

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
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F11b

A-3-PSB-21-0073 (GENTILCORE SEAWALL) DECEMBER 17, 2021 HEARING EXHIBITS

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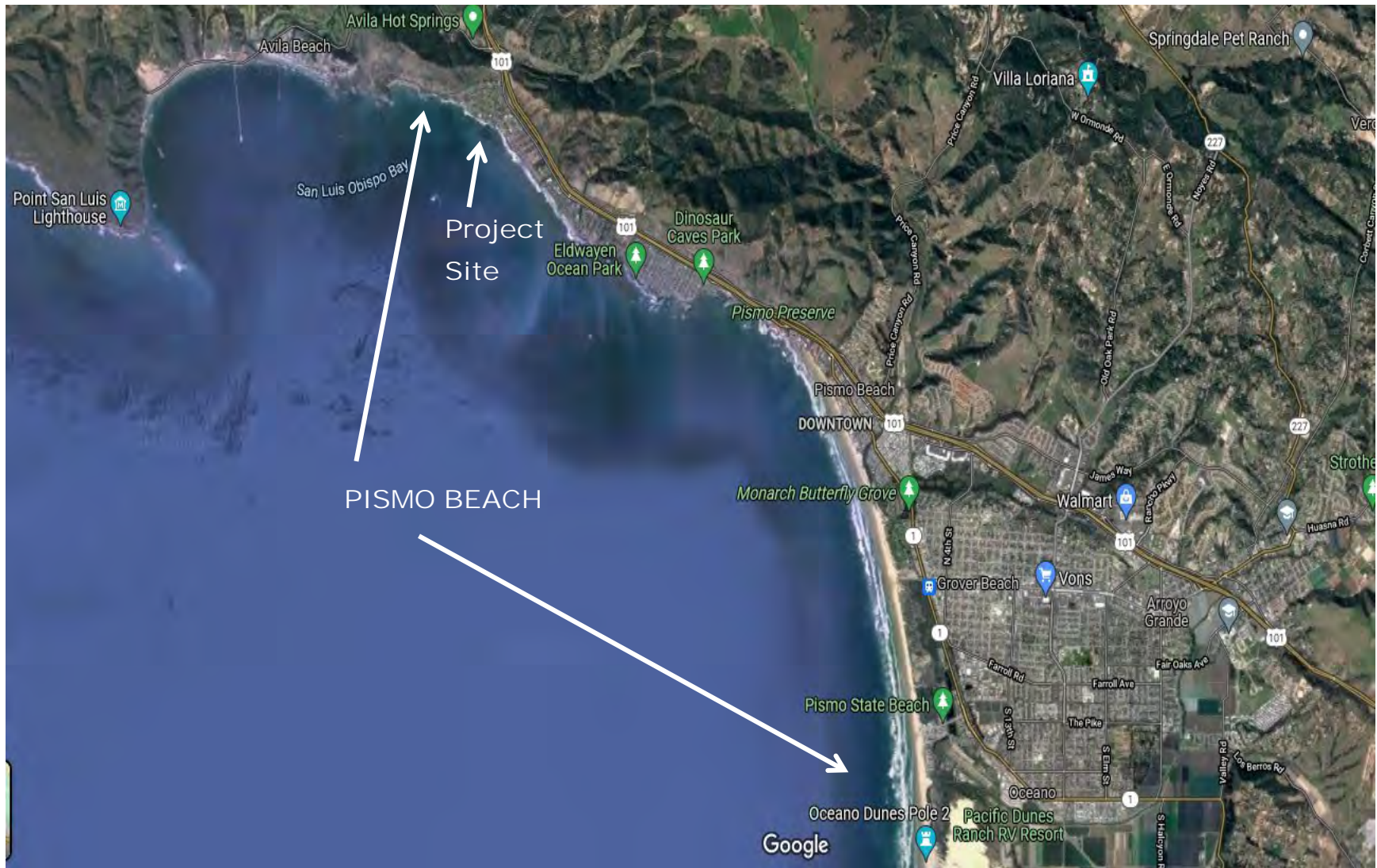
Exhibit 1: Location Maps

Exhibit 2: Site Photos

Exhibit 3: California Coastal Records Project Photos of Site from 1972 to 2019

Exhibit 4: City's Final Local CDP Action Notice and Approved Project Plans

Exhibit 5: Appeal of City's CDP Decision



Regional Location Map



Project Location



Site Photos



Site Conditions - 2021



Source: City of Pismo Beach Planning Department

Site Photos

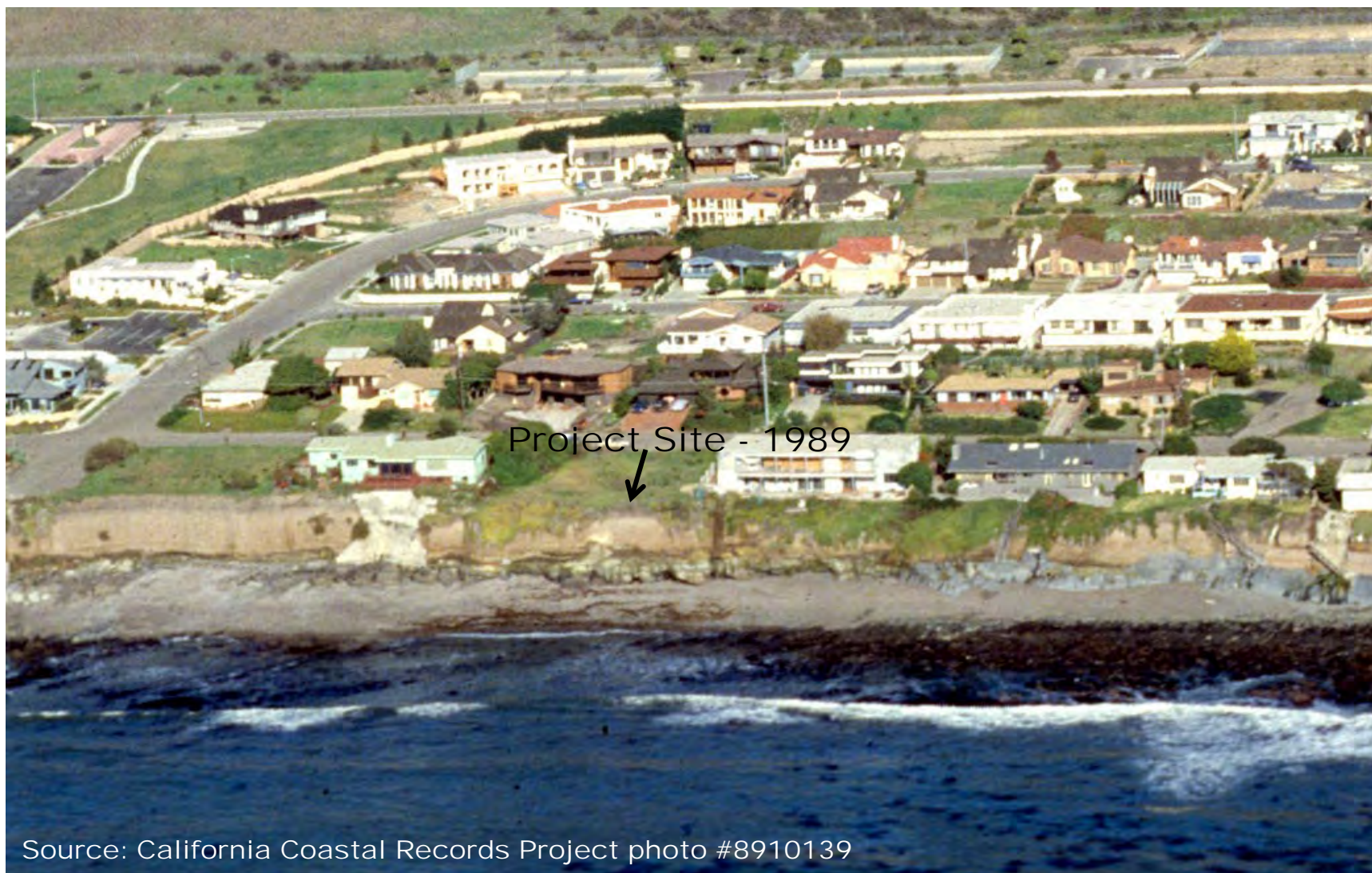


Source: California Coastal Records Project photo #7227055

Time Comparison Photos



Time Comparison Photos



Source: California Coastal Records Project photo #8910139

Time Comparison Photos



Time Comparison Photos



Time Comparison Photos



Source: California Coastal Records Project photo #201503056

Time Comparison Photos



Source: California Coastal Records Project photo #201902510

Time Comparison Photos



RECEIVED

OCT 29 2021

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

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

October 19, 2021

Sent Via Email: Katie.Butler@coastal.ca.gov and USPS – Certified

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

ATTN: Katie Butler, Coastal Planner

**FINAL LOCAL
ACTION NOTICE**

REFERENCE # 3-PSB-21-0978
APPEAL PERIOD 11/1/21-11/15/21

Notice of Final Action
by the City of Pismo Beach Community Development Department
on a Project located within the Pismo Beach Coastal Zone

