A minimum 10'x 10' concrete pad shall be placed at the front of a trash enclosure to accommodate large collection vehicles and minimize long term paving maintenance.

GUIDELINES

- UT G.1 Integrate gutters and downspouts that are designed or decorated to be consistent with the building elevation on which they are proposed.
- UT G.2 Screen any outdoor mechanical or utility equipment, whether on a roof, side of a structure, or attached to the ground from public view. The method of screening should be architecturally integrated with the adjacent structure in terms of materials, colors, shape and size.
- UT G.3 Utility equipment such as Fire Access Control Panels (FACP) and/or electrical service (SES) panels should be placed in a room that is architecturally integrated into the building. Exterior access doors to mechanical rooms should be labeled appropriately and be painted to match the approved building color.
- UT G.4 Roof-mounted equipment should not be visible from a street or a scenic highway, such as Shell Beach Road or the 101 Freeway.
- UT G.5 Screen trash and recycling enclosures from public view with landscaping and/or decorative wall materials and colors that are architecturally compatible with the building design.
- UT G.6 On larger properties, trash enclosures should be set at a 30-degree angle to the drive aisle to provide efficient trash truck access and collection, as feasible.



Ensure materials are architecturally compatible with the building design.



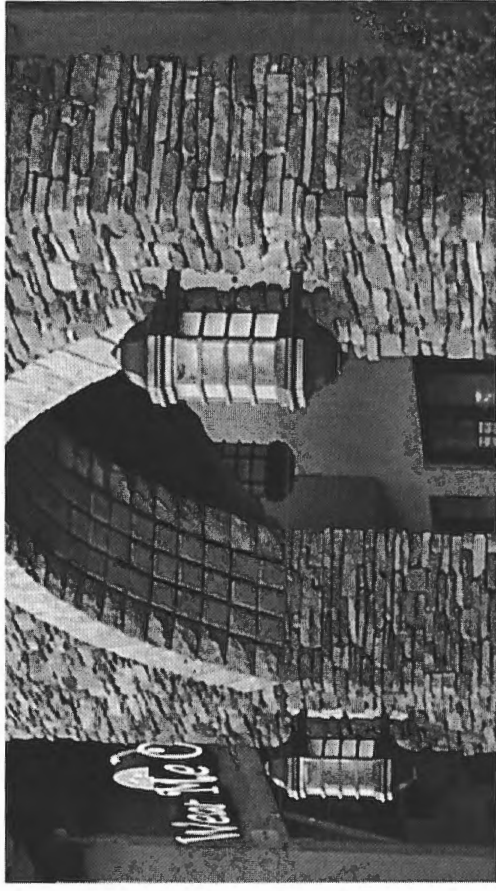
Utilize landscaping to screen utility service areas.

- UT G.7 Where large trash and recycling bins are proposed, they should be located for easily accessible collection and maintenance.
- UT G.8 Trash enclosures should be located away from adjacent single-family residential uses to the greatest extent feasible.

LIGHTING

GUIDELINES

- LG G.1** Design or select light fixtures to be architecturally compatible with the main structure or theme of the development.
- LG G.2** Decorative shields that direct lighting downward or to specific object or target areas to avoid spilling onto adjacent properties should be used for overhead lighting.
- LG G.3** Any parking lot and/or other outdoor lighting proposed should be the minimum illumination necessary to accommodate safety and security in order to minimize impacts on the adjacent residential areas.
- LG G.4** Bollard or other low-height lighting should be used whenever possible for pedestrian areas of the project.
- LG G.5** Utilize accent lighting to illuminate walkways, entries, seating areas, common open space areas and/or specimen plants and trees.
- LG G.6** Any uplighting of building or landscape elements should use the lowest wattage possible to minimize impacts to the night sky.



Utilize accent lighting.

SIGNAGE

GUIDELINES

- SE G.1** Neon is highly encouraged for signage within commercial and mixed-use projects, as it contributes to the historical and community character of Shell Beach.
- SE G.2** Signage proposed as part of a commercial or mixed-use project should reflect the type of business through design, shape, and/or graphic form.
- SE G.3** Integrate the method of sign attachment to the building into the overall sign design chosen.
- SE G.4** For commercial portions of a project, hanging signs attached to a building that project perpendicular to the building are encouraged along pedestrian areas.
- SE G.5** Signs should not cover up windows or important architectural features of a building.
- SE G.6** Any lighting associated with exterior signage should be directed to illuminate the sign without producing glare on pedestrians, vehicles or adjacent properties. Neon signs are exempt from this guideline.
- SE G.7** Projects should be identified by low-level monument signing in order to provide business center identification for commercial tenants, visitors and patrons. Such signs may include logos and should be harmonious in scale, form, materials and colors with project buildings, walls and other structures. Plastic-faced internally-lighted signs and sign cabinets or raceways are not acceptable.
- SE G.8** Monument signs should be placed perpendicular to the street and should be located within a landscape planter.



Hanging signs should project perpendicular to the building.



Neon signs contribute to Shell Beach character and are highly encouraged.

MATERIALS AND COLORS**STANDARDS**

- MC S.1** A minimum of three (3) colors and/or materials shall be provided as part of a project submittal. This may include trellis structures, terra cotta tile roof materials and wall materials.

GUIDELINES

- MC G.1** Materials, colors and details should be used in an authentic manner, reinforcing the architectural style and overall development concept proposed.
- MC G.2** While stucco is not prohibited as a material, it should be used only when consistent with the chosen architectural style and in the correct application manner (e.g. smooth, rough, trowel, etc.).
- MC G.3** Where appropriate to the proposed architectural style, vary materials and textures between the base and body of a building to break up large wall planes and add a visual base to the building. In general, heavier materials and darker colors should be used lower on the building elevation to form the building base and anchor the building to the site.
- MC G.4** Where a mixed-use project is proposed, utilize a consistent architectural style and materials palette. If the intent of an applicant is to differentiate between proposed buildings or uses, variation in architectural detailing may be considered appropriate.
- MC G.5** Natural materials such as brick, stone, copper, etc. should be left in their natural state or color.



Apply change of materials at intersecting planes.

- MC G.6** Accent and trim elements should be differentiated from the primary surface materials/colors through the use of textures, colors or materials.
- MC G.7** While more subdued colors usually work best for overall building color, bright or accent colors are typically more appropriate for trim, windows, doors and/or key architectural elements.
- MC G.8** Material changes should occur at intersecting planes to appear substantial and integral to the façade. Material or color changes at the outside corners of structures should be avoided.

PUBLIC SPACES, OPEN SPACE AND LANDSCAPE AREAS

STANDARDS

- PS S.1** Where a single development is proposed over two or more contiguous lots or extending along an entire block frontage along Shell Beach Road, a minimum of 5% of the gross lot area shall be dedicated to publicly accessible open space areas. Publicly accessible open space areas may include, but are not limited to, outdoor areas such as plazas, paseos, outdoor dining areas and/or usable landscape areas.
- PS S.2** Provide a minimum of 60 square feet of usable private open space for each residential unit proposed, with a minimum of six (6) feet in any one direction. Private open space areas may include, but are not limited to, patios, balconies, courtyards and/or usable landscape areas.
- PS S.3** Public art, subject to City approval (Municipal Code Chapter 15.49), shall be provided with all new development and additions or reconstruction that expand existing floor area by 50% or greater.
- PS S.4** One (1) tree shall be planted in a parking lot diamond planter for every four (4) parking spaces.



Integrate public art into any new development, additions or reconstruction.

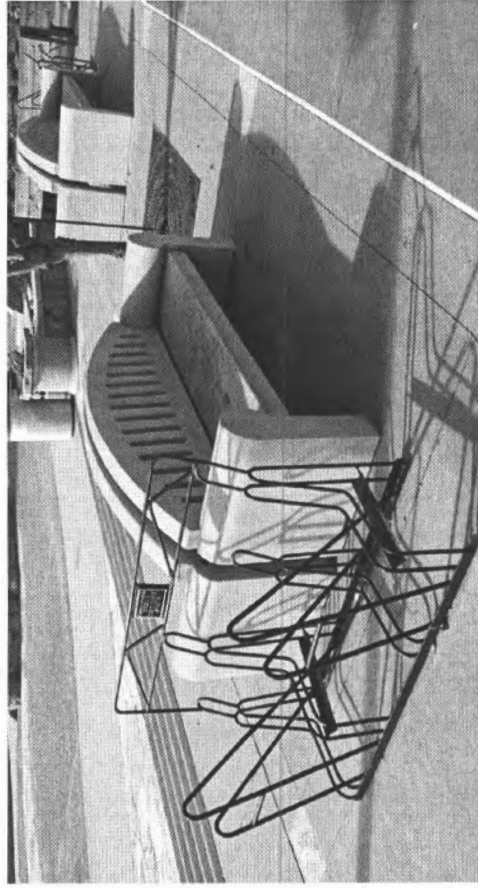


Incorporate drought tolerant landscaping into the project design.

PUBLIC SPACES, OPEN SPACE AND LANDSCAPE AREAS

GUIDELINES

- PS G.1** The streetscape design should invite pedestrian activity, through defined publicly accessible outdoor spaces, such as arcades, colonnades and courtyards.
- PS G.2** Publicly accessible outdoor spaces should include seating, trash cans, bicycle racks and/or pedestrian amenities.
- PS G.3** Landscape areas should be an integral part of the project and not simply left-over areas of a site.
- PS G.4** Landscape should be designed to accentuate the architecture and not be a substitute for quality building design.
- PS G.5** Define outdoor spaces and soften a building's appearance through the use of landscaping.
- PS G.6** Accent plantings should be utilized around entries and activity hubs such as public open space areas.
- PS G.7** Drought tolerant landscaping is required consistent with City water requirements.
- PS G.8** Locate and space trees and shrubs to allow for adequate mature and long-term growth. Trees and shrubs that create minimal root problems should be selected.
- PS G.9** Decorative paving at project entries and interior project pedestrian areas should be used. This may consist of brick, tile, pavers, integrally-colored stamped concrete and/or similar materials.



Provide pedestrian amenities in publicly accessible area.

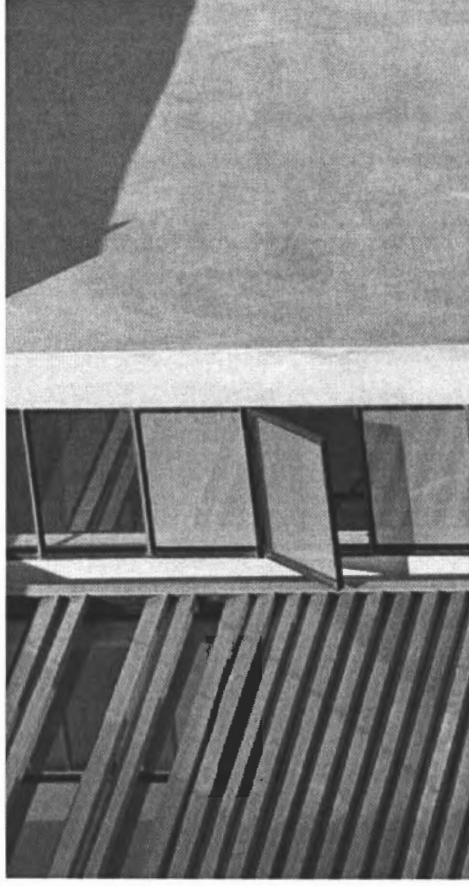


Intentionally create public and accessible open space areas.

GOOD NEIGHBOR

GUIDELINES

- CN G.1** Identify on proposed site plan potential privacy-sensitive areas on adjacent parcels with details provided on how they have been addressed by the proposed design.
- CN G.2** New development should carefully consider floor plan layout and window placement to minimize unfiltered and direct views from a primary living area into a neighboring primary living area or backyard recreational area.
- CN G.3** Roof decks and balconies should be located and designed to minimize potential privacy-sensitive issues on adjacent parcels, as feasible.
- CN G.4** The use of large, blank walls as a method to address privacy impacts is not acceptable.



Provide appropriate treatments to privacy-sensitive areas.

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APPENDIX

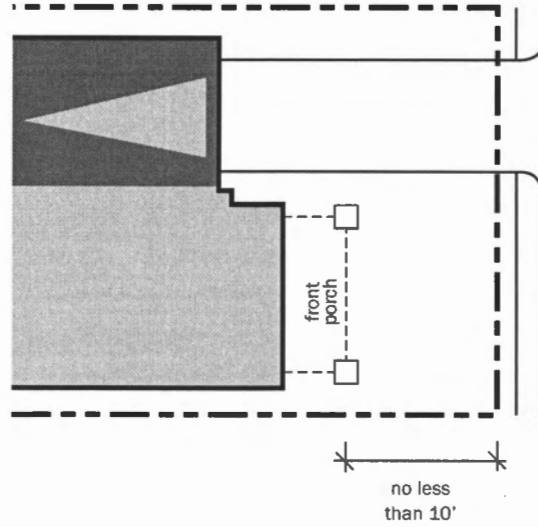
DESIGN STANDARDS AND GUIDELINES

FUTURE RECOMMENDATIONS FOR EDITS TO THE CITY'S SCALE AND MASSING LOCAL COASTAL PLAN (LCP)

The following list has been included as part of this document to direct future efforts needed to conduct a Local Coastal Plan (LCP) Amendment. Language provided herein will need to be updated and/or modified at the time of an LCP Amendment.

SINGLE-FAMILY DESIGN STANDARDS

- Front entry porches for a dwelling may encroach into the required front yard setback to a maximum of 30% of the required setback distance, but in no instance may the total front entry porch encroachment area exceed 90 square feet. All front entry porches may be covered but not enclosed, with the maximum allowable railing height limited to 42 inches.



Front entry porch encroachment area.

ROOF DECKS AND ROOF FORMS**SINGLE-FAMILY DESIGN STANDARDS**

- Modifying the max height to a flat roof vs. pitched roof (midpoint).

GARAGES AND CARPORTS**SINGLE-FAMILY DESIGN STANDARDS**

- One (1) required off-street parking space for single-family dwellings must be located in an enclosed garage, however the second required space may be located in a carport or a driveway. Any parking space located within a carport or driveway must meet the minimum City Standards for parking space dimensions.
- Property owners proposing to include a vehicle lift as part of a proposed project shall be required to record a deed restriction ensuring the property maintains the required one (1) enclosed and one (1) non-enclosed off-street parking spaces.

PUBLIC SPACES, OPEN SPACE, AND LANDSCAPE AREAS

OTHER

PLANNING AREA H

- Modify existing Coastal Appeal Overlay Zone to simplify and bring consistency to the Administrative Coastal Development Permit process within Planning Area H.

COMMERCIAL/MIXED-USE DESIGN STANDARDS

- Consistent with General Plan Land Use Policy LU-H-4b.d, for those commercial and/or mixed-use projects over two or more contiguous lots or where a single lot is greater than 6,000 square feet, publicly accessible areas provided within a project shall include enhanced landscaping, seating, unique paving, fountains and/or other streetscape amenities. Where streetscape amenities are proposed, Public Works shall review the proposal to determine whether the amenities are consistent with the Shell Beach Road Streetscape Master Plan.
- Consistent with General Plan Land Use Policy LU-H-4b.d, for those commercial and/or mixed-use projects on a single lot development less than 6,000 square feet fronting Shell Beach Road, streetscape amenities such as seating, bicycle racks and/or other pedestrian amenities shall be provided where Public Works determines them to be consistent with the Shell Beach Road Streetscape Master Plan.

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Item No.: W17B
Application No. A-3-PSB-15-0030
Name: WAYNE SHIMP
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.


First, their project conforms in all respects to the community character. There are similar two-story residence in the area. The staff's suggestion that the Rozos second story should be reduced is based on a misinterpretation of the City's LCP, and unfairly imposes on them a different rule than is applied by the City to every other project that has come before them. The Rozos' proposed residence should not be unfairly targeted for modifications or even permit denial.

Second, I urge the Commission not to require a public trail across the Rozos' backyard. Here, I agree with your staff that a trail would be impractical given the property's location (it wouldn't connect with any existing trails). Perhaps more important, taking an easement from the Rozos would violate their property rights.

Finally, I agree with your staff that there is no "sewer easement" issue with the project. The existing house is built DIRECTLY over the easement, so the proposed project only improves the City's access to its easement by bridging the building over it. There is no law that prohibits their proposed house on this ground.

Please do the right thing and vote to approve the Rozos' project as they have proposed it—and as approved by the City of Pismo Beach.

Sincerely,



207 PALISADE AVE
PISMO BEACH, CA
93449

Item No.: W17B
Application No. A-3-PSB-15-0030
Name: EMMAN STANLEY
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.


First, their project conforms in all respects to the community character. There are similar two-story residence in the area. The staff's suggestion that the Rozos second story should be reduced is based on a misinterpretation of the City's LCP, and unfairly imposes on them a different rule than is applied by the City to every other project that has come before them. The Rozos' proposed residence should not be unfairly targeted for modifications or even permit denial.

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Finally, I agree with your staff that there is no "sewer easement" issue with the project. The existing house is built DIRECTLY over the easement, so the proposed project only improves the City's access to its easement by bridging the building over it. There is no law that prohibits their proposed house on this ground.

Please do the right thing and vote to approve the Rozos' project as they have proposed it—and as approved by the City of Pismo Beach.

Sincerely,



265 PIER AV.
SHELL BEACH, CA
93449

Item No.: W17B
Application No. A-3-PSB-15-0030
Name: EDWARD WEINER
IN SUPPORT OF THE APPLICANTS

Dear Commissioners,

I am a resident of Pismo Beach, and I write in full support of Ernie and Pam Rozo's application.

First, their project conforms in all respects to the community character. There are similar two-story residence in the area. The staff's suggestion that the Rozos second story should be reduced is based on a misinterpretation of the City's LCP, and unfairly imposes on them a different rule than is applied by the City to every other project that has come before them. The Rozos' proposed residence should not be unfairly targeted for modifications (let alone permit denial).

Second, I urge the Commission not to require a public trail across the Rozos' yard. Here, I agree with your staff that a trail would be impractical given the property's location. The trail wouldn't connect with any existing trails. Perhaps more important, taking an easement from the Rozos without compensation would violate their property rights.

Finally, I agree with your staff that there is no "sewer easement" issue with the project. The existing house is built DIRECTLY over the easement, so the proposed project only improves the City's access to its easement by bridging the building over it. There is no law that prohibits their proposed house on this ground.

Please do the right thing and vote to **approve the Rozos' project as they have proposed it**—and as approved by the City of Pismo Beach.

Sincerely,

EDWARD WEINER
332 Capistrano Ave
Pismo Beach, CA 93449

LAW OFFICE OF TARREN COLLINS

P.O. Box 3063
Shell Beach, CA 93448
Tel: (805) 773-0233
Fax: (805) 773-0403

January 9, 2017

California Coastal Commission

Sent via email to Yair Chaver at Yair.Chaver@coastal.ca.gov>

Re: Appeal No. A-3-PSB-15-0030 (Rozo, Pismo Beach) 388 Windward Ave

Honorable Chair Kinsey and Coastal Commission Members:

I am one of the appellants in Appeal No. A-3-PSB-15-0030 (Rozo, Pismo Beach). I ask that you adopt your staff's recommendation to find that our appeals raise Substantial Issue. I also join my fellow appellant, Laurie Cummings, in requesting that the bifurcated de novo hearing be held locally, at your meeting in Cambria September 13-15, 2017.

As the attached petitions with 135 signatures of Shell Beach residents show, this issue is of great importance to my neighbors in Shell Beach. Holding the de novo hearing locally will allow these concerned citizens to be present at the hearing. Many of these supporters of our appeals indicated they would be at the hearing scheduled for January 11. Now that the applicants have chosen to split off the de novo portion of the appeals hearing, we have notified our supporters to wait to be present during the de novo portion instead. Please schedule the de novo hearing when the commission next meets in San Luis Obispo County.

Our appeals raise substantial issue because the proposed demolition and construction of the residence, as proposed by the Rozos, raises substantial LCP conformance issues. The mass and scale of the proposed project is inconsistent with the Community Character of this special coastal community, and it is inconsistent with the Neighborhood Compatibility requirement of the General Plan.

The proposed project also raises a substantial issue because it does not include an essential pedestrian access easement, as required by our General Plan LU-H-8, and LCP Policy PR-5 which states: "Every attempt shall be made to interconnect city trails....".

I disagree with your staff's assessment that the proposed project can be approved with conditions which would reduce the size of the second floor. Even with a reduction in size of the second floor, the proposed residence would be significantly out of character with this special Shell Beach community.

The citizens here have been protesting loudly about the approval of such large, fortress-like homes dominating the lots where the neighborhoods are still predominantly one story homes with welcoming front yards set back from the street. The City of Pismo Beach has recently recognized the need to adopt new development standards and design guidelines to protect the unique, low-key ambiance and community character of the special Shell Beach neighborhoods. Please see the attached flyer and handout from the City of Pismo Beach concerning this effort.

"The mere fact that a proposed project is consistent with a jurisdiction's General Plan does not mean that it has no potential to cause significant impacts." *City of Antioch v. City Council* (1st Dist. 1986) 187 Cal. App. 3d 1325, 1331.

The proposed project is inconsistent with the community character of the surrounding neighborhoods, and therefor violates Chapter 3 of the Coastal Act. Also, the proposed project impacts the important scenic and visual qualities of this coastal area, making this project inconsistent with the policies of Sections 30251 and Section 30116(c) of the Coastal Act.

The proposed size of the project is not consistent with the visual resources and minimization of adverse impacts policies of the Coastal Act. In particular, the proposed project is inconsistent with the scale, mass, and character of the surrounding residential neighborhood.

Also, the applicant's proposed project will be built over a sewer line, which is not only inconsistent with Pismo Beach City policy, it would jeopardize the whole of south Shell Beach Village for the benefit of one property owner, and it poses a risk to the ocean water quality should the new building prevent a sewer leak from being immediately repaired. The city engineer would not allow any building over the sewer line that traversed the property at 374 Boeker nearby. The property at 388 Windward can be developed without building over the sewer line.

This commission should deny the CDP.

I have lived in Shell Beach Village since 2001. I also lived here in the early 1980's when I was in college. I came to love this community when I was growing up in San Luis Obispo. I am an attorney whose practice includes land use and planning issues.

One of the major purposes of the Coastal Act and our General Plan is to assure that development in the City of Pismo Beach maintains, and if possible enhances, the community experience for the current residents. To allow this development to be approved would be a travesty negatively impacting the community for generations to come.

Staff's proposal to approve with conditions reducing the upper floor still does not meet the Neighborhood Compatibility requirement per the General Plan, and it still is of a mass and scale which is incompatible with the community character of this Shell Beach neighborhood.

Please find the appeals raise Substantial Issue, please schedule the de novo hearing for your September meeting on the Central Coast, and, at the de novo hearing, please deny the project and preserve the low key ambiance and special community character of Shell Beach

Thank you,



Tarren Collins
Appellant

Cc Laurie Cummings

Encl.

CITY OF PISMO BEACH
CITY CLERK'S OFFICE

4.21.15

4:49 PM

**To the Pismo Beach City Council re: development permit appeal for 388
Windward Avenue Shell Beach.**

Please consider the "General Plan" and the "Local Coastal Plan" with the impending development of 388 Windward Avenue. Specifically in reference to the 5' wide pedestrian walking path. This path will be close to connecting Windward Avenue to Boeker Avenue along with the new easement at the rear of the development at 367 Boeker Avenue. One small segment will still need to be acquired in the future.

The Pismo Beach "General Plan" and "Local Coastal Plan" were adopted in 1992 and certified by the California Coastal Commission in 1993. It has been updated in 2006 and again in 2013. In each edition, the plan spoke to the creation of lateral pedestrian pathways connecting Boeker Street to Placentia Avenue on the north and Boeker Street to Windward Avenue on the South. (LU-H8 to LU-H9 attached) These paths will connect Ocean Avenue all the way through.

The path to connect Boeker Street to Placentia was completed several years ago. The path to connect Boeker Street to Windward is already in progress with the construction of a new home at 367 Boeker Street. The development at 388 Windward Avenue is the last big section to make this path a reality.

