

## **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



# Th17a

### **A-3-PSB-21-0032 (CHAPMAN ESTATE) AUGUST 12, 2021 HEARING EXHIBITS**

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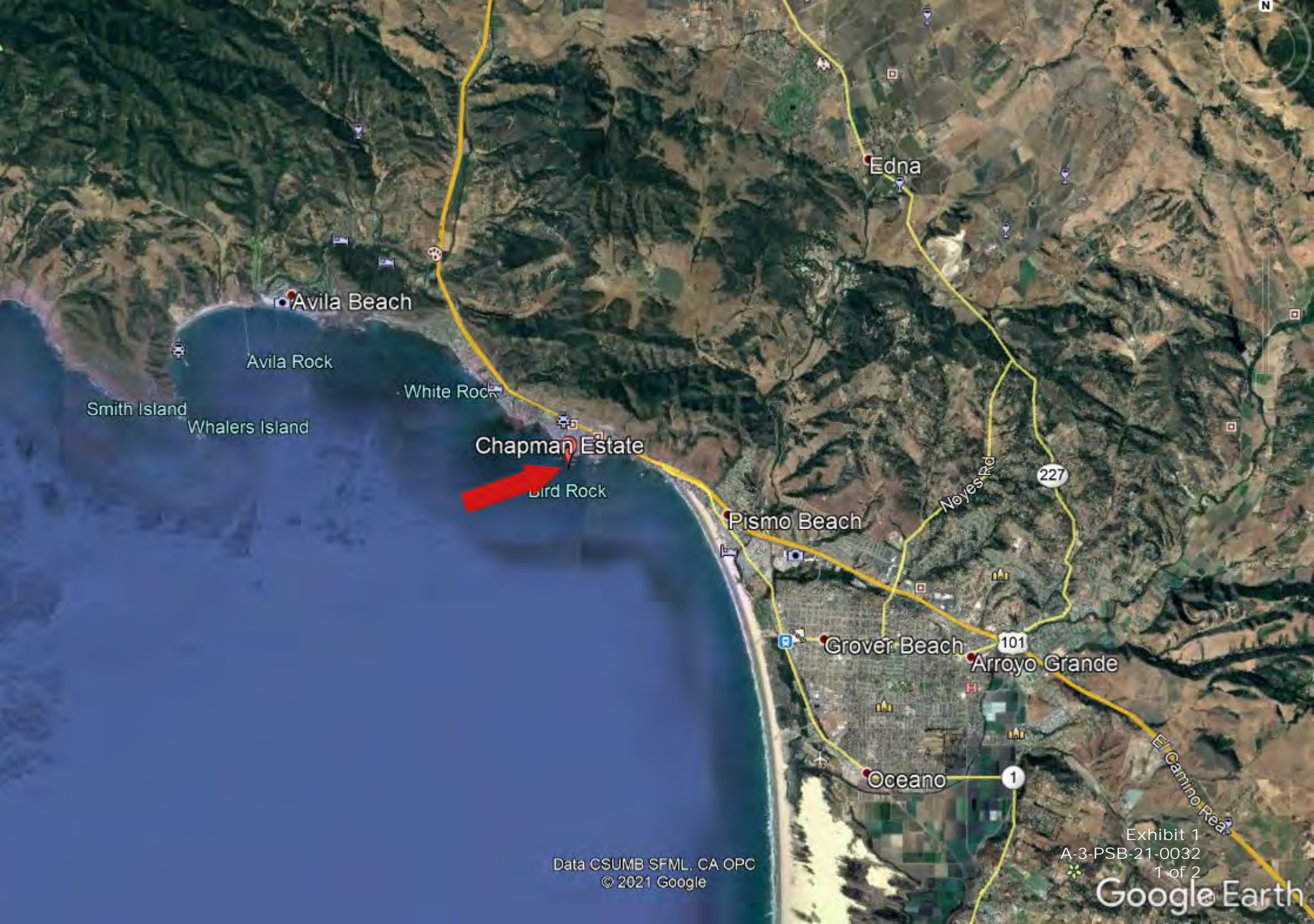
**Exhibit 2: Project Site Images**

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Chapman Estate

Bird Rock

Pismo Beach

Grover Beach

Arroyo Grande

Oceano





**Project Site**

Chapman Estate



An aerial photograph of a coastal property. A red line outlines a large area that includes a large, multi-story house with a grey roof and multiple chimneys, a green lawn, a swimming pool, and a tennis court. The property is situated on a rocky cliff overlooking the ocean. To the right of the main house, there is a smaller building with a blue roof and a small tower. The ocean is visible in the foreground, with waves crashing against the rocks. The text "Ocean Blvd." is written in red across the top left of the image.

Ocean Blvd.

## Event structure under current Amendment No.2 to the CUP and associated CDP:

**Table 1: Chapman Estate Occasions per Season**

<b>Occasions</b>	<b>Per Season</b>	<b>Time</b>
Lunches @ 49 people max	Tues & Thurs	11 a.m. – 1 p.m.
Sunset Walks @ 49 people max	Fridays	5 p.m. – dusk
Gatherings @ 49 people max	6	9 a.m. – 9 p.m. (Includes setup, event until 5 p.m., and teardown)
3 Free Community Events & 1 private fundraiser @ 100 people max	4	9 a.m. – 9 p.m. (Includes setup, event until 5 p.m., and teardown)
Private fundraisers @ 250 people max	4	9 a.m. – 9 p.m. (Includes setup, event until 5 p.m., and teardown)
1 Estate fundraiser & 2 Trust-required fundraisers @ 300 people max	3	9 a.m. – 9 p.m. (Includes setup, event until 5 p.m., and teardown)
CAPSLO	1	8 a.m. – 5:30 p.m. (Includes setup, event duration, and teardown)
<b>TOTAL</b>	<b>18</b>	

**Event structure under proposed Amendment No. 3 to the CUP and associated CDP:**

Occasions	MAXIMUM Per Season	Time
Weekday open gates @ 49 people max	Mon – Thurs (April 1 – October 31)	11 a.m. – 2 p.m.
Sunset Walks @ 49 people max	Fridays (April 1 – October 31)	5 p.m. – sunset or 7 p.m. whichever is later
<i>Gatherings and Educational Programs</i>		
Recreational Classes	No More Than Twice Per Week for up to 90 minutes per class	8 a.m. – 5 p.m.
General gatherings @ 49 people max (e.g., non- revenue generating City events, etc.)	6 (equivalent of one every other month)	9 a.m. – 9 p.m. (Includes setup, event until 8 p.m., and teardown)
Neighborhood gatherings @ 100 people max (e.g., 4 <sup>th</sup> of July, Gates Open event, etc.)	6 (equivalent of one every other month)	9 a.m. – 9 p.m. (Includes setup, event until 8 p.m., and teardown)
Indoor/Outdoor Educational programs/tours @ 49 people max (e.g., classes from Shell Beach Elementary, etc.)	12 (equivalent of once per month, likely not more than 90 minutes)	10 a.m. – 5 p.m.
<i>Private Events (where reservation and access fees are charged)</i>		
Private outdoor @ 25 people max	24 (equivalent to two per month)	9 a.m. – 9 p.m. (Includes setup, event until 8 p.m., and teardown)
Private outdoor @ 50 people max	12 (equivalent to one per month)	9 a.m. – 9 p.m. (Includes setup, event until 8 p.m., and teardown)
Private indoor @ 25 people max	36 days (equivalent to three days per month)	9 a.m. – 9 p.m. (Includes setup, event until 8 p.m., and teardown)
Use of indoor kitchen only for outdoor events		9 a.m. – 9 p.m. (Includes setup, event until 8 p.m., and teardown)
<i>Chapman Trust Fundraisers</i>		
1 CEF Fundraiser & 2 Trust-designated fundraisers @ 300 people max	3	9 a.m. – 9 p.m. (Includes setup, event until 8 p.m., and teardown)
CAPSLO	1	8 a.m. – 5:30 p.m. (Includes setup, event duration, and teardown)





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

April 30, 2021

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

Sent Via Email: [Susan.Craig@coastal.ca.gov](mailto:Susan.Craig@coastal.ca.gov) and USPS - Certified

**FINAL LOCAL  
ACTION NOTICE**

REFERENCE # 3-PSB-21-0419  
APPEAL PERIOD 5/7/21-5/20/21

ATTN: Susan Craig, Coastal Planner

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

**Applicant/Owner Info:**

Owner Name: City of Pismo Beach – c/o Matt Downing, Community Development Director

Address: 760 Mattie Road, Pismo Beach, CA 93449

Telephone: 805-773-4658 Email: [Mdowning@pismobeach.org](mailto:Mdowning@pismobeach.org)

Project No: P20-000069

Site Address: 1243 Ocean Blvd, Pismo Beach, CA 93449

Project Summary: **AMENDMENT NO. 3 TO THE CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR THE CHAPMAN ESTATE; PROJECT NO. P20-000069.**

A consideration by the City Council to Adopt a Resolution approving Amendment No. 3 to the Chapman Estate Conditional Use Permit and associated amendment of the Coastal Development Permit to modify the limit on the number of events, hours of operation, and other similar operational items for use of the Chapman Estate as a cultural center; located at 1243 Ocean Boulevard; APNs: 010-302-012 and 010-302-013; and accepting Categorical Exemption No. 2021-007

Date of Action: April 20, 2021

Action: Approving Amendment No. 3 to the Chapman Estate Conditional Use Permit and adopting a Resolution.

Attachments:

1. Resolution No. R-2021-030
2. 2021-04-20 City Council Staff Report
3. 2021-04-20 City Council Minute Order
4. 2021-04-20 City Council Public Hearing Notice and Proof of Publication
5. 2021-04-20 City Council Correspondence
6. 2021-03-23 Planning Commission Meeting Minutes
7. 2021-03-23 Planning Commission Staff Report
8. 2021-03-23 Planning Commission Public Hearing Notice and Proof of Publication
9. 2021-03-23 Planning Commission Correspondence

**RECEIVED**

**MAY 06 2021**

**CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA**

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. R-2021-030

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH, CALIFORNIA APPROVING AMENDMENT NO. 3 TO THE CHAPMAN ESTATE CONDITIONAL USE PERMIT AND ASSOCIATED AMENDMENT OF THE COASTAL DEVELOPMENT PERMIT TO MODIFY THE LIMIT ON THE NUMBER OF EVENTS, HOURS OF OPERATION, AND OTHER SIMILAR OPERATIONAL ITEMS FOR USE OF THE CHAPMAN ESTATE AS A CULTURAL CENTER; LOCATED AT 1243 OCEAN BOULEVARD; APNS: 010-302-012 AND 010-302-013; AND ACCEPTING CATEGORICAL EXEMPTION NO. 2021-007**

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**WHEREAS**, the City of Pismo Beach, Applicant, submitted an application to the City of Pismo Beach for Amendment No. 3 to the Chapman Estate Conditional Use Permit and associated amendment to the Coastal Development Permit to modify the limit on the number of events, hours of operation and other similar operational items for use of the Chapman Estate as a cultural center located at 1243 Ocean Boulevard; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on March 23, 2021, at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, the City Council held a duly-noticed public hearing on April 20, 2021, at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, the determination is made that under the provisions of the California Environmental Quality Act (CEQA), the proposed project is exempt pursuant to Section 15301 of the CEQA Guidelines regarding the permitting and/or minor alteration of existing public structures involving negligible or no expansion of use beyond that existing at the time of this determination; and

**WHEREAS**, the City Council has considered all written and oral testimony from City staff and the public; and

**WHEREAS**, the City Council has determined that the project meets the required findings under CEQA, and for a Conditional Use Permit and associated Coastal Development Permit.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Pismo Beach hereby approves Project P20-000069, for Amendment No. 3 to the Chapman Estate Conditional Use Permit and associated amendment to the Coastal Development Permit that modifies the limit on the number of events, hours of operation, and other similar operational items for use of the Chapman Estate as a cultural center located at 1243 Ocean Boulevard, APNs: 010-302-012 and 010-302-013; and accepts Categorical Exemption No. 2021-007, subject to the Findings and Conditions of approval attached as **Exhibit A**.




**BE IT FURTHER RESOLVED** that the City Council of the City of Pismo Beach hereby directs staff to redesignate the Chapman Estate property for recreational uses through the Local Coastal Plan Update.