OWNER /
APPLICANT

James Gentilcore
117 Indio Drive, Pismo Beach, CA 93449
Tel: 818-730-6716 / Email: jim4617@yahoo.com

REPRESENTATIVE

Walter Crampton, TerraCosta Consulting Group
3890 Murphy Canyon Road, Suite 200
San Diego, CA 92123
Tel: 858-573-6900 / Email: wccrampton@terracosta.com

DESCRIPTION

Site Address: 117 Indio Drive, Pismo Beach, CA 93449

Project Summary: Coastal Development Permit for the construction of a new carved and colored shotcrete tied-back bluff wall, installation of 23 drilled tiebacks (P20-000059), and adopting a Mitigated Negative Declaration. Location – 117 Indio Drive; the project is located in the Coastal Zone and is appealable to the California Coastal Commission. APN: 010-205-003.

DATE OF ACTION: 09/28/2021

ACTION: Approved

ATTACHMENTS:

- 1) Resolution No. PC-R-2021-018
- 2) Staff Report & Powerpoint Presentation
- 3) Approved Project Plans
- 4) Legal AD/ Notice of Public Hearing

APPEAL STATUS: Appealable

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

RESOLUTION NO. PC-R-2021-018

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PISMO BEACH, CALIFORNIA, APPROVING PROJECT P20-000059 FOR A COASTAL DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A NEW CARVED AND COLORED SHOTCRETE TIED-BACK BLUFF WALL AND INSTALLATION OF 23 DRILLED TIEBACKS AND ADOPTING A MITIGATED NEGATIVE DECLARATION.
APN 010-205-003**

WHEREAS, James Gentilcore ("Applicant") has submitted an application for a Coastal Development Permit for the construction of a new carved and colored shotcrete tie-back bluff wall and installation of 23 drilled tie-backs at 117 Indio Drive; and

WHEREAS, the Planning Commission held a duly-noticed public hearing on September 28, 2021, at which all interested persons were given the opportunity to be heard; and

WHEREAS, the Planning Commission determined that under the provisions of the California Environmental Quality Act (CEQA), this project qualifies for review and adoption of a Mitigated Negative Declaration; and

WHEREAS, the Planning Commission finds, after due study, deliberation, and public hearing that the following circumstances exist:

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

1. The project consists of a new carved and colored shotcrete tied-back bluff wall and installation of 23 drilled tiebacks to protect the existing residence at 117 Indio Drive and qualifies for the review and adoption of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA).
2. There are no site constraints that have otherwise not been addressed within the Initial Study/Mitigated Negative Declaration. The project could have a significant effect on the environment; however, there will not be any significant effects in this case because mitigation measures to address Air Quality, Geology and Soils, and Greenhouse Gas, as described in the Mitigated Negative Declaration have been added to reduce any impacts to less than significant.
3. That the Mitigation and Monitoring program attached to the Mitigated Negative Declaration, has been reviewed and determined to be adequate in mitigating or avoiding potentially significant environmental effects.
4. The public hearing and issuance of the Mitigated Negative Declaration for this project has been adequately noticed and advertised, to the provisions of Sections

15072, 15073, and 15074 of the CEQA guidelines and California Government Code Sections 65090, 65091, and 65095.

5. The proposed bluff wall is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations because the project is in the low-density residential land use category within the Single-Family Residential (R-1) zoning designation and will protect the existing and allowed single-family residence and its related improvements.
6. The proposed development occurs within city limits on a project site of no more than five acres and is surrounded by similar and comparable uses and similar bluff improvements exist in the immediate neighborhood.
7. The project site has no value as habitat for endangered, rare, or threatened species because the site is currently developed with an existing single-family residence and related improvements.
8. Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality because the project, as conditioned, is consistent with all applicable zoning code and California building code standards.
9. The site is and can be adequately served by all required utilities and public services.

B. FINDINGS FOR APPROVAL OF THE COASTAL DEVELOPMENT PERMIT:

1. The project improvements comply with the public access and public recreation policies of Chapter 3 (commencing with Section 30220) of the California Coastal Act of 1976.
2. The construction of the new carved and colored shotcrete tied-back bluff wall and installation of 23 drilled tiebacks is appropriate in size to protect the existing residence at 117 Indio Drive; the proposed wall improvements will be constructed so as to be compatible with the adjacent residences and similar structures on other properties in the near vicinity.
3. The architectural and general appearance of the new carved and colored shotcrete tied-back bluff wall is in keeping with the character of the neighborhood as the improvements have been designed to blend with the color and texture of the surrounding bluff face.
4. The proposed development is consistent with the General Plan, Local Coastal Plan and General Plan Land Use Plan category of 'Low Density Residential'.


5. The proposed development is compatible with the nearby existing uses and not detrimental to the health, safety, morals, comfort, and general welfare of persons living or working in the surrounding area of the proposed project because the proposed use includes the development of a bluff wall to protect the existing single-family residence, where other single-family residences and similar bluff improvements exist in the immediate neighborhood.
6. The proposed development will not be detrimental to the orderly development of improvements in the surrounding area and will not be detrimental to the orderly and harmonious development of the city because the proposed project will protect the existing residences from accelerated erosion and undermining.
7. The proposed development will not impair the desirability of investment or occupation in the neighborhood because the proposed use is similar to other development in the immediate neighborhood and maintains a similar scale and character to other development in the same Single Family Residential zone.
8. The proposed project will not significantly alter existing natural landforms because the project is designed to include colors and materials to blend with the existing bluff face; and
9. The scale of the proposed development is compatible with the adjacent area and with the surrounding views and other Local Coastal Program Land Use Plan considerations as designed.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Pismo Beach hereby approves Permit No. P20-000059 and adopts the Mitigated Negative Declaration, with the above findings and subject to the conditions as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

UPON MOTION of Commissioner Malone Prichard, seconded by Commissioner Van Rozeboom, the foregoing Resolution is hereby approved and adopted the 28th day of September, 2021, by the following roll call vote, to wit:

AYES:	5	Malone Prichard, Van Rozeboom, Jones, Werner, Inman
NOES:	0	
ABSENT:	0	
ABSTAIN:	0	
RECUSED:	0	

Approved:


Stacy L. Inman
Chair

Attest:


Elsa Perez, CMC
Planning Commission Secretary

EXHIBIT A
CITY OF PISMO BEACH CONDITIONS
PLANNING COMMISSION MEETING OF SEPTEMBER 28, 2021
PERMIT NO. P20-000059, CDP / MND
LOCATION: 117 INDIO DRIVE,
APN: 010-205-003

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

AUTHORIZATION: Subject to the conditions stated below, approval of Permit P20-000059 grants planning permits to construct a new carved and colored shotcrete tied-back bluff wall and installation of 23 drilled tiebacks as shown on the approved plans with City of Pismo Beach stamp of September 28, 2021. Approval is granted only for the construction and use as herein stated; any proposed changes shall require approval of amendments to these permits by the City of Pismo Beach.

EFFECTIVE DATE: This permit shall become effective upon the passage of 20 days following the receipt of notice of this action by the California Coastal Commission, provided that an appeal has not been filed to the City Council within 10 working days or that an appeal has not been filed to the California Coastal Commission within the above 20 days. The filing of an appeal shall stay the effective date until an action is taken on the appeal.

EXPIRATION DATE: The applicant is granted two years for inauguration (i.e. building permits issued and construction begun) of this permit. The permits will expire on September 28, 2023, unless inaugurated prior to that date. Time extensions are permitted pursuant to Zoning Code Section 17.121.160 (2).

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

COMPLIANCE AGREEMENT: I have read and understood, and I will comply with all applicable requirements of any law or agency of the State, City of Pismo Beach and any other governmental entity at the time of construction. The duty of inquiry as to such requirements shall be my responsibility. I agree to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set

aside, void, or annul this approval by the City of the project; or my failure to comply with conditions of approval. This agreement shall be binding on all successors and assigns.

I HAVE READ AND UNDERSTOOD, AND I WILL COMPLY WITH ALL ATTACHED STATED CONDITIONS OF THIS PERMIT

Approved by the Planning Commission on September 28, 2021.