This path will connect our community on either side of Placentia Avenue and Windward. It will also complete a section of the coastal trail making it possible to travel from Dinosaur Caves Park on the South to Vista Del Mar Avenue on the North all while staying close to the sea.

The petition submitted with this letter was collected in a few hours by canvassing just the few streets near Boeker. We have had a 95 %+ agreement when asking for signatures. You will have the communities support with requiring this addition to the development permit. We have not had the chance to canvas Shell Beach in its entirety, but we believe we would be very positive and achieve a 90% agreement rate.

We urge you to not overlook this opportunity.

Also attached is the petition with signatures in favor of seeing this pathway accomplished.

c. Shell Beach Road Improvements

Shell Beach Road improvements should retain the existing curb and gutter flow line and profile of the street and ADA compliance through use of bulb outs and street corner improvements. Additional improvements will include a multi-use trail, benches, decorative light poles, bike racks, public art, trash receptacles, and receptacles for recyclable material. A variety of paving changes and textures with street furniture and decorative lights and street trees will enhance this area.

Existing public sidewalks and street amenities shall be maintained, and future improvements shall be maintained in perpetuity.

Consistent with policies D-36 and D-37, Shell Beach Road overhead utilities shall be placed underground. Undergrounding to the first adjacent residential street is required.

d. Ocean Blvd Improvements

Public improvements to Ocean Blvd shall include public art features where possible. Examples include but are not limited to artistically sandblasted bollards and posts, mosaic tiled trash and recycled containers, decorative paving, or art work on utility boxes.

*** LU -- Lateral Access at Boeker Street**

The City should pursue opportunities to create lateral pedestrian pathways connecting Boeker Street to Windward Avenue or Ocean Boulevard. This requirement shall be implemented as part of project approval, private gifts or dedications or possibility through public acquisition. (See Parks and Recreation Element, Policy PR-5, Path System.)

**Dinosaur Caves
Planning Area I**

Background

The Dinosaur Caves area contains the Shelter Cove Hotel, and the 11 acre Dinosaur Caves Park. Dinosaur Caves Park includes trails, open areas for public events, ocean overlooks play equipment, public parking and restrooms. The open nature of the area allows for dramatic views of the coastline from Highway 101. The edge of the bluffs is a potential geological hazard; portions of the bluffs have collapsed in recent years.

4.21.15

Also submitted at Planning 10/9/12
Commission

TO THE PISMO BEACH PLANNING COMMISSION & CALIFORNIA
COASTAL COMMISSION

The undersigned residents of Shell Beach strongly support the opportunity for the Planning Commission to require a path connecting the ocean end of Boeker street to Windward Ave similar to what was done connecting Boeker Street to Placentia Avenue in the past. This is the chance to make a spectacular walking trail from Dinosaur Caves Park to Vista Del Mar that would finally connect the two sides of Shell Beach village along the waterfront.

NAME

ADDRESS

1	<u>[Signature]</u> B. Walta	372 Boeker, Shell Beach
2	Kelly Miller Kelly Miller	331 Castaic, Shell Beach
3	Michael Miller <u>[Signature]</u>	331 Castaic, SB
4	<u>[Signature]</u> L. Silvus	372 BOEKER, SHELL BEACH
5	<u>[Signature]</u> S. LOPEZ	368 BOEKER, SHELL BEACH
6	<u>[Signature]</u> JOSEPH LOPEZ	111 BOEKER AVE, SHELL
7	Virginia Wrathall V. S. Wrathall	680 Ocean Blvd. Shell Beach
8	Richard Wrathall Richard Wrathall	680 Ocean Blvd, Shell Beach
9	LARRY SCARBOROUGH	167 BOEKER AVE SHELL BEACH
10	LINDA NELSON	167 BOEKER AVE, Shell Beach
11	BILL TAYLOR	P.O. BOX 1207 PISMO BEACH
12	TANA TANAKA	P O Box 387, Pismo Beach CA.

(1)

TO THE PISMO BEACH PLANNING COMMISSION & CALIFORNIA
COASTAL COMMISSION

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NAME

ADDRESS

- | | | |
|----|------------------|-------------------------------|
| 13 | Christy Serpa | 246 Windward Shell Beach |
| 14 | Jeremiah Serpa | 246 Windward Shell Beach |
| 15 | William Pajares | 288 WINDWARD AVE. Shell Beach |
| 16 | Walter Sanchez | 269 WINDWARD AVE SF |
| 17 | Tanya Bernal | 2109 Windward Ave SB |
| 18 | Cheri Pajares | 288 Windward SB |
| 19 | Frank P. Pajares | 298 Windward Ave. RB |
| 20 | K. Pajares | 255 WINDWARD AVE SB. |
| 21 | W. Pajares | 305 WINDWARD AVE SHELL BEACH |
| 22 | EVA CASTRO | 317 WINDWARD AV SHELL BEACH |
| 23 | Chas Kefauver | 255 WINDWARD AVE. Shell B. |
| 24 | EDDIE STANFIELD | 359 Placentia Shell Beach |
| 25 | Debra Sievers | 342 Morro Ave Shell Beach |

(2)

TO THE PISMO BEACH PLANNING COMMISSION & CALIFORNIA
COASTAL COMMISSION

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NAME

ADDRESS

- | | | |
|----|------------------|----------------------------|
| 26 | Manique Nelson | 320 Placentia Ave, SB, CA. |
| 27 | Holly Hartley | 114 Wawona Ave, SB, CA |
| 28 | Karen Leonard | 250 Cayama Ave |
| 29 | Diana DeBorgo | 251 Capistrano S.B. |
| 30 | Joe Wunam | 250 Cayama Ave. |
| 31 | Lois Kister | 289 Windward S.B. |
| 32 | Whitney Elliott | 216 Windward Ave 93449 |
| 33 | Avery Fleming | 216 Windward Ave |
| 34 | Michael Ellis | 204 Windward Ave |
| 35 | Lynn LaMoine | 206 Leeward AVE |
| 36 | Barbara Hamilton | 190 Leeward Ave |
| 37 | Paul Green | 315 Leeward Av. |
| 38 | Cheryl Tidalgo | 324 Windward Ave. |

②

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ADDRESS

39	David Garg.	243 Vista Del Mar
40 & 41	Sandra & Jesper Nielson	313 Vista del Mar
42 & 43	Susan & Phil Middleton	1956 Ocean Blvd.

4

The undersigned residents of Shell Beach strongly support the opportunity for the Planning Commission to require a path connecting the ocean end of Boeker street to Windward Ave similar to what was done connecting Boeker Street to Placentia Avenue in the past. This is the chance to make a spectacular walking trail from Dinosaur Caves Park to Vista Del Mar that would finally connect the two sides of Shell Beach village along the waterfront.

ADDRESS

44	Paul Schier	127 Cuyama	Shell Beach CA
45	Rick Wike	324 WINDWARD	SHELL 93449 BORNEO 94049

TO THE PISMO BEACH PLANNING COMMISSION & CALIFORNIA
COASTAL COMMISSION

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	NAME	ADDRESS
46	Tarren Collins	P.O. Box 3063, Shell Beach
47	Kelly LeMay	PO Box 2424 Shell Beach
48	Cheryl Seibert	214 Capistrano SB.
49	Shanna Cervo	214 Capistrano SB
50	Shawn Ray	214 Capistrano SB
51	214 EDWARD D. LOCKHART	109 Capistrano Ave Shell Beach, CA
52	Rhea Rogers	114 Capistrano SB
53	Nick Jones	114 Capistrano SB
54	Rachel Bradford	114 Capistrano SB
55	René Woltz	114 Capistrano Ave.
56	Peggy Sprengino	126 Capistrano SB
57	PAT MITCHELL	138 Capistrano Ave
58	CARUSA PHELPS	138 Capistrano Ave
59	Bob Turin	151 Capistrano Ave

(8)

TO THE PISMO BEACH PLANNING COMMISSION & CALIFORNIA
COASTAL COMMISSION

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NAME

ADDRESS

60	Richard Rott	250 CAPISTRANO
61	Nancy Ayler	262 Capistrano
62	B. Ayler	262 Capistrano
63	Teresa	257 CAVISTA
64	Brenda	257 CAPISTRANO
65	John	232 Capistrano ave
66	Hugh	232 Capistrano Ave.
67	TABER LIO GRIGOLI	302 CAPISTRANO AVE
68	Charles Anderson	180 Ocean View, Pismo
69	Heather Stone	180 Ocean View Ave Pismo Beach CA
70	John	785 11th St
71	John	227 Capistrano
72	Melinda	239 Capistrano Ave

7

TO THE PISMO BEACH PLANNING COMMISSION & CALIFORNIA
COASTAL COMMISSION

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	NAME	ADDRESS
73	Jue Chan	362 Capistrano Ave
74	Mike and Toni McCracken	309 Placentia Ave.
75	Mike McCracken	309 Placentia Ave.
76	Paul Bragg	375 Santa Fe
77	Gabe Beckitt	258 Montecito Ave
78	Paul Beckitt	258 Montecito Ave
79	Charles J. Janning	330 Wauwata Ave
80	Walter J. Janning	330 Wauwata Ave

4.21.15

TO THE PISMO BEACH CITY COUNCIL & CALIFORNIA COASTAL COMMISSION

(In reference to the development of 388 Windward Ave)

The undersigned residents of Pismo Beach/Shell Beach strongly support the opportunity for the City Council to require a pedestrian path connecting the ocean end of Boeker St. to the ocean end of Windward Ave. similar to what was done connecting Boeker St. to Placentia Ave in the past. This is a chance to make a spectacular walking trail from Dinosaur Caves Park to Vista Del Mar that would finally connect the two side of Shell Beach Village along the waterfront.

NAME

ADDRESS

- | | | |
|----|--------------------------|--|
| 81 | <u>Leo Barber</u> | <u>728 Ocean Blvd Shell Beach</u> |
| 82 | <u>Laurie D Cummings</u> | <u>305 WINDWARD AVE. SHELL BEACH</u> |
| 83 | <u>James Buckle</u> | <u>118 LEWIS AVE SB</u> |
| 84 | <u>Cathy Kilmer</u> | <u>6670 Bellvue Orchard Ln. SLO, CA.</u> |
| 85 | <u>Craig Cummings</u> | <u>305 WINDWARD AVE SHELL BEACH</u> |
| 86 | <u>Hani Bhatta</u> | <u>208 Placentia Ave, Shell Beach</u> |
| 87 | <u>Rene Walker</u> | <u>246 Miramar Lane Shell Beach</u> |
| | | |
| | | |
| | | |
| | | |

Please join your local Shell Beach Community in support of a Public coastal access pathway from 388 Windward Avenue to eventually connect with the approved pathway dedication at 367 Boeker Avenue. This is the next to final link in the connection between our communities on either side of Placentia Avenue and Windward Avenue.

TO THE PISMO BEACH CITY COUNCIL & CALIFORNIA COASTAL COMMISSION

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NAME

ADDRESS

88 Carol Lum	12036 Wood Park Rd. Central Hills 91344
89 Marki Fridolf	P.O. Box 698 Kingsburg CA
90 Kate Capela	210 Montecito Ave.
91 John Capela	210 Montecito Ave
92 Janice Fridolf	P.O. Box 698 Kingsburg, CA
93 Bill Haines	288 WINDWARD AVE
94 Michael Byrd	514 Pioneer Rd. Nipomo CA 93444
95 Frank J. J.	142 Windward Av #2 93449
96 Douglas Malabon	508 Ocean Shell Beach 93449
97 Shelley Malabon	508 Ocean Bl Shell Beach-93449
98 Bobbie Bob	260 Hillside Ave Santa Clara 9057
99 Aggie Watters	4704 Talmadge Rd Modesto, CA 95231

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NAME

ADDRESS

100	Therese McEwen	8 Bulflower Lane, San Carlos, CA 94070
101	Janine Post	653 Shell Beach Rd SB 93449
102	Wendy Smith	204 Windward Ave Shell Beach, CA 93449
103	Sam Smith	190 Windward
104	Art Dy	178 Windward
105	Alan Raul	127 Windward Ave
106	Heather Pennechi	141 Windward
107	CHRIS PELLEGRINI	149 WINDWARD AVE
108	Chris Armstrong	153 Windward Ave
109	Rosy Stew	189 Windward Ave
110	Amanda Rodriguez	229 Windward Ave.
111	Barbara Moses	311 Leeward Ave.

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NAME	ADDRESS
112 Samantha Melone	574 Sweet Pea Pl.
113 Shelley Melone	574 Sweet Pea Pl.
114 Nick Moses	311 Leeward
115 Max Melone	574 Sweet Pea Pl.
116 CHELSEA BRESCIA	289 LEEWARD AVE
117 Tony Brescia	289 LEEWARD AVE.
118 KAREN LIBBY	253 LEEWARD AVE
119 MARK LIBBY	253 LEEWARD AVE.
120 MIKE LYNN	319 N Hwy 1
121 Laurie Davis	241 Leeward Ave.
122 Cheryl Sidatg	324 WINDWARD AVE.
123 EVA CASTRO	317 WINDWARD AVE

Please join your local Shell Beach Community in support of a Public coastal access pathway from 388 Windward Avenue to eventually connect with the approved pathway dedication at 367 Boeker Avenue. This is the next to final link in the connection between our communities on either side of Placentia Avenue and Windward Avenue.

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NAME

ADDRESS

24	Susan Middleton	1956 Ocean Blvd. P.B.	93449
25	Phil Middle	1956 OCEAN BLVD PISMO BEACH	93449
26	Deborah Winter	273 Boeker Ave. Shell Beach CA	
27	Edwin R. Winter	273 Boeker Ave Shell Beach Ca.	
28		245 Boeker Ave Shell Ct	93449
29	Jamlyn Griffith	269 Windward Ave Shell Beach	93449
30	Paul	316 WINDWARD AVE "	" 93449
31	Rodriguez	298 Windward Ave	
32	DL Mc Fall	246 Windward	
33	Robert Bowersox	288 1/2 Windward	
34	Amy Bowersox	288 1/2 Windward Ave Shell Beach	
35	Sheri Mayer	16865 Silver Crest Dr. San Diego	CA 92129

Please join your local Shell Beach Community in support of a Public coastal access pathway from

388 Windward Avenue to eventually connect with the approved pathway dedication at 367

Boeker Avenue. This is the next to final link in the connection between our communities on either

side of Placentia Avenue and Windward Avenue.



COMMUNITY

GIVE INPUT ON SHAPING FUTURE DEVELOPMENT IN SHELL BEACH

The purpose of this project is to create Development Standards and Design Guidelines that will help land owners, developers, architects and decision makers have a clear picture of what the Shell Beach community and City want to see in future development and remodels in Shell Beach.

WHEN:

Thursday,
August 11, 2016
6:00 p.m. to 9 p.m.

WHERE:

Shell Beach Veteran's
Hall/Library
230 Leeward Ave
Shell Beach

QUESTIONS?

Contact: Matt Everling
meverling@pismo-beach.org
(805) 773-7043



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SHELL BEACH

DEVELOPMENT STANDARDS AND DESIGN GUIDELINES

AGENDA

INTRODUCTION

PROJECT PURPOSE

ESSENCE OF SHELL BEACH

HOW TO GUIDE FUTURE DEVELOPMENT

- Scale and Massing
- Architectural Design & Character
- Parking
- Privacy/Roof Decks
- Other Ideas and/or Concerns

NEXT STEPS

FEEDBACK/COMMENTS

Give input on shaping future development in Shell Beach.



CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



W17b

Filed:	5/7/2015
Action Deadline:	None
Staff:	Yair Chaver - SC
Staff Report:	2/17/2017
Hearing Date:	3/08/2017

STAFF REPORT: DE NOVO HEARING

Application Number: A-3-PSB-15-0030

Applicants: Pam and Ernie Rozo

Project Location: 388 Windward Avenue near its intersection with Ocean Boulevard near the shoreline and just upcoast of Dinosaur Caves Park in the Shell Beach area of the City of Pismo Beach, San Luis Obispo County (APN 010-371-012).

Project Description: Demolition of an existing single-story single-family residence and construction of a new two-story single-family residence with an attached two-car garage and an attached secondary dwelling unit.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The Applicants propose to demolish an existing 1,319-square-foot single-story single-family residence and construct a new 3,741-square-foot, two-story single-family residence with an attached secondary dwelling unit and an attached garage. The project is located in the Shell Beach neighborhood just upcoast of Dinosaur Caves Park, and is located one house inland from the immediate shoreline atop the bluffs near the intersection of Windward Avenue and Ocean Boulevard.

On January 12, 2017, the Commission found that the City's action approving the project raised a substantial issue of conformance with the City's LCP due to questions about community

character and neighborhood compatibility as well as public access. The Commission now considers the project *de novo*.

In terms of the community character, the LCP seeks to maintain the small-scale nature of the Shell Beach neighborhood by prohibiting “boxy” structures, for example by limiting the second story of a dwelling to 80% of the first story. The project does not meet LCP requirements limiting second-story gross floor area to 80% of the first story, and in this case the proposed second story is nearly 90% of the size of the first story. Although there are some similar two-story residences in the area, the proposed project does not comply with the LCP’s maximum size requirements. Therefore, staff recommends a special condition that would require re-design of the project, limiting the second story to 80% of the size of the first story, which will meet the LCP’s requirements in this respect. Even though the residence will still be a significant increase from what currently exists, staff does not believe it will be increased so much as to be significantly out of character with other residential development in the area, including in terms of existing two-story residences adjacent to this site on Boeker Avenue as well as just inland of the site on Windward Avenue.

With respect to public access, the LCP includes a series of provisions related to providing lateral public access along the shoreline in the Shell Beach area, amplifying more general Coastal Act provisions to the same effect that also apply. Much of Shell Beach includes connected public lateral access trails, including those provided through CDP actions pursuant to these LCP and Coastal Act provisions, forming portions of the California Coastal Trail (CCT) in this area. However, there are gaps in the CCT, including one between Windward Avenue and upcoast Boeker Avenue where intervening private residential development currently precludes the connection of these two streets for public access, and which requires trail users to continue on an inland loop of over one-half mile to continue accessing the CCT on either side of this site. The Applicants are not proposing any such trail easement to connect the CCT between Boeker and Windward Avenues. Although staff believes that a trail easement would indeed be beneficial to helping to close the CCT gap at this location, staff has analyzed the public access impacts of the proposed project and does not believe that such impacts associated with approval of the development proposal rise to the level of requiring an easement as compensatory mitigation for such impacts. LCP and Coastal Act objectives would be better achieved with an easement, but this project appears to have limited public access impacts, and these do not rise to the level of requiring such mitigation. That is not to say that some other similarly-situated residential project could not have more significant access impacts that *would* require an easement to mitigate for such impacts, but the facts of this particular case do not appear to warrant a trail easement as compensatory mitigation for impacts to public access caused by approval of this development proposal. Thus, staff is not recommending a trail easement be required in this case.

Therefore, as conditioned the proposed project can be found consistent with the requirements of the certified 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 4 of this report.

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EXHIBITS

- Exhibit 1: Project Location
- Exhibit 2: Project Site Photos
- Exhibit 3: Proposed Project Plans
- Exhibit 4: Existing and Proposed Street View
- Exhibit 5: City Sewer Easement
- Exhibit 6: Trail Easements and Potential Connections
- Exhibit 7: Table PR-4, Figure PR-2, and Figure PR-3
- Exhibit 8: Ex Parte Communications
- Exhibit 9: Correspondence

I. MOTION AND RESOLUTION

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

***Motion:** I move that the Commission **approve** Coastal Development Permit Number A-3-PSB-15-0030 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-15-0030 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 Plans. PRIOR TO ISSUANCE OF THE CDP, the Permittees shall submit, for the review and written approval of the Executive Director, two full-size sets of final plans. The final plans shall be in substantial conformance with the proposed project plans (see **Exhibit 3**) except that they shall be modified to limit the second-story gross floor area to no more than 80% of the first-story gross floor area, with a preference for second-story reductions that provide increased stepping back from the first-story as seen from public viewing areas along Windward Avenue. The final plans shall be submitted with evidence and documentation clearly showing the manner in which the 80% second-story threshold is maintained. The Permittees shall undertake development in conformance with the approved final plans unless the Commission amends this permit or the Executive Director provides a written determination that no amendment is legally required for any proposed minor deviations.

2. Local Government Approval. This CDP action has no effect on conditions imposed by the City of Pismo Beach on this project pursuant to an authority other than the Coastal Act, except as provided in the last sentence of this condition. The Permittees are responsible for compliance with all terms and conditions of this CDP in addition to any other requirements imposed by other City of Pismo Beach terms and conditions pursuant to the City's non-Coastal Act authority. In the event of conflicts between the terms and conditions imposed by the City of Pismo Beach and those of this CDP, the terms and conditions of this CDP shall prevail.

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 (per Coastal Act Section 30604(c)).

A. PROJECT LOCATION

The project is located in the Shell Beach area of the City of Pismo Beach upcoast from downtown Pismo Beach and between Highway 101 and the tall coastal bluffs that front this stretch of the City (see **Exhibit 1**). The site itself is in a residential area just upcoast of Dinosaur Caves Park near the intersection of Windward Avenue and Ocean Boulevard, and it is the second residential property inland from the blufftop edge. The parcel is designated and zoned Single Family Residential (R-1) in the LCP, and the surrounding neighborhood contains a mix of one-, two-, and three-story houses of varying sizes and architectural styles (see **Exhibit 2**).

B. PROJECT DESCRIPTION

The Applicants propose to demolish an existing 1,319-square-foot single-story single-family residence and replace it with a 3,741-square-foot two-story single-family residence (consisting of a 2,636-square-foot primary residence with an attached 495-square-foot garage and an attached

610-square-foot secondary dwelling unit) on a 5,236-square-foot lot located at 388 Windward Avenue (APN 010-371-012). The proposed residence is designed to include a “bridge” over an existing sewer easement running through the property north to south, as a means to provide access to the easement by City equipment and personnel in case of needed maintenance. See **Exhibit 3** for project plans, and see **Exhibit 4** for before (i.e., photo) and after (i.e., photo simulation) street views of the site.

C. COMMUNITY CHARACTER AND NEIGHBORHOOD COMPATIBILITY

The LCP provides a series of principles and objectives for protecting the character of the Shell Beach neighborhood in Pismo Beach. To achieve these objectives, a number of LCP Land Use Plan (LUP) policies and Implementation Plan (IP) sections regulate the size, architectural style and visual impacts of new buildings. The LCP states:

LCP Policy D-2a. Building and Site Design Criteria. Small Scale. (in relevant part)

New development should be designed to reflect the small-scale image of the city rather than create large monolithic buildings. Apartment, condominium and hotel buildings should preferably be contained in several smaller massed buildings rather than one large building. Building mass and building surfaces such as roofs and exterior walls shall be highly articulated to maintain a rich visual texture and an intimate building scale. Maximum height, setback, and site coverage standards to achieve the desired small-scale character will be regulated by City ordinance.

LCP Policy LU-H-1. Concept.

Shell Beach Road is bordered by a narrow commercial strip backed by a narrow band of High Density Residential. Behind the High Density residential area to the Ocean, a medium density land use accommodates single family homes in the area. The focus of this area is a more traditional beach community with small single-family lots, street activity, and views of the ocean to the west, and the foothills to the east. The emphasis is on assuring that new and expanded homes are compatible with the scale, bulk and character of existing neighborhood.

LCP Policy LU-H-4(a). Scale of Structures.

New residential development should be designed to reflect the small scale image of Shell Beach rather than large monolithic buildings. Buildings should be designed with vertical, horizontal and roof articulation of building faces.

LCP Section 17.006.0485 Floor area, gross.

*The total horizontal area, in square feet, on all floors within the exterior walls of a structure, including garages and carports, but **excluding the area of courts, open decks, unenclosed patios and basements**. Roofed portions of structures which are enclosed by vertical wall surfaces exceeding sixty percent of the total vertical area between the floor and roof planes shall be included as building area. (emphasis added)*

LCP Section 17.006.0490 Floor area ratio.

The ratio of the gross floor area of the structure to the total area of the lot or building site.

LCP Section 17.006.0680 Lot coverage by buildings.

The coverage of a lot by all portions of the building, either at or above ground level, including garages, carports and cantilever portions of the building excluding roof overhangs, eaves or similar architectural extensions.

LCP Section 17.102.010 Building heights. Subsection A.