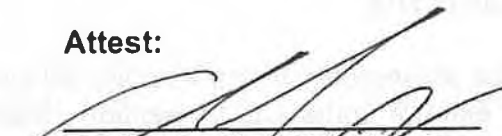
**UPON MOTION OF** Mayor Pro Tem Reiss, seconded by Council Member Blake, the foregoing resolution was adopted by the City Council of the City of Pismo Beach this 20<sup>th</sup> day of April 2021, by the following vote:

<b>AYES:</b>	<b>3</b>	<b>Reiss, Blake, Waage</b>
<b>NOES:</b>	<b>2</b>	<b>Guthrie, Newton</b>
<b>ABSENT:</b>	<b>0</b>	
<b>ABSTAIN:</b>	<b>0</b>	
<b>RECUSED:</b>	<b>0</b>	

Approved:

  
Ed Waage, Mayor

Attest:

  
Erica Inderlied, City Clerk



**FINDINGS**

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

1. The project consists of an amendment to the Conditional Use Permit and Coastal Development Permit to alter the types and number of events at the Chapman Estate; and
2. The proposed project does not create the potential for significant environmental impacts as a result of altering the types and number of events at the Chapman Estate; and
3. The amendment to the Conditional Use Permit and Coastal Development Permit is exempt under CEQA Section 15301 of the CEQA Guidelines, exempting the permitting and/or minor alteration of existing public structures involving negligible or no expansion of use beyond that existing at the time of this determination.

**B. FINDINGS REGARDING AMENDMENT NO. 3 TO THE CONDITIONAL USE PERMIT:**

1. The events for which the amended Conditional Use Permit and Coastal Development Permit are granted are consistent with the General Plan/Local Coastal Plan and Zoning Code because the 1983 Zoning Ordinance permits public parks and outdoor recreational facilities with a Conditional Use Permit in the R-1 zone; and
2. The events for which the amended Conditional Use Permit and Coastal Development Permit are granted, subject to required conditions, will enable the continued use of the Chapman Estate Grounds for community use in a manner consistent with the wishes of Mr. Chapman and past use of the Estate; and
3. The events for which the amended Conditional Use Permit and Coastal Development Permit are granted are compatible with the nearby existing uses and will not be detrimental to the health, safety, morals, comfort and general welfare of people residing in the surrounding neighborhood because the Conditions of Approval affecting events will work in conjunction with the Special Events Committee approvals to avoid potential impacts to the neighborhood; and
4. The site is physically suitable for the events in which the amended Conditional Use Permit and Coastal Development Permit are granted because a) the Chapman Estate Strategic Plan has identified seven distinct areas that will be utilized for different events, and b) the Chapman Estate Strategic Plan has



identified areas of the Estate that will be brought into compliance with ADA access requirements; and

5. The conditions specified in the amended Conditional Use Permit and Coastal Development Permit will assure the continued quiet enjoyment of the neighborhood because the Conditions of Approval affecting events will work in conjunction with the Special Events Committee approvals to avoid potential impacts to the neighborhood; and
6. The authorized uses of the Estate meet the requirements of the Chapman Trust.

**C. FINDINGS REGARDING THE AMENDMENT TO THE COASTAL DEVELOPMENT PERMIT:**

1. The project complies with the public access and public recreation policies of Chapter 3 (commencing with Section 30220) of the California Coastal Act of 1976 because the additional number of events will allow for additional public coastal access and recreational and cultural opportunities; and
2. The increase in the number of events is compatible with the character of the surrounding area and are compatible with the immediate area because they are very similar in nature to past use of the Estate and because Conditions of Approval have been put into place to protect the neighborhood; and
3. The increase in the number of events is consistent with the General Plan/Local Coastal Plan Land Use Plan because the 1983 Zoning Ordinance permits public parks and outdoor recreational facilities with a Conditional Use Permit in the R-1 zone; and
4. The increase in the number of events is compatible with the nearby existing uses and will not be detrimental to the health, safety, morals, comfort and general welfare of people residing or working in the surrounding area of the proposed project because the Conditions of Approval affecting events will work in conjunction with the Special Events Committee approvals to avoid potential impacts to the neighborhood; and
5. The increase in the number of events will not be detrimental to the orderly and harmonious development of the City because the Conditions of Approval affecting events will work in conjunction with the Special Events Committee approvals to avoid potential impacts to the neighborhood; and
6. The increase in the number of events will not impair the desirability of investment or occupation in the neighborhood because the Conditions of Approval affecting events will work in conjunction with the Special Events Committee approvals to avoid potential impacts to the neighborhood.

**CITY OF PISMO BEACH CONDITIONS  
CITY COUNCIL MEETING OF APRIL 20, 2021  
PERMIT NO. P20-000069 (CUP and CDP)**

**LOCATION: 1243 OCEAN BOULEVARD, APNs: 010-302-012 & 010-302-013**

The conditions set forth in this permit affect the title and possession of the real property which 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 (applicant, developer), his or her heirs, administrators, executors, successors and assigns. Upon any sale, division or lease of real property, all the conditions of this permit shall apply separately to each portion of the real property and the owner (applicant, developer) and/or possessor of any such portion shall succeed to and be bound by the obligations imposed on owner (applicant, developer) by this permit.

**AUTHORIZATION:** Subject to the conditions stated below, approval of Permit P20-000069 grants planning permits for Amendment No. 3 to the Conditional Use Permit and associated Coastal Development Permit to modify the limit on the number of events, hours of operation and other similar operational items for use of the Chapman Estate as a cultural center. Approval is granted only for the uses as herein stated; any proposed changes shall require approval of amendments to these permits by the City of Pismo Beach.

**EFFECTIVE DATE:** The Permit for the Fundraisers, Community Events, Garden Parties, Gatherings, Gates Open occasions, Lunches and Sunset Walks of 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 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 Permit may be subject to revocation in the event that the City Council finds that the continuance of the conditional uses would be detrimental to the health, safety, morals, comfort and general welfare of the people residing in the neighborhood of such uses, or would be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the City.

**CONDITIONS:** The term "season" as it applies to all "Gates Open," inside gatherings, educational events, and community events, is defined as beginning on April 1<sup>st</sup> and ending on March 31<sup>st</sup> of the following year. The term "season" as it applies to outdoor private events, is defined as beginning on April 1<sup>st</sup> and ending on October 31<sup>st</sup> of any given year.

Conditions 1 through 1p are specific to the annual CAPSLO fundraiser event. All other conditions apply to all other events as indicated. The conditions below have been deemed to be of a substantive nature on the basis of the City Council's decision. All operational conditions, including, but not limited to the following, shall be included in the Chapman



Estate Event Operations Manual. These conditions cannot be altered without City Council approval:

The following Conditions of Approval apply to CAPSLO:

1. Maximum attendance at the annual CAPSLO Epicurean fundraiser is 450 attendees, 108 individuals working as vendors, 12 to 16 musicians, and 30 volunteers for a total of up to 604 people. The CAPSLO Epicurean event is subject to the following additional specific requirements:
  - a. The Special Events Committee (SEC) will establish event shuttle routes, balancing these routes amongst the neighborhood streets.
  - b. Vendors and individuals staffing the event will not park on streets designated by the SEC.
  - c. The shuttle bus driver will take breaks off-site and will not have access to the event restrooms; therefore, the bus will not be parked out front except when delivering or picking up event attendees.
  - d. The event shuttle bus will not idle at the Chapman Estate while boarding and disembarking passengers.
  - e. There will be a trained volunteer traffic coordinator for the entire event. This person will be dedicated to keeping traffic moving.
  - f. The Shuttle bus will deliver and pick up guests at locations determined by the Special Events Committee.
  - g. CAPSLO will work with the Special Events Committee to determine an appropriate location for the ticket tables and shade structure(s).
  - h. Access to the Estate entry gates from the ticket table will be accomplished by sectioning off a distance of three to five feet between the curb and cones for patrons to walk from the ticket tables to the gates.
  - i. The area to the south side of the portable accessible restrooms will be roped off for safety.
  - j. The hours of the CAPSLO event will be from 11:30 a.m. to 3:30 p.m. Volunteers may be onsite from 8:00 a.m. for set-up and until as late as 5:30 p.m. for clean-up.
  - k. CAPSLO staff will assist vendors with their supplies to expedite loading and unloading to minimize impact on traffic.

- l. CAPSLO will seek an on-site monitor for the event from either the Shell Beach Improvement Group (SBIG), the Chapman Estate Foundation Board or designee to assure on-going compliance with the requirements of the Conditional Use Permit. Should an on-site monitor from either of these groups not be available, CAPSLO will work with the City to assure on-site monitoring by another individual or individuals.
- m. CAPSLO shall notify the Shell Beach neighborhood (from Cliff Avenue to Vista Del Mar Avenue, and Shoreline Drive and Terrace Avenue) no later than two weeks prior to the event date and time. A neighborhood liaison and a phone number contact will be provided to the neighborhood. The liaison shall be available the day of the event to address issues in the neighborhood that may arise.
- n. Event sponsors and CAPSLO advertisement of the event as approved by the Special Events Committee will encourage carpooling and biking to the shuttle locations.
- o. A good neighbor policy on all event advertisements will be developed by the Special Events Committee and widely distributed by an event sponsor(s) which reminds attendees that they are in a residential neighborhood and that they should be respectful of the people that live in the neighborhood.
- p. Vendors and musicians for the event with a Parking Permit issued by CAPSLO shall park along Ocean Boulevard. The Special Events or Traffic Safety Committee will consider the use of cones and signs along the west side of Ocean Blvd to indicate this area's availability for event vendor and musician parking. The SEC shall develop a process, using best management practices, to ensure that vendor deliveries and parking have a minimal impact on the adjacent neighborhood.

The following Conditions of Approval apply to all events as indicated:

- 2. Music: All organizations deemed appropriate by the City to use the property without charge must provide free live music for their events. For all music provided on the Estate, audio speakers shall be pointed toward the ocean to minimize noise disturbance to the neighborhood.
- 3. The annual Chapman Estate fundraiser, Opera SLO fundraiser, San Luis Obispo Symphony fundraiser are limited to 300 people each, including vendors. Four (4) private fundraiser occasions are permitted and are limited to 250 people each, including vendors. One (1) additional private fundraiser occasion is permitted and is limited to 100 people, including vendors. Further details are provided in the table on the following page.



OCCASIONS	PER SEASON	TIME
Weekday open gates @ 49 people max	Mon – Thurs (April 1 – October 31)	11 a.m.-2 p.m. See Condition of Approval 16
Sunset Walks @ 49 people max	Fridays (April 1 – October 31)	5 p.m.- sunset or 7 p.m., whichever is later See Condition of Approval 16
Gatherings and Educational Programs		
Recreational Classes	104 (2 per week)	
General gatherings @ 49 people max(non-revenue generating City events, etc.)	6	See hours of operation
Neighborhood Gatherings @ 100 people max (e.g., 4 <sup>th</sup> of July, Gates Open events, etc.)	6	See Condition of Approval 12
Indoor/Outdoor Educational Programs/Tours @ 49 people max (e.g., classes from Shell Beach Elementary, etc.)	12	See Condition of Approval 17
Private Events*		
Private Outdoor @ 25 guests max	24	See hours of operation**
Private Outdoor @ 50 guests max	12	See hours of operation**
Private Indoor @ 25 guests max	36	See hours of operation
Indoor Kitchen Use Only for Outdoor Events	Unlimited	See hours of operation
Chapman Trust Fundraisers		
1 CEF fundraiser & 2 Trust-designated fundraisers @ 300 people max	3	See hours of operation
CAPSLO	1	See Condition of Approval 1j

\*Note: Events are occasions where reservation fees or access fees are charged

\*\*Note: No more that two (2) private outdoor events are permitted at the Estate per week (Sunday-Saturday)

4. A Special Event Permit shall be required for all annual Chapman Estate fundraisers and all other events of 50 or more people. All events with 49 or fewer people shall be exempt from the Special Event Permit requirements.

These requirements include, but are not limited to, regulations regarding use of alcohol, security, traffic, circulation, off-site parking, required cleaning deposits, noise, liability insurance, booth and related food preparation placement and use.

5. Parking for events with 50 or more people shall take place at designated off-site locations such as Shell Beach Elementary School or the parking lot at City Hall. These event attendees shall be transported to the Estate via shuttle. An event parking deposit shall be required. Events failing to comply with shuttle requirements shall forfeit the deposit. The event sponsor shall notify event attendees of this parking requirement in writing no later than two weeks prior to the event date and time, including notice of an on-line survey required under Condition No. 11. This notification by the event sponsor shall also notify event attendees of the available on-line survey required by Condition 11. A circulation plan for each event's shuttle requirement shall be developed by the event sponsor for review by the Special Events Committee to assure use of the wider Shell Beach streets for shuttle transport. For entry into the event, proof of arrival at the Estate by shuttle or identification of residency between Cliff Avenue and Vista Del Mar Avenue and Shoreline Drive and Terrace Avenue is required.
6. An ADA compliant restroom shall be provided on site for all events.
7. Alcohol shall be limited to beer and wine.
8. Ocean Boulevard vehicular access shall remain open to the public at all times.
9. Use of the Swimming Pool is prohibited. The area around the swimming pool may be used subject to City approval.
10. Hours of Operation: With the exception of Condition 1j setting the hours of operation for the annual CAPSLO fundraiser event, all other events shall adhere to the hours of operation as illustrated in the table shown below. In addition, vendors arriving at the Estate prior to 9:00 a.m. shall not play music from a vehicle's radio or other source.