_____	_____
Owner/Applicant	Date
_____	_____
Owner/Applicant	Date

**CONDITIONS, POLICIES, AND SELECTED CODE REQUIREMENTS FOR
PROJECT NO. P20-000059
117 INDIO DRIVE, APNS: 010-205-003**

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

A. MITIGATION MEASURES TO BE MET PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

Prior to obtaining a building permit the project plans shall clearly indicate the following requirements and indicate how the project will comply with these requirements. In addition, during construction the project shall comply with the following mitigation measures:

3A. Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site.

Projects with grading areas that are greater than 4-acres or are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD's 20% opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402):

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20%

opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph.

Reclaimed (non-potable) water should be used whenever possible. **Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.** Please refer to the following link for potential dust suppressants to select from to mitigate dust emissions;

<http://www.valleyair.org/busind/comply/PM10/Products%20Available%20for%20Controlling%20PM10%20Emissions.htm>

- c. All dirt stockpile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive, grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. "Track-Out" is defined as sand or soil that adheres to and/or agglomerates on the exterior surfaces of motor vehicles and/or equipment (including tires) that may then fall onto any highway or street as described in California Vehicle Code Section 23113 and California Water Code 13304. To prevent 'track out', designate access points and require all employees, subcontractors, and others to use them. Install and operate a 'track-out prevention device' where vehicles enter and exit unpaved roads onto paved streets. The 'track-out prevention device' can be any device or combination of devices that are effective at preventing track out, located at the point of intersection of an unpaved area and a paved road. Rumble strips or steel plate devices need periodic cleaning to be effective. If paved roadways accumulate tracked out soils, the track-out prevention device may need to be modified;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water should be used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;

- l. All PM₁₀ mitigation measures required should be shown on grading and building plans; and,
- m. The contractor or builder shall designate a person or persons whose responsibility is to ensure any fugitive dust emissions do not result in a nuisance and to enhance the implementation of the mitigation measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60-minute period. Their duties shall include holidays and weekend periods when work may not be in progress (for example, wind-blown dust could be generated on an open dirt lot). The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition (Contact Tim Fuhs at (805) 781-5912).

Mitigation Implementation/Monitoring

1. **Performance standard:** Dust mitigation plans shall be reviewed by the Planning Division.
2. **Contingency Measure:** None
3. **Implementation Responsibility:** Applicant
4. **Implementation Schedule:** Prior to submitting building plans, the above measures shall be clearly printed on all plans. Measures to be implemented throughout construction.
5. **Monitoring Method:** Once, upon completion of construction, by Engineering and Planning Divisions

3B. Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines;
- Rock and pavement crushing;
- Unconfined abrasive blasting operations;
- Tub grinders;
- Trommel screens; and,
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).

To minimize potential delays, prior to the start of the project, please contact the APCD Engineering & Compliance Division at (805) 781-5912 for specific information regarding permitting requirements.

Mitigation Implementation/Monitoring

1. **Performance standard:** The applicant shall ensure compliance with the APCD permitting requirements for construction equipment.
2. **Contingency Measure:** As determined by the environmental monitor or by the Building Official.
3. **Implementation Responsibility:** Applicant
4. **Implementation Schedule:** Measures to be implemented throughout construction.
5. **Monitoring Method:** Applicant shall consult with and apply for permits through the San Luis Obispo County Air Pollution Control District.

3C. Construction Phase Idling Limitations

This project is in close proximity to nearby sensitive receptors. Projects that will have diesel powered construction activity in close proximity to any sensitive receptor shall implement the following mitigation measures to ensure that public health benefits are realized by reducing toxic risk from diesel emissions:

To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:

1. California Diesel Idling Regulations
 - a. **On-road diesel vehicles** shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
 1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
 2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 100 feet of a restricted area, except as noted in Subsection (d) of the regulation.
 - b. **Off-road diesel equipment** shall comply with the 5-minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use Off-Road Diesel regulation.
 - c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5-minute idling limit.
 - d. The specific requirements and exceptions in the regulations can be reviewed at the following web sites: www.arb.ca.gov/msprog/truck-idling/2485.pdf and www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf.

AND/OR

2. Diesel Idling Restrictions Near Sensitive Receptors (List sensitive receptors here based on the following list: schools, residential dwellings, parks, day care centers, nursing homes, and hospitals – if none, then eliminate "b")
In addition to the state required diesel idling requirements, the project applicant shall comply with these more restrictive requirements to minimize impacts to nearby sensitive receptors:
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors;
 - Diesel idling within 1,000 feet of sensitive receptors shall not be permitted;
 - Use of alternative fueled equipment is recommended; and
 - Signs that specify the no idling areas must be posted and enforced at the site.

Mitigation Implementation/Monitoring

- Performance standard:** Idling of equipment to be monitored by construction manager and verified by Planning and Building Division Staff.
- Contingency Measure:** As determined by the environmental monitor or by the Building Official.
- Implementation Responsibility:** Applicant
- Implementation Schedule:** Prior to construction, measures shall be printed on project plans. Measures to be implemented throughout construction.
- Monitoring Method:** Throughout construction by the Planning and Building Divisions.

6A. Geotechnical Basis of Design

The recommendations of the September 10, 2020 Geotechnical Basis of Design shall be incorporated into the project plans, including but not limited to measures required for site preparation, grading, wall preparation, surface improvements, drainage around improvements, and measures associated with observation and testing.

Mitigation Implementation/Monitoring

- Performance standard:** Plans shall be reviewed by the Planning and Building and Engineering Divisions to ensure compliance with the recommendations of the report.
- Contingency Measure:** As determined by the Building Official.
- Implementation Responsibility:** Applicant
- Implementation Schedule:** Measures to be implemented prior to issuance of a Building Permit.
- Monitoring Method:** Plans to be reviewed for compliance prior to issuance of Building Permits.

B. CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING PERMIT:

BUILDING DIVISION

1. All construction shall conform to the edition of the applicable California Building Code (CBC) or California Residential Code (CRC), the California Plumbing Code, the California Mechanical Code, the California Electrical Code, the California Energy Code, and the California Green Building Standards Code, including City of Pismo Beach amendments, in effect when an application for a construction permit is submitted to the Building Division.
2. An application for a Building Permit remains valid for 365 days after the date of filing. If a permit is not issued by this date, the application shall expire. In order to renew action on an application after expiration, the applicant must confirm that Planning approvals remain valid and then submit a new application, plans and documentation and pay a new plan review fee.
3. All required documents essential to the design of the project shall be submitted with the construction permit application. No deferred submittals, such as truss details, fire sprinkler plans, metal fabrication drawings, etc., are allowed.
4. All conditions of the Planning Permit, such as required lot mergers, a required subdivision map, public improvement design documents, mitigation measures and any other requirement of the City shall be completely satisfied prior to Building Permit issuance for the project. No building permits for a part of the overall project will be considered, such as early grading, foundation only, partial demolition, etc.

PLANNING DIVISION

5. COMPLIANCE WITH PLANNING COMMISSION APPROVAL. Prior to the issuance of a Building Permit, the Project Planner shall confirm that the construction plot plan and wall elevations are in compliance with the Planning Commission's approval and these conditions.
6. COLOR AND TEXTURED CONCRETE WALLS. The applicant shall design all concrete wall improvements such that they are colored and textured to blend with the existing bluff face.
7. SAND REPLENISHMENT SUPPLY FEE. The applicant shall provide a sand supply fee study noting the cubic yards of soil materials to be displaced by the project and cost estimates of that replacement. A fee using the average of those estimates, with a minimum of three estimates, shall be paid to the Building Division prior to the issuance of a Building Permit.