Building heights shall be as follows: Residential. Except as provided in Chapter 17.081 or unless a variance has been granted pursuant to Chapter 17.121, no structures in the ..., R-1, ... zones shall exceed twenty-five feet in height as measured above the center of the building footprint at site grade, nor shall the vertical measurement of any portion of the structure exceed thirty five feet in height above site grade. Except for single-family dwellings, which shall have the same height limit as stated in the foregoing, no building or structure in the R-3, R-4 and R-R zones shall exceed thirty-five feet in height above site grade.

LCP Section 17.102.020 Minimum front yard requirements.

The minimum front yard setbacks shall be as follows:

A. Residential.

1. *In the ... R-1..., each lot shall have a front yard setback of not less than twenty feet*

...

D. Exceptions to Front Yard Setback Requirements in the R-1 Zone. The minimum front yard setback required may be the lesser of the following situations:

1. *The average front yard setback of the nearest improved lots on each side of the subject property on the same side of the street, but in no case less than ten feet, nor required to be more than twenty feet; or*
2. *Twenty percent of the average depth of the subject property, but in no case less than ten feet, nor required to be more than twenty feet.*

LCP Section 17.102.030 Minimum side yard setback requirements. Subsection A.

Residential. In the ... R-1,... each corner lot shall have a street side yard setback of not less than twenty percent of the lot width, but in no case shall the setback be less than seven feet nor required to be more than ten feet. Interior lots shall have a side yard setback of not less than ten percent of the lot width, but in no case shall the setback be less than four feet nor required to be more than five feet.

LCP Section 17.102.040 Minimum rear yard setback requirements. Subsection A.

Residential. In the ... R-1, ... each corner and interior lot shall have a rear yard setback of not less than ten percent of the average lot depth, but in no case shall the setback be less than five feet nor be required to be more than ten feet.

LCP Section 17.102.060 Minimum lot size and/or area requirements for new lots.

Subsection B.

R-1, The minimum lot size for all lots created after the date of adoption of this ordinance shall be five thousand sq. ft.

LCP Section 17.102.080 Maximum allowable lot coverage for all structures. Subsection B.

R-1 ... Total maximum lot coverage for subdivided parcels: Fifty-five percent.

LCP Section 17.102.090 Maximum allowable total building floor area for all structures as a percentage of lot area. Subsection B.

R-1 Zone. Eighty-six percent of the first two thousand seven hundred square feet of lot area plus sixty percent of any lot area in excess of two thousand seven hundred square feet.

LCP Section 17.102.095 Minimum planting and vegetation area (as a percentage of total lot area). Requirements (as a percentage of total lot area). Subsection B.

R-1, ... Zones: Twenty percent

LCP Section 17.105.135 Development and design standards applicable to single-family dwellings in certain zones.

The following additional development and design standards shall be applicable to the development, enlargement or alteration of single-family dwellings in the R-1, ..., except for the Pismo Heights planning area as defined in the Pismo Beach general plan/local coastal plan:

- A. To avoid "boxy" structures that have unrelieved exterior wall planes extending in height for two or more stories and to promote vertical articulation of wall planes, the amount of gross floor area on any second floor shall not exceed eighty percent of the amount of gross floor area on the ground floor. Any "stepbacks" of the second-floor living area from the building footprint on the ground level shall be required to be provided at least in part on the street-side of the house unless infeasible*

LCP Section 17.102.150 Architectural features, regulations and restrictions.

Architectural features may be permitted to extend into required setbacks a maximum distance as described below:

- A. Cornices, eaves, canopies and similar structures: Thirty inches into any required front, side or rear yard, but in no case closer than two feet to any side property line.*
- B. Fireplaces: Fireplaces not exceeding six feet in breadth may extend two feet into any required front, side or rear yard, but in no case closer than three feet to any side property line.*
- C. Open, uncovered raised porches, patios, landing places, decks, or outside stairways in rear or side yards: May extend a distance not more than twenty percent into the required rear or interior side yard setbacks. Street side yard extensions may be a distance not to exceed forty percent of the required street setback.*
- D. Cantilevered balconies and decks that are open, uncovered and raised (thirty inches or more above existing grade): May extend a distance of not more than 20 percent into the required front yard setback.*

- E. *Open, uncovered porches, patios, decks, landing places, stairways or similar structures at grade (structures less than 30 inches above existing grade): May extend to the front, side, or rear property lines. (Except as otherwise prohibited in Section 17.102.050 and 17.102.120 for bluff retreat areas.)*
- F. *Covered or semi-covered (other than allowable roof overhangs) balconies, porches, patios, landing places, decks, stairways or similar structures: May not extend into required front, side or rear yard areas.*

Analysis

Pismo Beach LCP Policies D-2a, LU-H-1, and LU-H-4(a) are designed to maintain the nature and character of Pismo Beach as a small-scale community by avoiding very large buildings and excessive massing. These policies achieve this through a number of complementary LCP provisions, including the use of articulated roofs and exterior walls, second stories that step back from the first story, and specific height and setback regulations. Specifically, regarding the residential area of Shell Beach, the intent of Policy LU-H-1 is to retain the traditional beach-town community feel of small single-family lots with views to the ocean to the west and the foothills to the east by making homes compatible with the character of the surrounding development. These policies are implemented by IP Chapters 17.102 and 17.105, which describe detailed structural height, setback, and bulk requirements.

The proposed project is within applicable LCP maximum standards with respect to height, setbacks, lot coverage, and floor area.¹ However, the proposed project is not consistent with IP Section 17.105.135(A), which requires that second-story residential development be designed to avoid a “boxy” look by using step-backs where second story external walls are inset from those of the first story, as well as limiting the gross floor area of the second story to no more than 80% of the first story gross floor area, and where any second story step backs are required to be provided at least in part on the street-side of the house unless infeasible.

IP Section 17.006.0485 defines gross floor area as “The total horizontal area in square feet on each floor within the exterior walls of a structure but not including the area of the courts, open decks, patios and basements.” This IP Section specifically excludes *only* courts, open decks, patios and basements from this calculation. It does not exclude floor area devoted to stairwells or elevator shafts. In other words, IP Section 17.006.0485 provides a comprehensive and complete

¹ Maximum allowable height per IP Section 17.102.010(A) is 25 feet, and project height is 24 feet 7 inches. Minimum front yard setback per IP Section 17.102.020(4)(a) is based on the average front yard setback of the nearest improved lots on each side of the subject property on the same side of the street, but in no case less than 10 feet or more than 20 feet. The setbacks for the properties on either side of this lot are 4.57 feet (398 Windward) and 19.58 feet (376 Windward), leading to an average setback of 12.075, and the project’s front yard setback is 12.25 feet. Minimum side yard setbacks per IP Section 17.102.030(A) are 10% of lot width, provided the setback is no less than 4 feet and no more than 5 feet, and the project’s side yard setbacks are at the maximum of 5 feet. Minimum rear yard setback per IP Section 17.102.040(A) is not less than 10% of the lot depth (the lot is 69 feet deep, and thus 10% is 6.9 feet) provided the setback is no less than 5 feet and no more than 10 feet, and the project’s rear yard setback is 8.5 feet. Maximum allowable lot coverage per IP Section 17.102.080(B) is 55%, and the project’s lot coverage is 51%. Maximum floor area per IP Section 17.102.090(B) is 3,844 square feet (i.e., 80% of the first 2,700 square feet of lot area (or 2,322 square feet) plus 60% of remaining lot area (0.6 x (5,236 – 2,700) = 1,522), and the project floor area is 3,741 square feet.

list as to what is excluded from such floor area calculations. Based on established laws of statutory interpretation, when a list is enumerated, items not enumerated on the list are presumed to be excluded from the list (*expressio unius est exclusion alterius* or “the express mention of one thing excludes all others”). In this case, IP Section 17.006.0485 specifically enumerates what is excluded from calculation of gross floor area. Stairwells and elevator shafts are *not* enumerated in this exclusion list, so they are properly considered in the gross floor area calculation.² This makes sense because the specifically excluded elements do not increase visible interior square footage and bulk, whereas open floor areas (e.g., two-story-tall room elements) and elevator shafts do.

In this case, the proposed project is a two-story structure and therefore IP Section 17.105.135 related to maximum second floor gross area applies. The proposed project plans exclude the second story stairwell and elevator shaft from the gross floor area calculation. However, the LCP’s definition of gross floor area does not exclude stairwells or elevator shafts from the calculation of gross floor area. Thus, the elevator shaft and the stairwell should have been included in the calculations for second floor gross floor area. Including the stairwell and the elevator shaft in the gross floor area measurement results in a proposed second story of approximately 1,756 square feet. The gross floor area of the first floor is 1,985 square feet. Thus, the second-story-to-first-story gross floor area ratio is approximately 88.5% ($1756/1985 = 88.5\%$), inconsistent with the maximum 80% ratio required by IP Section 17.105.135. For these reasons, the proposed project is not consistent with respect to the neighborhood compatibility requirements of IP Section 17.105.135.

Conclusion

The proposed project meets most LCP mass and scale provisions, but is inconsistent with second story square footage limitation requirements. This is exacerbated by the unusual “bridge” design necessary to avoid a public City sewer easement (see also Section E below). If the second story were brought into LCP conformance then the project would meet objective LCP mass and scale maximums. It should be noted that the house is not unlike the size and scale of many houses in the area, and aside from the “bridge”, provides a similar design. Thus, in this case, if the second story were brought into LCP square footage conformity, the house will be consistent with LCP community character requirements. Accordingly, the project is conditioned to require the second story to meet the LCP’s maximum 80% threshold for the second story (see **Special Condition 1**).

D. PUBLIC ACCESS AND RECREATION

Coastal Act Sections 30210 through 30224 specifically protect public access and recreational opportunities, including visitor-serving resources. In particular:

Section 30210: *In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational*

² Any claim that excluding such areas from floor area calculations is “industry practice,” and thus that these areas should be excluded from floor area calculations in this case, is immaterial to the LCP compliance question. Whether it is industry practice or not, the LCP does not exclude such areas, and thus they are properly included under the LCP for the purpose of calculating gross floor area.

opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211: *Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

Section 30212(a): *Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects....*

Section 30213. *Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.*

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

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

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

In addition, the Pismo Beach LCP provides for extending blufftop public access through the Shell Beach neighborhood in close proximity to the project location:

LCP Policy LU-H-2 Shoreline Qualities (in relevant part)

The unique shoreline qualities of Shell Beach shall be protected by:

- a. Maintaining and improving public access along the bluff-tops.*
- b. Pursuing all available sources to provide the necessary funds to improve and maintain the parks along the Shell Beach bluffs.*

...

- d. Designating the vista point at the end of Boeker Street as a bird observation area and leaving it in its natural state for neighborhood use.*

LCP Policy LU-H-8 Lateral Access at Boeker Street. *The City should pursue opportunities to create lateral pedestrian pathways connecting Booker[sic] Street to Placentia Avenue or Ocean Boulevard to the north and to Windward Avenue or Ocean Boulevard to the south. This requirement shall be implemented as part of project approval, private gifts or dedications or possibility[sic] through public acquisition. (See Parks and Recreation Element, Policy PR-5, Path System.)*

LCP Policy PR-5 Multi-Use Path System (Trails). *A system of public paths as delineated on Figure PR-2 shall be developed to connect the various parks, scenic aspects and open space of the city. Ideally the paths should be located within designated greenbelt areas. However,*

in areas of the community that have already been developed, the system can include sidewalks and right-of-way shoulders of less traveled streets. The system should be delineated with signs, uniform landscaping, and pavement. Every attempt shall be made to interconnect city trails with those being developed by adjacent cities and the county.

See Exhibit 7 for Table PR-4 (Physical and Visual Ocean Access/California Coastal Trail), Figure PR-2 (Path System), and Figure PR-3 (California Coastal Trail and Pismo Beach Beach Access)

Analysis

This section of the Shell Beach neighborhood is generally bounded on its seaward side by Ocean Boulevard, which provides nearly continuous lateral pedestrian and vehicular access along the bluffs from Vista Del Mar Avenue (upcoast) to Dinosaur Caves Park (downcoast). However, Ocean Boulevard does not connect between the contiguous blocks of Boeker and Windward Avenues perpendicular to the shoreline orientation, resulting in a critical gap in Shell Beach's lateral blufftop public access trail, which is a component of the California Coastal Trail (CCT) (see **Exhibit 6**). Because of this gap, pedestrians and bicyclists traversing the CCT in this area need to detour on an approximately one-half mile loop from the bluff at the end of Boeker Avenue inland to Shell Beach and seaward back to the bluff at the end of Windward Avenue. A pedestrian path from Boeker Avenue to Windward Avenue would close this gap and help to provide a more continuous blufftop CCT experience.

To remedy this public access gap, LCP Policy LU-H-8 directs the City to pursue opportunities to create a lateral pedestrian pathway to connect Boeker Avenue to Windward Avenue (see **Exhibit 7**). The proposed project is the second residential site inland from the blufftop edge on Windward Avenue, and it is one block over from Boeker Avenue. Thus, the project site is located in the immediate vicinity of the last remaining gap in the CCT in the Shell Beach area of Pismo Beach identified by LCP Policy LU-H-8, and therefore represents a prime location to enhance public access by providing a public easement as part of the project. However, although the City has required easements in similar cases in the past,³ the Applicants are not proposing such an access easement in this case.

However, on this point it is important to note that a trail easement on the Applicants' property alone would not connect all the way to Boeker Avenue anyway. This is because the only complementary trail easement on Boeker Avenue does not connect to the Applicants' property, and a connection that utilized that easement and an easement on the Applicants' property would require a further easement on the Boeker Avenue property to form a zig-zag connection (see **Exhibit 6**). That said, an easement on the Applicants' property would provide for more possible trail siting options in the future (e.g., if a connecting easement were secured at some point from Boeker Avenue in the future), furthering the LCP goal of developing a connecting trail segment in this area. However, although the LCP indicates that the City should pursue such a trail, such LCP direction by itself cannot be used to require a public access exaction in the form of an easement without satisfying applicable constitutional standards. Rather, such a trail easement can

³ Including those associated with approved residential development at nearby 367 and 374 Boeker Avenue, and at 321 Harbor View Avenue closer to downtown Pismo Beach.

only be required if there are sufficient project impacts to public access that warrant this level and type of exaction as mitigation for those impacts. In this case, the public access impacts associated with the proposed project are relatively limited, and are primarily related to potential construction and traffic impacts, and from increased intensity of use. In short, the proposed project's burden on public access does not rise to a level of requiring a public access easement in this case. For substantially the same reasons, the Commission also finds that the project is in conformity with the public access and public recreation policies of Chapter 3 (in that the project has little impact to public access and recreation), as required for project approval by Coastal Act Section 30604(c). That is not to say that some other residential project could not have more significant access impacts that would warrant exaction of an easement to mitigate for those impacts, but the facts of this particular case do not appear to warrant requiring a trail easement. For these reasons, although an easement would be beneficial to public access, the Commission does not require such an easement in this case.

Conclusion

While the LCP directs the City to pursue opportunities to connect the gap in the CCT in this general location through creation of public access easements, the facts of this particular development do not warrant the requirement of a public easement for constitutional reasons.

E. SEWER EASEMENT

The City of Pismo Beach LCP does not have policies or regulations pertaining to construction of sewer easements. Regardless, this is an important element of the proposed project to evaluate from the perspective of sound public policy.

Analysis

The existing residence at 388 Windward Avenue is built directly on top of a public City sewer easement within which a portion of the City's sewer system is located (see sewer easement language in **Exhibit 5**). The City of Pismo Beach LCP does not have any type of explicit policy that prohibits constructing buildings over utility easements, though the City's Public Works Department does have such an informal policy. As such, there is no explicit LCP requirement to avoid building over the sewer easement on the subject lot, and the easement itself likewise does not include any prohibitions of this type. Nonetheless, the proposed project addresses access to the sewer easement by including a second-floor "bridge" above the sewer easement (within which the Applicants' driveway would be constructed) so as to allow the City access to the sewer in case of needed repairs or other issues (see project plans in **Exhibit 3**).

F. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 13096 of Title 14 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 of Pismo Beach, acting as lead agency, determined that the project was categorically exempt from CEQA in accordance with section 15303(a) of the CEQA guidelines, exempting construction of a single family residence within a single family zone where all infrastructure is present. During the review process, many comments from the public were received both in favor and against the project on the issue of size and community character, as well as the public access easement.

The Coastal Commission's review and analysis of CDPs has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. (14 CCR § 15251(c).) 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 above findings are incorporated herein in their entirety by reference.

The Commission finds that only as 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 would have on the environment within the meaning of CEQA. As conditioned, 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).



Project Location

Shell Beach
388 Windward Ave

Exhibit 1
A-3-PSB-15-0030 (Rozo SFD)
Page 1
Google earth

© 2016 Google
Data CSUMB SFML, CA OPC

6909 ft
1994

35°08'55.14" N 120°39'38.83" W elev -20 ft eye alt 31178 ft



388 Windward Ave

Exhibit 1
A-3-PSB-15-0030 (Rozo SFD)
Page 2 of 2

134 ft

© 2016 Google

35°09'11.75" N 120°40'16"



388 Windward Ave





Ocean Blvd

Exhibit 2 - Project Site Photos
A-3-PSB-15-0030 (Rozo SFD)
Page 3 of 5

Downcoast view Windward Ave to Ocean Blvd.

35°09'11.37" N 120°40'15.61" W elev 43 ft eye alt 50 ft



Location of existing
public easement

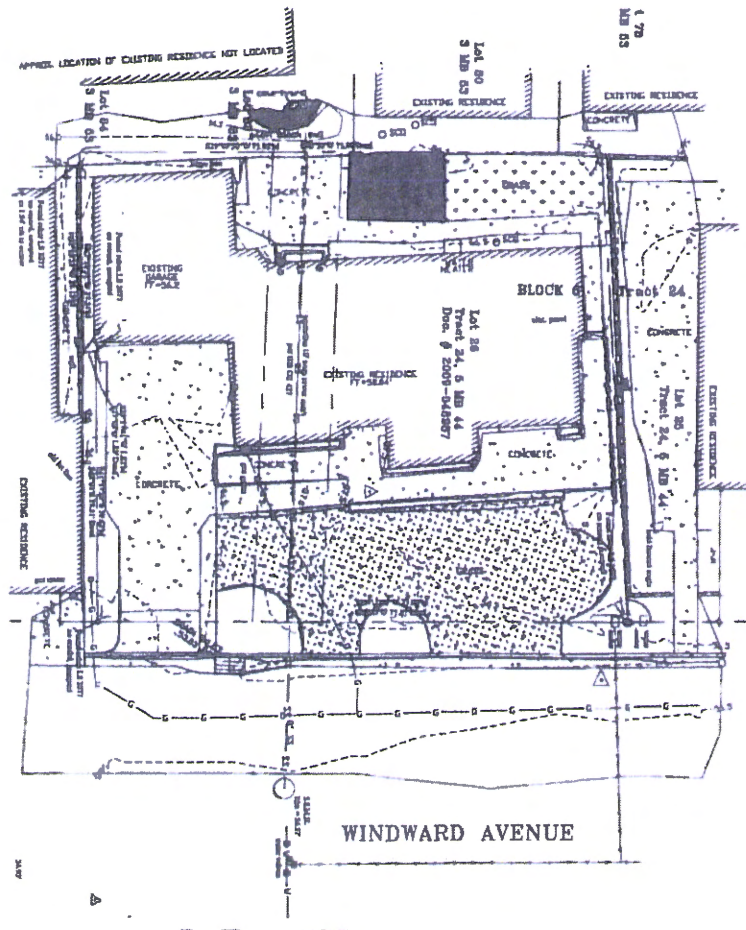


Location of existing easement at 367 Boeker





EXISTING SITE PLAN



City of Pismo Beach
Approved by City Council
Date: 4.21.2015

✓ as submitted
✗ with changes
Planner: [Signature]
[Signature] Biggs

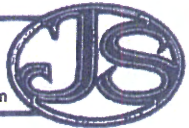
- INDEX TO DRAWINGS
- 2.0 SITE PLAN
 - 2.1 EXISTING RESIDENCE
 - 2.2 EXISTING RESIDENCE
 - 2.3 EXISTING RESIDENCE
 - 2.4 EXISTING RESIDENCE
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Attachment 9

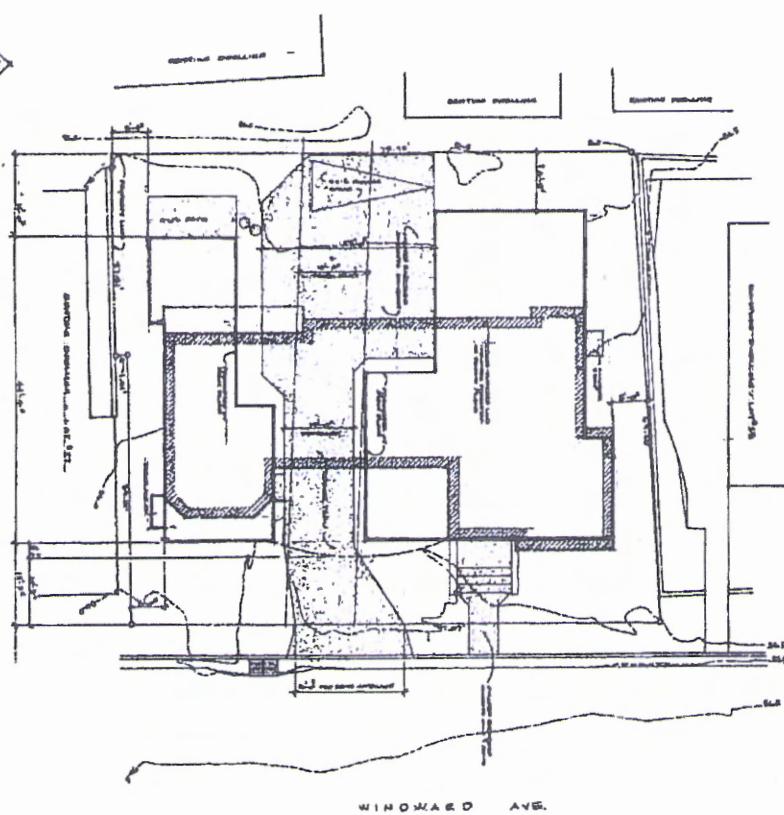
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A NEW CUSTOM RESIDENCE FOR:
ERNIE & PAMELA ROZO
388 WINDWARD AVE. PISMO BEACH, CA 93419

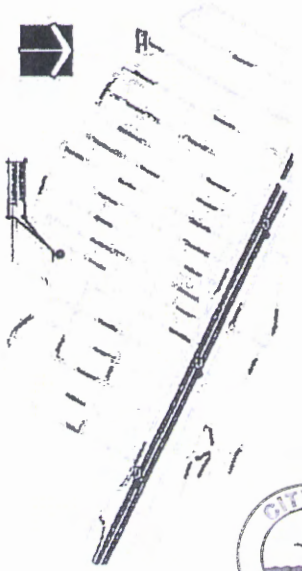
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City of Pismo Beach
 Approved by City Council
 Date: 4-21-2007
 as submitted
 with changes
 Planner: *[Signature]*
For Biggs



PROJECT TEAM

OWNER	ERNE & PAMELA ROZO
DESIGNER	JERRY SHAW
CONTRACTOR	CONSTRUCTION COMPANY
ENGINEER	ENGINEERING FIRM
ARCHITECT	ARCHITECT FIRM
LANDSCAPE ARCHITECT	LANDSCAPE ARCHITECT FIRM
PLANNING	PLANNING FIRM
ENVIRONMENTAL	ENVIRONMENTAL FIRM
SOILS	SOILS FIRM
WATER	WATER FIRM
SEWER	SEWER FIRM
UTILITY	UTILITY FIRM

PROJECT DESCRIPTION

PROJECT NAME	ERNE & PAMELA ROZO
PROJECT ADDRESS	388 WINDWARD AVE.
PROJECT CITY	PISMO BEACH, CA
PROJECT COUNTY	SAN LUIS OBISPO, CA
PROJECT ZIP	93450
PROJECT PHONE	(805) 481-0308
PROJECT FAX	(805) 481-0308
PROJECT E-MAIL	jerryshawdesign.com
PROJECT WEBSITE	www.jerryshawdesign.com