HOURS OF OPERATION	
Setup	9 a.m. - 11 a.m.*
Event	11 a.m. - 8 p.m.
Cleanup/breakdown	8 p.m. - 9 p.m.
Sunset photos (wedding parties, etc.) not to exceed 15 people	Depart no more than ½ hour after dusk

\*Setup for large events may occur on prior day(s) between the hours of 9 a.m. and 5 p.m.

11. The City shall establish an online survey form on the Chapman Estate webpage of the City's website for members of the public to provide information/feedback on events at the Chapman Estate. Depending on the severity and frequency of a complaint, the SEC is authorized to impose more stringent conditions on an event of a certain type or on a specific vendor and/or future similar events. Multiple verifiable complaints and the severity of the verifiable complaints against a specific vendor may result in the vendor being removed from the list of approved vendors in the Chapman Estate Event Operations Manual. The future event information kiosk that will be placed at the main entry of the Chapman Estate shall inform the public of the on-line survey available on the Chapman Estate webpage of the City's website. The notification shall also include the website address.
12. Six (6) Free Neighborhood Gatherings: A Free Neighborhood Gathering is one offered to the community where individuals are allowed to enter and participate without charge or consideration by the host(s), organizer(s), or promoter(s) of the gathering. The Special Events Committee (SEC) may authorize six (6) free Neighborhood Gatherings with 100 people per event at the Estate Grounds. These Neighborhood Gatherings are not subject to the parking requirements specified in Condition 5. The SEC may allow up to fifteen (15) parking passes for each gathering provided the sponsor(s) require parking on the west side of Ocean Boulevard for each gathering. Sponsors will be responsible for monitoring the number and location of each car with a parking pass.
13. Chapman Estate Event Operations Manual: The Chapman Estate Event Operations Manual shall be developed and maintained by the Tourism and Events Department of the City, with approval by the Community Development Director, and shall be used by all events requiring a Special Event Permit.
14. No more than 2 occasions on any given day are permitted, dependent upon the size and nature of the occasion.
15. A good neighbor policy on all advertisements will be widely distributed by an event sponsor(s) which reminds attendees that they are in a residential neighborhood and that they should be respectful of the people that live in the neighborhood.
16. "Open Gates": The Estate may be open five times per week from April 1, including 4 times at midday Monday through Thursday for the public to bring their lunch and enjoy the Estate grounds from 11:00 a.m. to 2:00 p.m. and 1 sunset opportunity every Friday during the season from 5:00 p.m. to sunset or 7:00 p.m., whichever is later.
17. "Educational Programs": The Estate shall be open for twelve (12) educational programs. These programs are to be from 10:00 a.m. to 5:00 p.m. for educational classes, tours, and demonstrations.





## PISMO BEACH COUNCIL AGENDA REPORT

Agenda Item #11.A

### SUBJECT/TITLE:

AMENDMENT NO. 3 TO THE CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR THE CHAPMAN ESTATE; PROJECT NO. P21-000069

### RECOMMENDATION:

Adopt a **Resolution** approving Amendment No. 3 to the Chapman Estate Conditional Use Permit and associated amendment of the Coastal Development Permit to modify the limit on the number of events, hours of operation, and other similar operational items for use of the Chapman Estate as a cultural center; located at 1243 Ocean Boulevard; APNs: 010-302-012 and 010-302-013; and accepting Categorical Exemption No. 2021-007.

### BACKGROUND:

The Chapman Estate (the "Estate") is a unique property in the City. Compared to other properties in the neighborhood, the Estate is a large public site with ocean frontage and expansive grounds. The Estate's unique setting, arrangement of physical features, and outdoor spaces lend themselves to the continued adaptive reuse of the property from a private residence to a community asset (map provided as **Attachment 2**).

Since the City Council accepted the Estate in late 2013, efforts have been ongoing to respectfully use the Estate grounds in accordance with the wishes of Mr. Clifford Chapman, the late owner of the estate, while developing parameters to use the property that retain the peace and quiet of the Shell Beach neighborhood. Mr. Chapman enjoyed inviting friends and members of the community to his home and was known to have regular events, parties, and gatherings. He was clear in his desire that after his passing that the estate should continue to be used for such purposes and for the enjoyment of the community at large. The Clifford W. Chapman 1986 Trust (the "Trust") has been amended numerous times since its original recordation. The Fifteenth Amendment of the Trust outlines how the Estate is to be used and has helped shape the development of the Conditional Use Permit (CUP) currently in place, as well as the proposed Amendment No. 3. Specific to events on the Estate, the Trust states:

*"(3) The Chapman Home shall be utilized for the following purposes: The enjoyment of the general public, including but not limited to musical performances, leisure classes, art lessons and exhibits, music lessons, garden and home tours, overnight retreats, fund raising "wine maker dinners", weddings, birthday and anniversary celebrations and other appropriate recreational uses."*

*"(4) The Chapman Home will be made available for free to the following groups:*

- *San Luis Obispo Symphony*
- *San Luis Obispo Opera*
- *CAPSLO (Epicurean Delights)*
- *Other liberal arts associations which qualify."*

*“(7) The City will establish reasonable rules and regulations similar to other City owned venues (i.e., Vets Halls).”*

*“(9) Any funds raised through the leasing/renting of the Chapman Home will offset the maintenance and overhead costs of renting the facility.”*

*“(19) The City of Pismo Beach shall re-designate the property in the City’s General Plan/Local Coastal Plan and Zoning Code/Local Coastal Land Use Plan to government for recreational uses, conduct a building inspection, seismic inspection, ADA recommendations, and fire inspection.”*

To meet these wishes, the City Council adopted the Chapman Estate Strategic Plan on June 7, 2016. The objectives of this document are to analyze the opportunities and challenges of managing the Estate and to develop short and long-term strategies.

The Chapman Estate Strategic Plan is available on the City’s website<sup>1</sup> or by scanning the QR Code at right.

The City also established a non-profit organization named the Chapman Estate Foundation (CEF). The mission of the CEF is to:

“...ensure the integrity of Clifford Chapman’s legacy and ensure the success and maintenance of the Estate as a self-supporting cultural center and gardens for public events with sensitivity to the surrounding neighborhood.”



On November 15, 2016, the City Council adopted Resolution R-2016-091, establishing Amendment No. 2 to the Conditional Use Permit (CUP) and Coastal Development Permit (CDP) for the use of the Estate as a cultural center. This amendment established operational boundaries for the use of the Estate, covering items related to months of operation, numbers of events permitted on the Estate, the maximum number of guests per event, parking limitations, and direction for the CUP to return for amendments when the residence becomes available for use.

As the City makes strides to allow the residence to be available for use, amendments to the CUP are necessary to outline the operational boundaries for the residence’s use. In addition, through the operation of the Estate to date, it has been determined that the existing use limitations of the Estate are not adequate for the City to offset the annual maintenance costs of the residence and the grounds nor do they allow for the desired hours of use or amenities. Accordingly, while the interior of the Estate is being evaluated, it is appropriate to update the existing use limitations in the CUP. All the above parameters and the intent of having increased ability for the public to enjoy the Estate helped guide the identification of potential modifications to the CUP for continued use of the Estate.

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<sup>1</sup> Full URL: <http://www.pismo beach.org/DocumentCenter/View/47882>

### Planning Commission Consideration

The Planning Commission considered the proposed Amendment No. 3 at its March 23, 2021 meeting. The Planning Commission discussed various concerns surrounding the use of the Estate, including traffic, parking, and noise. Following its review, the Commission recommended the City Council deny Amendment No. 3, while acknowledging that several considerations surrounding the use of the Estate, including maintenance costs, trust requirements, public access, and revenue, are outside the purview of the Commission and would need to ultimately be considered by the Council.

In response to comments received at the Planning Commission meeting, staff has proactively removed two categories of events from the proposed CUP, including private outdoor events with 100 guests at maximum and private indoor events with 50 guests at maximum. The removal of these events further aligns the proposed CUP with the historical use of the property by Mr. Chapman and further mitigates impacts to the residential neighborhood as voiced by the residents.

### Existing CUP

The existing CUP establishes a maximum number of various occasions (events) within the seven month "Season," from April – October of each year. As approved under Resolution R-2016-091, these occasions are outlined in Table 1 below:

**Table 1: Chapman Estate Occasions per Season**

Occasions	Per Season	Time
Lunches @ 49 people max	Tues & Thurs	11 a.m. – 1 p.m.
Sunset Walks @ 49 people max	Fridays	5 p.m. – dusk
Gatherings @ 49 people max	6	9 a.m. – 9 p.m. (Includes setup, event until 5 p.m., and teardown)
3 Free Community Events & 1 private fundraiser @ 100 people max	4	9 a.m. – 9 p.m. (Includes setup, event until 5 p.m., and teardown)
Private fundraisers @ 250 people max	4	9 a.m. – 9 p.m. (Includes setup, event until 5 p.m., and teardown)
1 Estate fundraiser & 2 Trust-required fundraisers @ 300 people max	3	9 a.m. – 9 p.m. (Includes setup, event until 5 p.m., and teardown)
CAPSLO	1	8 a.m. – 5:30 p.m. (Includes setup, event duration, and teardown)
TOTAL	18	



When the Estate was operating fully, prior to the COVID-19 pandemic, the events outlined above were not enough to financially sustain the expenses of the Estate nor did they allow access to much of the public for enjoyment of the home. Because the estate is not generally available much for use by the public, and because it requires fees or event admission to access, General Fund support that is given to other City facilities has not been an appropriate way to support the property. Additionally, it was the vision of Mr. Chapman that costs for maintenance and overhead would be offset by events. When developing amendments to the CUP, the following were considered:

- The historic use of and previous activity at the estate and the desires of its previous owner, Clifford Chapman;
- The perspective of balancing public access and the number of events with the right combination of General Fund and fee support required were considerations when drafting a new CUP; and,
- Uses that honor the home and its unique indoor and outdoor spaces.

#### **Options Considered but Not Recommended**

The first option considered for a modified CUP was an option that generates enough revenue for the operation and depreciation of the Estate without relying on the General Fund, which would need to maximize the number of events permitted. This included a significant increase in larger events with guests of 175–250 people for outdoor events and including indoor events with up to 100 people. Under this option, the impact on the Shell Beach neighborhood could be substantial, even with successful management of the events to ensure minimal impact to the neighborhood. Accordingly, due to concerns regarding impacts to the neighborhood and the wear and tear on the home, an option of this type was not investigated further.

The second option considered for a modified CUP was an option that increased the number of events permitted at the Estate beyond those currently allowed, but not to the maximum identified in the first option. The second option established indoor events similar to the first option, but with fewer outdoor events. This would have lessened the opportunities for noncompliance with the conditions established in the CUP and reduce the overall impact to the neighborhood. However, considering the City's and neighborhood's primary concerns surrounding use of the Estate, namely parking and noise, in addition to the vision for the Estate established by Mr. Chapman, this option was also not recommended to be further evaluated.

#### **A “Resident-Focused” CUP**

The recommended modifications to the CUP center on increasing the availability of the Estate to the Pismo Beach community in smaller groups by increasing the number of small events permitted at the Estate, limiting the number of large events, increasing the opportunity for use of the residence, and including lower reservation prices for those living in Pismo Beach compared to those outside Pismo Beach. The recommended modifications include the provision for City recreation classes to be held on the grounds during the week, with approximately ten to fifteen students per class. Additionally, the recommended CUP provides the opportunity to coordinate with local hotels to hold executive retreats inside the residence, where hotels could shuttle their guests to the

Estate for daytime and evening use, while shuttling guests back to the hotel for sleeping. The recommended CUP allows for Pismo Beach residents to utilize the Estate for special events such as dinner or holiday gatherings, while still allowing for external users to have access to the Estate. Pismo Beach residents desiring to use the Estate would be afforded discounts on reservation fees of approximately 33%, allowing the Pismo Beach community to enjoy the community asset. Use of the estate would be marketed to residents primarily and staff estimates that 75% of rentals would be from residents, which could reduce the amount of vehicles parking, particularly if rentals were by people who live in Shell Beach. A CUP that focused on weekday retreats of small groups and evening and weekend events of no more than 25 to up to 50 people would more closely resemble the historic use of the estate by Mr. Chapman as he was known to have many parties and events of this size.

Table 2 on the following page shows how these events would be held.