ENGINEERING DIVISION

General Improvement Requirements which shall be met prior to issuance of permit:

8. Engineering standard conditions (notes): Shall be placed on the plans at time of submittal. A copy may be obtained through the Engineering Department.
9. Project improvements shall be designed and constructed in accordance with City standards and specifications and in accordance with all applicable City Ordinances. The decision of the City Engineer shall be final regarding the specific standards that shall apply.
10. Appropriate City standards shall be referred to on the plans and shall be included on a detail sheet within the plan set.
11. Encroachment Permits are required prior to any/all work in the public right of way. City Streets are to remain open to through traffic at all times. A traffic control plan shall be submitted to the Engineering Division for approval prior to detours or rerouting of traffic. Excavation within the streets shall be covered or backfilled and paved prior to the end of work each day. No temporary or long term parking, storage, or disposal of construction equipment or materials within the right-of-way shall occur without prior issuance of an encroachment permit.
12. The applicant shall provide a current title report to the Engineering Division.
13. The Owner and/or owner's contractor are to take precaution against damaging road surfaces. Note: The existing street sections adjacent the property may be substandard and may be subject to damage by heavy loading/equipment during construction. The owner is responsible for protection against and/or repair of, at owner's expense, any/all damage incurred during and/or due to construction.
14. Erosion and Drainage control features are to be available to be placed in the event of rain or other erosive action to prevent any sediment or refuse from leaving the site. Erosion control devices shall be installed and in place following daily construction activities. The applicant shall notify the Engineering Division of any changes in construction which will require additional erosion control measures. No Building Permits will be issued without prior approval of the Engineering Division and an approved erosion and sediment control plan and construction schedule. Erosion control measures shall be in place and approved by the Engineering Division prior to the start of construction.
15. A Water Pollution Control Plan (WPCP) shall be submitted.
16. All drainage shall be pumped and discharged to the street. Only overflow drainage shall be discharged toward the bluff.

C. CONDITIONS TO BE MET DURING CONSTRUCTION:

BUILDING DIVISION

1. **SITE MAINTENANCE.** During construction, the site shall be maintained so as to not infringe on neighboring property, such as debris and dust.

PLANNING DIVISION

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

D. CONDITIONS TO BE MET PRIOR TO FINAL INSPECTION.

BUILDING DIVISION

1. Prior to Building Division final approval, all required inspections from the other various divisions must have been completed and verified by a city inspector.

E. CONDITIONS SUBJECT TO ONGOING COMPLIANCE:

1. **COMPLIANCE WITH APPLICABLE LAWS.** All applicable requirements of any law or agency of the State, City of Pismo Beach and any other governmental entity at the time of construction shall be met. The duty of inquiry as to such requirements shall be upon the applicant.

2. **HOLD HARMLESS.** The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. This condition shall be binding on all successors and assigns.
3. The property owner and the applicant (if different) shall sign these Conditions of Approval within ten (10) working days of receipt; the permit is not valid until signed by the property owner and applicant.

-END-



PISMO BEACH PLANNING COMMISSION AGENDA REPORT

Agenda Item #7.C

SUBJECT/TITLE:

COASTAL DEVELOPMENT PERMIT FOR THE CONSTRUCTION OF A NEW CARVED AND COLORED SHOTCRETE TIED-BACK BLUFF WALL, INSTALLATION OF 23 DRILLED TIEBACKS (P20-000059), AND ADOPTING A MITIGATED NEGATIVE DECLARATION. LOCATION – 117 INDIO DRIVE; THE PROJECT IS LOCATED IN THE COASTAL ZONE AND IS APPEALABLE TO THE CALIFORNIA COASTAL COMMISSION. APN 010-205-003.

RECOMMENDATION:

Adopt a **Resolution** approving Project P20-000059 for a Coastal Development Permit for the construction of a new carved and colored shotcrete tied-back bluff wall and installation of 23 drilled tiebacks and adopting a Mitigated Negative Declaration.

BACKGROUND:

The subject property comprises an approximately 0.25-acre area, located at 117 Indio Drive within the Sunset Palisades Planning Area in the Single-Family Residential Zoning District (R-1, 1983 Code). The project site is also within and subject to the standards outlined in the Hazard Protection Overlay and Archeological Overlay. The site is developed with a single-family residence (constructed in 2000), and is situated on a relatively flat marine terrace with a nearby vertical bluff.

The proposed Coastal Development Permit will allow for the construction of a new carved and colored shotcrete tied-back bluff wall and installation of 23 drilled tiebacks. Improvements to support the project include a bluff wall face to match the color and texture of the existing bluff and drainage improvements to help dewater the bluff face. This project is necessary to protect the existing residence at 117 Indio Drive and an existing seawall and residences at 113 and 121 Indio Drive from accelerated bluff failure due to a combination of existing subsurface springs, unique geologic conditions, inadequate drainage in the rear yard, and focused wave energy. A vicinity map as well as photos of the project site and existing conditions are included with **Attachment 2**.

The subject property is within the Coastal Zone and is appealable to the Coastal Commission.

General Plan Elements

The General Plan designates the subject property for residential land uses as part of the Sunset Palisades Planning Area (A). This neighborhood is an ocean oriented, low profile residential neighborhood with a backdrop of the coastal foothills. Properties in this area are generally developed with low-density residential uses. An evaluation of the pertinent General Plan policies for this property is included in **Attachment 3**.

1983 Zoning Code

Hazard Protection Overlay

The project site is within and subject to the standards outlined in the Hazard Protection Overlay of the 1983 Zoning Code. In accordance with 17.078.060, The City may consider a seawall or similar protection device, subject to the following Hazards and Protection Overlay Code Section:

17.078.060 Shoreline protection criteria and standards.

D. Seawalls shall not be permitted, unless the city has determined that there are no other less environmentally damaging alternatives for protection of existing development or coastal dependent uses. If permitted, seawall design must (a) respect natural landforms; (b) provide for lateral beach access; and (c) use visually compatible colors and materials and will eliminate or mitigate any adverse impacts on local shoreline sand supply.

The City's Local Coastal Program, comprised of both the General Plan and the 1983 Zoning Ordinance, requires new residential development in the Sunset Palisades Planning Area to be set back a safe distance from the top of a coastal bluff to a 100-year setback plus an added factor of safety, with a minimum of 25' to be required. As part of the residence's planning entitlements in 2000, a Bluff Erosion and Sea Cliff Retreat report was prepared by Geosolutions. The report recommended a 28.3' proposed bluff setback based on a 100-year retreat rate of 1 inch per year plus an additional 20-foot buffer. Due to the current site conditions versus what was originally approved for the residence at 117 Indio, additional measures must be taken to address the accelerated erosion of the bluff.

Terra Costa Consulting Group prepared a Geotechnical Basis of Design (September 2020) for the project site (see **Attachment 4**) as a part of this application. The report states "it appears that coastal bluffs in this area experienced from 20 to upwards of 30 feet of erosion in the last 20 years." Groundwater seepage through the face of the bluff was observed by Terra Costa, who believes "this may have contributed to the accelerated erosion and likely instability of the bluff." Additional information presented by Terra Costa in March 2021 (see **Attachment 5**) depicts a loss of approximately 13 feet of bluff between 2000 and 2021, equating to an estimated erosion rate of approximately 8 inches per year; however, larger episodic bluff failures have been experienced at the site including a loss of up to 4.8 feet between March 2020 and February 2021. Such accelerated retreat accounts for the 18 inch per year retreat estimated by Terra Costa, who recommends the tied-back bluff wall design with drainage improvements as the most effective design option for protecting the residence. Should the recommended action of a new bluff wall not be implemented, significant erosion would create undermining of the residence at 117 Indio as well as jeopardize the protection devices of the neighboring residences in a relatively short time period.

Archaeological Resources

The project site is within an Archaeologically Sensitive Area and within the Archaeological Overlay. As such, a Phase I Archaeological Study was prepared (Singer, May, 1999). Although the project site is near a known archeological site, no materials were

encountered during the archeological testing nor during construction of the existing residence. No additional measures are required at this time.

Environmental Review

It was determined, after completion of the initial study, that there is no substantial evidence the project may have a significant effect on the environment and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (**Attachment 6**; pursuant to Public Resources Code Section 21000 et seq., and CA code of Regulations Section 15000 et seq.) has been issued on August 26, 2021. Mitigation measures are proposed to address Air Quality, Geology and Soils, and Greenhouse Gas impacts, and are included as conditions of approval (**Attachment 1**). Mitigation Measures will be met during the construction phase of the project. The Mitigated Negative Declaration was distributed for comment to the State Clearinghouse, local agencies, and interested parties. The closing date for comments was September 24, 2021.

Public Notification

A notice of public hearing was posted at City Hall, on the City's website, at the project site, mailed to all property owners within 300 feet of the project site, and published in the New Times on September 2, 2021. The meeting agenda and staff report were posted at City Hall and on the City's website in accordance with Government Code Section 54954.2. As of the writing of this report, no correspondence has been received.

Conclusion and Recommendation

The project, as conditioned, meets the development standards in the 1983 Zoning Code and is necessary to protect against significant erosion and undermining of the residence at 117 Indio. It is recommended the Planning Commission adopt the prepared Resolution (**Attachment 1**) approving Project No. P20-000059 and adopting the Mitigated Negative Declaration.

FISCAL IMPACT:

None.

ALTERNATIVES:

1. Modify and adopt the prepared Resolution approving the project;
2. Do not adopt the prepared Resolution and direct staff to return with a new resolution and appropriate findings for denial of the project;
3. Provide direction to staff.