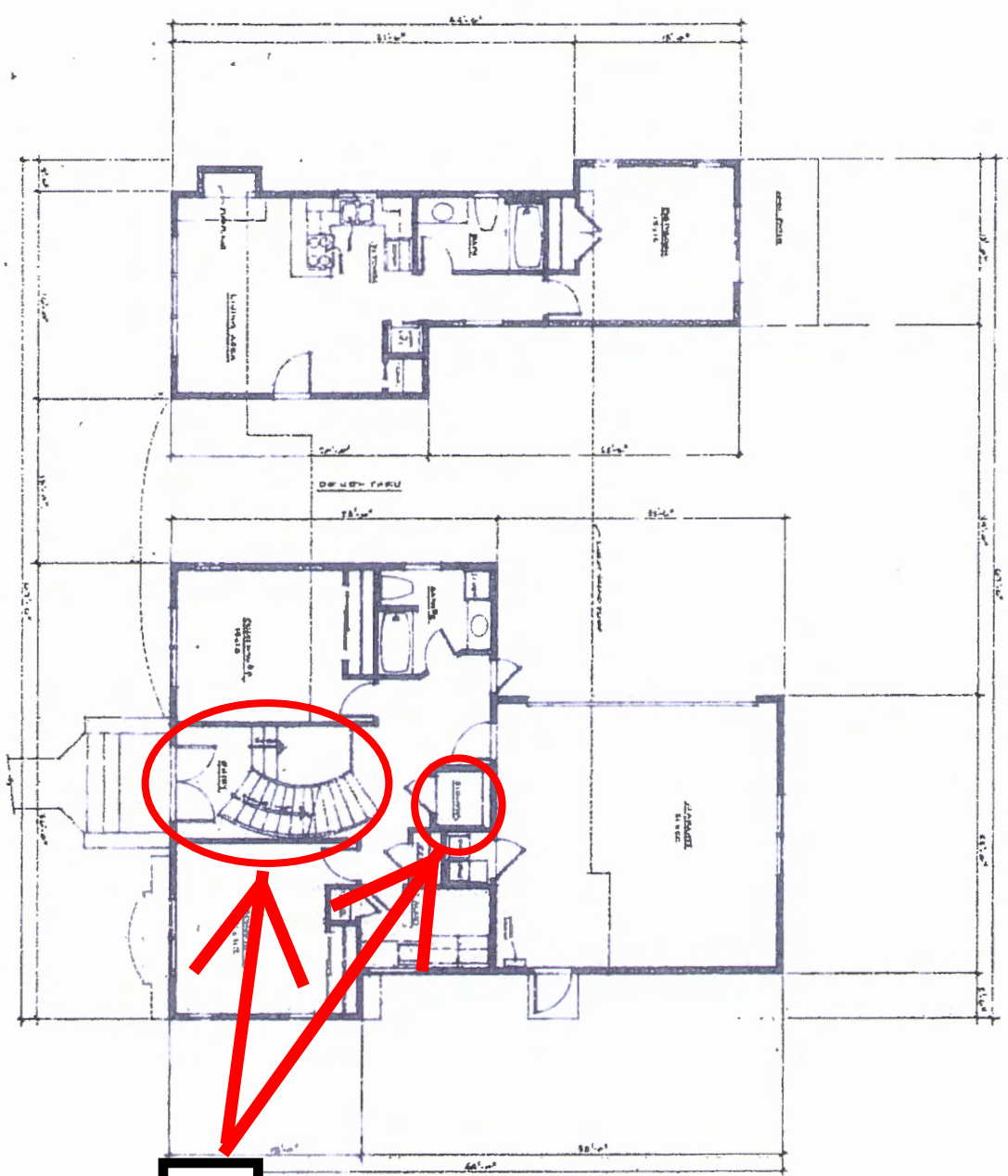
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ELECTRICAL	100%
PLUMBING	100%
HEATING	100%
Cooling	100%
Lighting	100%
Acoustics	100%
Fire Protection	100%
Life Safety	100%
Security	100%
Accessibility	100%
Environmental	100%
Historic Preservation	100%
Archaeology	100%
Geology	100%
Seismicity	100%
Soils	100%
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Sewer	100%
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Transportation	100%
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Standard	100%
Code	100%
Ordinance	100%
Resolution	100%
Agreement	100%
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SHEET	A-2		

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 DRAWING: A-3-PSB-15-0030-SFD
 DATE: 4/21/2015
 DRAWN BY: JERRY SHAW
 CHECKED BY: JERRY SHAW
 SCALE: 1/8" = 1'-0"



Stairwell and
 elevator shaft



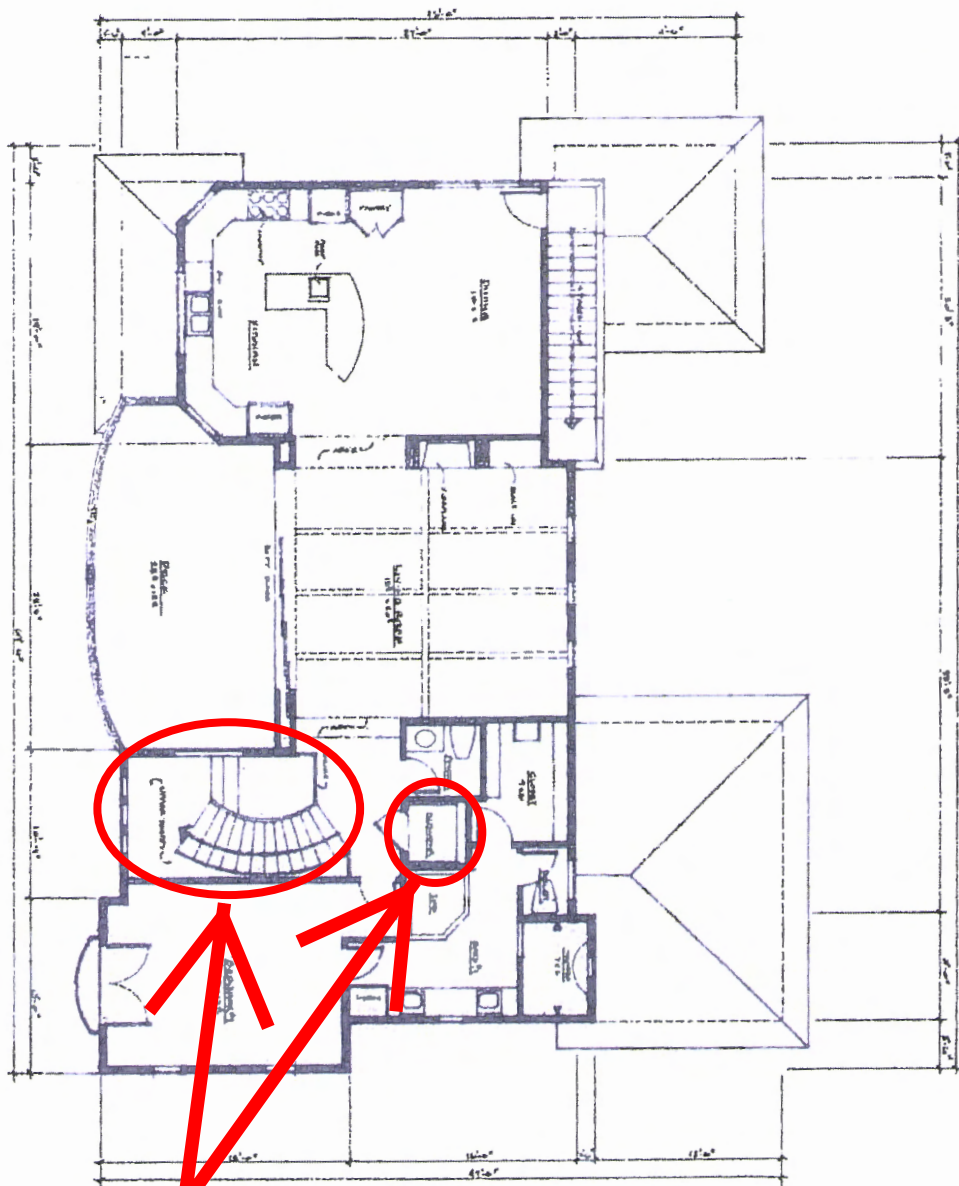
City of Pismo Beach
 Approved by City Council
 Date: 4-21-2015
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 with changes

Planner: *[Signature]* for *Jon Biggs*

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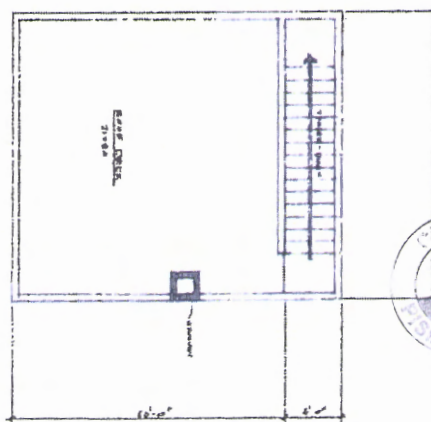
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UPPER LEVEL FLOOR PLAN



Stairwell and
elevator shaft

ROOF DECK FLOOR PLAN



City of Pismo Beach
Approved by City Council
Date: 4-21-2015

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with changes

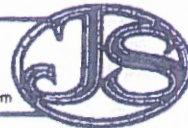
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Jon Biggs



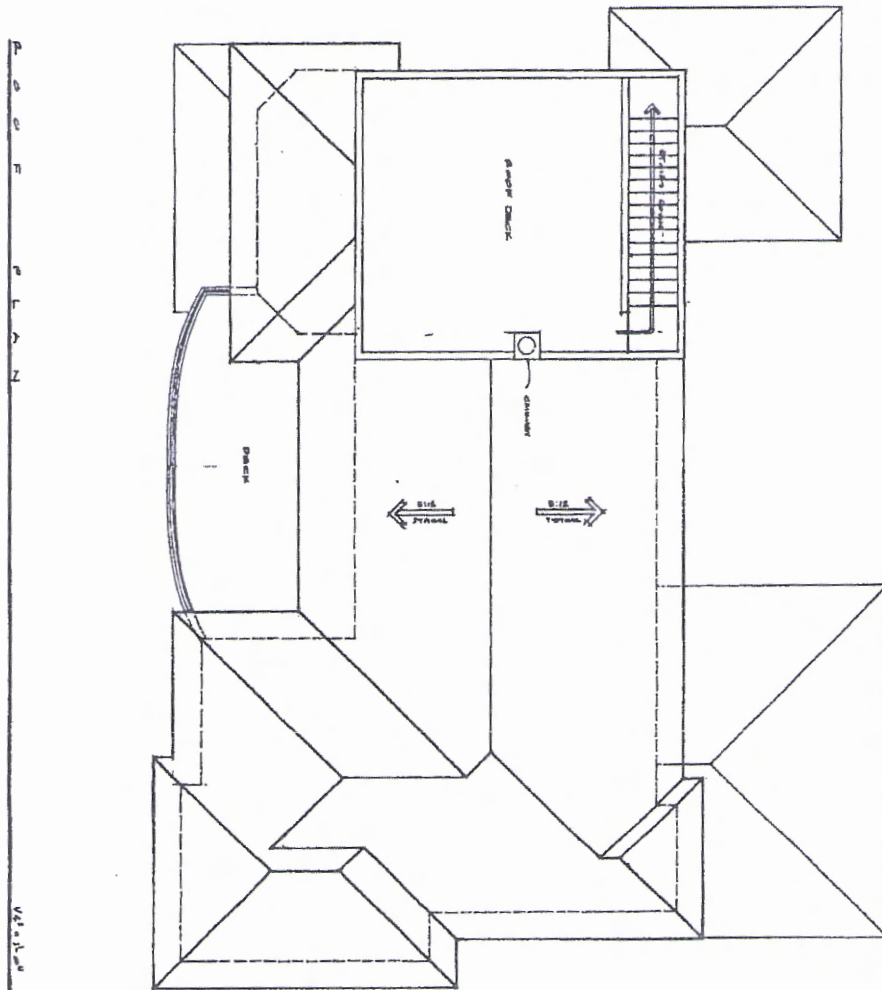
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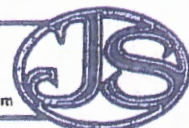
City of Pismo Beach
 Approved by City Council
 Date: 4-21-2015
 ✓ as submitted
 with changes

Planner: Cym for
Jon Biggs

A-5	SHEET	DATE / COMMENTS

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PRESENT EXPLANATION

J. Schaefer '19


EXTENSION FINISH KETCHES



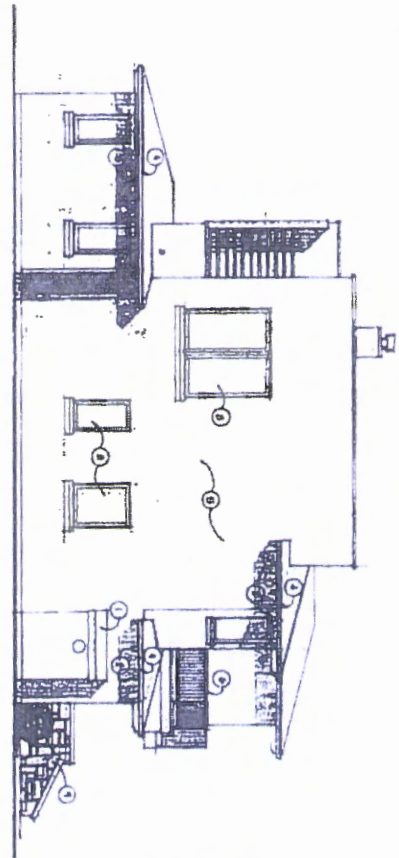
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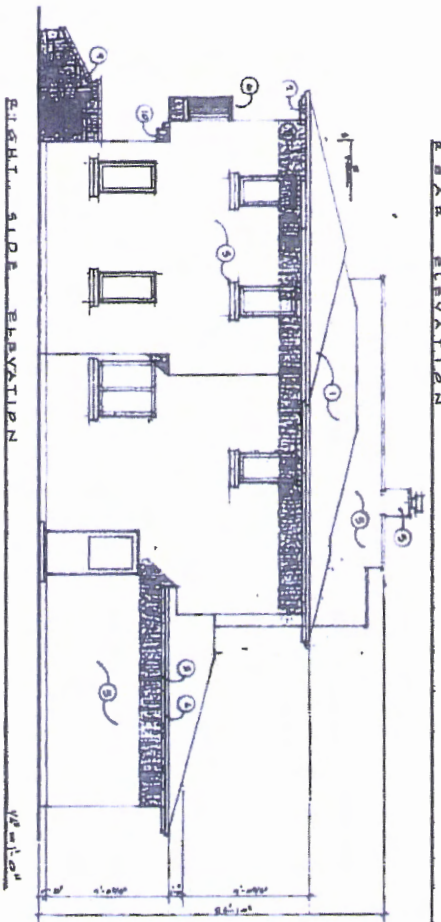
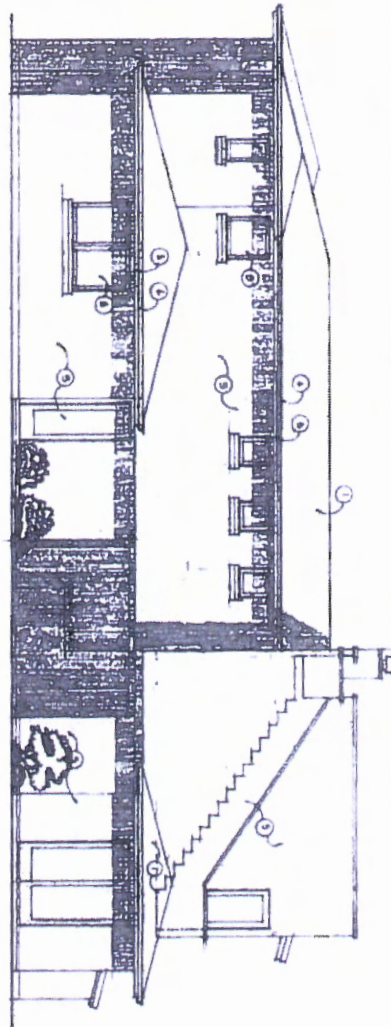
Agm For
Jon Biggs

A-6	SHEET	DATE / COMMENTS 	A NEW CUSTOM RESIDENCE FOR: ERNJE & PAMELA ROZO 888 WISHOWARD AVE. PISMO BEACH, CA 93449	JERRY SHAW Residential Design (805) 481-0308 www.jerryshawdesign.com	
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- EXTERIOR FINISH KEYNOTES**
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City of Pismo Beach
Approved by City Council

Date: 4-21-2015

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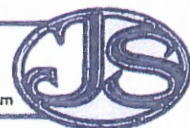
Planner: Jon Biggs

DATE / COMMENTS

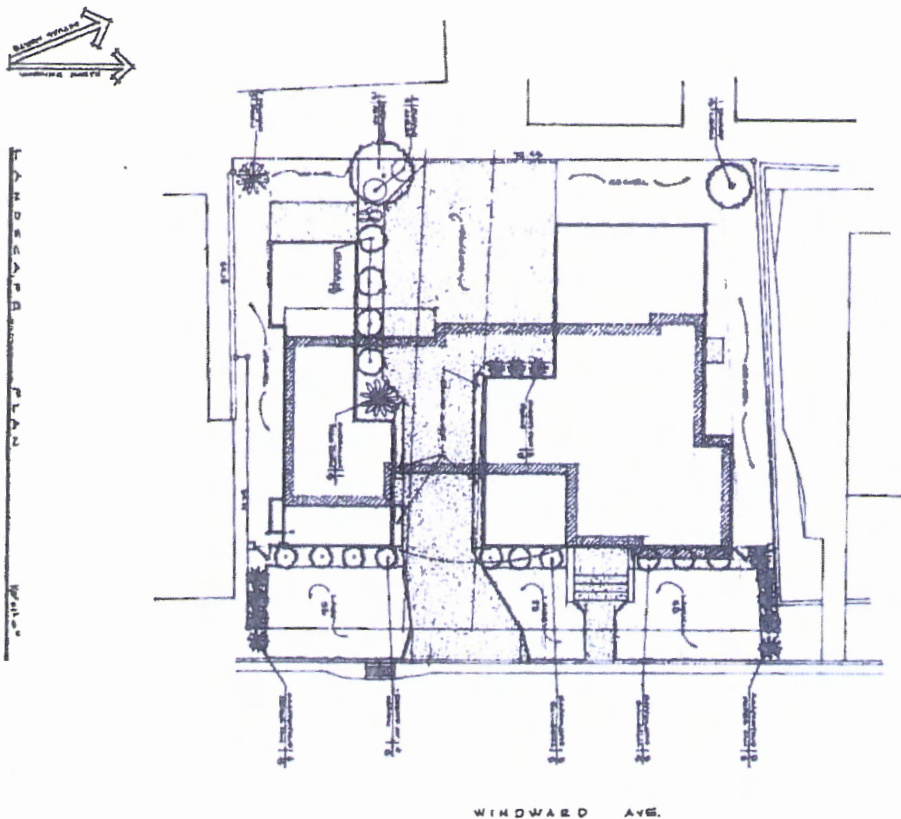
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A NEW CUSTOM RESIDENCE FOR:
ERNIE & PAMELA ROZO
322 WINDWARD AVE. PISMO BEACH, CA 93449

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City of Pismo Beach
Approved by City Council

Date: 4.21.2015

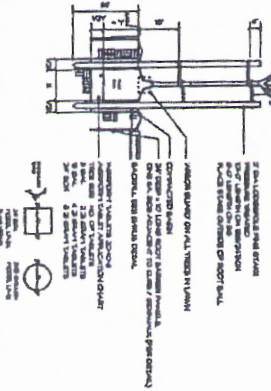
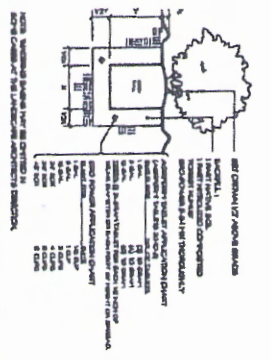
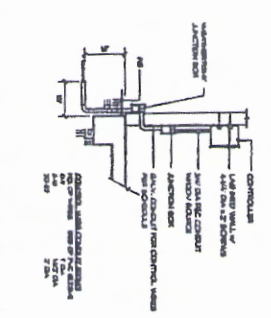
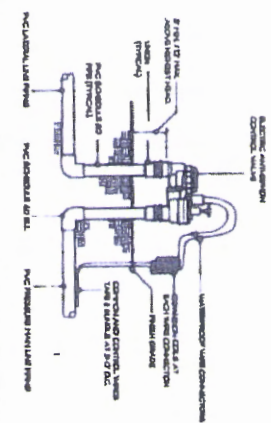
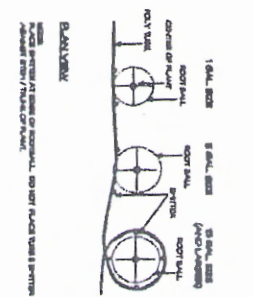
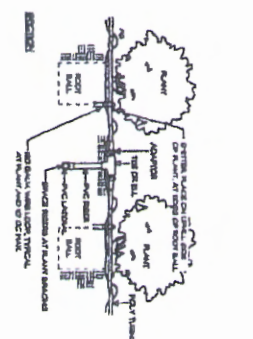
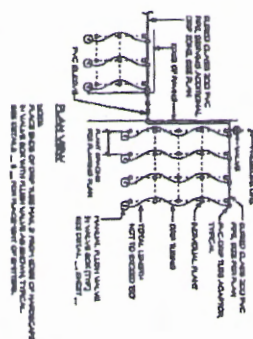
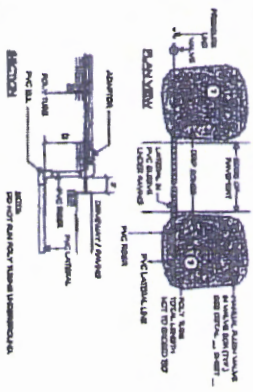
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with changes

Agree for

Jon Biggs

A-8	SHEET	DATE / COMMENTS	A NEW CUSTOM RESIDENCE FOR: ERNIE & PAMELA ROZO 332 WINDWARD AVE. PISMO BEACH, CA 93443	JERRY SHAW Residential Design (805) 481-0308 www.jerryshawdesign.com





PLANTING & IRRIGATION NOTES

ANTI-SIPHON VALVE

CONTROLLER

TREE, SHRUBS & GROUND COVER PLANTING

TREE PLANTING

City of Pismo Beach
Approved by City Council
Date: 4-21-2015
as submitted
with changes
Planner: [Signature]
FOR [Signature]
Jon Biggs

DATE / COMMENTS
A-9

A NEW CUSTOM RESIDENCE FOR:
ERNIE & PAMELA ROZO
300 WINDWARD AVE. PISMO BEACH, CA 93449

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Existing Street View



Exhibit 4 - Existing and Proposed Street View
A-3-PSB-15-0030 (Roza SFD)
Page 1 of 2

Proposed Street View



Bridge design over
sewer easement

VOL 803 PAGE 426 6302
DEED OF TRUST AND ASSIGNMENT OF RENTS

Incorporating by reference certain provisions of a deed of trust (not fictitious) recorded in counties named herein.
A copy of said provisions is set forth on the reverse hereof.

By this Deed of Trust, made this 29th day of April 1955,
between GEORGE T. JORDAN and DOROTHY S. JORDAN,
husband and wife, herein called Trustor,
and SECURITY TITLE INSURANCE COMPANY, a California corporation, herein called Trustee, and
LOREN NEWMAN and VELMA E. NEWMAN,
husband and wife, as joint tenants, herein called Beneficiary.