**Table 2: Resident-Focused CUP**

Occasions	MAXIMUM Per Season	Time
Weekday open gates @ 49 people max	Mon – Thurs (April 1 – October 31)	11 a.m. – 2 p.m.
Sunset Walks @ 49 people max	Fridays (April 1 – October 31)	5 p.m. – sunset or 7 p.m. whichever is later
<i>Gatherings and Educational Programs</i>		
Recreational Classes	No More Than Twice Per Week for up to 90 minutes per class	8 a.m. – 5 p.m.
General gatherings @ 49 people max (e.g., non- revenue generating City events, etc.)	6 (equivalent of one every other month)	9 a.m. – 9 p.m. (Includes setup, event until 8 p.m., and teardown)
Neighborhood gatherings @ 100 people max (e.g., 4 <sup>th</sup> of July, Gates Open event, etc.)	6 (equivalent of one every other month)	9 a.m. – 9 p.m. (Includes setup, event until 8 p.m., and teardown)
Indoor/Outdoor Educational programs/tours @ 49 people max (e.g., classes from Shell Beach Elementary, etc.)	12 (equivalent of once per month, likely not more than 90 minutes)	10 a.m. – 5 p.m.
<i>Private Events (where reservation and access fees are charged)</i>		
Private outdoor @ 25 people max	24 (equivalent to two per month)	9 a.m. – 9 p.m. (Includes setup, event until 8 p.m., and teardown)
Private outdoor @ 50 people max	12 (equivalent to one per month)	9 a.m. – 9 p.m. (Includes setup, event until 8 p.m., and teardown)
Private indoor @ 25 people max	36 days (equivalent to three days per month)	9 a.m. – 9 p.m. (Includes setup, event until 8 p.m., and teardown)
Use of indoor kitchen only for outdoor events		9 a.m. – 9 p.m. (Includes setup, event until 8 p.m., and teardown)
<i>Chapman Trust Fundraisers</i>		
1 CEF Fundraiser & 2 Trust-designated fundraisers @ 300 people max	3	9 a.m. – 9 p.m. (Includes setup, event until 8 p.m., and teardown)
CAPSLO	1	8 a.m. – 5:30 p.m. (Includes setup, event duration, and teardown)



The resident-focused CUP would allow for indoor use of the Estate, would make modifications to the use of the exterior of the Estate, and would necessitate the establishment of fees for private use of the Estate that would be variable. In total, the resident-focused CUP provides for increased public access to the Estate, while balancing the demands on the Estate grounds with increased ability for the neighborhood and the rest of Pismo Beach to access a unique jewel located in the City. Importantly, included in the proposed Resolution is a limitation that the maximum number of private outdoor events would not ever exceed more than two (2) in a given week, i.e., Sunday through Saturday.

#### **Additional Operational Items Proposed for Modification**

In addition to the modified number and type of events outlined above, a few existing conditions have been identified through administration of the CUP as being necessary for modification. These conditions include:

1. "Season" duration – the existing CUP identifies the "season" that the Estate can be used to be open from April 1 to October 31 of the same year. Amendment No. 3 includes increasing the "season" from April 1 to March 31 of the following year. This will allow for the Estate to be used year-round, including for recreational classes and small private holiday gatherings throughout the year. It should be noted that the open gates and sunset walks are proposed to continue to be limited to April 1 – October 31.
2. Number of "occasions" per day – the existing CUP limits the number of "occasions," or events, to one per day. Amendment No. 3 includes the provision for two occasions per day, depending upon the size and nature of the occasion. For example, a recreational class in the morning and a small wedding reception in the afternoon may be acceptable, while a neighborhood gathering and a private outdoor event might not. The Special Events Committee (SEC) would oversee determining the appropriateness of events.

The zoning of the Estate is currently R-1, while the Trust requires that the City rezone the property in the future to a government type use that allows for recreational opportunities like other City parks. Accordingly, it is anticipated that the site will be rezoned as part of the General Plan/Local Coastal Plan Update, should the Council provide that direction as including in the prepared Resolution.

#### **Items Not Recommended for Modification**

The existing CUP has several components that are not recommended for modification. The following is a brief list of these items with explanations:

1. CAPSLO Specific Conditions: The annual CAPSLO fundraiser event is the largest trust-required event at the Estate. Accordingly, the CUP has specific conditions addressing the operation of that event, including maximum attendance, City Special Events Committee permit requirements, shuttle bus rules, good neighbor policies, and hours. These are not proposed to be modified through this Amendment.
2. Requirements for Special Event Permits for all events of 50 or more people.

3. Off-site parking and shuttle requirements for events with 50 or more people, although this requirement is recommended to be enhanced by requiring an event parking deposit that would be forfeited for events failing to comply with shuttle requirements.
4. Music: Following consideration of the CUP by the Planning Commission and following review of potential events under the resident-focused CUP, the proposed allowance for DJs at the Estate has been modified and are not allowed.
5. Alcohol shall remain limited to beer and wine, as liquor and spirits have been determined to be inappropriate at the Estate.
6. Use of the swimming pool shall remain prohibited.
7. No annual reconsideration of the CUP, as the City will proactively manage issues identified through the use of the Estate contrasted to private development, where evaluation of an issued CUP requires additional code enforcement actions.

### **Public Outreach**

Since 2013, the City has held numerous meetings, workshops, and other public outreach opportunities to discuss, listen, and debate the appropriate use of the Estate. Consistent with this dedication to public engagement, on February 18, 2021, staff held a virtual neighborhood open house event to hear from the Shell Beach neighborhood regarding potential modifications to the CUP. Postcards were mailed to all residences from Vista Del Mar Avenue to Placentia Avenue. In total, seventeen people attended the open house, with eight of those attendees voicing their opinions regarding the Estate and potential modifications to the CUP. Comments received during the open house ranged from support for the existing CUP, to those supporting the resident-focused CUP option, to some concerned about the cost of maintaining the Estate, to others desiring maintenance of the Estate regardless of the cost. These comments were taken into consideration when developing the current recommendation.

### **Complaints**

Since the start of the CUP in November of 2014, the SEC has reviewed and approved all activities that have taken place at the Estate. At the end of the Trust events, letters have been sent to the Shell Beach neighborhood to gain feedback on the impact of events on the neighborhood. In 2018, the survey following the CAPSLO event had two responses. One response was about a guest parking in front of the private residential gate, while the second response was regarding noise being heard on Santa Fe. In 2019, there were no survey responses. In 2020, there were no events at the Chapman Estate due to the COVID-19 pandemic. When surveys are received, they are reviewed with the SEC and the event participant. Corrections are made and deposits are charged to prevent future repeated offenses. Overall, very few complaints have been reported since the CUP was implemented. The complaints that were identified in the letters written to the Planning Commission during their review of Amendment No. 3 were the same complaints that were heard prior to the 2014 CUP. While these comments have been made, City staff has not received these complaints during the survey periods for corrections to be made.

### Environmental Review

In compliance with the California Environmental Quality Act (CEQA), the project has been determined to be exempt pursuant to Section 15301 of the CEQA Guidelines regarding existing facilities. A Notice of Exemption will be filed if the project is approved (**Attachment 3**).

### Public Notification

A notice of public hearing was posted at City Hall, on the City's website, and published in the newspaper on April 8, 2021. The meeting agenda was posted at City Hall and on the City's website on April 15, 2021, in accordance with Government Code Section 54954.2. A number of comments have been received in response to the proposed CUP Amendment. Public comment received is available online in the City's *Access Pismo* public records portal at [www.pismobeach.org/accesspismo](http://www.pismobeach.org/accesspismo). Comment received in conjunction with the March 23, 2021 Planning Commission meeting may be directly accessed [here](#).<sup>2</sup> Comment received in conjunction with the April 20, 2021 City Council meeting may be directly accessed [here](#).<sup>3</sup>

### Conclusion and Recommendation

The proposed Amendment No. 3 for the Chapman Estate CUP would allow for increased use of the Estate, including the residence, with small group sizes and discounted rates for Pismo Beach residents. Therefore, it is recommended the Council adopt a Resolution (**Attachment 1**) approving Amendment No. 3 for the Chapman Estate CUP.

### FISCAL IMPACT:

The projected FY 2022 and FY 2023 annual operating costs associated with the Estate are approximately \$74,000 per year. Based on the resident-focused CUP, assuming set fees for each event, including reduced resident fees (75% of reservations) for the outdoor private events and assuming 60% of all events are filled, estimated revenues could be \$63,505 per year. The following table illustrates potential revenues for each year based on each event type.

**Table 3: Resident-Focused Chapman Estate CUP Estimated Revenues**

Event	Estimated Revenues
Weekday open gates, Sunset walks	\$ 4,500
Gatherings and Educational programs	1,248
Private Events Outdoor @ 25 people maximum	9,000
Private Events Outdoor @ 50 people maximum	6,757
Private Events indoor @ 25 people maximum	42,000
<b>Total</b>	<b>\$ 63,505</b>

<sup>2</sup> Full URL:

<https://accesspismo.pismobeach.org/WebLink/Browse.aspx?id=269517&dbid=0&repo=Laserfiche>

<sup>3</sup> Full URL:

<https://accesspismo.pismobeach.org/WebLink/Browse.aspx?id=291515&dbid=0&repo=Laserfiche>



Staff projects that the resident-focused CUP revenues may not fully cover operating costs; however, the increased availability of the Estate for Pismo Beach residents would make it like other recreational uses which receive financial contributions to address necessary maintenance and operating costs. If the estate were available to residents for personal celebrations and uses, educational uses and for recreation classes General Fund resources for operation and repair of the home would be more appropriate.

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**ALTERNATIVES:**

1. Modify and adopt the prepared Resolution for Amendment No. 3 to the Chapman Estate CUP; or
2. Provide direction to staff.

---

**ATTACHMENTS:**

1. Resolution
2. Location Map
3. Notice of Exemption

---

**Prepared by:**

Matthew Downing, Community Development Director

**Meeting Date:** April 20, 2021

**City Manager Approval:**



**RESOLUTION NO. R-2021-XXX**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH, CALIFORNIA APPROVING AMENDMENT NO. 3 TO THE CHAPMAN ESTATE CONDITIONAL USE PERMIT AND ASSOCIATED AMENDMENT OF THE COASTAL DEVELOPMENT PERMIT TO MODIFY THE LIMIT ON THE NUMBER OF EVENTS, HOURS OF OPERATION, AND OTHER SIMILAR OPERATIONAL ITEMS FOR USE OF THE CHAPMAN ESTATE AS A CULTURAL CENTER; LOCATED AT 1243 OCEAN BOULEVARD; APNS: 010-302-012 AND 010-302-013; AND ACCEPTING CATEGORICAL EXEMPTION NO. 2021-007**

---

**WHEREAS**, the City of Pismo Beach, Applicant, submitted an application to the City of Pismo Beach for Amendment No. 3 to the Chapman Estate Conditional Use Permit and associated amendment to the Coastal Development Permit to modify the limit on the number of events, hours of operation and other similar operational items for use of the Chapman Estate as a cultural center located at 1243 Ocean Boulevard; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on March 23, 2021, at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, the City Council held a duly-noticed public hearing on April 20, 2021, at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, the determination is made that under the provisions of the California Environmental Quality Act (CEQA), the proposed project is exempt pursuant to Section 15301 of the CEQA Guidelines regarding the permitting and/or minor alteration of existing public structures involving negligible or no expansion of use beyond that existing at the time of this determination; and

**WHEREAS**, the City Council has considered all written and oral testimony from City staff and the public; and

**WHEREAS**, the City Council has determined that the project meets the required findings under CEQA, and for a Conditional Use Permit and associated Coastal Development Permit.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Pismo Beach hereby approves Project P20-000069, for Amendment No. 3 to the Chapman Estate Conditional Use Permit and associated amendment to the Coastal Development Permit that modifies the limit on the number of events, hours of operation, and other similar operational items for use of the Chapman Estate as a cultural center located at 1243 Ocean Boulevard, APNs: 010-302-012 and 010-302-013; and accepts Categorical Exemption No. 2021-007, subject to the Findings and Conditions of approval attached as **Exhibit A**.

**BE IT FURTHER RESOLVED** that the City Council of the City of Pismo Beach hereby directs staff to redesignate the Chapman Estate property for recreational uses through the Local Coastal Plan Update.

**UPON MOTION OF** Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_, the foregoing resolution was adopted by the City Council of the City of Pismo Beach this 20<sup>th</sup> day of April 2021, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**RECUSED:**

Approved:

Attest:

\_\_\_\_\_  
Ed Waage, Mayor

\_\_\_\_\_  
Erica Inderlied, City Clerk





Public Access Staircase 1

Public Access Staircase 2

Eldwayen Ocean Park

Chapman Estate

Beach Access Staircase 3

Margo Dodd Park

Dinosaur Caves Park

Exhibit 5  
A-3-PSB-21-0032  
1 of 1

Google Earth

1985

Imagery Date: 9/7/2018 35°09'16.41" N 120°40'13.01" W elev 0 ft eye alt 3880 ft



**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT ST., SUITE 300  
SANTA CRUZ, CA 95060-4508  
(831) 427-4863  
CENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: Central Coast

Appeal Number: A-3-PSB-21-0032Date Filed: 5/16/2021Appellant Name(s): Steven Ball**RECEIVED**

MAY 16 2021  
CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

**Note regarding emailed appeals.** Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the Central Coast district office, the email address is CentralCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <https://coastal.ca.gov/contact/#/>.