ATTACHMENTS:

1. Resolution
2. Vicinity Map
3. Development Standards and Policies
4. Geotechnical Basis of Design, Terra Costa Consulting, September, 2020
5. Additional Bluff Retreat Information, Terra Costa Consulting, March, 2021
6. Draft Mitigated Negative Declaration

7. Project Plans

Prepared by: Mike Gruver, Associate Planner, AICP

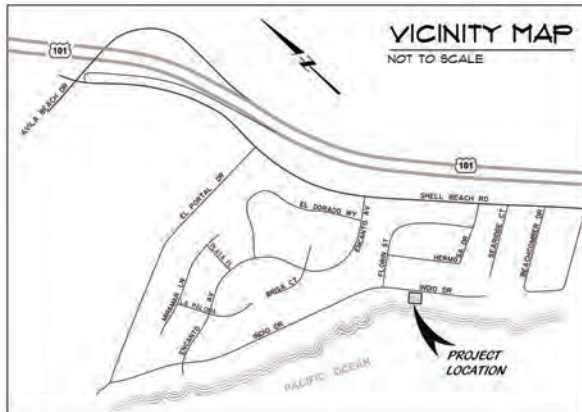
Meeting Date: September 28, 2021

Reviewed by: Megan Martin, Planning Manager

Community Development Director Approval: Matthew Downing, AICP

117 INDIO DRIVE BLUFF REPAIR

PISMO BEACH, CALIFORNIA



GENERAL NOTES:

1. PERFORM CONSTRUCTION AND WORKMANSHIP IN COMPLIANCE WITH THE DRAWINGS, SPECIFICATIONS AND THE CURRENT EDITION OF THE CBC.
2. GENERAL NOTES AND TYPICAL DETAILS APPLY TO THE DRAWINGS UNLESS NOTED OR DETAILED OTHERWISE.
3. WHERE DISCREPANCIES BETWEEN GENERAL NOTES AND DRAWINGS OCCUR, DRAWINGS TAKE PRECEDENCE.
4. DRAWINGS INDICATE GENERAL AND TYPICAL DETAILS OF CONSTRUCTION. WHERE CONDITIONS ARE NOT SPECIFICALLY INDICATED BUT ARE OF SIMILAR CHARACTER TO DETAILS SHOWN, USE SIMILAR DETAILS OF CONSTRUCTION SUBJECT TO REVIEW BY ENGINEER.
5. THE CONTRACTOR SHALL SUPERVISE AND DIRECT THE WORK AND IS SOLELY RESPONSIBLE FOR ALL CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES AND PROCEDURES.
6. ALL CONDITIONS SHOWN OR NOTED AS EXISTING ARE BASED ON BEST INFORMATION CURRENTLY AVAILABLE AT THE TIME OF PREPARATION OF THESE DRAWINGS. CONTRACTOR SHALL FIELD VERIFY ALL CONDITIONS AND IMMEDIATELY BRING TO THE ATTENTION OF THE ENGINEER, WHEN IT BECOMES APPARENT, ANY CONDITIONS THAT DIFFER FROM THE CONDITIONS SHOWN HEREIN. THE ENGINEER WILL THEN PREPARE ADDITIONAL DRAWINGS AS MAY BE NEEDED TO ACCOMMODATE THE CONDITIONS AS BROUGHT TO THEIR ATTENTION.

WORK TO BE DONE

THIS PROJECT SHALL COMPLY WITH THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE (CBC), ALL AMENDMENTS TO THE CA CODES ADOPTED BY THE CITY OF PISMO BEACH, AND ALL OTHER CODES, REGULATIONS, AND APPROVALS ESTABLISHED BY THE CITY OF PISMO BEACH.

PRECONSTRUCTION SPECIAL INSPECTION MEETING

PRIOR TO START OF CONSTRUCTION, THE CONTRACTOR SHALL SCHEDULE A PRECONSTRUCTION CONFERENCE WITH ALL PARTIES INVOLVED AT THE PROJECT SITE TO REVIEW THE SPECIAL INSPECTION REQUIREMENTS, PROCEDURES, AND INDIVIDUAL SPECIAL INSPECTORS THAT WILL BE ASSIGNED TO THE PROJECT, AS WELL AS REQUIREMENTS FOR STRUCTURAL OBSERVATION. CONTRACTOR SHALL CONTACT THE CITY OF PISMO BEACH BUILDING DIVISION TO CONFIRM AN ACCEPTABLE MEETING DATE AND TIME.

REV.	COMMENT

UTILITY NOTE

1. UTILITIES HAVE BEEN SHOWN AS ACCURATELY AS POSSIBLE USING EXISTING RECORDS. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL LOCATIONS AND ELEVATIONS OF ALL EXISTING UNDERGROUND AND OVERHEAD UTILITIES AS REQUIRED PRIOR TO THE START OF WORK.
 2. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO LOCATE AND PROTECT ANY UNDERGROUND OR CONCEALED CONDUIT, PLUMBING OR OTHER UTILITIES WHERE NEW WORK IS BEING PERFORMED. BEFORE EXCAVATING, VERIFY LOCATION OF UNDERGROUND UTILITIES.
- UNDERGROUND SERVICE ALERT 800-422-4153

PISMO BEACH PUBLIC UTILITIES:
 CHARTER COMMUNICATIONS 544-2688
 PACIFIC BELL (800) 310-3255
 PACIFIC GAS & ELECTRIC (800) 743-5000
 SOUTHERN CALIFORNIA GAS (800) 427-2200

REINFORCED CONCRETE

1. ALL STRUCTURAL CONCRETE SHALL HAVE A 28-DAY COMPRESSIVE STRENGTH OF 5,000 PSI.
2. TYPICAL COVER FOR REINFORCING STEEL:
 FOOTINGS: 3"
 WALLS: 3"
 WALLS AGAINST EARTH: 3"
 BEAMS, GIRDERS AND COLUMNS: 3"
3. REINFORCING: ASTM A615 GRADE 60.

EARTHWORK:

NO EARTHWORK IS PROPOSED FOR THIS PROJECT.

BMP'S NOTE

1. DURING CONSTRUCTION, CONTRACTOR MAY BE REQUIRED TO INSTALL TEMPORARY BMP'S AS NECESSARY TO PREVENT STORMWATER POLLUTION AND EROSION.

TOPOGRAPHY

TOPOGRAPHY COLLECTED BY GPS AND DRONE PHOTOGRAMMETRIC POINT CLOUD TOPOGRAPHIC SURVEY BY COTTON, SHIRES & ASSOCIATES, INC. ON MARCH 23-24, 2020. ELEVATION DATUM IS NAVD83. TOPOGRAPHY SHOWN WAS CREATED USING A PROCESSED 3" XY GRID SPACING USING AVERAGE GRID HEIGHT (AVERAGED HEIGHT OF ALL POINTS WITHIN THE GRID). CONTOUR INTERVAL IS 2'.

MAP TITLE: 'TOPOGRAPHIC MAP (AVERAGE GRID HEIGHT), 117 INDIO DRIVE (APN 010-205-003), COSTAL BLUFF AREA, PISMO BEACH, CALIFORNIA.' BY COTTON, SHIRES & ASSOCIATES INC., DATED 4-14-2020.



PHOTO 1: PROJECT SITE

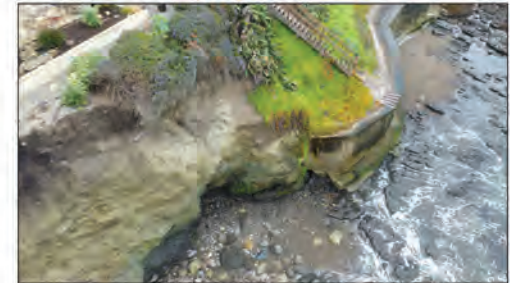


PHOTO 2: SOUTH END OF SITE AT EXISTING NEIGHBORING WALL.