Trustor grants, transfers, and assigns to trustee, in trust, with power of sale, that property in
San Luis Obispo County, California,
described as follows:
That portion of Lot 11 of the Folsom Tract, according to map filed for record
September 26, 1891 in the office of the County Recorder of said County, described
as follows:
Beginning at a point on the Northerly line of the right of way conveyed to the
County of San Luis Obispo by deed dated January 7, 1954 and recorded March 13, 1954
in Book 748, at page 421 of Official Records; distant thereon North 68° 52' West
120.7 feet from the intersection of said Northerly line with the Easterly line of
said Lot 11; thence continuing North 68° 52' West along said Northerly line 70.5
feet to the Easterly line of the property conveyed to B. F. Magee et ux., by deed
dated May 1, 1935 and recorded May 17, 1935 in Book 168, at page 20 of Official
Records; thence North 21° 08' East along said Easterly line 100 feet; thence South
68° 52' East, 70.5 feet; thence South 21° 08' West to the point of beginning.

Together with all appurtenances in which Trustor has any interest, including water rights benefiting said realty whether
represented by shares of a company or otherwise, and
Trustor also assigns to Beneficiary all rents, issues and profits of said realty, reserving the right to collect and use the
same except during continuance of default hereunder and during continuance of such default authorizing Beneficiary to
collect and enforce the same by any lawful means in the name of any party hereto.

For the purpose of security: (1) Performance of such agreement of Trustor incorporated by reference or contained herein;
(2) Payment of the indebtedness evidenced by one promissory note of even date herewith in the principal sum of
\$9,000.00 payable to Beneficiary or order; (3) the payment of any money that may be advanced by the Bene-
ficiary to Trustor, or his successors, with interest thereon.

To protect the security of this Deed of Trust, Trustor agrees by the execution and the delivery of this deed of trust and
the note secured hereby that the provisions of section A, including paragraphs 1 to 3 thereof and the provisions of
section B, including paragraphs 1 to 8 thereof of the deeds of trust recorded in the Official Records of the following coun-
ties in the State of California and in the books and at the pages of such Official Records as follows: Fresno County,
Book 2510, Page 405; Imperial County, Book 888, Page 553; Kings County, Book 397, Page 1; Los Angeles County, Book
2540, Page 351; Modoc County, Book 603, Page 36; Mono County, Book 912, Page 197; Riverside County, Book 53,
Page 417; San Bernardino County, Book 2187, Page 162; San Luis Obispo County, Book 465, Page 41; San Joaquin County,
Book 1102, Page 18; Santa Barbara County, Book 763, Page 33; Stanislaus County, Book 912, Page 215; Tulare County,
Book 1228, Page 325; San Diego County, Book 4257, Page 114; and Mariposa County, Book 79, Page 63; which pro-
visions are identical in each of said deeds of trust, shall be and they are hereby incorporated herein and made an
integral part hereof for all purposes as fully as though set forth herein at length; and that the references to lands,
obligations, and parties in said provisions shall be construed to refer to the lands, obligations, and parties set forth
in this deed of trust. A copy of said provisions is printed on the reverse side of this deed of trust.

The undersigned Trustor requests that a copy of any notice of default and any notice of sale hereunder be mailed to
him at his address hereinafter set forth.

TRUSTOR SIGN HERE: STREET AND NUMBER CITY STATE
George T. Jordan 210-A So. Mason St. Arroyo Grande, Calif.
Dorothy S. Jordan 210-A So. Mason St. Arroyo Grande, Calif.

STATE OF CALIFORNIA
COUNTY OF
San Luis Obispo } ss.
On May 9, 1955
before me, Andrew David,
a Notary Public in and for said County and State, per-
sonally appeared GEORGE T. JORDAN
and DOROTHY S. JORDAN
his wife,
known to me to be the persons whose names are
subscribed to the within instrument and acknowledged
that they executed the same.

Notary Public in and for said County and State.
My Commission Expires Feb 26, 1955

Document No. 6302
RECORDED AT REQUEST OF
SECURITY TITLE INSURANCE COMPANY
AT 1 MIN. PAST 4 PM
VOL. 803 Official Records P. 426
SAN LUIS OBISPO COUNTY, CALIF.
MAY 12 1955
J. E. Newman
County Registrar
By: [Signature]
Fee \$2.00 In Bond

COMPARED

6303

VOL 803 PAGE 427

THIS AGREEMENT entered into this 2nd day of May, 1955, between GRACE DeLANO MYERS, a married woman, hereinafter designated as FIRST PARTY, and the SHELL BEACH SANITARY DISTRICT, hereinafter designated as DISTRICT.

W I T N E S S E T H:

WHEREAS, the District is preparing to install sewers and a sewage disposal system throughout the area of Shell Beach, California; and

WHEREAS, in order to do so, it will be necessary for the District to obtain permission to install a sewer line or lines in and through property belonging to the First Party; and

WHEREAS, the First Party is willing to give such permission. NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

That for a valuable consideration, receipt whereof is herewith acknowledged, the First Party does herewith grant unto the District permission to install and maintain in the hereinafter described property a cast iron sewer line or lines together with the right to construct, maintain, operate, repair, replace and reconstruct said line or lines.

Provided, however, that the District herewith agrees, after the installation of such line or lines, to return the property to as near a condition in which it was prior to the installation of said line or lines as is possible; and

Provided further, that should the District find it necessary to go on said property for the purpose of repairing, replacing or reconstructing said line or lines or for the purpose of installing a new line, that any damage thereupon occasioned to the First Party's property will be paid for by the District.

The property concerning which the permission above referred to is given, is described as follows:

MAY 12 1955

6303

VOL. 803 PAGE 428

That certain strip or parcel of land situate, lying and being in Lot 26, Block 6, Tract No. 24, as shown on a map recorded in Book 5, Page 44, of Maps, records of San Luis Obispo County, State of California, more particularly described as follows:

A strip of land 10 feet in width lying 5 feet on each side of and measured at right angles to the following described center line; beginning at a point on the Southeasterly line of Lot 26, said point being S 28° 53' W 49.55 feet from the Northeasterly corner of said Lot 26, thence N 57° 50' 20" W 68.70 feet, more or less to a point on the Northwesterly line of Lot 26, said point being 42.78 feet from the Northwesterly corner of said Lot 26.

IN WITNESS WHEREOF, the parties hereto have set their hands this 2nd day of May, 1955.

Grace Delano Myers
First Party

SHELL BEACH SANITARY DISTRICT

By Ed L. Woodward
District

STATE OF CALIFORNIA)
COUNTY of SAN LUIS OBISPO } ss

On the 2nd day of May, 1955

before me, the undersigned, a Notary Public in and for said County and State, personally appeared

Grace Delano Myers

known to me to be the person whose name is attached to the within and foregoing instrument as the First Party and she admitted to me that she had executed said instrument.



Marie Roff
Notary Public in and for said County
and State

MAY 12 1955

6303

RESOLUTION NO. 25

BE IT RESOLVED that the Clerk of the Board of Trustees be, and he is, herewith ordered and directed to execute the Easement Agreement with Grace Delano Meyers.

On Motion of Trustee McEwin and seconded by Trustee Stewart and on the following roll call vote:

AYES: Be Kar, Donna Idson, McEwin, Quinlivia n, Stewart
 NOES: None
 ABSENT: None

The foregoing Resolution is hereby adopted this 5 day of May, 1955.

J. T. Baker
 Chairman of the Board of Directors
 of The Shell Beach Sanitary District

Ant Bonaccason
 Secy

Document No. 6303
 RECORDED AT REQUEST OF
Richard T. Bonaccason
 AT 1 MIN; PAST 24
 VOL 15 Official Records 122
 SAN LUIS OBISPO COUNTY, CALIF.

MAY 12 1955

J. E. Brown
 County Recorder
Mary Hamilton
 Fee 5 Inc. 25



Project Site

Existing Easement

Windward Ave

Ocean Blvd

Boeker Ave

Ocean Blvd

Boeker to
Placentia

KEY

PATHS IN CITY



BEACH PATHS



PATHS IN SPHERE



BOARDWALK



Figure PR-2

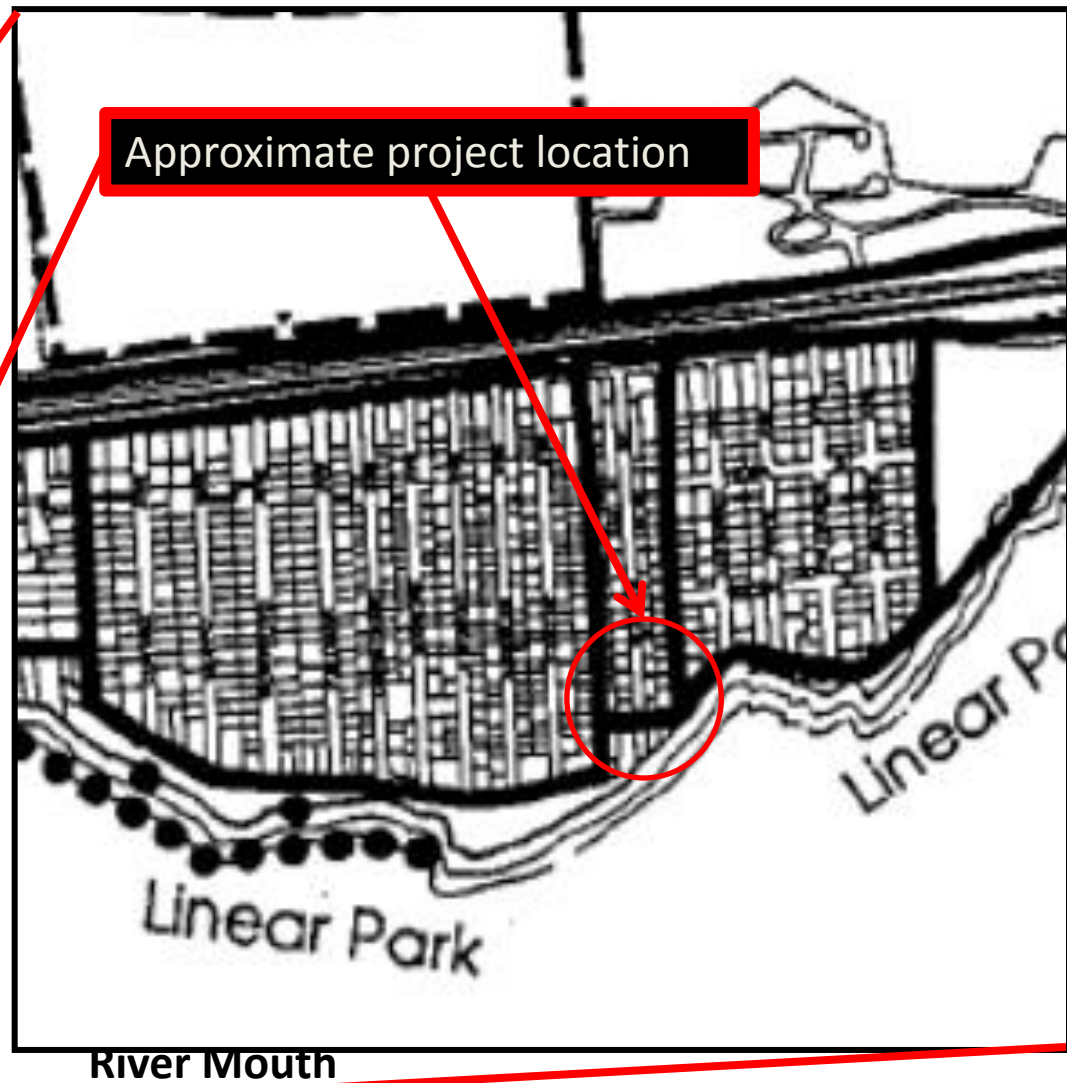
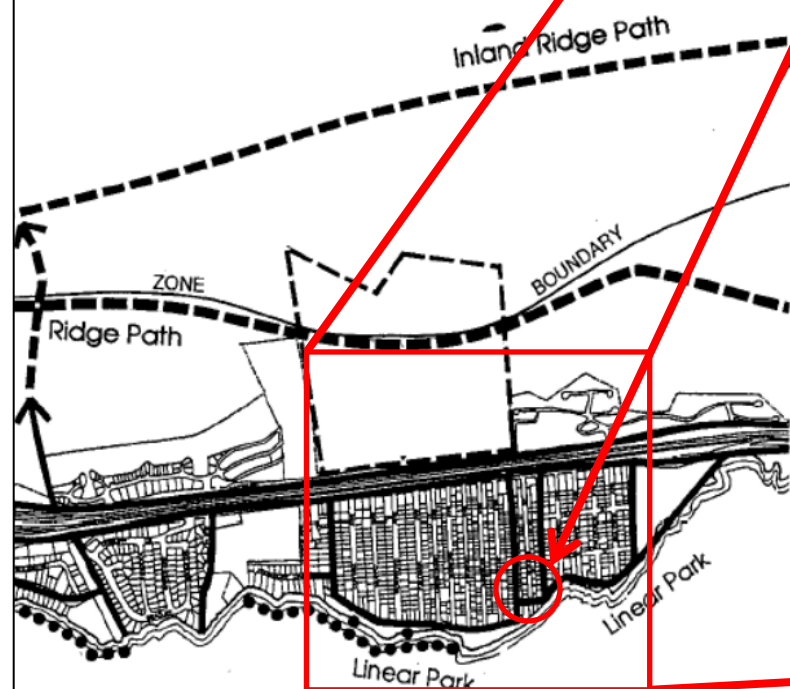


Table PR-4 Physical and Visual Ocean Access/California Coastal Trail (See Figure PR-3 for map locations)												X - Existing # - Proposed
Planning Area	Access Points	Public Beach Access Stairs	Walking Path and/or Walking with View Access	Direct Beach Access No Stairs	View Points	Lateral Open Space 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. On-street section of the California Coastal Trail with ocean overlooks.
	1b: Indio Drive		X		X			X		X	X	
	2. Encanto		X		X			X		#		No improvements
	3. Topaz St.		X		X			X		#		No improvements
B. South Palisades	4. Florin St.		X		X			X		#		Improvements complete.
	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.

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. Seaciff Access path		X							#		Walking path between 182 and 188 Seaciff; 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-F-3 and LU-F-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. Eldwayen Ocean Park	X	X		X	X		X		X	X	Beach access at Vista Del Mar and Cuyama. Cuyama stairs require improvements.
	11b. Boeker overlook		X		X	X		X		X	X	Access path from Placentia to Boeker along oceanfront. Future public bluff top access through to Ocean Blvd. to the south if/when development occurs directly to the southwest of Boeker.

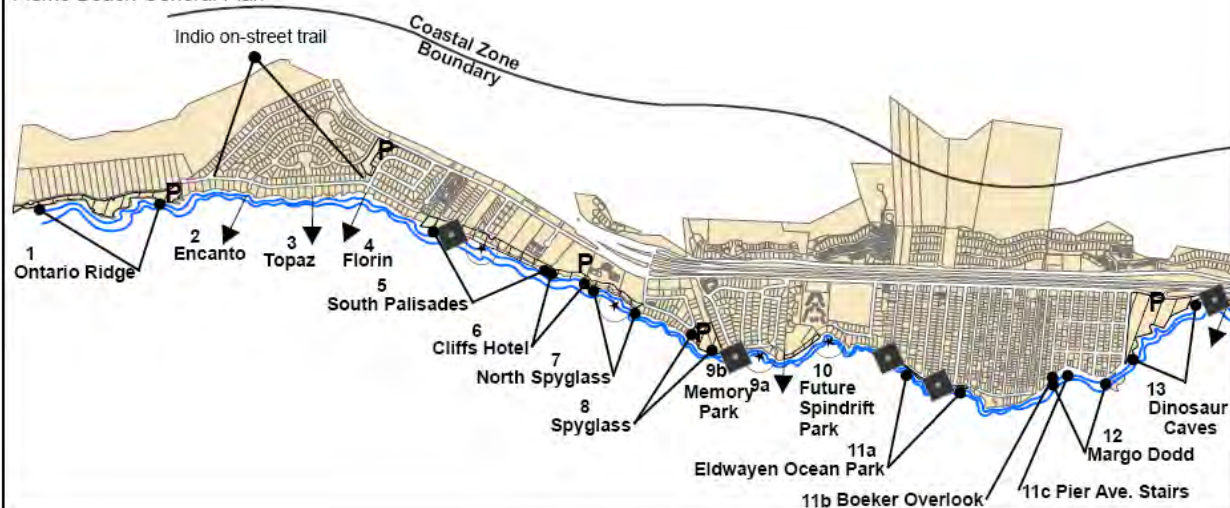
Table PR-4 Physical and Visual Ocean Access/California Coastal Trail (See Figure PR-3 for map locations)												X - Existing # - Proposed
Planning Area	Access Points	Public Beach Access Stairs	Walking Path and/or Walking with View Access	Direct Beach Access No Stairs	View Points	Lateral Open Space Top of Bluff	Barranca	Parking On-Street	Parking Off-Street	Signage &/or Amenities	Open to Public	Comments
H. Shell Beach continued	11c. Pier Avenue stairs	X	X		X	X		X		X	X	Bench and trash facilities available.
	12. Margo Dodd Park	X			X	X		X		#	X	Gazebo, picnicking, trash facilities available.
I. Dinosaur Caves	13. Dinosaur Caves Jarowicz Path		#		#	#			#	#	#	An improved park for four ocean overlooks, bluff top trail, and multiple park amenities.
J. Motel District	14. Shelter Cove	#	X		X	X			X	X	X	Public parking at the Shelter Cove Hotel.
	15. Shorecliffs/Elmer Ross	X			X	X			X	X	X	Signage needs improvement, 3 gazebo/viewing platforms
	16. Whalers Inn				X	X	X	X		X	#	
	17. Knights Rest	X			X			X				Stairs need repair
	PISMO STATE BEACH											
	18. Tides Hotel	X						X		X	#	
	19. Wilmar Ave.	X			X			X		X	X	Volleyball on beach, portable restrooms
	20. Trader Nicks						X			#		

Table PR-4 Physical and Visual Ocean Access/California Coastal Trail (See Figure PR-3 for map locations)												X - Existing # - Proposed * - 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
K. Commercial Core	21. Cypress Street (North)				X			X		#	X	Volleyball on beach
	22. Wadsworth Steps	X	X					X			X	Volleyball on beach, play equip. seasonal
	23. Main Street		X					X		#	X	Connected by proposed esplanade
	24. Pomeroy Ave.	X						X	X	X	X	Connected by proposed esplanade
	25. Pier	X		X	X	X		X	X	X	X	Restrooms available
	26. Hinds St.	#	X	X	X			X	X	X	X	Connected by proposed esplanade
	27. Stimson Ave.		X		X			X		#	X	Connected by proposed esplanade
	28. Ocean View Ave.			X	X			X		#		Connected by proposed esplanade
	29. Park Ave.			X				X		#		Connected by proposed esplanade
	30. Addie Street		X					X	X	#		Connected by proposed esplanade
	31. Pismo Creek		*						X	#	#	Restroom to be remodeled, trails to be added both sides
L. Pismo Creek	32. North		X	X		X			X	X	X	Needs better access to beach, day use facilities, signage.

California Coastal Trail and Pismo Beach Beach Access

Figure PR-3

Pismo Beach General Plan



EX PARTE COMMUNICATION DISCLOSURE FORM

Filed by Commissioner: Erik Howell

1) Name or description of project: 388 Windward

2) Date and time of receipt of communication: March 23, 2016 10:19 am

3) Location of communication: Pismo Beach by telephone

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

4) Identity of person(s) initiating communication: Erik Howell

5) Identity of person(s) on whose behalf communication was made: Erik Howell

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

7) Identity of all person(s) present during the communication: Erik Howell, Marshall Ochylski

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

I contacted Marshall Ochylski to discuss with him a letter I received as a member of the
Pismo Beach City Council in which his clients stated a rescision of their offer to dedicate
an easement over their property to continue the coastal trail. Mr. Ochylski stated
his clients' intention to come before the Coastal Commission for a hearing. I warned
him that a finding of substantial issue by the Commission would lead to a de novo
hearing in which all aspects of the project could be subject to review.

3/25/16

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: Erik Howell

1) Name or description of project: 388 Windward

2) Date and time of receipt of communication: March 23, 2016 1:13 pm

3) Location of communication: Pismo Beach by telephone

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

4) Identity of person(s) initiating communication: Erik Howell

5) Identity of person(s) on whose behalf communication was made: Erik Howell

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

7) Identity of all person(s) present during the communication: Erik Howell, Tarren Collins

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

Tarren Collins shared that she had been unable to reach a resolution with the
applicants despite their offer to dedicate an easement due to the difficulty of finding
an organization willing to accept the easement. I encouraged her to continue to work
with Mr. Ochylski on the matter and suggested that simply recording the easement
might suffice to protect the trail. I also suggested that she continue to work with staff
to address her concerns.

3/25/16

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: Erik Howell


- 1) Name or description of project: 388 Windward
- 2) Date and time of receipt of communication: June 29, 2016
- 3) Location of communication: Pismo Beach, Telephone
(If not in person, include the means of communication, e.g., telephone, e-mail, etc.)
- 4) Identity of person(s) initiating communication: Tarren Collins
- 5) Identity of person(s) on whose behalf communication was made: Tarren Collins
- 6) Identity of persons(s) receiving communication: Erik Howell
- 7) Identity of all person(s) present during the communication: Erik Howell,
Tarren Collins

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

Tarren stated her continued willingness to withdraw her appeal of the project if the
applicants were willing to dedicate a future easement. This easement would only
come into effect upon connection to the neighboring property. She affirmed
co-appellants concurrence. She also reiterated that the Rozos had promised to record
said easement. Unfortunately, upon learning of staff's recommendation of no
substantial issue, the applicants had reneged on their promise.

07/3/16

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: Erik Howell

1) Name or description of project: 388 Windward

2) Date and time of receipt of communication: July 2, 2016 2:00 pm

3) Location of communication: 388 Windward, Pismo Beach

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

4) Identity of person(s) initiating communication: Erik Howell

5) Identity of person(s) on whose behalf communication was made: Erik Howell

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

7) Identity of all person(s) present during the communication: Erik Howell,
Mary Ann Reiss, Pam Rozo, Ernie Rozo

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

Pam and Ernie Rozo shared that they are no longer willing to dedicate the future
easement at 388 Windward because they believe it will lower the value of their property
and they have been told that they cannot be required to do so. They shared their
belief that the Coastal Commission will be hearing their matter in the near future and
their confidence that the recommendation from staff will be for no substantial issue.

07/3/16

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.

From: [Beard, Paul](#)
To: [Carl, Dan@Coastal](#)
Cc: [Marshall E. Ochylski \(mochylski@slolegal.com\)](#); [erik@erikhowell.com](#); [Yair Chaver](#)
Subject: RE: Easement
Date: Wednesday, July 06, 2016 9:50:12 AM
Attachments: [image001.emz](#)
[image002.png](#)

Yair – I'm available to discuss at your earliest convenience. 818-216-3988. Thanks.

Paul J. Beard II | ALSTON & BIRD LLP

Office: 916-498-3354 | Mobile: 818-216-3988

From: Carl, Dan@Coastal [mailto:Dan.Carl@coastal.ca.gov]
Sent: Wednesday, July 6, 2016 9:34 AM
To: Beard, Paul <Paul.Bead@alston.com>
Cc: Marshall E. Ochylski (mochylski@slolegal.com) <mochylski@slolegal.com>;
erik@erikhowell.com; Yair Chaver <Yair.Chaver@coastal.ca.gov>
Subject: RE: Easement

Mr. Beard:

Thank you for your additional input. We understand your position on behalf of the Rozos. As I indicated in my email below, we are continuing to evaluate and internally discuss options for possible resolution of the issues raised. And we have already reevaluated our original recommendation in light of all of the new information received since it was first distributed, and the current facts and context here suggest we will almost certainly not be recommending NSI moving forward. Mr. Chaver will be in contact with you and/or Mr. Ochylski once we have a firmer sense of potential options for resolution and a potential hearing schedule. Thank you for your continued patience.