## Appeal of local CDP decision

### Page 2

#### 1. Appellant information<sup>1</sup>

Name: Steven Ball  
Mailing address: 369 Castaic Ave., Pismo Beach, CA 93449  
Phone number: n/a  
Email address: mr.ball@verizon.net

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other

Describe: I submitted written comments and spoke at the Planning  
Commission meeting on March 27, 2021.  
I submitted written comments and spoke at the City Council  
meeting on April 20, 2021.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: N/A

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: The Planning Commission voted 5-0 to reject this Amendment No. 3  
to the CUP for the Chapman Estate. The City Council ignored the  
recommendation and approved it. I would like to appeal the approval.

<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

**Appeal of local CDP decision**  
**Page 3**

**2. Local CDP decision being appealed<sup>2</sup>**

Local government name: City of Pismo Beach

Local government approval body: City of Pismo Beach

Local government CDP application number: P20-000069

Local government CDP decision: ☒ CDP approval ☐ CDP denial<sup>3</sup>

Date of local government CDP decision: 4/20/2021

Please identify the location and description of the development that was approved or denied by the local government.

Describe: Project Location: The Chapman Estate, 1201 Ocean Blvd., Pismo Beach, CA 93449.

Description: Repurposes the residential Chapman Estate as an event center, allowing use of property

for daily events of up to 100 people.

The estate has no private parking or loading dock/area.

Parking for these events will greatly impact the available parking to beach/coastal park visitors, as

they also rely on public street parking.

The change that the city is seeking would result in a 1,100% increase in the events at the property.

<sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

## Appeal of local CDP decision

### Page 4

### 3. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

### 4. Grounds for this appeal<sup>4</sup>

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe:

1. The proposed development did not follow proper CDP notice and hearing procedures. The plan was rejected unanimously by the planning commission. The council never addressed their concerns.
2. The proposed development does not comply with the Local Coastal Plan which designates its Land Use as Low Density residential.
3. The proposed development does not comply with the Local Coastal Plan, Circulation Element. There have been no adequate studies on traffic through these narrow, streets that have no sidewalks. There will be no parking for beach visitors.
4. The proposed development does not comply with the Local Coastal Plan, Noise Element. No noise study was made to see how 186 events per year could impact coastal residents and visitors.
5. The proposed development will impact Coastal Act public access to the beach and scenic vista points and public safety. Visitors to the beach and Eldwayen park will be shut out of limited street parking during events.

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.



**Appeal of local CDP decision**

**Page 5**

**5. Appellant certifications**

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

Print name Steven Ball

  
Signature \_\_\_\_\_

Date of Signature 5/16/2021

**5. Representative authorization<sup>5</sup>**

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

<sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.



MICHAEL SCHULTE, ATTORNEY AT LAW  
305 W. PAUL, CLOVIS, CA 93612  
PH: 559-696-2312 // FX: 888-855-6631  
MLS.SCHULTE@GMAIL.COM

May 21, 2021

**RECEIVED**

vs

**MAY 20 2021**

CALIFORNIA COASTAL COMMISSION  
CENTRAL COAST DISTRICT OFFICE  
725 FRONT ST., SUITE 300  
SANTA CRUZ, CA 95060-4508

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Re: Appellant: Diane Farley  
Appeal of Local Application No. P20-000069  
CCC Post Cert No. 3-PSB-21-0419

Dear California Coastal Commission:

Pursuant to your email of this date, copy enclosed for your reference, enclosed please find the original appeal.

Sincerely,



Michael Schulte  
Attorney at Law

## Kari Fike

---

**From:** Michael Schulte [mls.schulte@gmail.com]  
**Sent:** Friday, May 21, 2021 1:31 PM  
**To:** Kari Fike; K Torrez  
**Subject:** Fwd: Appeal of Local Application P20-000069 / CCC No. 3-PSB-21-0419

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

**From:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>  
**Date:** Fri, May 21, 2021, 12:23 PM  
**Subject:** Re: Appeal of Local Application P20-000069 / CCC No. 3-PSB-21-0419  
**To:** Michael Schulte <mls.schulte@gmail.com>  
**Cc:** DIANE CELL <dianefar@yahoo.com>, Craig, Susan@Coastal <Susan.Craig@coastal.ca.gov>, Sharp, Kelsey@Coastal <kelsey.sharp@coastal.ca.gov>

Hello Mr. Schulte,

This appeal has been received. You attached a 49-day waiver to this appeal submittal only the applicant can submit a 49-day waiver. Please email Susan Craig directly regarding questions and specifics of the appeal process. Also, please mail in the original appeal to at the address on the appeal form.

Thank You,

Central Coast

---

**From:** Michael Schulte <mls.schulte@gmail.com>  
**Sent:** Thursday, May 20, 2021 4:01 PM  
**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>  
**Cc:** DIANE CELL <dianefar@yahoo.com>  
**Subject:** Appeal of Local Application P20-000069 / CCC No. 3-PSB-21-0419

Dear Coastal Commission Staff and Commissioners.

Included please find two attachments. The first is a cover letter accompanying the Application/Appeal by my client, Ms. Diane Farley. The second includes all of the exhibits.

I would greatly appreciate a confirmation that this email has been timely received, and to the proper location.

If there are any issues, please let me know immediately.

Thank you for your time and consideration.

Michael Schulte, Attorney at Law  
559-696-2312 (cell/vm)  
888-855-6631 (fax)



**MICHAEL SCHULTE, ATTORNEY AT LAW**

305 W. PAUL, CLOVIS, CA 93612  
PH: 559-696-2312 // FX: 888-855-6631  
[MLS.SCHULTE@GMAIL.COM](mailto:MLS.SCHULTE@GMAIL.COM)

**EMAIL SUBMITTAL OF APPEAL**

May 20, 2021

**RECEIVED**

**MAY 20 2021**

CALIFORNIA COASTAL COMMISSION  
CENTRAL COAST DISTRICT OFFICE  
725 FRONT ST., SUITE 300  
SANTA CRUZ, CA 95060-4508  
(831) 427-4863  
[CENTRALCOAST@COASTAL.CA.GOV](mailto:CENTRALCOAST@COASTAL.CA.GOV)

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**Re: Appellant: Diane Farley  
Appeal of Local Application No. P20-000069  
CCC Post Cert No. 3-PSB-21-0419**

Dear California Coastal Commission:

On behalf of Appellant, Ms. Diane Farley, I am herewith submitting an appeal of the above-referenced Development Approval by the City of Pismo Beach at their City Council meeting on April 20, 2021.

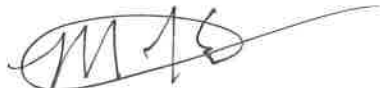
Included please find the following documents:

- Appeal Form
- Waiver of 49 Day Appeal Hearing
- Attachment 2 – Description of Local Government CDP Decision
- Attachment 3 – Identification of Interested Persons
- Attachment 4 – Grounds for Appeal
- Exhibit A – Spreadsheet demonstrating increased use of 425%
- Exhibits B-F – All Local Government Approvals re the Development
- Exhibit G – All Correspondence from Appellant to Local Government
- Exhibit H – Documentation that City has already begun work pursuant to the pending Approval (permits issued 4/22/21)

It is my understanding that no fee is due unless this application is deemed to be frivolous. We would ask for a finding that this appeal presents a substantial issue due to the nature and extent of the change in use.

Should there be any issues or concerns, please do not hesitate to contact me directly.  
In the meantime, I await any feedback, scheduling, or determination.

Thank you for your consideration.

A handwritten signature in black ink, appearing to be 'MJS' with a long horizontal stroke extending to the right.

Michael Schulte,  
Attorney at Law

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT ST., SUITE 300  
SANTA CRUZ, CA 95060-4508  
(831) 427-4863  
CENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: Central Coast

Appeal Number: \_\_\_\_\_

Date Filed: \_\_\_\_\_

Appellant Name(s): \_\_\_\_\_

**APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the [appeal information sheet](#). The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

**Note regarding emailed appeals.** Please note that emailed appeals are accepted **ONLY** at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the Central Coast district office, the email address is [CentralCoast@coastal.ca.gov](mailto:CentralCoast@coastal.ca.gov). An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's [contact page](#) at <https://coastal.ca.gov/contact/#/>).

## Appeal of local CDP decision

### Page 2

#### 1. Appellant information<sup>1</sup>

Name: Diane Farley  
Mailing address: 1330 Ocean Blvd, Pismo Beach, CA  
Phone number: 559-280-5997  
Email address: dianefar@yahoo.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate    ☒ Submitted comment    ☒ Testified at hearing    ☐ Other

Describe: I submitted letters and emails to the Planning Commission as well  
as the City Council. I also appeared at both meetings, and  
made calls to various staff regarding this development. My recent  
correspondence is included herein as Exhibit G.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: The City charges a fee of \$910 for appeals of the Planning Commission. The matter before the  
Planning Commission was not final. It was a recommendation to the Council. There is no admin. appeal  
procedure to final decisions of the Council. Mun. Code 1.08.010 provides that an  
appeal shall consist of a writ filed in court pursuant to CCP 1094.6.

<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.



## Appeal of local CDP decision

### Page 3

#### 2. Local CDP decision being appealed<sup>2</sup>

Local government name: City of Pismo Beach  
Local government approval body: City Council  
Local government CDP application number: P21-00069 / 3-PSB-21-0419  
Local government CDP decision: ☒ CDP approval ☐ CDP denial<sup>3</sup>  
Date of local government CDP decision: 4/20/21

Please identify the location and description of the development that was approved or denied by the local government.

Describe: "Approval of 3rd Amendment to the Chapman Estate Conditional Use Permit and Associated Amendment of the Coastal Development Permit" to modify the operations of the Chapman Estate, located at 1201 & 1243 Ocean Blvd., Pismo Beach, Ca, [zip]; APNs: 010-302-012, and 010-302-013, and accepting categorical exemption [CEQA], number 2021-007.

In summary, the Chapman Estate has been owned by the City of Pismo Beach since approximately 2013 when it was conditionally gifted by the late Mr. Clifford Chapman. Initially, the use was limited to a minimal number of events. For instance, the "goal" in 2016 was to increase the number of events to no more than 13 the following year. However, the City's recent approval would increase the frequency of events to a potential of more than 426 annual events - an increase of 425% over prior authorization.

For additional information, see Attachment 2 - Full Description of Local Government CDP decision.

<sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

## Appeal of local CDP decision

### Page 4

#### 3. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☒ Interested persons identified and provided on a separate attached sheet

#### 4. Grounds for this appeal<sup>4</sup>

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: The development was never intended for public events, but since the City  
has obtained ownership, they have greenlighted their own agenda without  
regard to the impacts of the ever-expanding uses for the development.  
This recent approval by the City increases the number of events per year from  
109 to 464, an increase of 425%. The development approval is in violation of  
CEQA, as well as the City's General Plan and Local Coastal Program.

See Attachment 4 - Grounds for Appeal

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

**Appeal of local CDP decision**  
**Page 5**

**5. Appellant certifications**

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

Print name Diane Farley

Diane Farley  
Signature

Date of Signature 5/20/2021

**5. Representative authorizations**

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☒ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

§ If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

§ If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name Diane Farley

CDP Application or Appeal Number P21-00069 / 3-PSB-21-0419

**Lead Representative**

Name Michael Schulte, Attorney at Law  
Title Attorney at Law  
Street Address 305 W Paul Ave.  
City Clovis  
State, Zip CA 93612  
Email Address mls.schulte@gmail.com  
Daytime Phone 559-696-2312

Your Signature

Diane Farley / MJS

Date of Signature

5/20/21 / 5/20/21

Additional Representatives (as necessary)

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_



**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060-4508  
VOICE (831) 427-4863 FAX (831) 427-4877



**Waiver of the 49 Working Day Rule for  
an Appeal of a Local Government's Final  
Action on a Coastal Development Permit**

Local Government Application Number: P20-000069  
Coastal Commission Appeal Number: 3-PSB-21-0419  
Applicant Name: Diane Farley  
Appeal Filing Date: 5/20/21

I, the applicant or authorized representative hereby waive my or the Applicant's right to a hearing within 49 working days after the application or appeal has been filed with the Coastal Commission. (Public Resources Code Sections 30621(a), 30625(a).) I request that the referenced application be scheduled:

( ) for consideration at the next possible Commission meeting in Southern California.

( ) for consideration at the next possible Commission meeting in Northern California.

I understand that the application may need to be scheduled without regard to the Southern/Northern California preference.

(X) for consideration after staff and I have had additional time to discuss the project.

I also understand that while the Commission staff will attempt to schedule the appeal expeditiously, the waiver of the 49 working day time limit does not result in the imposition of a new deadline for hearing of the application or the appeal.

**THIS FORM SHALL NOT BE MODIFIED IN ANY MANNER**

5/21/20

Date

[Signature]

Signature of applicant or authorized agent

## **ATTACHMENT 2 – DESCRIPTION OF LOCAL GOVERNMENT CDP DECISION**

The Chapman Estate, located at 1201 and 1243 Ocean Blvd, in Pismo Beach, California was conditionally deeded to the City in 2013 as part of the distribution of the estate of Mr. Chapman. At that time, the events were limited to approximately 4 annual events. By 2019, the number of approved annual events had increased to 109 potential events per year. The current Development Approval increases the approved annual events to the potential for 464 events per year – an increase of 425% (See Exhibit A).