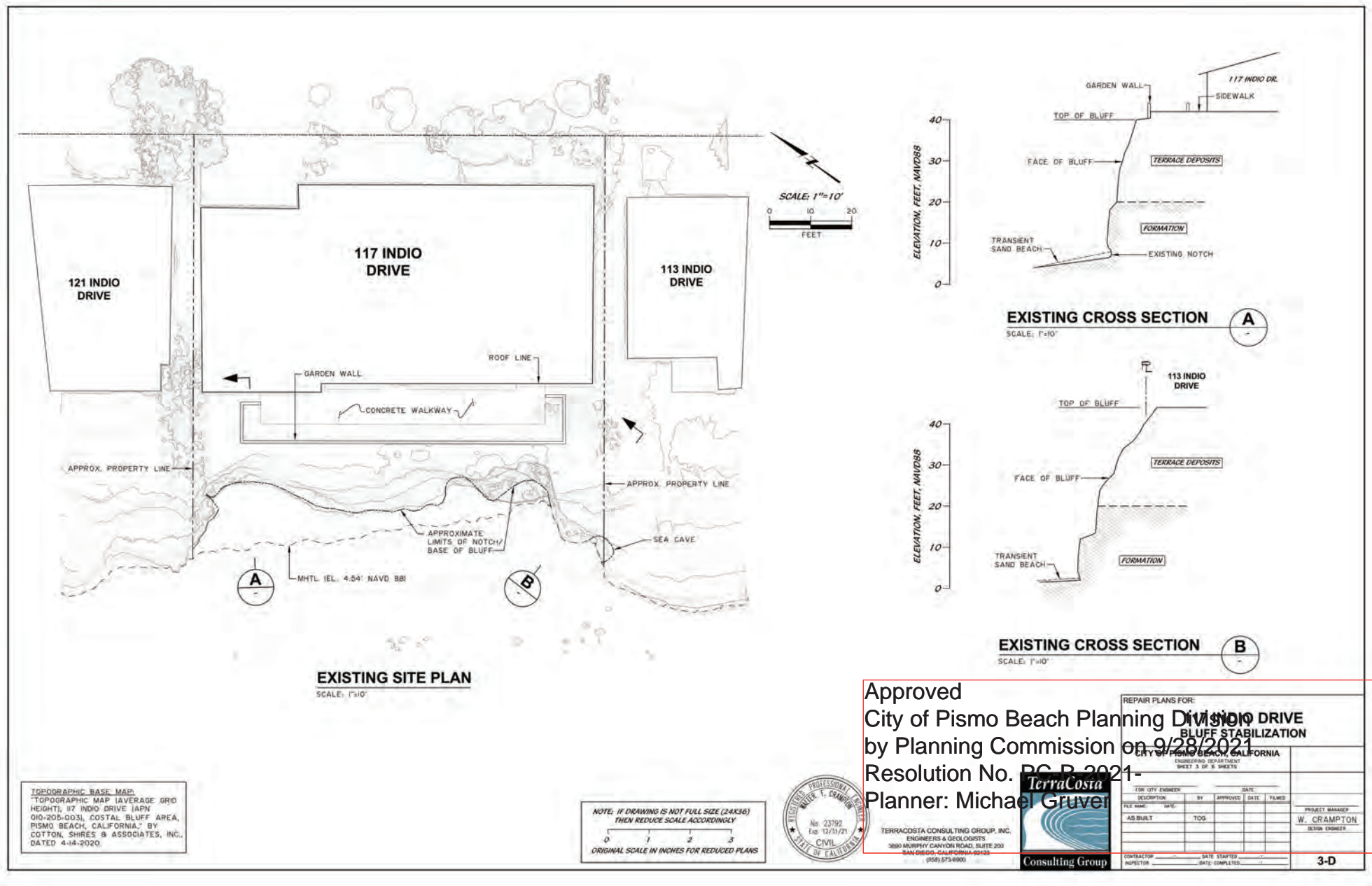
Approved
 City of Pismo Beach Planning Division
 by Planning Commission on 9/28/2021
 Resolution No. PC-P-2021-018
 Planner: Michael Gruver, Associate Planner



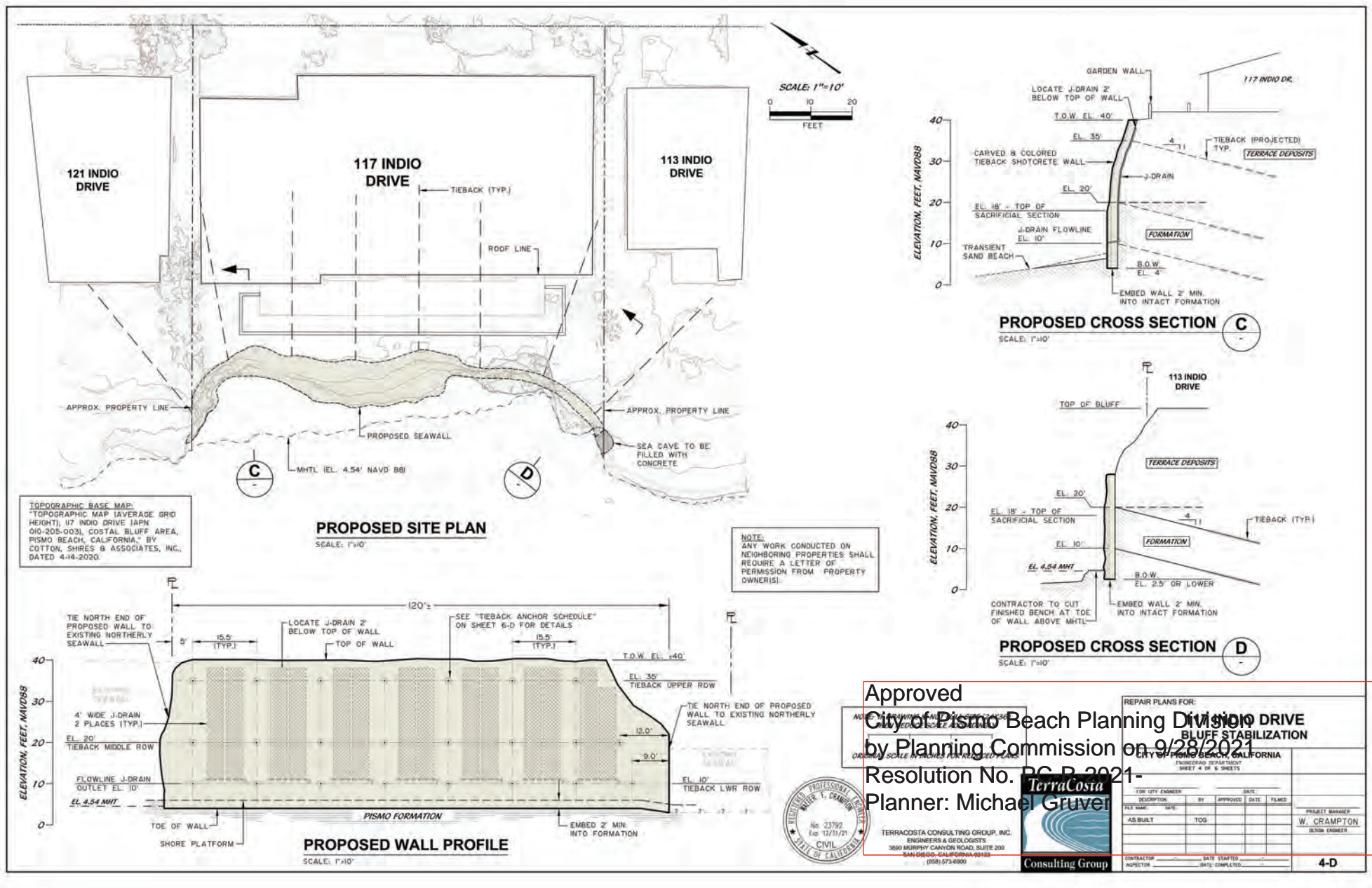
TERRACOSTA CONSULTING GROUP, INC.
 ENGINEERS & GEOLOGISTS
 3890 MURPHY CANYON ROAD, SUITE 200
 SAN DIEGO, CALIFORNIA 92108
 (619) 573-4900



REPAIR PLANS FOR:			
117 INDIO DRIVE			
BLUFF STABILIZATION			
CITY OF PISMO BEACH, CALIFORNIA			
SHEET 1 OF 8 SHEETS			
TOW CITY ENGINEER	DATE	PROJECT MANAGER	
AS BUILT	TOD	W. CRAMPTON	
CONTRACTOR		DATE STARTED	
INSPECTOR		DATE COMPLETED	
		1-D	



Approved
City of Pismo Beach Planning Division
by Planning Commission on 9/28/2021
Resolution No. PC-P-2021-
Planner: Michael Gruver



A ADJUST BAR SPACING IN VICINITY OF ANCHOR TO ACCOMMODATE 6" DIA. PVC SLEEVE. NO CUTTING OF BARS ALLOWED

- 8 ANCHOR HEAD CAP SHALL HAVE A MIN. OF 8" SCULPTED COVER AT BOTTOM ROW, AND 3" MIN. AT MIDDLE AND TOP ROWS

FRONT FACE

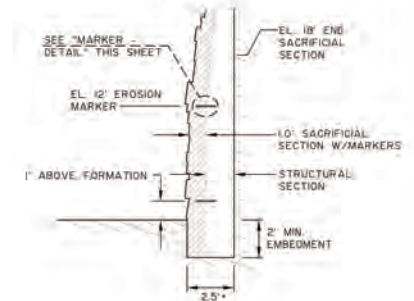
#5 BARS @ 6" O.C. HORIZ. & VERT.