Dan Carl
District Director
Central Coast and North Central Coast Districts
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
831-427-4863
dan.carl@coastal.ca.gov
www.coastal.ca.gov

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should conserve
water. Find out
how at
SaveOurWater.com
and Drought.CA.gov

From: Beard, Paul [<mailto:Paul.Bead@alston.com>]
Sent: Wednesday, July 06, 2016 12:54 AM
To: Carl, Dan@Coastal; [erik@erikhowell.com](#)
Cc: Marshall E. Ochylski ([mochylski@slolegal.com](#))
Subject: RE: Easement

Dear Mr. Carl and Mr. Howell:

As co-representative of the Rozos with respect to the pending appeals, I received this email chain from Marshall. I'm writing to clarify a few points that I hope will help to inform Coastal Commission staff's recommendation:

1. Mr. Howell's email states that my correspondence "would seem to argue for statewide issues associated with this easement." Mr. Howell must be confusing Tarren Collins' correspondence with mine. In two separate emails to Coastal Commission staff (dated 3/25 and 3/29), Ms. Collins unsurprisingly described her appeals as raising "statewide" issues.
2. By contrast, my correspondence agrees with the original Coastal Commission staff report that the appeals raise no substantial issue (let alone statewide issues). The purpose of that correspondence was to provide an additional reason for a NSI recommendation: The City's decision not to require a public pathway through the Rozos' backyard is not only consistent with the City's LCP, but *constitutionally compelled* by the Takings Clause of the Fifth Amendment to the U.S. Constitution under *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987). A NSI recommendation and Coastal Commission concurrence may not be a "slam dunk" at this point (for reasons that we cannot understand), but the takings argument definitely is. There is no way, constitutionally, that a public pathway can be required of the Rozos as a condition of their project. *Nollan*, 483 U.S. 825 (a permit condition that bears no essential nexus to the impacts of the project is unconstitutional and "out and out an plan of extortion"); *see also Bowman v. California Coastal Commission*, 230 Cal.App.4th 1146 (2014) (holding, in part, that the Coastal Commission's taking of a public-access easement failed *Nollan*, because there was "no rational nexus, no less rough proportionality" between the project's impacts and the need for a pathway).

Of course, if Tarren Collins and her supporters want a pathway across the Rozos' backyard, they are free to try to persuade the Rozos to *sell* them such an important interest in their private property. But the Rozos cannot be *forced* give up a public pathway for nothing. The LCP does not require it. And the Constitution forbids it.

3. That being said, if Ms. Collins, Coastal Commission counsel, or anyone else has any legal authority making such a permit condition constitutionally permissible, we would be more than happy to review that authority and reconsider whether to settle these appeals with an offer to dedicate a pathway, thereby saving everyone—especially Coastal Commission staff—precious time and expense working on the appeals. Conversely, if no such authority exists, and there is no good reason why *Nollan*, *Bowman*, and other precedents do not categorically bar such a permit condition, then the original staff report recommending NSI should be reinstated and the appeals placed on calendar as soon as possible so that the Rozos can move on with their lives.
4. The Rozos appreciate Mr. Howell's efforts in trying to resolve these appeals, including taking time out of a holiday weekend to meet with them. They are especially appreciative of Mr. Howell's representation, made at that meeting, that he would support the Rozos' City-approved project (which he rightly voted for) against a

“substantial issue” determination. Mr. Howell’s backing gives the Rozos the moral support they need during this very trying time and reflects Mr. Howell’s moral courage in the face of a very vocal minority led by Ms. Collins.

5. Ms. Collins has engaged in a number of serious omissions and misrepresentations about both the project and efforts in 2015 to settle the appeals with the Rozos. Among other things, those omissions and misrepresentations likely explain Mr. Howell’s misunderstanding about the viability of pathway connections at the addresses he cites below. Marshall will contact you (Mr. Carl) to discuss this and other factual issues related to the appeals.

To reiterate my earlier offer, we will immediately reconsider our position, and potentially spare everyone a time-consuming and costly appeal process, if a single authority constitutionally justifying Collins’ demand for a public pathway across the Rozos’ backyard can be produced. Short of that, the Rozos are of the view that they should not have to give up their federally protected constitutional rights so that they can obtain a permit to build a house on their lot. We sincerely hope that you share that view.

If any of you have any questions, please do not hesitate to reach out to me or Marshall.

Paul J. Beard II | ALSTON & BIRD LLP

1115 11th Street, Sacramento CA 95814

Office: 916-498-3354 | Mobile: 818-216-3988

paul.beard@alston.com | <http://www.alston.com/professionals/paul-beard/>

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----- Forwarded message -----

From: "Carl, Dan@Coastal" <Dan.Carl@coastal.ca.gov>

Date: Mon, Jul 4, 2016 at 3:23 PM -0700

Subject: RE: Easement

To: "Erik Howell" <erik@erikhowell.com>, "marshall@slollegal.com"
<marshall@slollegal.com>

Hi Erik,

Thanks for including me in the email exchange. Your understanding regarding the Rozo's interest in an easement dedication at the current time is the same as mine. In any case, we are continuing to evaluate the flood of information we received when the first staff report was initially distributed, including both from Mr. Beard and his associates as well as from Ms. Collins. For the record, and as I understand has been communicated to the parties involved, at this point there is almost no chance we intend to recommend NSI. There are issues of statewide and LCP implementation importance for sure, and we are evaluating all possible options for resolution through a de novo hearing. As to when the hearing may be

scheduled, we have not yet set a preliminary date as we are still working through the various resolution options internally. Hope that helps clarify.

Dan

From: Erik Howell [erik@erikhowell.com]
Sent: Sunday, July 03, 2016 8:43 AM
To: marshall@slolegal.com; Carl, Dan@Coastal; Erik Howell
Subject: Re: Easement

Marshall,

I met with the Rozos yesterday. They stated that they are not willing to offer the easement. Obviously, that is their business. As you know, I was merely attempting to address the issues raised in the appeal while still allowing them to move forward with their project. I also expressed to the Rozos my belief that the Commission staff is more likely than not to place the matter on the March 2017 agenda. Typically staff wants hearings to take place locally. They disagreed with my assessment. I can only presume delays are not an issue for them.

They also seem fairly confident that staff will find no substantial issue and that the Commission will concur. Given the correspondence from Paul Beard, however, this may not be a slam dunk. His letter would seem to argue for statewide issues associated with this easement and thus, substantial issue. They also run the risk that the Commission may send them back to the drawing board on all of this.

Well, good luck with this. If I were the Rozos, I would have long since made the offer to dedicate and put this thing to bed. Hope you're having a great weekend. I will talk to you soon.

-Erik

On Jul 2, 2016, at 2:10 PM, Marshall E. Ochylski <mochylski@slolegal.com> wrote:

Erik,

Thank you for your efforts in trying to resolve this matter.

I can change the addresses of the future connections. The addresses that I included were based the attached Exhibit that I was given by the Rozos.

I can easily add the Coastal Conservancy as an alternate Grantee, if the Rozos agree.

The dates will all be made current.

I will wait to hear from the Rozos as to how they want to proceed.

I hope you have a great 4th of July weekend!!

Thank you.

<image001.gif>

Marshall E. Ochylski,
Attorney at Law

The Law Office of Marshall E. Ochylski
Mailing Address: Post Office Box 14327
San Luis Obispo, CA 93406-4327

Telephone: 805-544-4546 (Direct Line)
Cell Phone: 805-441-4466

Email: marshall@slolegal.com
Website: www.slolegal.com

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<image004.jpg> **Please consider the environment before printing this email.**

From: Erik Howell [<mailto:erik@erikhowell.com>]
Sent: Friday, July 01, 2016 9:43 AM
To: mochylski@slolegal.com
Subject: Easement

Marshall,

I am going to be meeting with the Rozos this weekend. I think the addresses on the draft offer to dedicate for the future easements to connect through 388 Windward may not be correct. I think the correct addresses for future connections are 367 Boeker or 398 Windward. Also, could you add to the offer to dedicate the addition of Coastal Conservancy as an alternate to the City of Pismo Beach?

Thank you.

-Erik

P.S. Of course the dates on everything need to be changed. :-)
<Pathway Diagram.pdf>

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intended recipient, you are hereby notified that you may not read, copy, distribute or otherwise use this message or its attachments. If you have received this message in error, please notify the sender by email and delete all copies of the message immediately.

DAVID AND MARY STORNETTA
349 Boeker Avenue
Shell Beach
Pismo Beach, Calif. 93449
805 481-1105; fax 805 489-3865

February 1, 2017

California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, California 95060-4508

RECEIVED

FEB - 6 2017

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Regarding

PERMIT NO.: A-3-PBS-15-0030

Project Location: 388 Windward Avenue, Shell Beach (Pismo Beach, Calif.)

Hearing Date: Wednesday, February 8, 2017

ITEM NO.: W23a

To The Attention of Coastal Planner, Yair Chaver

We are unable to attend the Public hearing. Please take the following into account before rendering a decision.

The Pismo Beach Bicycle and Pedestrian Master Plan, Resolution R2010-039 was adopted by the Pismo Beach City Council on June 15, 2010. The plan shows maps of existing and proposed Bikeways and Pedestrian Walkways, including a proposed Pedestrian Walkway continuing from Boeker to Windward. The vision and purpose is that of a continual coastal walkway-bikeway from the North end of Shell Beach to the South end of Shell Beach. The building permit issued to 367 Boeker required dedication of an 8 foot Public pedestrian access path along the east side property line. This is in line with the required dedication of footage to the pathway that was required across the street from 367 Boeker, which meets the requirement to provide continuity to the Master Plan.

The project at 388 Windward does not include the required 8 foot dedication to the Public Pedestrian access path, which jeopardizes the future of the City's Master Plan.

An argument has been made that the proposed easement poses a danger because of limited visibility. This is a moot point, because, in fact, there are other footpaths in existence in the Plan with limited visibility.

We purchased our home at 349 Boeker in October, 2012.

Prior to our decision to purchase, we went to the Pismo Beach Planning Dept. and discussed with Engineers, in detail, the possibility of the one-story structure at 388 Windward being developed into a 2-story structure. We were told that the size and scope of a future home would be limited. The size and scope of the project now being proposed is 3600 Sq. Ft., including an attached second residence.

There ARE building plans at the Planning Dept. for 388 Windward, submitted by the prior owner, Mark Daniels, which were compatible and in compliance with the wishes of the City.

We believe that a 1 ½ story structure would be an excellent compromise for all concerned parties.

The proposed structure will obstruct our daylight and our airflow. In the interest of the environment, we prefer natural daylight to artificial light. And, we prefer a natural airflow of fresh air to an electrically manufactured airflow.

Please give the aforementioned considerable thought before rendering your decision regarding the permit to build at 388 Windward.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Stornetta". The signature is fluid and cursive, with the first name "Mary" written in a larger, more prominent script than the last name "Stornetta".

David and Mary Stornetta

California Coastal Commission
Central Coast District office
725 Front St. Suite 300
Santa Cruz Ca. 95060-4508
01/30/2017

RECEIVED

FEB - 1 2017

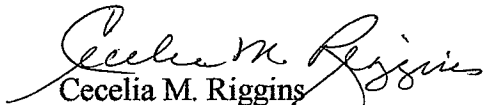
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

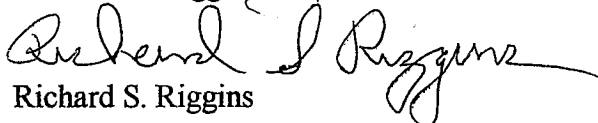
Hearing Date Wednesday Feb. 8, 2017
9:00 AM Item W23a
New Port Beach Civic Center

Dear Commissioners,

We are writing you in support of Pam and Ernie Rozo's Permit No; A-3-PSB-15-0030 to demolish an existing single family residence and construct a new single residence at 388 Windward Ave. in the Shell Beach area of Pismo Beach CA. (APN 010-371-012). Their new residence will improve the appearance and value of the property and in so doing will enhance the value of our property which is 780 Ocean Blvd. on the corner of Windward Ave. and Ocean Blvd. and across the street from 388 Windward Ave.

Sincerely,


Cecelia M. Riggins


Richard S. Riggins

CC Pam & Ernie Rozo

Laurie D. Cummings
305 Windward Avenue
Shell Beach, CA 93448
Tel: (805) 440-1567

January 9, 2017

California Coastal Commission
Sent via email to Yair Chaver at Yair.Chaver@coastal.ca.gov>

Re: Appeal No. A-3-PSB-15-0030 (Rozo, Pismo Beach) 388 Windward Ave

Honorable Chair Kinsey and Coastal Commission Members:

I am an appellant in Appeal No. A-3-PSB-15-0030 (Rozo, Pismo Beach). I ask that you adopt your staff's recommendation to find that our appeals raise Substantial Issue. I also join my fellow appellant, Tarren Collins, in requesting that the bifurcated de novo hearing be held locally, at your meeting in Cambria September 13-15, 2017.

As the attached petitions with 135 signatures of Shell Beach residents show, this issue is of great importance to my neighbors in Shell Beach. Holding the de novo hearing locally will allow these concerned citizens to be present at the hearing. Many of these supporters of our appeals indicated they would be at the hearing scheduled for January 11. Now that the applicants have chosen to split off the de novo portion of the appeals hearing, we have notified our supporters to wait to be present during the de novo portion instead. Please schedule the de novo hearing when the commission next meets in San Luis Obispo County.

The proposed project raises a substantial issue because the proposed demolition and construction of the residence, as proposed by the Rozos, raises substantial City of Pismo Beach General Plan & Local Coastal Program (LCP) conformance issues. It does not include an essential pedestrian coastal access path easement, as required by the General Plan LU-H-8, and LCP Policy PR-5 which states:

"Lateral Access at Boeker Street – The City should pursue opportunities to create lateral pedestrian pathways connecting Boeker Street to Placentia Avenue or Ocean Boulevard to the north and to **Windward Avenue** or Ocean Boulevard to the south. This requirement shall be implemented as part of project approval, private gifts or dedications or possibility through public acquisition."

Our appeal also raises substantial issue because the mass and scale of the proposed project is inconsistent with the Community Character of this special coastal community, and it is inconsistent with the Neighborhood Compatibility requirement of the General Plan LU-H-4a which states:

"Scale of Structures – New residential development should be designed to reflect the small scale image of Shell Beach rather than large monolithic buildings."

I disagree with your staff's assessment that the proposed project can be approved with conditions which would reduce the size of the second floor. Even with a reduction in size of the second floor, the proposed residence would be significantly out of character with this special Shell Beach community.

The proposed project is inconsistent with the community character of the surrounding neighborhoods, and therefor violates Chapter 3 of the Coastal Act. Also, the proposed project impacts the important scenic and visual qualities of this coastal area, making this project inconsistent with the policies of Sections 30251 and Section 30116(c) of the Coastal Act

Comment re Appeal No. A-3-PSB-15-0030 (Rozo, Pismo Beach)
January 9, 2017
Page Two

The proposed size of the project is not consistent with the visual resources and minimization of adverse impacts policies of the Coastal Act. In particular, the proposed project is inconsistent with the scale, mass, and character of the surrounding residential neighborhood.

Also, the applicant's proposed project will be built over a sewer line, which is not only inconsistent with Pismo Beach City policy, it would jeopardize the whole of south Shell Beach Village for the benefit of one property owner, and it poses a risk to the ocean water quality should the new building prevent a sewer leak from being immediately repaired. The city engineer would not allow any building over the sewer line that traversed the property at 374 Boeker nearby. The property at 388 Windward can be developed without building over the sewer line.

This commission should deny the Coastal Development Permit.

I have lived in Shell Beach Village since 2000. I first moved to this area in 1982 when I attended Cal Poly. I have come to love this community and as a licensed landscape architect I take pride in the many projects I have completed to help enhance this very special place.

One of the major purposes of the Coastal Act and our General Plan is to assure that development in the City of Pismo Beach maintains, and if possible enhances, the community experience for the current residents. To allow this development to be approved would be a travesty negatively impacting the community for generations to come.

Staff's proposal to approve with conditions reducing the upper floor still does not meet the Neighborhood Compatibility requirement per the General Plan, it does not identify an easement for the pedestrian path throughway, and it still is of a mass and scale which is incompatible with the community character of this Shell Beach neighborhood.

Please find the appeals raise Substantial Issue, please schedule the de novo hearing for your September meeting on the Central Coast, and, at the de novo hearing, please deny the project and preserve the special community character of Shell Beach.

Thank you,



Laurie D. Cummings

Appellant

Cc Tarren Collins

Encl.

4.21.15

4:49 PM

**To the Pismo Beach City Council re: development permit appeal for 388
Windward Avenue Shell Beach.**

Please consider the "General Plan" and the "Local Coastal Plan" with the impending development of 388 Windward Avenue. Specifically in reference to the 5' wide pedestrian walking path. This path will be close to connecting Windward Avenue to Boeker Avenue along with the new easement at the rear of the development at 367 Boeker Avenue. One small segment will still need to be acquired in the future.

The Pismo Beach "General Plan" and "Local Coastal Plan" were adopted in 1992 and certified by the California Coastal Commission in 1993. It has been updated in 2006 and again in 2013. In each edition, the plan spoke to the creation of lateral pedestrian pathways connecting Boeker Street to Placentia Avenue on the north and Boeker Street to Windward Avenue on the South. (LU-H8 to LU-H9 attached) These paths will connect Ocean Avenue all the way through.

The path to connect Boeker Street to Placentia was completed several years ago. The path to connect Boeker Street to Windward is already in progress with the construction of a new home at 367 Boeker Street. The development at 388 Windward Avenue is the last big section to make this path a reality.

This path will connect our community on either side of Placentia Avenue and Windward. It will also complete a section of the coastal trail making it possible to travel from Dinosaur Caves Park on the South to Vista Del Mar Avenue on the North all while staying close to the sea.

The petition submitted with this letter was collected in a few hours by canvassing just the few streets near Boeker. We have had a 95 %+ agreement when asking for signatures. You will have the communities support with requiring this addition to the development permit. We have not had the chance to canvas Shell Beach in its entirety, but we believe we would be very positive and achieve a 90% agreement rate.

We urge you to not overlook this opportunity.

Also attached is the petition with signatures in favor of seeing this pathway accomplished.

**LU-
H-6 Public Improvements**

a. Street Lights

Where possible, pedestrian scaled street lights should be used throughout the Shell Beach area. (See Design Element, Policy D-22, Pedestrian Scale Street Lights.)

b. Street and Front Yard Paving

Street rights-of-way and front yards shall not be paved except for driveways or parking spaces officially approved by the city. The City shall not approve parallel parking that is outside the normal area needed for travel ways and related street parking. (See Design Element, Policy D-15, Front Yards and Street Right-of-Ways.)

c. Shell Beach Road improvements

Shell Beach Road improvements should retain the existing curb and gutter flow line and profile of the street and ADA compliance through use of bulb outs and street corner improvements. Additional improvements will include a multi-use trail, benches, decorative light poles, bike racks, public art, trash receptacles, and receptacles for recyclable material. A variety of paving changes and textures with street furniture and decorative lights and street trees will enhance this area.

Existing public sidewalks and street amenities shall be maintained, and future improvements shall be maintained in perpetuity.

Consistent with policies D-36 and D-37, Shell Beach Road overhead utilities shall be placed underground. Undergrounding to the first adjacent residential street is required.

d. Ocean Blvd improvements

Public improvements to Ocean Blvd shall include public art features where possible. Examples include but are not limited to artistically sandblasted bollards and posts, mosaic tiled trash and recycled containers, decorative paving , or art work on utility boxes.

**LU-
H-7 Street and Front Yard Paving**

Street rights-of-way and front yards shall not be paved except for driveways or parking spaces officially approved by the city. The City shall not approve parallel parking that is outside the normal area needed for travel ways and related street parking. (See Design Element, Policy D-15, Front Yards and Street Right-of-Ways.)



**LU-
H-8 Lateral Access at Boeker Street**

The City should pursue opportunities to create lateral pedestrian pathways connecting Booker Street to Placentia Avenue or Ocean Boulevard to the north and to Windward Avenue or Ocean Boulevard to the south. This requirement shall be implemented as part of project approval, private gifts or dedications or possibility through public acquisition. (See Parks and Recreation Element, Policy PR-5, Path System.)

To fully utilize the natural advantages of Pismo Beach's location and climate, park and recreational opportunities for residents and visitors shall be provided for all ages, incomes and life styles. This means that:

- a. The beach shall be free to the public.
- b. Some parking and/or public transportation access to the beach shall be free to the public.
- c. Recreational needs of children, teens, adults, persons with disabilities, elderly, visitors and others shall be accommodated to the extent resources and feasibility permit.
- d. City residents need mini-parks, neighborhood parks, community parks, activity centers, special use and all-purpose parks.

PR-2 Ocean and Beach are the Principal Resources

The ocean beach and its environment is, and should continue to be, the principal recreation and visitor- serving feature in Pismo Beach. Oceanfront land shall be used for recreational and recreation-related uses whenever feasible.

PR-3 Parks and Recreation Policy Plan

The city Park and Open Space Policy Plan shall be as shown in Figure PR-1, as summarized in Table PR-1, and as set forth in the policies of this Element. The plan shows the conceptual system of parks and open spaces but is not intended to preclude additional areas of open space or parks as found appropriate through environmental reviews, the development process, and annexations.

PR-4 Master Parks and Recreation Plan

The City's Parks and Recreation vision includes:

- a. Specific park standards - The standards shown in Table PR-2 should be used as a basis for city park development, including annexation areas. Where feasible, park standards should enable efficient and sustainable use for and maintenance of City parks and recreation facilities.
- b. The use of concept plans for each park or open space reflecting active, passive and natural open space uses.
- c. The development of an operation and maintenance plan for each facility.
- d. A Parks and Recreation Commission oversight of:
 - 1) A citizen participation program to determine facility needs and
 - 2) A periodic survey of residents and visitors to determine resident and visitor services and community program needs and desires.
- e. A periodic review and update of criteria for new development contribution of land and/or fees for park development.

*** PR-5 Multi-Use Path System (Trails)**

A system of public paths as delineated on Figure PR-2 shall be developed to connect the various parks, scenic aspects and open space of the city. Ideally the paths should be located within designated greenbelt areas. However, in areas of the community that have already been developed, the system can include sidewalks and right-of-way shoulders of less traveled streets. The system should be delineated with signs, uniform landscaping, and pavement. Every attempt shall be made to interconnect city trails with those being developed by adjacent cities and the county. Key trail connections are shown for future annexation areas. Motorized vehicles shall not be permitted on trails, except as used by handicapped persons.

Rest areas, picnic areas, view platforms and similar facilities shall be located along the path systems. The ridge path should provide for equestrian use. See also:

Circulation Element	C-11	Bikeways Plan
Circulation Element	C-12	Bikeways Encouraged
Land Use Element	LU-G-5	Ocean Boulevard Access
Land Use Element	LU-H-9	Lateral Access at Boeker St.
Land Use Element	LU-J-9	Lateral Access
Circulation Element		Bikeway Plan

PR-8

foothills to the east. The emphasis is on assuring that new and expanded homes are compatible with the scale, bulk, and character of existing neighborhood.

**LU-
H-2 Shoreline Qualifies**

The unique shoreline qualities of Shell Beach shall be protected by:

- a. Maintaining and improving public access along the bluff-tops.
- b. Pursuing all available sources to provide the necessary funds to improve and maintain the parks along the Shell Beach bluffs.
- c. Instituting measures, such as signing and policing, to prohibit removal of tide-pool marine life.
- d. Designating the vista point at the end of Boeker Street as a bird observation area and leaving it in its natural state for neighborhood use.
- e. Making drainage pipes in the park areas as inconspicuous as possible and landscaping park areas with drought resistant, low maintenance plants.
- f. Continuing the program of erosion and animal control to protect the park areas.

**LU-
H-3 Commercial Revitalization**

- a. For the Shell Beach Road commercial strip, a funding plan shall be prepared for amenities such as but not limited to signage, street trees, sidewalk improvements, pedestrian scale street lights, public parking, and public art.
- b. The city shall consider the use of Grant funds to provide for the plan and for low interest loans for commercial revitalization.

**LU-
H-4a Residential Guidelines**



a. Scale of Structures.

New residential development should be designed to reflect the small scale image of Shell Beach rather than large monolithic buildings. Buildings should be designed with vertical, horizontal and roof articulation of building faces.

b. Orientation of doors, windows, and balconies to street.