In 2013, Appellant and her husband acquired their home at 1330 Ocean Blvd, directly across the street from the Chapman estate. The few events a year are problematic as to trash and parking, as well as vehicular traffic, and do not appear to be well managed.

Mr. Chapman had anticipated that the City might want to increase volume, thus providing the following language in paragraph 19 of his Trust, “The City of Pismo Beach shall re-designate the property in the City’s General Plan/Local Coastal Plan and Zoning Code/Local Coastal Land Use Plan to government for recreational uses, conduct a building inspection, seismic inspection, ADA recommendations, and fire inspection.”

The City has understood that if they were to follow this requirement, they would have to conduct a proper environmental assessment under CEQA. Because of this, the City has failed to comply with paragraph 19, and has instead issued a series of conditional use permits – each one increasing the use beyond what is allowed in the current zoning – and each time asserting that the increase in use is categorically exempt from CEQA under §15301. This latest Approval makes a farce of the process and mocks every regulatory agency and rule put in place to ensure that Developments consider their impacts.

The first Conditional Use Permit (the “CUP”) was approved in June 2014 by the Planning Commission (see Exhibit B for Planning Commission Resolution PC-R-2014-18). The City first amended the CUP by Resolution PC-R-2015-005, attached as Exhibit C. The Second Amendment to CUP was approved by the City Council on November 15, 2016 (see Exhibit D – Staff Report and Resolution for 2<sup>nd</sup> Amendment to CUP). The Appellant does not know whether approval was sought from the Ca. Coastal Commission for the City’s prior approvals.

On March 23, 2021, the Planning Commission approved the third amendment to CUP (see Staff Report and Resolution attached as Exhibit E), and after appeal, the City Council approved the development that is the subject of this Appeal on April 20, 2021 (see Staff Report and Resolution attached as Exhibit F).

Further troubling is that the City of Pismo Beach has already started on the activities considered in the CUP by issuing building permits on April 22, 2021 (two days after the City Council approval) for removal and construction of rock walls, installation of new slabs, and removal and construction of various out buildings. (Permits and documents attached as Exhibit H). The Permits were issued on 4/22/2021, and the construction work has already started (see picture of structures/construction included in Exhibit H). The permits belie the narrative, the drawings, and the actuality of what is being constructed. The fact that the City, as the owner, issues permits for "\$0" value, for work that is clearly subject to the Coastal Act, appears to be par for the course.

Appellants have continued to assert that the increase in use is negatively impacting the surrounding neighborhoods, including providing letters of objection to the earlier increased uses from 2014 forward, and continuing throughout this approval process. Appellant's letters are included as Exhibit G, including Appellants letter of March 22, 2021 to the City of Pismo Beach Planning Commission, and April 19, 2021 letter to City Council.

This most recent approval, increasing the use by 425% is excessive and substantial. No impacts were considered, and the City violated a number of state laws, including CEQA, as well as their own LCP, General Plan, and Municipal Codes. For this reason, Appellant seeks an appeal and determination that the local approval should be denied by the Commission. In the meantime, Appellant requests that the Commission issue a cease and desist order to the City of Pismo Beach from pursuing any further non-approved improvements.

### **ATTACHMENT 3 – LIST OF INTERESTED PARTIES**

Interested Party: MICHAEL SCHULTE, ATTORNEY FOR APPELLANT  
Contact Info: 305 W Paul, Clovis, CA 93612  
PH: 559-696-2312  
Email: [mls.schulte@gmail.com](mailto:mls.schulte@gmail.com)

Interested Party: DIANE FARLEY, APPELLANT & ADJACENT HOMEOWNER  
Contact Info: 1330 Ocean Blvd., Pismo Beach, CA  
PH: 559-280-5997  
Email: [dianefar@yahoo.com](mailto:dianefar@yahoo.com)

Interested Party: CITY OF PISMO BEACH, MATT DOWNING  
Contact Info: Planning Dept., 760 Mattie Rd., Pismo Beach, Ca. 93449  
PH: 805-773-4658  
Email: [mdowning@pismo beach.org](mailto:mdowning@pismo beach.org)

Interested Party: MICHAEL FARLEY, ADJACENT HOMEOWNER  
Contact Info: Email: [mfarleyv@aol.com](mailto:mfarleyv@aol.com)

Interested Party: KELLY BOLAND, LOCAL RESIDENT/PARTICIPANT  
Contact Info: Email: [kboland@charter.net](mailto:kboland@charter.net)

Interested Party: CRAIG BERNARD, LOCAL RESIDENT/PARTICIPANT  
Contact Info: Email: [craig@cbernard.com](mailto:craig@cbernard.com)

Interested Party: BILL BRAND, LOCAL RESIDENT/PARTICIPANT  
Contact Info: Email: [billbrand@charter.net](mailto:billbrand@charter.net)

Interested Party: MARIA SANTOS, LOCAL RESIDENT/PARTICIPANT  
Contact Info: Email: [lupestheboss@gmail.com](mailto:lupestheboss@gmail.com)

Interested Party: BARBARA MOYNIER, LOCAL RESIDENT/PARTICIPANT  
Contact Info: Email: [bjmoynier@charter.net](mailto:bjmoynier@charter.net)

Interested Party: CAROLYN SILAS, LOCAL RESIDENT/PARTICIPANT  
Contact Info: Email: [dodgeherblue@gmail.com](mailto:dodgeherblue@gmail.com)

Interested Party: BRAHM LEVIN, LOCAL RESIDENT/PARTICIPANT  
Contact Info: Email: [brahmlevin@gmail.com](mailto:brahmlevin@gmail.com)

## **ATTACHMENT 4 – GROUNDS FOR APPEAL**

The change to use approved by the City of Pismo Beach is excessive and equates to an increased commercial use of a residentially zoned property by 425% from existing (see Exhibit A). The City of Pismo Beach is the owner of the proposed Development project, and simply greenlighted their own Approval without consideration of the impacts as required under their General Plan and Local Coastal Program. The grounds for this appeal are generally three-fold, consisting of: (1) the failure of the local government to follow legal procedure for development approvals under the California Code (eg - CEQA) and the Municipal Code of the City of Pismo Beach (eg – zoning); (2) the failure of the development approval to comply with the certified local coastal program (the “LCP”), as that LCP is contained within and as a part of the General Plan; and (3) the failure of the development approval to comply with the Public Access provisions of the Coastal Act (§30210 – §30214).

### **The Local Coastal Program/Plan:**

It should be noted herein that the General Plan and the Local Coastal Program/Plan appear to have the same requirements with no distinction. Thus, any Grounds for appeal based on the language of The Local Coastal Program are referenced to the document entitled [The General Plan and the Local Coastal Program] as adopted in 1992, with amendments through April 2014, from the public website of the City of Pismo Beach (the “LCP”).

Appellant relies upon the language from the General Plan and Local Coastal Program, as follows (from page 1 of the document entitled General Plan and Local Coastal Program):

“The General Plan/Local Coastal Plan. The Pismo Beach General Plan/Local Coastal Program is the City's constitution for physical development and change within the existing and future city limits. The Plan is a legal mandate that governs both private and public actions.

The general plan is atop the hierarchy of local government law regulating land use. Subordinate to the general plan are specific plans, ordinances and zoning laws. Zoning laws must conform to the adopted general plan.

State law requires every California City to adopt a General Plan that contains seven mandatory topics called "Elements", (Circulation, Conservation, Housing, Land Use, Noise, Open Space and Safety). Cities may also adopt other topics, which carry the same weight as mandatory elements. This Pismo Beach plan adds Design, Facilities, Growth Management and Parks, Recreation and access. All topics carry equal weight and are designed to be consistent with each other.

A large portion of Pismo Beach lies within the Coastal Zone. The Coastal Act of 1976 requires the city to have a Local Coastal Plan certified by the State Coastal Commission. This plan is a combined document meeting



both the state General Plan requirements and Coastal Plan requirements. Certain sections and policies that are not a part of the Coastal Plan are identified by the following distinguishing graphic: <sup>1</sup>“

### **Grounds for Appeal No. 1 – Failure to Comply with Coastal Commission Requirements on Prior Approvals**

Appellant provides all relevant local development approvals as Exhibits B through F. The title of the current Approval “[A]dopt a Resolution approving Amendment No. 3 to the Chapman Estate Conditional Use Permit and associated amendment of the Coastal Development Permit” implies that there have been earlier Final Local Action Notices (“FLAN”) previously filed with the California Coastal Commission (“CCC”) for all of the initial conditional use permit, the first two amendments, and the “Coastal Development Permit” for the Chapman Estate. However, this Applicant has been unable to find and/or obtain such records of prior filing, consideration, and/or approval by the CCC. To the extent such filings were never made, this Applicant’s first Ground for appeal is that the proper procedure, as identified in Ca. Public Resources Code §30000, et seq, for approvals of Developments (a defined term) within the Coastal Development zones, have not yet been complied with by the City of Pismo Beach.

### **Grounds No. 2 – Failure to Comply with LCP regarding Conditional Use Permits & Zoning**

The LCP, at page 3-16, provides that the Planning Commission may only grant a permit when the proposed use is consistent with the Zoning Code:

Conditional Use. As indicated earlier, certain residential uses require a conditional use permit. The Planning Commission is responsible for reviewing and approving the permit after a recommendation by City staff. The Commission may grant the permit when the proposed use is in accordance with the provisions of the General Plan and the Zoning Code and appropriate conditions are met. Conditional use permits are required for certain special needs housing (e.g., residential care facilities, condominiums and mixed-use projects) as well as multi-family units in certain zones. The CUP process typically takes two months.<sup>2</sup>

The Chapman Estate’s current uses (and proposed increase in those uses) are not in compliance with the zoning code. The residence is currently zoned R-1, which does not allow for the intended use. Further, both the Planning Commission Staff Report (attached as Exhibit B) and the City Council Staff Report (attached as Exhibit C) note this deficiency. This is not a new issue, as one of the conditions of the Gift of the Chapman Estate to the City was for the City

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<sup>1</sup> Note – there is no “graphic” and thus no distinction between the General Plan and the Local Coastal Program/Plan.

<sup>2</sup> It is noted that this language is from the housing element of the general plan. However, the property is currently zoned R-1 (residential), and per the above, all components of the general plan are part of the LCP, and vice versa.

to conduct a rezone of the property to accommodate the additional uses.<sup>3</sup> The City's development approval fails to comply with the zoning code and, as such, is a violation of the general plan and the LCP.

### **Grounds for Appeal No. 3 – Failure to Comply with the California Environmental Quality Act**

The City's approval (see Exhibit B) asserts that "the proposed project is exempt pursuant to Section 15301 of the CEQA Guidelines." However, that is not the case. CEQA offers "categorical exemptions" to the requirement to conduct full and/or partial environmental impact analysis. The City conducted no environmental analysis, asserting that, pursuant to Ca. Code of Regulations §15301, they are categorically exempt. A simple reading of §15301 finds that the City's assertion is self-servingly inaccurate:

§ 15301. Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.

The extensive expansion of use by the City will lead to environmental impacts which were not considered by the City including traffic, parking, archeological issues, mitigation of cleanup from the excessive and increased uses, and other requirements under CEQA. The failure to consider the environmental impacts is a violation of the LCP, and California law.

Further, the City's Development Approval is for an increase in a non-zoning-approved use by more than 400%. The City's attempt to avoid CEQA is a violation of their own policies under their LCP. Neither the Coastal Commission nor a local agency may avoid their obligations under CEQA. ((*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 935 [216 Cal.Rptr.3d 306, 392 P.3d 455]) (*Banning Ranch*)). Further, as to sensitive areas such as those considered in this approval, the Coastal Act's "enhanced protection" requires heightened CEQA concern for harm to those areas. ((*Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497)).

### **Grounds for Appeal No. 4 – Failure to Comply with Ca. Public Resources Code §30001.5.**

**30001.5.** The Legislature further finds and declares that the basic goals of the state for the coastal zone are to:

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<sup>3</sup> It should be noted that the original uses intended by Mr. Chapman included only a few events seasonally per year, not 464 events.

- (a) Protect, maintain, and, where feasible, enhance and restore the overall quality of the coastal zone environment and its natural and artificial resources.
- (b) Assure orderly, balanced utilization and conservation of coastal zone resources taking into account the social and economic needs of the people of the state.
- (c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resources conservation principles *and constitutionally protected rights of private property owners.*
- (d) Assure priority for coastal-dependent and coastal-related development over other development on the coast.
- (e) Encourage state and local initiatives and cooperation in preparing procedures to implement coordinated planning and development for mutually beneficial uses, including educational uses, in the coastal zone.