BACK FACE

#5 BARS @ 6" O.C. HORIZ. & VERT.
B. ADDITIONAL #5 X 5" BARS CENTERED
AT TIEBACKS.

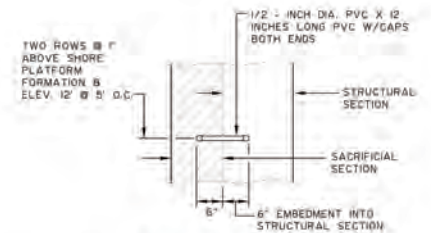
1. ALL BAR LAP SPLICES SHALL BE 6'-9" MIN FOR #5 BARS.

2. ALL VERTICAL REBARS SHALL BE CONTINUOUS. HORIZONTAL REBARS SHALL BE CONTINUOUS WHEREVER POSSIBLE. SPLICE BACK FACE BARS (IF REQUIRED) AT MIDPOINT BETWEEN ANCHORS. SPLICE FRONT FACE BARS (IF REQUIRED) AT ANCHOR LOCATIONS. ALTERNATE (I.E. STAGGER) LOCATIONS OF SPLICES FOR ADJACENT BARS.
3. ALL SPLICES SHALL BE NON-CONTACT WITH MINIMUM 1-1/2 INCHES CLEARANCE BETWEEN ADJACENT BARS.



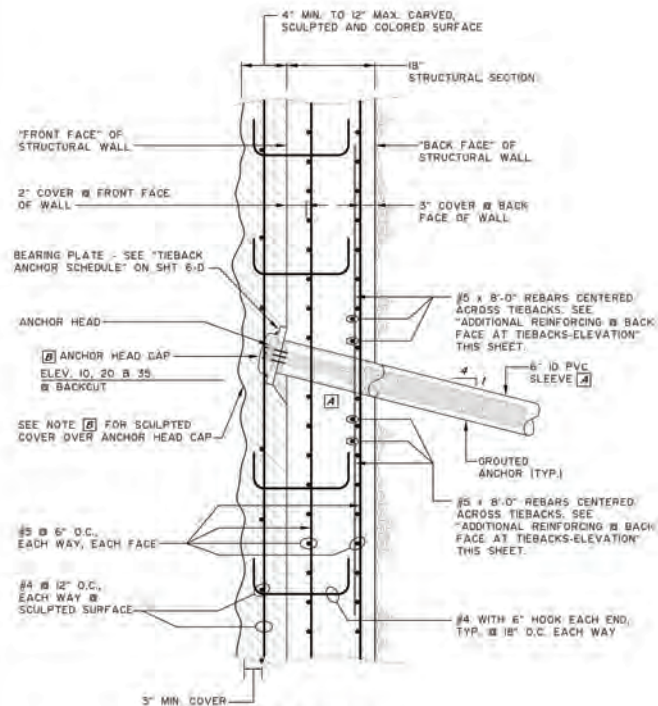
SACRIFICIAL MARKER - DETAIL

NO SCALE



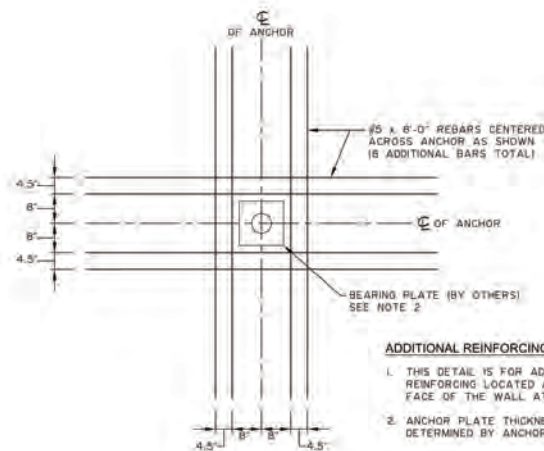
MARKER - DETAIL

NO SCALE



TIED-BACK WALL REINFORCING SECTION

NO SCALE



**ADDITIONAL REINFORCING
@ BACK FACE AT
TIEBACKS - ELEVATION**

NO SCALE

ADDITIONAL REINFORCING NOTES:

1. THIS DETAIL IS FOR ADDITIONAL REINFORCING LOCATED AT THE BACK FACE OF THE WALL AT EACH TIEBACK.
2. ANCHOR PLATE THICKNESS TO BE DETERMINED BY ANCHOR SUPPLIER.

NOTE: IF DRAWING IS NOT FULL SIZE (24X36)
THEN REDUCE SCALE ACCORDINGLY

0 1 2 3

ORIGINAL SCALE IN INCHES FOR REDUCED PLANS



TERRACOSTA CONSULTING GROUP, INC.
ENGINEERS & GEOLOGISTS
3890 MURPHY CANYON ROAD, SUITE 203
SAN DIEGO, CALIFORNIA 92123
(858) 573-6900



REPAIR PLANS FOR:

DIVISION DRIVE BLUFF STABILIZATION

DRAWN ON 9/28/2021

CITY OF POMONA, CALIFORNIA	SHEET # 5 OF 5 SHEETS
----------------------------	-----------------------

TWO CITY ENGINEER	DATE
DESCRIPTION BY APPROVED DATE YEADED	

POLY LINE	DATE	
A/S BUILT	TOO	

		PROJECT MANAGER: W. CRAMPTON
		DESIGN ENGINEER

CONTRACT NO.	DATE COMPLETE
INSPECTION	(DATE) COMPLETED

5-D

STATEMENT OF SPECIAL INSPECTIONS:

SPECIAL INSPECTION TYPE	CONTINUOUS	PERIODIC
1. VERIFICATION OF SHOTCRETE & GROUT MIX DESIGNS		X
2. INSPECTION OF REINFORCING STEEL		X
3. VERIFICATION OF DEPTH OF TIEBACK	X	
4. INSPECTION OF INSTALLATION & GROUTING OF TIEBACK	X	
5. TESTING OF TIEBACK ANCHORS	X	
6. STRUCTURAL SHOTCRETE APPLICATION ($F'c \geq 5,000$ PSI)	X	

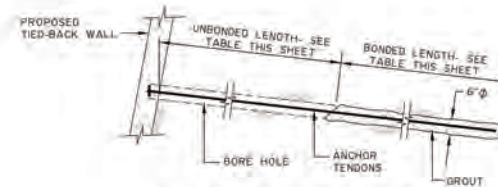
SOILS-VERIFICATION / INSPECTION:

SPECIAL INSPECTION TYPE	CONTINUOUS	PERIODIC
1. VERIFY MATERIALS BELOW SHALLOW FOUNDATIONS ARE ADEQUATE TO ACHIEVE THE DESIGN-BEARING CAPACITY.		X
2. VERIFY EXCAVATIONS ARE EXTENDED TO PROPER DEPTH AND HAVE REACHED PROPER MATERIAL.		X
3. VERIFY 2' DEEP VERTICAL KEY.		X
4. VERIFY 3' DEEP LATERAL KEY.		X

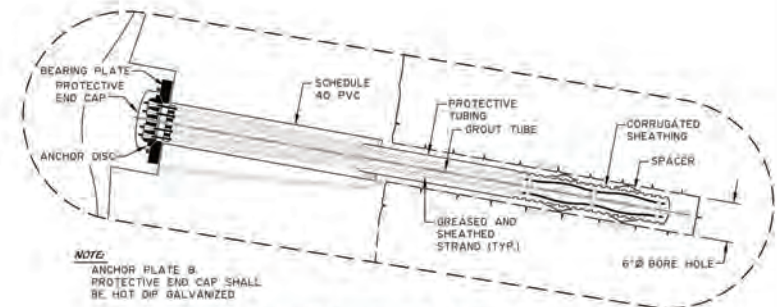
STRUCTURAL OBSERVATION REQUIREMENTS

1. CONTINUOUS STRUCTURAL OBSERVATION SHALL BE PROVIDED DURING THE DRILLING, INSTALLATION, GROUTING AND TESTING OF ALL TIEBACK ANCHORS. AFTER INSTALLATION OF ANCHORS, WE ANTICIPATE THAT BOTH THE VERTICAL AND LATERAL KEYS WILL BE EXCAVATED, BOTH OF WHICH REQUIRE SPECIAL INSPECTION. AFTER EXCAVATION OF THE VERTICAL AND LATERAL KEYWAYS, STEEL REINFORCING WOULD BE PLACED, REQUIRING PERIODIC INSPECTION. AFTER PLACEMENT OF STEEL REINFORCING, STRUCTURAL SHOTCRETE WOULD BE APPLIED, REQUIRING CONTINUOUS INSPECTION, ALONG WITH PERIODIC VERIFICATION OF SHOTCRETE AND GROUT MIX DESIGNS. FINAL TESTING AND LOCK-OFF OF ALL TIEBACK ANCHORS WOULD BE PERFORMED AFTER THE STRUCTURAL SHOTCRETE FACING HAS ACHIEVED ITS REQUIRED DESIGN STRENGTH.