Street frontage should consist of residential units with windows, doors, balconies and porches facing and in reasonably close proximity to the street, both in terms of height (i.e., units at street level, rather than raised) and in distance from the street (minimum set back). This type of orientation reinforces the traditional beach and street active environment and increases street safety with "eyes" on the street. (See Design Element D-4, Multi-family Design Criteria.) Where two-story buildings are proposed, the second story shall be stepped back a minimum of 30% along the front elevation.

c. Incentives for single level development

Incentives for one level development will only be provided for proposals compatible with the surrounding area with building articulation and site design reflective of the Shell Beach small- scale image. While a 20' setback to a garage is required, incentives for single level development without a requirement for a variance include:

- expanded total building area in excess of that specified in the implementing ordinance
- front, side, and rear yard setbacks reduced from that specified in the implementing ordinance
- a single car garage

4.21.15

Also submitted at Planning 10/9/12
Commission

TO THE PISMO BEACH PLANNING COMMISSION & CALIFORNIA
COASTAL COMMISSION

The undersigned residents of Shell Beach strongly support the opportunity for the Planning Commission to require a path connecting the ocean end of Boeker street to Windward Ave similar to what was done connecting Boeker Street to Placentia Avenue in the past. This is the chance to make a spectacular walking trail from Dinosaur Caves Park to Vista Del Mar that would finally connect the two sides of Shell Beach village along the waterfront.

NAME

ADDRESS

1	<u>[Signature]</u> B. Walta	372 Boeker, Shell Beach
2	Kelly Miller Kelly Miller	331 Castaic, Shell Beach
3	Michael Miller <u>[Signature]</u>	331 Castaic, SB
4	Lawrence L. Silva	372 BOEKER, SHELL BEACH
5	<u>[Signature]</u> S. LOPEZ	368 BOEKER, SHELL BEACH
6	<u>[Signature]</u> JOSEPH LOPEZ	111 BOEKER AVE, SHELL
7	Virginia Wrathall V. S. Wrathall	680 Ocean Blvd Shell Beach
8	Richard Wrathall Ricardo Wrathall	680 Ocean Blvd, Shell Beach
9	LARRY SCARBOROUGH	167 BOEKER AVE SHELL BEACH
10	Linda Nelson	167 BOEKER AVE, Shell Beach
11	BILL TAYLOR	P.O. BOX 1207 PISMO BEACH
12	TANA TANAKA	P O BOX 387, Pismo Beach CA.

①

TO THE PISMO BEACH PLANNING COMMISSION & CALIFORNIA
COASTAL COMMISSION

The undersigned residents of Shell Beach strongly support the opportunity for the Planning Commission to require a path connecting the ocean end of Boeker street to Windward Ave similar to what was done connecting Boeker Street to Placentia Avenue in the past. This is the chance to make a spectacular walking trail from Dinosaur Caves Park to Vista Del Mar that would finally connect the two sides of Shell Beach village along the waterfront.

NAME

ADDRESS

13	Christy Serpa	246 Windward Shell Beach
14	Jeremiah Serpa	246 Windward Shell Beach
15	William Pains	288 WINDWARD AVE SHELL BEACH
16	John B. Bravich	269 WINDWARD AVE SF
17	Tanya Bernal	269 Windward Ave SB
18	Cheri Pajares	288 Windward SB
19	Frank P. Pajares	298 Windward Ave. RB
20	K. Kelly	253 WINDWARD AVE S.B.
21	Alumino	305 WINDWARD AVE SHELL BEACH
22	EVA CASTRO	317 WINDWARD AV SHELL BEACH
23	CHRIS KEFER	253 WINDWARD AVE SHELL BEACH
24	EDDIE STANTFIELD	359 Placentia Shell Beach
25	Debra Sievers	342 Morro Ave Shell Beach

②

TO THE PISMO BEACH PLANNING COMMISSION & CALIFORNIA
COASTAL COMMISSION

The undersigned residents of Shell Beach strongly support the opportunity for the Planning Commission to require a path connecting the ocean end of Boeker street to Windward Ave similar to what was done connecting Boeker Street to Placentia Avenue in the past. This is the chance to make a spectacular walking trail from Dinosaur Caves Park to Vista Del Mar that would finally connect the two sides of Shell Beach village along the waterfront.

NAME

ADDRESS

26	Monique Nelson	320 placentia Ave, SB, CA.
27	Holly Hartley	114 Wawona ave, SB, CA
28	Karen Leonard	250 Cuyama Ave
29	Diana DeBarmo	251 Capistrano S.B.
30	Joe Leonard	250 Cuyama Ave
31	Lois Kester	289 Windward S.B.
32	Whitney Eliott	216 Windward Ave 93449
33	Avery Fleming	216 Windward Ave
34	Michael Lutz	2014 Lundgren Ave
35	Lynn LaMorie	206 Leeward AVE
36	Bartene Guilem	190 Leeward ave
37	Paul Greco	318 LEEWARD AV.
38	Cheryl Tidals	324 WINDWARD AVE.

(3)

The undersigned residents of Shell Beach strongly support the opportunity for the Planning Commission to require a path connecting the ocean end of Boeker street to Windward Ave similar to what was done connecting Boeker Street to Placentia Avenue in the past. This is the chance to make a spectacular walking trail from Dinosaur Caves Park to Vista Del Mar that would finally connect the two sides of Shell Beach village along the waterfront.

ADDRESS

39	David Garg.	243 Vista Del Mar
40 & 41	Sam & Jeper Nielson	313 Vista del Mar
42 & 43	Ausau: Phil Middleton	1956 Ocean Blvd.

The undersigned residents of Shell Beach strongly support the opportunity for the Planning Commission to require a path connecting the ocean end of Boeker street to Windward Ave similar to what was done connecting Boeker Street to Placentia Avenue in the past. This is the chance to make a spectacular walking trail from Dinosaur Caves Park to Vista Del Mar that would finally connect the two sides of Shell Beach village along the waterfront.

ADDRESS

44	Paul Schier	127 Cayana	Shell Beach CA
45	Rick Wike	324 Windward	Shell Beach 93449

TO THE PISMO BEACH PLANNING COMMISSION & CALIFORNIA
COASTAL COMMISSION

The undersigned residents of Shell Beach strongly support the opportunity for the Planning Commission to require a path connecting the ocean end of Boeker street to Windward Ave similar to what was done connecting Boeker Street to Placentia Avenue in the past. This is the chance to make a spectacular walking trail from Dinosaur Caves Park to Vista Del Mar that would finally connect the two sides of Shell Beach village along the waterfront.

	NAME	ADDRESS
46	Tarren Collins	P.O. Box 3063, Shell Beach
47	Kelly LeMay	PO Box 2424 Shell Beach
48	Cheryl Seibert	214 Capistrano S.B.
49	Shanna Cern	214 Capistrano SB.
50	Shawn Ray	214 Capistrano SB
51	214 EDWARD D. LOCKHART	109 Capistrano Ave Shell Beach, CA
52	Rhea Rogers	114 Capistrano SB
53	Nick Jones	114 Capistrano SB
54	Rachel Bradford	114 Capistrano SB
55	Rhemi Waltz	114 Capistrano Ave.
56	Peggy Spragino	126 Capistrano SB
57	PAT MITCHELL	138 Capistrano Ave
58	CARUSA PHELPS	138 Capistrano Ave
59	Bob Turbin	151 Capistrano Ave

(S)

TO THE PISMO BEACH PLANNING COMMISSION & CALIFORNIA
COASTAL COMMISSION

The undersigned residents of Shell Beach strongly support the opportunity for the Planning Commission to require a path connecting the ocean end of Booker street to Windward Ave similar to what was done connecting Booker Street to Placentia Avenue in the past. This is the chance to make a spectacular walking trail from Dinosaur Caves Park to Vista Del Mar that would finally connect the two sides of Shell Beach village along the waterfront.

NAME

ADDRESS

60	Richard Bobb	250 CAPISTRANO
61	Nancy Ayler	262 Capistrano
62	S. Ayler	262 Capistrano
63	Tacoma	257 CAVISTA AVE
64	Brenda Jane	257 CAPISTRANO
65	Stanley	232 Capistrano ave
66	Hugh	233 Capistrano Ave.
67	TABER LEO GRIGOLI	302 CAPISTRANO AVE
68	Charles Anderson	180 Ocean View, Pismo
69	Heather Stone	180 Ocean View Ave Pismo Beach CA
70	John Goh	785 1st St
71	John	227 Capistrano
72	Melinda Reason	239 Capistrano Ave

7

TO THE PISMO BEACH PLANNING COMMISSION & CALIFORNIA
COASTAL COMMISSION

The undersigned residents of Shell Beach strongly support the opportunity for the Planning Commission to require a path connecting the ocean end of Boeker street to Windward Ave similar to what was done connecting Boeker Street to Placentia Avenue in the past. This is the chance to make a spectacular walking trail from Dinosaur Caves Park to Vista Del Mar that would finally connect the two sides of Shell Beach village along the waterfront.

NAME

ADDRESS

73	Sue Chasin	362 Capistrano Ave
74	Paul and Toni McCracken	309 Placentia Ave.
75	Mike McCracken	309 PLACENTIA AVE.
76	PAUL BRAGG	375 Santa Fe
77	Sue Beckett	258 Montecito Ave
78	Paul Beckett	258 Montecito Ave
79	Charles D. Dunning	330 Wawona Ave
80	Justin J. Farnham	330 Wawona Ave

8

TO THE PISMO BEACH CITY COUNCIL & CALIFORNIA COASTAL COMMISSION

(In reference to the development of 388 Windward Ave)

The undersigned residents of Pismo Beach/Shell Beach strongly support the opportunity for the City Council to require a pedestrian path connecting the ocean end of Boeker St. to the ocean end of Windward Ave. similar to what was done connecting Boeker St. to Placentia Ave in the past. This is a chance to make a spectacular walking trail from Dinosaur Caves Park to Vista Del Mar that would finally connect the two side of Shell Beach Village along the waterfront.

NAME

ADDRESS

81	<u>Leo Barber</u>	<u>728 Ocean Blvd Shell Beach</u>
82	<u>Laurie D Cummings</u>	<u>305 WINDWARD AVE. SHELL BEACH</u>
83	<u>James Walker</u>	<u>178 WINDWARD AVE SB</u>
84	<u>Cathy Kilmer</u>	<u>6670 Bellvue Orchard Ln. SLO CA.</u>
85	<u>CRAIG CUMMINGS</u>	<u>305 WINDWARD AVE SHELL BEACH</u>
86	<u>Hani Bhana</u>	<u>208 Placentia Ave, Shell Beach</u>
87	<u>Rene Walker</u>	<u>266 Miramar Lane Shell Beach</u>

Please join your local Shell Beach Community in support of a Public coastal access pathway from 388 Windward Avenue to eventually connect with the approved pathway dedication at 367 Boeker Avenue. This is the next to final link in the connection between our communities on either side of Placentia Avenue and Windward Avenue.

TO THE PISMO BEACH CITY COUNCIL & CALIFORNIA COASTAL COMMISSION

(In reference to the development of 388 Windward Ave)

The undersigned residents of Pismo Beach/Shell Beach strongly support the opportunity for the City Council to require a pedestrian path connecting the ocean end of Boeker St. to the ocean end of Windward Ave. similar to what was done connecting Boeker St. to Placentia Ave in the past. This is a chance to make a spectacular walking trail from Dinosaur Caves Park to Vista Del Mar that would finally connect the two side of Shell Beach Village along the waterfront.

NAME

ADDRESS

88 Carol Burn	12036 4300 Ranch Rd. GRANADA Hills 91344
89 Markin Fridolf	P.O. Box 698 Kingsburg CA
90 Kate Capela	210 Montecito Ave
91 John Capela	210 Montecito Ave
92 Janice Fridolf	P.O. Box 698 Kingsburg, CA
93 Bill HANNA	288 WINDWARD AVE
94 Michael Byrd	814 Pomeroys rd mpsom CA 93444
95 FABIAN JACO	142 WINDWARD Av #2 93449
96 Douglas Malobla	508 Ocean Shell Beach 93449
97 Shelley Malobla	508 Ocean Bl Shell Beach-93449
98 Robine Erb	260 Hillsdale Ave Santa Clara 95051
99 Aggie Walters	4704 Talmadge Rd Moorpark, CA 92031

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NAME

ADDRESS

100	Theresa McEwen	8 Bullflower Lane, San Carlos, CA 94070
101	Janine Post	653 Shell Beach Rd SB 93449
102	Wendy Smith	204 Windward Ave Shell Beach, CA 9314
103	Jim Harding	190 Windward
104	Art Dy	178 Windward
105	Alan Raul	127 Windward Ave
106	Heather Peracchi	141 Windward
107	Chris Pellegrini	149 Windward Ave
108	Chris Armstrong	153 Windward Ave
109	Rosy Stres	189 Windward Ave
110	Amanda Rodriguez	229 Windward Ave.
111	Barbara Moses	311 Leeward Ave.

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NAME

ADDRESS

112	Samantha melone	574 Sweet pea Pl.
113	Shelly melone	574 Sweet Pea Pl.
114	Nick Moses	311 Leeward
115	max melone	574 Sweet pea Pl.
116	CHELEA BRESCIA	289 LEEWARD AVE
117	Tony BRESCIA	289 LEEWARD AVE.
118	KAREN LIBBY	253 LEEWARD AVE
119	MARK LIBBY	253 LEEWARD AVE.
120	MIKE LYNN	319 N Hwy 1
121	Laurie Davis	241 Leeward Ave.
122	Cheryl Sidle	324 Windward Ave.
123	EVA Castro	317 Windward Ave

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NAME

ADDRESS

124	Ausan Middelton	1956 Ocean Blvd. P.B.	92449
125	Phil Middelton	1956 OCEAN Blvd Pismo Beach	93449
126	Deborah Winter	273 Boeker Ave. Shell Beach CA	
127	Edwin R. Winter	273 Boeker Ave Shell Beach ca.	
128	[Signature]	245 Boulevard Ave Shell Ct	93449
129	Jacquyn Griffith	269 Windward Ave Shell Beach	
130	[Signature]	316 WINDWARD AVE "	93449
131	[Signature]	298 Windward Ave	
132	DK Mc Fall	246 Windward	
133	Robert Bowersox	288 1/2 Windward	
134	Amy Bowersox	288 1/2 Windward Ave Shell Beach	
135	Sheri Mayer	16865 Silver Crest Dr. San Diego	CA 92127

Please join your local Shell Beach Community in support of a Public coastal access pathway from 388 Windward Avenue to eventually connect with the approved pathway dedication at 367 Boeker Avenue. This is the next to final link in the connection between our communities on either side of Placentia Avenue and Windward Avenue.

From: [Tarren Collins](#)
To: [Chaver_Yair@Coastal](#)
Cc: [Laurie Cummings](#); [Carl_Dan@Coastal](#)
Subject: FW: 388 Winward Shell Beach CA Appeal of Rozo project
Date: Tuesday, March 29, 2016 1:42:18 PM
Attachments: [388 Winward CCC Appeal - T. Collins's letter to Pismo and 2 petitions submitted.pdf](#)
[CCC Appeal Idc_050216 from Laurie Cummings.pdf](#)
[Rozo \(Offer to Dedicate\) \(10-26-2015\).pdf](#)
[Rozo \(Tarren Collins\) \(11-15-2015\).pdf](#)

Hi Yair,

I wish we'd had a chance to discuss some of the substantive issues concerning the appeals filed by Laurie Cummings and I prior to the staff report being published. When you and I spoke briefly last week, I believed that the Rozos and their attorney were still working with us to ensure that the public pedestrian easement would be dedicated, and that we would simply be asking the CCC to make this a condition of approval of their CDP. Had I known you were considering the evidence and LCP in order to make a determination on Substantial Issue last week, I would have used our conversation time to provide you with evidence and arguments concerning LCP Policy LU-H-8 Lateral Access at Boeker Street and LCP Policy PR-5 Multi-Use Path System.

My time is limited today, but I want to get some of the evidence of community support to you, along with the history of the Rozos' agreement to dedicate the pedestrian easement at 388 Winward. I also want to briefly list some of the information concerning the Local Coastal Plan and the language and implementation challenges of LCP Policy LU-H-8 Lateral Access at Boeker Street and LCP Policy PR-5 Multi-Use Path System.

Please find attached petitions signed by community members concerning the obtaining of easements to connect Boeker St. with Winward Ave. These petitions concern both the pathway easement already obtained at 367 Boeker, and the current easement sought at 388 Winward. These petitions evidence the community's understanding of the best way to implement the creation of a lateral pedestrian pathway between Placentia Ave. and Winward Ave, based on the current constraints.

The public pedestrian access easement as a condition of approval of the project at 388 Winward Avenue is required by LCP Policy LU-H-8 Lateral Access at Boeker Street, and LCP Policy PR-5 Multi-Use Path System (Trails). LCP Policy LU-H-8 is the remedy to the public access gap in this neighborhood, and it specifically states **the City "should pursue opportunities to create lateral pedestrian pathways connecting Boeker St. to ...Winward Avenue or Ocean Blvd." Furthermore, LCP Policy PR-5 Multi-Use Path System (Trails) states in pertinent part: *"Every attempt shall be made to interconnect city trails...."***

The language of these two LCP Policies instructs the city to remedy the access gap in this neighborhood, it does not “encourage” the city. “Should” and “shall” are mandates.

It is important for the CCC to understand the constraints to creating a lateral pedestrian pathway to connect Boeker with Winward as required by these 2 LCP Policies, and why the **mandate to take every opportunity to create this pathway here necessitates the pedestrian easement at 388 Winward.**

First, **the City’s “preferred route”** for this easement, through 398 Winward, **will never happen** – at least not until the existing residence falls into the ocean. The house at 398 Winward was built when there were not the present restrictions to building so close to the bluff edge. The lot at 398 Winward is very small, and as you can see on page 2 of Exhibit 6, the present house takes up the entire lot from the bluff edge to the property line with 388 Winward. Given current bluff edge building restrictions, this lot size and configuration so close to the bluff edge is not conducive for the owners to do anything that might require a CDP which would trigger bluff top setback restrictions. Therefore, the City’s stated “vision” of putting a lateral public access easement here is disingenuous. The city knows this will never happen because the owners of 398 Winward will not be applying for a CDP which could trigger the easement.

Second, when the community sought, and obtained, the easement at 367 Boeker, it was to ensure that should a CDP be sought at the neighboring Boeker Street property and at 388 Winward, it would allow the long sought connection planned for by LCP Policy LU-H-8! I do not know the address of the property next door to 367 Boeker (I will locate it and give it to you), but the creation of the lateral pedestrian pathway can either be a bending path from the easement at 367 Boeker through the neighboring property to connect to an easement on 388 Winward, or it can go straight through the property next door to 367 Boeker and connect directly to a pathway at 388 Winward. **The more options for the path, the more likely it will happen with the least impact.**

“Pursuing opportunities” and making “every attempt” mandate that when a CDP is sought at any of these addresses, a public pedestrian access easement MUST be required. This is the only way to eventually create a lateral pedestrian pathway between Placentia Avenue and Winward Ave to complete the lateral access path along the coast here! We must require the easements that will eventually allow the creation of the path. If the easement is not made a condition of approval of the CDP for 388 Winward, the opportunity to create the lateral public pathway designated by LCP Policy LU-H-8 will be lost for generations to come. We will not see

this pathway during our lifetimes.

In reviewing the criteria for finding Substantial Issue, I will note that our appeals effect the eventual completion of the **California Coastal Trail**, therefor they **raise issues of regional and statewide significance.**

You will notice that the existing pedestrian path shown on Exhibit 6 connecting Ocean Blvd with Boeker Street is not a straight line. You will also note that the easement obtained on 367 Boeker does not connect to an existing easement. These arguments presented by the city against the easement sought at 388 Windward, and repeated in the staff report, are not conditions that should prevent the easement at 388 Winward. They should not be cited as evidence of "factual or legal support" for the city's decision.

And finally, to allow the city to so blatantly misinterpret its mandate to use every opportunity and make every attempt to secure the pathway envisioned by LCP Policy LU-H-8 and LCP Policy PR-5 would **set a very dangerous precedent for coastal public access.**

Yair, this is my first draft of my argument, drafted in haste in an attempt to get my arguments to you quickly. I will be providing more information and arguments to you in the next few days, and hope to have a telephone discussion with you about our appeals soon.

Thank you for your consideration of these hastily drafted points.

Tarren Collins

From: Tarren Collins [mailto:tarrencollins@charter.net]
Sent: Monday, March 28, 2016 1:03 PM
To: 'Carl, Dan@Coastal' <Dan.Carl@coastal.ca.gov>
Cc: 'Laurie Cummings' <laurie.d.cummings@gmail.com>; 'Chaver, Yair@Coastal' <Yair.Chaver@coastal.ca.gov>; 'Craig, Susan@Coastal' <Susan.Craig@coastal.ca.gov>; 'Kahn, Kevin@Coastal' <Kevin.Kahn@coastal.ca.gov>; 'O'Neill, Brian@Coastal' <Brian.O'Neill@coastal.ca.gov>
Subject: RE: 388 Windward Shell Beach CA Appeal of Rozo project

Hi Dan,

I will resend to Yair the information that I sent to you on Friday, Dan. And I will look forward to having a conversation with him as soon as I get a chance to review the staff report later today or tomorrow morning.

I'm sure a check of phone records will show that my first contact from Yair was last Tuesday.

Perhaps he thought through his communications with Laurie Cummings, he was gathering the information on both of our appeals?

All of my communications regarding my appeal, both with Brian O'Neill last summer, and my short conversations with Yair on Tuesday afternoon and Wednesday morning last week, have involved discussions about the Rozos' agreement to put an easement for the pathway into this project. This agreement was communicated to me first through their consultant Tony Ferraro shortly after I filed my appeal, then through their attorney Ochylski. Ochylski and I were still in discussions about how to secure this pathway last week, when Yair called me. Last week Ochylski told me that he was not positive he was still representing the Rozos, then upon his confirmation that he was representing them, he said he would be recommending we all sit down and try to resolve the pathway issue.

This appeal took a rapid 180 degree turn last week, surprising both Laurie Cummings and myself. I look forward to the opportunity for the potential to alter your staff recommendation.

Thank you,

Tarren

From: Carl, Dan@Coastal [<mailto:Dan.Carl@coastal.ca.gov>]
Sent: Monday, March 28, 2016 11:21 AM
To: Tarren Collins <tarrencollins@charter.net>
Cc: 'Laurie Cummings' <laurie.d.cummings@gmail.com>; Chaver, Yair@Coastal <Yair.Chaver@coastal.ca.gov>; Craig, Susan@Coastal <Susan.Craig@coastal.ca.gov>; Kahn, Kevin@Coastal <Kevin.Kahn@coastal.ca.gov>; O'Neill, Brian@Coastal <Brian.O'Neill@coastal.ca.gov>
Subject: RE: 388 Windward Shell Beach CA Appeal of Rozo project

Hi Tarren,

Sounds like your recollections and staff's notes are at odds regarding timing. Either way, I would strongly encourage you to talk to Yair to share your thoughts and materials. We are always open to new information and arguments, particularly if they have the potential to alter our recommendation. Hope that helps...

Dan

From: Tarren Collins [tarrencollins@charter.net]
Sent: Friday, March 25, 2016 6:18 PM
To: Carl, Dan@Coastal
Cc: 'Laurie Cummings'; Chaver, Yair@Coastal; Craig, Susan@Coastal; Kahn, Kevin@Coastal; O'Neill, Brian@Coastal
Subject: RE: 388 Windward Shell Beach CA Appeal of Rozo project

Hi Dan,

Unfortunately staff did not coordinate with me at all until 2 days ago, when I received my first phone

call from Yair. Laurie Cummings, who filed a separate appeal, did hear from Yair two weeks ago. Laurie asked Yair to coordinate with me because I am a lawyer. Yair did not coordinate nor communicate with me until his first phone call to me on Tuesday – a call I returned on Tuesday late afternoon. The only subject of our conversation was my request to see if we could postpone the hearing to Santa Barbara in June.

In a previous appeal years ago, staff was very helpful, and coordinated with me – obtaining input and documentation from me, and engaging in phone conversations and email exchanges in advance of issuing a staff recommendation. I expected no less this time. Can you please explain why there was no effort to “coordinate” with me on this appeal prior to the staff recommendation?

As you are aware, 2 days is not nearly enough time to coordinate. However, had Yair warned me, even 2 days ago, that I needed to submit the documents and evidence I have in support of the appeal to assist with the staff recommendation, I would have. I also would have provided him arguments in favor of a substantial issue recommendation.