The extensive increase in use is a legitimate concern to the adjacent private property owners. The existing use is R-1, which does not allow for the uses conducted, nor proposed, by the City. The increase in use by 425% is a fatal flaw. Failure of the City to consider the issue is a violation of the goals of the Coastal Act.

#### **Grounds for Appeal No. 5 – Failure to Comply with Coastal Act §30212.5**

**30212.5.** Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

The increase in use of 425% by the City will clearly create the need for additional parking and public facilities, none of which were considered by the City. Accordingly, approval of the development would be in violation of Coastal Act §30212.5.

#### **Grounds For Appeal No. 6 – Failure to Comply with Coastal Act §30210.**

**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 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.*

The development approval by the City is not consistent with the need to protect the rights of private property owners, and natural resource areas from overuse. Accordingly, approval of the development would be in violation of Coastal Act §30210.

### **Grounds For Appeal No. 7 – Violation of Coastal Act §30214.**

**30214.** (a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

*(2) The capacity of the site to sustain use and at what level of intensity.*

*(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.*

*(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.*

The development approval by the City is not consistent with the need to protect the rights of private property owners, and natural resource areas from overuse. Accordingly, approval would be in violation of Coastal Act §30214(a).

### **Grounds For Appeal No. 8 – The Approval Constitutes Inverse Condemnation**

Conceptually, Inverse Condemnation occurs when a private party's property is damaged by a public use. In the present instance, due to the excessive increase in use and the lack of mitigation and/or consideration of the impacts on the adjacent properties, it is herein asserted by Appellant that the approval constitutes a taking, as that is defined under the Constitutions of the United States and the State of California.

To the extent that the City might argue that any "taking" is incidental or unintended, that is not a factor, as the traditional concept of inverse condemnation manifests itself when the property damage is a reasonably anticipated incident of a public project or purpose, or when the property damage occurs from a deliberate act with a purpose of fulfilling one or another of the public objects of the project as a whole.

### **Grounds For Appeal No. 9 – General**

To the full extent allowed by law, the Appellant requests that the Commission consider all information and claims herein as liberally as possible in favor of the Appellant. Further, in the event that a basis for appeal has not been noted herein, Appellant requests that the Commission review the documentation as though that basis had been expressed herein.

# EXHIBIT A

EXHIBIT A



**EXHIBIT A****CALCULATION TO CHANGE IN USE****Current Operations (Prior to Recent Approval)**

<b>Seven Month Season (April thru October)</b> <b>(7 months / 214 days / 30.57 wks)</b>	<b>Total Days</b>	<b>Total People Hrs</b>
Lunches - Tues/Thur 11a-1p (49 people max)	61	5978
Sunset Walks - Fridays (3hrs) (49 people max)	30	4410
Gatherings - 6 total (12 hrs) (49 people max)	6	3528
Community Events - 4 ttl (12 hrs) (100 people)	4	4800
Private Fundraiser - 4 ttl (12 hrs) (250 people)	4	12000
Estate Fundraiser - 3 ttl (12 hrs) (300 people)	3	10800
CAPSLO (1 day - no max)	1	n/a
	<b>109</b>	<b>41516</b>

**Approved Operations**

<b>One Full Year "Season"</b> <b>(12 months / 365 days / 52 weeks)</b>		
Weekday Open - 4/wk - 11a-2p (49 people max)	208	30576
Sunset Walks - Fridays (3hrs) (49 people max)	52	7644
Rec Classes - 2/wk (1.5hrs) (15 people (est.))	104	2340
Gatherings, Genl - 6 ttl - (12 hrs) (49 people max)	6	3528
Gatherings, Neighborhood - 6 ttl - (12 hrs) (100 max)	6	7200
Ed. Programs - 12 ttl (1.5hrs) (49 people max)	12	882
Private 1 - 24 days ttl (12hrs) (25 people)	24	7200
Private 2 - 12 days ttl (12hrs) (50 people)	12	7200
Private 3 - 36 days ttl (12hrs) (25 people max)	36	10800
Estate Fundraiser - 3 ttl (12 hrs) (300 people)	3	10800
CAPSLO (1 day - no max)	1	n/a
	<b>464</b>	<b>88170</b>

<b>Change in Impact from Development Approval:</b>	<b>426%</b>	<b>212%</b>
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# EXHIBIT B

EXHIBIT B

**RESOLUTION NO: PC-R-2014-018**

**A Resolution of the Planning Commission of the City of Pismo Beach Approving a Conditional Use Permit for events at the Chapman Estate located at 1243 Ocean Blvd.**

**WHEREAS**, the City of Pismo Beach ("Applicant") has submitted an application to the City of Pismo Beach for a Conditional Use permit; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on May 27 and June 24, 2014 at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, the Planning Commission has considered the written material included in their May 27 and June 24, 2014 packet, the oral report from City staff, and testimony from members from the public; and

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

**A. FINDINGS REGARDING THE CONDITIONAL USE PERMIT:**


1. The events for which the Conditional Use permit is granted are consistent with the General Plan/Local Coastal Plan and Zoning Code.
2. The events for which the Conditional Use permit is granted are compatible with the nearby existing uses and will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing in the surrounding neighborhood.
3. The site is physically suitable for the events for which the Conditional Use permit is granted.
4. The conditions specified in the Conditional Use Permit will assure the continued quiet enjoyment of the area.
5. Pursuant to California Code of Regulations 15301, the proposed project is a Class 1 exemption from CEQA as it consists of "the operation . . . of existing public or private structure, facilities. . . involving no expansion or use . . ."

The Planning Commission does hereby approve a Conditional Use Permit, attached hereto, for Project P14-000101 for events at 1243 Ocean Blvd subject to the conditions identified in Attachment A.

**UPON MOTION** of Commissioner White, seconded by Commissioner Jewell, the foregoing Resolution is hereby approved and adopted this 24th of June, 2014 by the following roll call vote, to wit:

AYES: COMMISSIONERS: White, Hamrick, Jewell and McLaughlin  
NOES: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: NONE

APPROVED:

  
Warren Hamrick,  
Acting Chairman

ATTEST:

  
Elsa Perez, CMC  
Planning Commission Secretary

## **ATTACHMENT 'A'**

### **Planning Commission Resolution No: PC-R-2014-018 Conditional Use Permit for 1243 Ocean Blvd, Pismo Beach, California**

The conditions set forth in this permit affect the title and possession of the real property, which 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 (applicant, developer), his or her heirs, administrators, executors, successors and assigns. Upon any sale, division or lease of real property, all the conditions of this permit shall apply separately to each portion of the real property and the owner (applicant, developer) and/or possessor of any such portion shall succeed to and be bound by the obligations imposed on owner (applicant, developer) by this permit.

**PURPOSE:** The Chapman Estate is a unique property in the City of Pismo Beach. Compared to other properties in the neighborhood it is a relatively large public site with ocean frontage, lovely grounds, a majestic main residence, guest house and other structures that compliment its character and setting.

The Chapman Estate's unique setting and arrangement of physical features and outdoor spaces provide for the adaptive re-use and discovery of the property. This will allow more occasions for the public to enjoy its outdoor areas and the generation of funds that support City efforts to maintain and manage the integrity of the Estate in a manner consistent with its Shell Beach neighborhood setting.

**EFFECTIVE DATE:** This permit shall become effective upon the passage of 10 days following the Planning Commission action of June 24, 2014 provided that an appeal has not been filed to the City Council. The filing of an appeal shall stay the effective date until an action is taken on the appeal.

**EXPIRATION DATE:** Unless extended by the Planning Commission, the Conditional Use Permit will expire on June 24, 2015. The Permit may be subject to revocation prior to June 24, 2015 in the event that the continuance of the conditional uses would be detrimental to the health, safety, morals, comfort and general welfare of the persons residing in the neighborhood of such uses, or would be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the City.



**AUTHORIZATION:** Subject to the conditions stated below, approval of Permit **P14-000101** grants a Conditional Use Permit for four fundraisers per year as noted below and free community events referenced in Condition 11:

- Chapman Estate fundraiser at a date to be determined in 2015.
- CAPLSO June 7, 2015 fundraiser.
- SLO Opera Saturday, August 16, 2014 fundraiser.
- San Luis Obispo Symphony fundraiser September 21, 2014 and a 2015 date to be determined.

**CONDITIONS:**

1. Live Music shall be provided at fundraiser events.
2. A maximum of 300 people, including vendors, may participate in Chapman Estate fundraiser events.
3. A Special Event Permit shall be required and the Chapman Estate fundraiser (at a date to be determined in 2015) and all other events. Events will be subject to all requirements of the Special Event Permit as referenced with the requirements noted in the attached link:

<http://ca-pismobeach.civicplus.com/DocumentCenter/Index/1610>.

These requirements include but are not limited to regulations regarding use of alcohol, security, noise, liability insurance, booth and related food preparation placement and use.

4. Parking for the events of over 50 people shall be handled by attendees being transported to the site by shuttle. A circulation plan for each event's shuttle system shall be developed to assure use of the wider Shell Beach streets for shuttle transport. For entry into the event, proof of arrival at the site by shuttle or identification of residency between Cliff Avenue and Spyglass Drive Avenue is required.
5. A portable accessible restroom shall be provided on site for all events.
6. Alcohol shall be limited to beer and wine.
7. Ocean Boulevard vehicular access shall remain open to the public at all times.
8. Use of the Swimming Pool is prohibited. The area around the swimming pool may be used subject to City approval.
9. The event(s) will be held during daylight hours but no earlier than 11 AM. Guest departure shall be completed no later than 4 PM and Event clean up no later than 9 PM.

10. A written assessment of the Event(s) shall be solicited from Event attendees and the neighborhood between Cliff Avenue and Spyglass Drive. This information will be made available to the Planning Commission if an extension of the Conditional Use Permit is requested.
11. Free Community Events. The Chapman Estate Advisory Commission may authorize three (3) free community events at the Estate Grounds each year.

**-END-**

# EXHIBIT C

EXHIBIT C

**RESOLUTION NO: PC-R-2015-005**

**A Resolution of the Planning Commission of the City of Pismo Beach Approving Amendment #1 to the Chapman Estate Conditional Use Permit for events at the Chapman Estate and authorizing a Coastal Development Permit for the Chapman Estate fundraiser and community events located at 1243 Ocean Blvd.**

**WHEREAS**, the City of Pismo Beach ("Applicant") has submitted an application to the City of Pismo Beach for an amendment to the Chapman Estate Conditional Use Permit and a Coastal Development Permit for a Chapman Estate fundraiser, three free community events of and six gatherings as further described in Attachment A; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing on February 10 and March 24, 2015 at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, the Planning Commission has considered the written material included in their February 10 and March, 2015 staff reports on the project, letters from the public, oral reports from City staff, and public testimony; and

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

**A. FINDING OF COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

Pursuant to California Code of Regulations Section 15301, the proposed project is a Class 1 exemption from CEQA as it consists of "the operation . . . of an existing public or private structure, facilities. . . involving no expansion or use beyond that existing at the time of this determination . . ."

**B. FINDINGS REGARDING AMENDMENT #1 TO THE CHAPMAN ESTATE CONDITIONAL USE PERMIT (CUP):**

1. The CUP amendment conditions related to parking and circulation for the annual CAPSLO June Epicurean fundraiser will assure the continued quiet enjoyment of the area.
2. The added Free Community Events and Gatherings, subject to required conditions, will enable the continued use of the Chapman Estate Grounds for community use in a manner consistent with the wishes of Mr. Chapman and past use of the estate.
3. The amendments to the CUP are consistent with the General Plan/Local Coastal Plan and Zoning Code.
4. As conditioned, the CUP amendments are compatible with the nearby existing uses and will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing in the surrounding neighborhood.
5. The site is physically suitable to accommodate the use of the property referenced in the amendments to the CUP.
6. The authorized uses of the Estate meets the requirements of the Chapman Trust.

**B. FINDINGS REGARDING THE COASTAL DEVELOPMENT PERMIT:**

RESOLUTION NO: PC-R-2015-005

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Exhibit 6

A-3-PSB-21-0032

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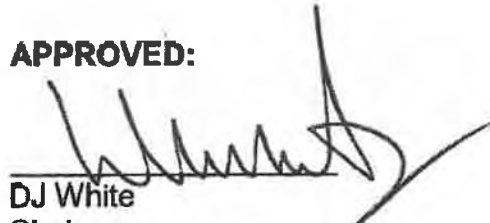
1. The project improvements comply with the public access and public recreation policies of Chapter 3 (commencing with Section 30220) of the California Coastal Act of 1976.
2. The Community Events, Gatherings and the Chapman Estate Fundraiser are compatible with the character of the surrounding area and are compatible with the immediate area.
3. The Community Events, Gatherings and the Chapman Estate Fundraiser are consistent with the General Plan/Local Coastal Plan Land Use Plan Resort Commercial category.
5. The Community Events, Gatherings and the Chapman Estate Fundraiser are compatible with the nearby existing uses and will not be detrimental to the health, safety, morals, comfort and general welfare of persons residing or working in the surrounding area of the proposed project.
6. The Community Events, Gatherings and the Chapman Estate Fundraiser will not be detrimental to the orderly and harmonious development of the City.
7. The Community Events, Gatherings and the Chapman Estate Fundraiser will not impair the desirability of investment or occupation in the neighborhood.