2. AT THE CONCLUSION OF THE WORK INCLUDED IN THE PERMIT, THE STRUCTURAL OBSERVER SHALL SUBMIT TO THE BUILDING OFFICIAL A WRITTEN STATEMENT THAT THE SITE VISITS HAVE BEEN MADE AND IDENTIFY ANY REPORTED DEFICIENCIES THAT, TO THE BEST OF THE STRUCTURAL OBSERVER'S KNOWLEDGE, HAVE NOT BEEN RESOLVED.



TYPICAL ANCHOR SCHEMATIC
NOT TO SCALE



MULTISTRAND ANCHOR DETAIL
WITH DOUBLE CORROSION PROTECTION
NOT TO SCALE

TIEBACK ANCHOR SCHEDULE

ANCHOR	ANCHOR ELEVATION	MIN. UNBONDED LENGTH (FT)	MIN. BONDED LENGTH (FT)	TOTAL LENGTH (FT)	DESIGN LOAD (kips)	NO. OF 0.6\"/>
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* BEARING PLATE THICKNESS SHALL BE DETERMINED BY ANCHOR MANUFACTURER

Approved
City of Pismo Beach Planning Division
by Planning Commission on 9/28/2021
Resolution No. PC-P-2021-
Planner: Michael Gruver



TERRACOSTA CONSULTING GROUP, INC.
ENGINEERS & GEOLOGISTS
3680 MURPHY CANYON ROAD, SUITE 200
SAN DIEGO, CALIFORNIA 92108
(619) 573-4990



REPAIR PLANS FOR:			
CITY OF PISMO BEACH, CALIFORNIA			
SHEET 6 OF 8 SHEETS			
TYP. CITY ENGINEER	DATE	APPROVED	DATE
DESCRIPTION	BY	APPROVED	DATE
DATE	DATE	DATE	DATE
AS BUILT	TOO		
PROJECT MANAGER			
W. CRAMPTON			
CONTRACTOR			
DATE COMPLETED			
6-D			

CALIFORNIA COASTAL COMMISSION

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

**COASTAL COMMISSIONER APPEAL FORM**

Appeal of a Local Government Coastal Development Permit Action

1. Filing information

Appeal number: A-3-PSB-21-0073
Date appeal filed: November 12, 2021
District: Central Coast District
Commissioner: Dr. Caryl Hart
Commissioner: Linda Escalante

RECEIVED**NOV 12 2021**

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

2. Local CDP decision being appealed

Local government: City of Pismo Beach
CDP application number: P20-000059
CDP decision: Approval with Conditions
Date of CDP decision: September 28, 2021
Project location: 117 Indio Drive, Pismo Beach, CA 93449
Project description: Construction of a new 120-foot long, 40-foot high, tied-back, textured and colored shotcrete seawall on the bluff face, bluff toe, and beach intended to protect a single-family residence constructed in 2003

3. Applicant information

Applicant: James Gentilcore
Applicant address: 117 Indio Drive, Pismo Beach, CA 93449
Applicant phone number: (818) 730-6716
Applicant email address: jim4617@yahoo.com

4. Grounds for this appeal

See Attachment A

5. Commissioner appellant certification

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Commissioner name: Linda Escalante

Commissioner signature: 

Date of signature: 11/12/2021

6. Commissioner appellant certification

I attest that to the best of my knowledge, all information and facts in this appeal are correct and complete.

Commissioner name: Caryl Hart

Commissioner signature: DocuSigned by:
Caryl Hart
1E22DCAA0034D7...

Date of signature: 11/09/2021

Attachment A: Reasons for Appeal

The City of Pismo Beach approved a CDP authorizing a 120-foot long, 40-foot high, tied-back, textured and colored shotcrete seawall on the bluff face, bluff toe, and beach seaward of 117 Indio Drive (City CDP application number P20-000059). The City-approved seawall is intended to protect a single-family residence originally constructed in 2003. The approved project raises questions of conformance with applicable LCP and Coastal Act provisions related to allowing shoreline armoring, and avoiding and appropriately mitigating coastal resource impacts from allowable such armoring, as follows.

The LCP only allows for shoreline armoring to protect existing principal structures or coastal-dependent uses in danger from erosion (see LUP Policy S-6, and IP Section 17.078.060(D) and (F)). The residence to be protected is not a coastal-dependent use. And although neither the Coastal Act nor the LCP explicitly identifies what qualifies as an “existing principal structure” for such armoring provisions, the Commission’s interpretation and application in terms of armoring (including as articulated in the Commission’s Sea Level Rise Policy Guidance)¹ is that such term means a principal structure that was in existence on January 1, 1977 (the effective date of the Coastal Act) and that has not subsequently been redeveloped.

In this case, the residence that the armoring is intended to protect was approved in 2000, with construction completed in 2003 (City CDP file number 00-0052). At the time, the City found in its CDP approval for the residence that the project was consistent with LCP requirements for blufftop setbacks. Specifically, the LCP requires all structures to be set back a safe distance from the top of the bluff in order to retain the structures for a minimum of 100 years (or a minimum of 25 feet, whichever is greater), and to neither create nor contribute significantly to erosion, geologic instability or destruction of the site, or require the construction of protective devices (see LUP Policy S-3 and IP Section 17.078.050(A)). When deemed to meet these LCP requirements by the City at the time, the residence was approved with a 28.3-foot setback from the blufftop edge after the City determined that this distance was sufficient to allow 100 years of estimated use without the need or allowance for armoring based on a geotechnical assessment of the property.

Some twenty years later, the City has now permitted a seawall to protect the structure that was sited and designed to avoid the need for same in its lifetime, and at least an estimated 100 years. However, the existing residence does not qualify for such armoring as it is not an existing principal structure as the Commission understands that term, raising questions of consistency with the LCP’s armoring provisions. Furthermore, the City’s previous CDP for the residence was approved on the basis that the development was adequately setback for 100 years, as required by the LCP, without the need for armoring. As such, the City’s approval also raises questions of consistency with the LCP’s requirement that such new development not require shoreline armoring

¹ Available at <https://coastal.ca.gov/climate/slr/>.

but instead rely on adequate setbacks from the blufftop edge to ensure stability and safety.

In addition, the LCP only allows armoring for existing principal structures when such armoring is conclusively shown to be the least environmentally damaging feasible alternative to protect qualifying structures, and where all impacts are appropriately mitigated. In terms of the former, the City only evaluated alternative forms of armoring, but did not appear to evaluate other more coastal resource protective alternatives (such as removal and/or relocation inland). In terms of the latter, it is also unclear if the project has been designed or adequately mitigated to address adverse impacts on local shoreline sand supply and other coastal resources, as required by the LCP. The City's approval includes a condition that states only that "soil materials to be displaced by the project" are to be mitigated with a fee, but it is unclear how the materials are to be calculated, and how the fee is to be developed. And there is no evaluation of the effect of the armoring structure otherwise on coastal resources, including sandy beach access here and cumulatively in the City, let alone mitigation for such identified impacts. In short, even if the project were to properly qualify for shoreline armoring consideration, it does not appear that the City's action has appropriately evaluated alternatives, impacts, and mitigations as required by the LCP and by the Coastal Act's access and recreation provisions (also applicable here to a City decision).

Finally, there is some question as to whether the approved project may be wholly or partly located in the Coastal Commission's retained CDP jurisdiction, including whether the project should have come before the Commission instead of the City in the first place, and whether the City had the legal authority to process a CDP application in this case.

In sum, the City-approved project authorizes a seawall that appears to protect a structure that is not allowed such protection under the LCP, and that, even if it were allowable, does not appear to have been has appropriately evaluated in terms of alternatives, impacts, and mitigations, all of which could lead to adverse, unmitigated, and not allowable coastal resource impacts. Thus, the City's approval warrants Commission review and deliberations on these issues and questions.