I do not understand why the staff would progress all the way to the staff recommendation without making a serious attempt to obtain appellant’s input and documentation.

Finally, I submitted petitions and law today to you. Will these items be included in an addendum to the staff report? And is there going to be an opportunity to engage with staff to at least have a chance to argue my points in hopes of perhaps gaining an amended staff recommendation for substantial issue regarding the pathway?

Thank you,

Tarren

From: Carl, Dan@Coastal [<mailto:Dan.Carl@coastal.ca.gov>]
Sent: Friday, March 25, 2016 4:13 PM
To: 'Tarren Collins' <tarrencollins@charter.net>
Cc: Laurie Cummings <laurie.d.cummings@gmail.com>; Chaver, Yair@Coastal <Yair.Chaver@coastal.ca.gov>; Craig, Susan@Coastal <Susan.Craig@coastal.ca.gov>; Kahn, Kevin@Coastal <Kevin.Kahn@coastal.ca.gov>; O'Neill, Brian@Coastal <Brian.O'Neill@coastal.ca.gov>
Subject: RE: 388 Windward Shell Beach CA Appeal of Rozo project

Hi Tarren,

I checked in with staff and it sounds like they have been coordinating with you regards our potential recommendation for some time, including in the past weeks leading up to staff report production. In terms of a meeting before the staff report is finished, I am afraid that is not possible as it went out today. I would encourage you to contact Yair to set up a time when you can share your input with him in advance of a hearing. Hope that helps...

Dan

From: Tarren Collins [<mailto:tarrencollins@charter.net>]
Sent: Friday, March 25, 2016 12:26 PM
To: Carl, Dan@Coastal
Cc: Laurie Cummings
Subject: RE: 388 Windward Shell Beach CA Appeal of Rozo project

PSS- Dan, I am attaching a file containing my letter dated April 21, 2015 and 2 petitions which I submitted to the Pismo Beach City Council during the hearing on the Rozo's CDP. Please forward to Yair. I had planned to provide him with these submissions during the staff deliberations concerning appellants' substantial issue determination.

From: Tarren Collins [<mailto:tarrencollins@charter.net>]
Sent: Friday, March 25, 2016 12:10 PM
To: Carl, Dan@Coastal <Dan.Carl@coastal.ca.gov>
Cc: Laurie Cummings (laurie.d.cummings@gmail.com) <laurie.d.cummings@gmail.com>
Subject: RE: 388 Windward Shell Beach CA Appeal of Rozo project

PS – Dan, I am attaching a file containing a petition signed by many community members, sent to me by my fellow appellant Laurie Cummings. I had not yet started compiling my documents, but with the voicemail from Yair today, I will scan and email them to you right now. Please forward all of this information to Yair today, and please assure me that this information and evidence will be taken into consideration by Yair prior to finalizing the staff report. I do not have Yair's email address or I would send it directly.

Thank you,

Tarren

From: Tarren Collins [<mailto:tarrencollins@charter.net>]
Sent: Friday, March 25, 2016 11:28 AM
To: Carl, Dan@Coastal <Dan.Carl@coastal.ca.gov>
Subject: FW: 388 Windward Shell Beach CA Appeal of Rozo project
Importance: High

Hi Dan,

I write asking for your assistance. Back in August and September, Brian O'Neill of the CCC Santa Cruz staff was working to assist a settlement of my appeal of a City of Pismo CDP for 388 Windward Ave. in Shell Beach (Pismo Beach). The community here in Shell Beach has worked very hard to connect Boeker Ave. with Windward as part of the Coastal Trail. This pathway is a part of the Land Use Element of our Local Coastal Plan. When the Pismo Beach City Council approved the Rozos CDP without requiring a special condition of approval for the easement pathway, this CDP was appealed to the CCC by both Laurie Cummings and myself.

In subsequent discussions with the project applicants' attorney, Marshall Ochylski, it was agreed that if the Rozos dedicated an OTD and went back to the City Council for an amended CDP requiring the path easement as a condition of approval, our appeals would be dropped. Over the course of the ensuing months, Ochylski claimed to be trying to find an easement holder for the OTD, and there was some discussion about alternative ways to secure a pathway here. Then in late February I was informed by Ochylski that the City of Pismo would not hold the easement so the Rozos were going to proceed to the CCC hearing. I was against the City of Pismo being the easement holder all along, so this did not make sense to me...

On March 23 (Wednesday of this week) I got a call from Yair Chaver from the Santa Cruz office, informing me in a voicemail that the Rozos were going to proceed with a hearing at the CCC. When I called him back, I asked if this could be postponed to June in Santa Barbara. He called yesterday to let me know that the Rozos would not postpone to June. I anticipated that there would be at least one more conversation with him, where we would discuss the basis for our appeal, before the staff recommendation was formulated and the report published. This did not happen. Instead, I got a call a voicemail this morning from Yair giving me the date of the hearing as April 13, and letting me know that staff was recommending no Substantial Issue.... What???

Apparently my fellow appellant (separate appeal), Laurie Cummings, was first contacted by Yair weeks ago. That my first contact was two days ago, and there has never been a discussion of General Plan, LCP or Coastal Act issues between Yair and I prior to the staff formulating a position in opposition to the community here is disconcerting. I am completely frustrated.

Can you please let me know why staff would ignore the LCP and the many petition signatures of community members both for a previous path easement on a Boeker Street property, and the current project on the Rozos property at 388 Winward when recommending a finding of no Substantial Issue? Can someone from staff at least take the time to have this conversation with me before the staff report is published?

The community has been successful in obtaining ½ the pathway on the Boeker side already. The project applicants (Rozos) have been willing up to now to grant an easement if we could find an easement holder. Just this week, their attorney and I were discussing sitting down and trying to work with staff to make this pathway happen.

Please reply at your earliest convenience. I am forwarding email exchanges between Brian O'Neill, Marshall Ochylski and myself back in August.

Thank you,

Tarren Collins
(805) 748-7319

Law Office of Tarren Collins
PO Box 3063
Shell Beach, CA 93448

(805)773-0233

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From: O'Neill, Brian@Coastal [mailto:Brian.O'Neill@coastal.ca.gov]
Sent: Monday, August 24, 2015 3:18 PM
To: marshall@slolegal.com; 'Tarren Collins' <tarrencollins@charter.net>
Subject: RE: Rozo OTD

If and when the Applicants decide to move forward with an OTD as part of a CDP, our staff can review the document to ensure that is drafted correctly.

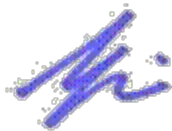
~Brian

From: Marshall E. Ochylski [mailto:mochylski@slolegal.com]
Sent: Monday, August 24, 2015 3:03 PM
To: 'Tarren Collins'; marshall@slolegal.com; O'Neill, Brian@Coastal
Cc: marshall@slolegal.com
Subject: RE: Rozo OTD

Tarren,

Yes, I will follow up with them.

Thank you.



Marshall E. Ochylski,
Attorney at Law

The Law Office of Marshall E. Ochylski
The Parsonage at Old Church Place
867 Pacific Street, Suite 210 · San Luis Obispo, CA 93401
Mailing Address: Post Office Box 14327 · San Luis Obispo, CA 93406-4327
Telephone: 805-544-4546 (Direct Line)
Facsimile: 805-544-4594

Email: marshall@slolegal.com
Website: www.slolegal.com

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From: Tarren Collins [<mailto:tarrencollins@charter.net>]
Sent: Monday, August 24, 2015 2:51 PM
To: marshall@slolegal.com; 'O'Neill, Brian@Coastal'
Subject: RE: Rozo OTD

Marshall,

Will you also be checking with the Coastal Conservancy to see if they are willing to accept the OTD?

Thank you,

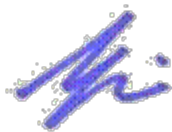
Tarren

From: Marshall E. Ochylski [<mailto:mochylski@slolegal.com>]
Sent: Monday, August 24, 2015 2:01 PM
To: 'O'Neill, Brian@Coastal' <Brian.O'Neill@coastal.ca.gov>; 'Tarren Collins' <tarrencollins@charter.net>
Cc: marshall@slolegal.com; marshall@slolegal.com
Subject: RE: Rozo OTD

Brain and Tarren,

I am going to pursue the idea of a minor amendment to the City's CDP to add the OTD as a Condition of Approval as an alternate course of action to the Deed Restriction. As soon as I get the City's feedback, I will forward it on to you.

Thank you.



Marshall E. Ochylski,
Attorney at Law

*The Law Office of Marshall E. Ochylski
The Parsonage at Old Church Place
867 Pacific Street, Suite 210 · San Luis Obispo, CA 93401
Mailing Address: Post Office Box 14327 · San Luis Obispo, CA 93406-4327
Telephone: 805-544-4546 (Direct Line)
Facsimile: 805-544-4594*

Email: marshall@slollegal.com

Website: www.slollegal.com

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From: O'Neill, Brian@Coastal [mailto:Brian.O'Neill@coastal.ca.gov]
Sent: Monday, August 24, 2015 1:46 PM
To: Tarren Collins
Cc: marshall@slollegal.com
Subject: RE: Rozo OTD

Hello Tarren,

You are correct that the CCC is not allowed to hold an interest in land. The grantee would need to be another entity. You can contact the Coastal Conservancy directly to see if they would be willing to accept the offer. Although we often work closely on specific projects, the Conservancy is a separate entity. Trish Chapman is the manager in your area and can be reached here: tchapman@scc.ca.gov

In regard to CCC's ability to enforce an easement condition, it would make no difference whether the condition was on an amended CDP issued by the City as I suggested or conditioned through the hearing process. We would have the authority to enforce a city-approved CDP in the same manner as all other CDPs. There is also no guarantee that our staff would recommend substantial issue or that the Commission would find it. We would need to discuss the implications of that action internally.

With respect to a deed restriction, Marshall is correct that a deed restriction would be valid regardless of whether the CDP was acted upon. If the deed restriction were not part of the

CDP, CCC would have no authority to enforce it. We would also have no authority to enforce a condition on a CDP that is not acted upon. Our team is not prepared to offer you legal advice on who could enforce a deed restriction outside of a CDP condition and the benefits/drawbacks of that option. You could try talking to the Conservancy about that issue if they are interested in accepting an OTD.

~Brian

From: Tarren Collins [<mailto:tarrencollins@charter.net>]
Sent: Monday, August 24, 2015 12:26 PM
To: O'Neill, Brian@Coastal
Cc: marshall@slolegal.com
Subject: RE: Rozo OTD

Hell Brian,

I am glad that you contacted me today. I have been communicating with the project applicants' attorney, Marshall Ochylski. I see that you copied Marshall on your email, and I have as well. I have communicated to Marshall my lack of confidence in the City of Pismo Beach as the holder of the OTD. I appreciate Marshall's efforts to attempt to fashion a solution that will make the OTD enforceable by another government entity, and avoid a CCC hearing. However, it is my understanding that the only way to make the OTD enforceable by the CCC would be to have the hearing on substantial issue, followed by the CCC making the OTD a condition of approval of the CDP.

It would assist our negotiations greatly if your legal staff could answer a few questions regarding a proposed solution which Marshall emailed to me last night.

In an email last night, Marshall proposed a "solution containing the following components: • My [Marshall's] clients agree to record the Offer to Dedicate as a Deed Restriction against their property. This actually would give more assurances to you and the other Appellant than a Condition of Approval since the Condition would go away if the project does not move forward. • Prior to its recordation, the Offer to Dedicate would be revised to replace the City of Pismo Beach with the California Coastal Commission as the Grantee. • Concurrent with recordation, the appeal at the Coastal Commission would be dismissed."

I know that the CCC can't hold property, so the OTD would have to be revised to replace the City of Pismo Beach with the Coastal Conservancy. And while I prefer a permit condition because the CCC will then have continuing jurisdiction over it, I am hoping that you might speak with your legal staff to find out if they believe Marshall's proposed solution with an OTD naming the Coastal Conservancy as the Grantee, would have the same force and effect as a condition of approval of the CDP by the CCC.

If we are able to negotiate a solution whereby the public's opportunity to have a pedestrian access through the Rozo's property is secured absent a hearing, that would be great. However, I am not willing to forgo a hearing absent an OTD enforceable by the CCC or by the Coastal Conservancy. If a hearing becomes necessary, here is what I had proposed to Marshall as a resolution to the access issue of my appeal of the Rozo's project:

- 1) He communicate to CCC staff that the Rozo's are willing to accept a condition of approval that requires them to record the OTD for the access pathway, and that they will not contest a finding of substantial issue regarding the access issue of the appeal.
- 2) We all agree that no separate hearing needs to be held for the appeal (in other words, once substantial issue is found, we move directly to the appeal hearing solely on the issue of the pathway). Then at the appeal hearing, the OTD is made a condition of approval of the CDP.

I am in communication with the other appellant. We are both willing to settle our appeals for an OTD that is enforceable by the CCC as a condition of approval of the CDP. If I am able to have assurances from your legal staff that the solution proposed by Marshall in his email last night would have the same force and effect, I believe the other appellant will agree to settle her appeal on the same terms that I would settle my appeal.

I look forward to hearing the response of your legal staff.

Thank you,

Tarren

From: O'Neill, Brian@Coastal [mailto:Brian.O'Neill@coastal.ca.gov]
Sent: Monday, August 24, 2015 11:05 AM
To: tarrencollins@charter.net
Cc: marshall@slollegal.com
Subject: Rozo OTD

Hello Tarren,

I am the planner working on the Rozo appeal. I was forwarded information regarding the Applicant's proposed OTD. Do you intend to withdraw your appeal if the OTD is included in the project?

Speaking with our legal staff, we believe the best course of action would be for the Rozo's to apply for an amendment to the CDP with the City to include the OTD in the

City's approval. The City would then send our office an amended Final Local Action Notice. This would make the prior appeals moot and open up a new ten day appeal period. We may still require a formal withdrawal of the prior appeals.

Has anyone spoken to the other appellant?

~Brian

Brian O'Neill, Coastal Program Analyst

Central Coast District Office

Coastal Commission

725 Front Street, Suite 300

Santa Cruz, CA 95060

(831) 427-4864

TH 13E

January 11, 2017

California Coastal Commission

Sent via email to Yair Chaver at Yair.Chaver@coastal.ca.gov

REC'D 1/12/17
@ HEALING IN SLO
DGA

RE: Appeal No. A-3-PSB-15-0030 (Rozo, Pismo Beach)

Honorable Chair Kinsey and Coastal Commission Members:

I am a resident of Pismo Beach and a newly elected Pismo Beach city council member. I support this appeal because of the project's elimination of coastal access pedestrian path, building over a sewer line and neighborhood incompatibility of the building size.

I oppose the elimination of the pedestrian coastal trail which is required by our General Plan LU-H-8. Historically, prior projects in the area have been required to include the pedestrian path as mandated by LU-H-8. Coastal access which include pedestrian paths should be coveted and preserved always.

I'm completely dismayed that the city modified previous decisions for this property and have allowed the current owners to build over a sewer line. This could not only jeopardize the Rozo's property but others in the neighborhood. The cities position on this issue has been clear as the previous owners of this property and another at 374 Boeker, Shell Beach had requested to build over the sewer line and were denied that request. By denying their request to build over the sewer line will NOT prevent the Rozo's from improving their property.

Finally, the size of the structure is completely incompatible with the neighborhood as requested in the General Plan. It is completely out of character for the neighborhood and needs to be reduced in size. It is projects like this one which has caused the city to begin the process on design and building guidelines for the Shell Beach Area. These new guidelines should be in place by February 2017 and would not allow this project to go forward as it sits today.

Please support this appeal and allow the pedestrian coastal access to remain, not allow building over a sewer line and reduce the size of the current project.

Thank you,

Marcia Guthrie

Marcia Guthrie
Pismo Beach

From: [Marshall E. Ochylski](#)
To: [Chaver, Yair@Coastal](#)
Cc: [Craig, Susan@Coastal](#)
Subject: Re: Rozo Residence 388 Windward Ave., Pismo Beach
Date: Thursday, January 21, 2016 4:01:32 AM

Yair,

Sorry for the delay in getting back to you but are still working on reaching a mutually agreeable solution to resolve the appellants' issues. We currently have a proposal out to a local environmental group to be the Grantee on an Offer to Dedicate an easement over a portion of the property. We hope to have a final answer from them within the next few days. At that point the appeal will either be withdrawn or it will move forward.

We have set a deadline for resolution of this matter on January 29, 2016. I will get back to you as soon as we have a definitive answer.

If you are going to be attending the Commission meeting next month, I look forward to meeting you in person.

Thank you.

Marshall E. Ochylski,
Attorney at Law

*The Law Office of Marshall E. Ochylski
Mailing Address: Post Office Box 14327
San Luis Obispo, California 93406-4327*

*Telephone: 805-544-4546 (Direct Line)
Cell Phone: 805-441-4466*

*Email: marshall@slollegal.com
Website: www.slollegal.com*

Sent from my iPad

On Jan 19, 2016, at 1:26 PM, Chaver, Yair@Coastal <Yair.Chaver@coastal.ca.gov> wrote:

Hi Marshall,

Can you give me an update on this?

Thank you,

Yair

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Yair Chaver, Coastal Program Analyst

Central Coast District Office

Coastal Commission

725 Front Street, Suite 300

Santa Cruz, CA 95060

(831) 427-4865

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From: Marshall E. Ochylski [<mailto:mochylski@slolegal.com>]

Sent: Tuesday, December 01, 2015 4:36 PM

To: Chaver, Yair@Coastal

Cc: Craig, Susan@Coastal

Subject: Re: Rozo Residence 388 Windward Ave., Pismo Beach

Yair,

We are still in discussions with the appellants. Tarren Collins has been out of town and she will be returning tomorrow. I hope to have an answer back regarding whether the appeal will move forward or not by the end of this week. I will get back to you on Friday to give you a status update.

Thank you.

Marshall E. Ochylski,
Attorney at Law

The Law Office of Marshall E. Ochylski
Mailing Address: Post Office Box 14327
San Luis Obispo, California 93406-4327

Telephone: 805-544-4546 (Direct Line)

Email: marshall@slolegal.com

Website: www.slolegal.com

Sent from my iPad

On Dec 1, 2015, at 10:17 AM, Chaver, Yair@Coastal <Yair.Chaver@coastal.ca.gov> wrote:

Dear Marshal,

We spoke on the phone November 13 regarding the Rozo residence at 388 Windward Ave., in Pismo Beach. At the time you mentioned that as far as your clients were concerned, the resolution of the public easement was "up to the appellants" at this point. You also thought that there will be some resolution within two weeks.

I am only following up to see if there has been any movement on the resolution of this item. Please let me know.

All the best,

Yair Chaver

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Yair Chaver, Coastal Program Analyst

Central Coast District Office

Coastal Commission

725 Front Street, Suite 300

Santa Cruz, CA 95060

(831) 427-4865

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From: [Tarren Collins](#)
To: [Chaver, Yair@Coastal](#); [laurie.d.cummings@gmail.com](#)
Cc: [Carl, Dan@Coastal](#); [Ng, Michael@Coastal](#); [Craig, Susan@Coastal](#)
Subject: Rozo Appeal (A-3-PSB-15-0030)
Date: Tuesday, October 04, 2016 8:32:05 PM

Dear Yair,

Thank you for calling today to let me know that staff is considering putting our appeal on the November 2016 agenda for the meeting in Half Moon Bay. I have often requested that, due to the public interest in this project, this appeal be heard locally when the CCC meets in Pismo Beach in January. Also, as I told you in our phone conversation today, I have travel secured to Idaho for an 8 day holiday to celebrate Thanksgiving with my daughter and grandchildren from November 21st through 29th. It will pose a hardship to try to get away from my law practice to add in a trip to Half Moon Bay earlier in the month. If staff believes this appeal must be heard before the end of the year, then the December meeting in Ventura would pose less of a hardship for my fellow appellant and I. If the hearing on our appeals takes place out of the Central Coast, please assure me that if, as I hope, the CCC finds Substantial Issue, then the De Novo hearing will take place on the Central Coast.

During our conversation today, I also pointed out that while we have focused on the coastal access issues of our appeals, both Ms. Cummings and I also emphasized in our appeals the fact that the project, as proposed, is not consistent with the community character of this old Shell Beach neighborhood. Specifically, my appeal states: "Additionally, the overall size of the home does not meet the Neighborhood Compatibility requirement per the General Plan. The total building area needs to be further reduced to meet the requirement."

I told you today that I had recently reviewed the revised staff findings for the CCC's denial of a residential project in Venice Beach in August 2016, Application No. A-5-VEN-15-0027. You can link to the staff report: <https://documents.coastal.ca.gov/reports/2016/2/f21c-2-2016.pdf> The findings apply to our appeals of the Rozo project as well.

The Rozo's proposed project is inconsistent with the community character of the surrounding neighborhoods, and therefor violates Chapter 3 of the Coastal Act. Also, the proposed project impacts the important scenic and visual qualities of this coastal area, making this project inconsistent with the policies of Sections 30251 and Section 30116(c) of the Coastal Act.

The proposed size of the project, with a rooftop deck and secondary dwelling unit, is not consistent with the visual resources and minimization of adverse impacts policies of the Coastal Act. In particular, the proposed project is inconsistent with the scale, mass, and character of the surrounding residential neighborhood. There are few other rooftop decks or secondary dwelling units here. Also, the Pismo City Council is in the process of creating new Shell Beach Development Standards and Design Guidelines – an update was on the City Council agenda tonight. I participated as a stakeholder in this process, and can verify that the need to preserve our community character and protect against the increased size and mass of new residences, and rooftop decks, in the unique Shell Beach neighborhoods, has driven this process. It is expected that

the **new Shell Beach Development Standards and Design Guidelines will prohibit projects such as the huge house with a rooftop deck and secondary dwelling unit proposed by the Rozos.**

The Rozos project, as proposed, would have **an adverse cumulative effect on the special coastal community of old Shell Beach.**

The surrounding residential blocks of the neighborhood features predominately one-story residences without rooftop decks or secondary dwellings. The fact that other large houses, and a few other rooftop decks or secondary dwelling units exist in the area and are allowed by the current zoning code **does not mean that every property owner is entitled to maximize the development potential of every site. Section 30251 of the Coastal Act states that the scenic and visual qualities of an area shall be considered as a resource of public importance and Section 30253 states that special communities and neighborhoods shall be protected.**

The Rozo's proposed project of such mass and scale, with a rooftop deck and secondary dwelling unit, would not be consistent with the scenic and visual resources of the area and would have an adverse cumulative effect on the community character of the old Shell Beach neighborhood.

The cumulative impact of houses of this scale and mass, with a rooftop deck and secondary dwelling unit, in this neighborhood of old Shell Beach would not only **further destroy the ambiance and low key character of this community**, it will cumulatively impact the visual and scenic resources of this area.

Because the current zoning code is being modified by new Development Standards and Design Guidelines for Shell Beach, and because the current zoning code does not mean that every property owner is entitled to maximize the development potential of every site, I request that Coastal Commission staff take a closer look at the community character aspects of our appeals.

And please assure us that should the hearing for our appeals take place out of the area before the end of the year, if the Coastal Commissioners find Substantial Issue at the hearing on our appeals, the De Novo review hearing will take place locally when the CCC meets in Pismo Beach either in January 2017 or when it meets in Cambria in September 2017.

Your assistance is greatly appreciated.

Thank you,

Tarren Collins

Law Office of Tarren Collins
PO Box 3063
Shell Beach, CA 93448
(805)773-0233

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From: Chaver, Yair@Coastal [mailto:Yair.Chaver@coastal.ca.gov]
Sent: Wednesday, April 6, 2016 4:04 PM
To: Tarren Collins <tarrencollins@charter.net>; laurie.d.cummings@gmail.com
Cc: Carl, Dan@Coastal <Dan.Carl@coastal.ca.gov>; Ng, Michael@Coastal <Michael.Ng@coastal.ca.gov>
Subject: Postponement of item W11b

Dear Ms. Collins and Ms. Cummings,

Item W11b, the Rozo Appeal (A-3-PSB-15-0030), set for April 13th, 2016 has been postponed.

Please contact me with any questions or concerns you may have,

Yair

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Yair Chaver, Coastal Program Analyst

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(831) 427-4865

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