The Planning Commission does hereby approve Amendment #1 to the Chapman Estate Conditional Use Permit, and the Coastal Development Permit for the Chapman Estate Fundraiser and Community Events and Gatherings attached hereto subject to the conditions identified in Attachment A.

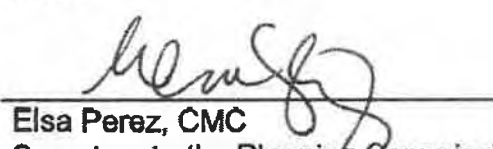
**UPON MOTION** of Commissioner Overland, seconded by Commissioner White, the foregoing Resolution is hereby approved and adopted this 24<sup>th</sup> day of March, 2015 by the following roll call vote, to wit:

<b>AYES:</b>	<b>Commissioners: Overland, White, Curtze, Bhana and Padovan</b>
<b>NOES:</b>	<b>Commissioners: None</b>
<b>ABSTAIN:</b>	<b>Commissioners: None</b>
<b>ABSENT:</b>	<b>Commissioners: None</b>

**APPROVED:**

  
DJ White  
Chairman

**ATTEST:**

  
Elsa Perez, CMC  
Secretary to the Planning Commission



## **ATTACHMENT 'A'**

### **1243 Ocean Blvd CHAPMAN ESTATE CONDITIONAL USE PERMIT CONDITIONS**

The conditions set forth in this permit affect the title and possession of the real property, which 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 insure to the benefit of the owner (applicant, developer), his or her heirs, administrators, executors, successors and assigns. Upon any sale, division or lease of real property, this permit shall be null and void.

**PURPOSE:** The Chapman Estate is a unique property in the City of Pismo Beach. Compared to other properties in the neighborhood it is a relatively large public site with ocean frontage, lovely grounds, a majestic main residence, guest house and other structures that compliment its character and setting.

The Chapman Estate's unique setting and arrangement of physical features and outdoor spaces provide for the adaptive re-use and discovery of the property. This will allow more occasions for the public to enjoy its outdoor areas and the generation of funds that support City efforts to maintain and manage the integrity of the Estate in a manner consistent with its Shell Beach neighborhood setting.

#### **EFFECTIVE DATE:**

**The Conditional Use Permit** shall become effective upon the passage of 10 working days following the Planning Commission action of March 24, 2015 provided that an appeal has not been filed to the City Council. The filing of an appeal shall stay the effective date until an action is taken on the appeal.

**The Coastal Development Permit** for the Chapman Estate Fundraiser described in the Authorization of this permit and the Community Events and Gatherings noted in Conditions 11, 12 and 13 of 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 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:** Unless extended by the Planning Commission, the Conditional Use Permit will expire on December 24, 2016. The Permit may be subject to revocation prior to December 24, 2016 in the event that the continuance of the conditional uses would be detrimental to the health, safety, morals, comfort and general welfare of the persons residing in the neighborhood of such uses, or would be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the City.

**AUTHORIZATION:** Subject to the conditions stated below, approval of Permit P15-000031 for four fundraisers per year as noted below, the Free Community Events referenced in Condition 11 and Gatherings referenced in Condition 13:

- An annual Chapman Estate fundraiser at dates to be determined.
- The annual June CAPLSO fundraiser.
- The annual August SLO Opera Saturday fundraiser.
- The annual September San Luis Obispo Symphony fundraiser.

**CONDITIONS:**

1. Live Music. All non-profit organizations utilizing the property must provide free live music for their events. Other persons or organizations utilizing the property, if they have music, must provide live music.
2. Maximum attendance at the annual June CAPSLO Epicurean fundraiser is 450 attendees, 108 individuals working as vendors, 12-16 musicians and 30 volunteers. The annual Chapman Estate fundraiser, August SLO Opera and September San Luis Obispo Symphony fundraisers are each limited to 300 persons, including vendors. The CAPSLO Epicurean event is subject to the following additional requirements:
  - a. The Shuttle bus (as referenced in Condition 4) will only drive the streets selected by the Special Events Committee (SEC) with a focus on the four widest streets in the Shell Beach neighborhood but not limited to any one of the four streets. The SEC will determine the frequency of the shuttle.
  - b. Vendors and individuals staffing the event will not park on streets designated by the SEC.
  - c. The Shuttle bus driver will take breaks off-site and will not have access to the event restrooms; therefore, the bus will not be parked out front except when delivering or picking up event attendees.
  - d. The Event Shuttle bus will not idle.
  - e. There will be a trained volunteer traffic coordinator for the entire event. This person will be dedicated to keeping traffic moving.
  - f. The Shuttle bus will deliver and pick up guests at locations determined by the Special Events Committee.
  - g. CAPSLO will work with the Special Events Committee to determine an appropriate location for the ticket tables and shade structure(s).
  - h. Access to the Estate entry gates from the ticket table will be accomplished by sectioning off a distance of three to five feet between the curb and cones for folks to walk from the ticket tables to the gates.
  - i. The area to the south side of the portable accessible restrooms will be roped off for safety.

j. The hours of the event will be from 11:30 am to 3:30 pm. Volunteers will be on site until as late as 5:30 pm for clean-up.

k. CAPSLO staff will assist vendors with their supplies to expedite loading and unloading to minimize impact on traffic.

l. CAPSLO will seek an on-site monitor for the event from either SBIG or the Chapman Estate Advisory Commission to assure on-going compliance with the requirements of the Conditional Use Permit. Should an on-site monitor from either of these groups not be available, CAPSLO will work with the City to assure on-site monitoring by another individual or individuals.

m. CAPSLO shall notify the Shell Beach neighborhood (from Cliff Avenue to Vista Del Mar Street, and Shoreline Drive and Terrace Avenue) no later than two weeks prior to the event date and time. A neighborhood liaison and a phone number contact will be provided to the neighborhood. The liaison will be available the day of the event to address issues in the neighborhood that may arise.

n. Event sponsors and CAPSLO advertisement of the event as approved by Special Events Committee will encourage car-pooling and biking to the shuttle locations.

o. A good neighbor policy on all event advertisements will be developed and widely distributed which reminds attendees that they are in a residential neighborhood and they should be respectful of the people that live in the neighborhood.

p. Vendors and musicians for the event with a Parking Permit issued by CAPSLO shall park along Ocean Boulevard. The Special Events or Traffic Safety Committee will consider the use of cones and signs along the west side of Ocean Blvd to indicate this area's availability for event vendor and musician parking.

3. A Special Event Permit shall be required for the annual Chapman Estate fundraisers (at dates to be determined in 2015 and 2016) and all other events; except for the Gatherings referenced in Condition 13. In addition to the requirements of the Conditional Use Permit, these events will be subject to all requirements of the Special Event Permit as referenced with the requirements noted in the attached link:

<http://ca-pismobeach.civicplus.com/DocumentCenter/Index/1610>.

These requirements include but are not limited to regulations regarding use of alcohol, security, traffic, circulation, off-site parking, noise, liability insurance, booth and related food preparation placement and use.

4. Parking for the events with 50 or more people shall be handled by attendees being transported to the site by shuttle. A circulation plan for each events shuttle system shall be developed to assure use of the wider Shell Beach streets for shuttle transport. For entry into the event, proof of arrival at the site by shuttle or identification of residency between Cliff Avenue and Vista Del Mar and Shoreline Drive and Terrace Avenue.

5. An ADA compliant portable restroom shall be provided on site for all events.

6. Alcohol shall be limited to beer and wine.

7. Ocean Boulevard vehicular access shall remain open to the public at all times.
8. Use of the Swimming Pool is prohibited. The area around the swimming pool may be used subject to City approval.
9. The event(s) will be held during daylight hours but no earlier than 11 AM. Guest departure shall be completed no later than 4 PM and event clean up no later than 9 PM.
10. A written assessment of the event(s) shall be solicited from Event attendees by the event sponsor and the neighborhood between Cliff Avenue and Vista Del Mar and Shoreline Drive and Terrace Avenue and any other areas that may be impacted by the Special Event. This information will be made available to the Planning Commission if an extension of the Conditional Use Permit is requested. An event follow-up plan will be required by the Special Events Committee of the event sponsor prior to authorization of a Special Events Permit. The written assessment, including all comments from the neighborhood, shall be provided to the Special Events Committee within 45 days of the event. Failure to provide the written assessment within the specified time may be grounds for denial of a future event by the event sponsor at the Chapman Estate. A negative evaluation of the prior event may be grounds for denial of a future Special Event Permit.
11. Free Community Events. A Free Community Event is one principally offered to members of the neighboring community in which the Chapman Estate is located and where individuals are allowed to enter and participate in the event without charge or consideration by the host(s), organizer(s), or promoter(s) of the event. The Special Events Committee (SEC) may authorize three (3) free Community Events with 100 persons per event at the Estate Grounds each year. These Community Events are not subject to the parking requirements specified in Condition 4. The SEC may allow no more than thirty (30) parking passes for two (2) of the three (3) events provided the event sponsor(s) require parking on the west side of Ocean Blvd for the event(s). Event entry will be limited to those who provide a parking pass or identification of residency between Cliff Avenue and Spyglass Drive or those who arrive by bicycle. Event coordinators will be responsible for monitoring the number and location of each car with a parking pass.
12. A Community Garden Party is one of the three (3) free Community events authorized by Condition number 11. This event will not be subject to the shuttle and off-site parking requirements of Condition numbers 4. and 11. The Community Garden Party is subject to all other conditions of the Chapman Estate Conditional Use Permit.
13. Gatherings. Gatherings are defined as groups of 49 or fewer persons at one time on the Chapman Estate Grounds for social, educational, philanthropic or training get-togethers. Six (6) Gatherings on the Estate Grounds may be authorized by the Community Development Department Recreation Division. The CEAC will develop a variety of parameters and requirements for gatherings related to safety and access on the Estate grounds and other matters deemed appropriate by the CEAC. Gatherings may include, but are not limited to Estate Grounds tours, yoga or tai chi classes, holiday visits (such as Halloween trick or treating or Easter egg hunts), painting excursions, bird watching, etc.

-END-

# EXHIBIT D

EXHIBIT D



## PISMO BEACH COUNCIL AGENDA REPORT

Agenda Item #6.A

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### SUBJECT/TITLE:

**APPEAL OF PLANNING COMMISSION MODIFICATION OF AMENDMENT NO. 2 TO A CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR USE OF THE CHAPMAN ESTATE AS A CULTURAL CENTER AT 1243 OCEAN BOULEVARD; PROJECT NO. P16-000075**

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### RECOMMENDATION:

#### Planning Commission Recommendation

Adopt a **Resolution** upholding the August 9, 2016 Planning Commission approval of Project No. P16-000075, Amendment No. 2 to a Conditional Use Permit and Coastal Development Permit maintaining the event limits and other operational conditions consistent with Amendment no. 1 and setting an expiration date of December 24, 2017; APNs: 010-302-012 and 010-302-013; and accepting categorical Exemption No. 2016-005.

or

#### Staff Recommendation

Adopt a **Resolution** overturning the August 9, 2016 Planning Commission modification of Project P16-000075, Amendment No. 2 to a Conditional Use Permit and Coastal Development Permit, and modifying the limit on the number of occasions, hours of operation and other similar operational items for use of the Chapman Estate as a cultural center; APNs 010-302-012 and 010-302-013, and accepting Categorical Exemption No. 2016-005.

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### EXECUTIVE SUMMARY:

For the past two years, it has been a goal of the City Council to develop and implement a plan that balances many different interests for responsible use of the Chapman Estate. During this time, staff has worked with members of the community, the Chapman Estate Advisory Commission (CEAC) and the City Council to develop operating guidelines and a strategic plan that provide a path for use of the home that is financially sustainable, while also balancing the desire for community access and programming while minimizing impacts on the community and the home itself.

A strategic plan was unanimously accepted by the City Council and event procedures were enacted by the Special Events Committee. Consistent with the adopted plan and procedures, changes to the existing Conditional Use Permit (CUP), in the form of Amendment No. 2, were proposed that reflected the approved plan. This evening, the City Council is hearing an Appeal (**Attachment 3**) of Amendment No. 2 to the existing CUP that was modified and approved by the Planning Commission.



## BACKGROUND

The following summary provides an overview of the recent history of Amendment No. 2 to the existing CUP and the appeal that followed:

### July 26, 2016 Planning Commission

During the July 26, 2016 Planning Commission meeting, staff presented the proposed modifications to the CUP that included removing the limitation on the number of events held at the estate and expanding the allowable hours of use. In addition, the Planning Commission received public testimony from several members of the public. After discussion, the Commission did not indicate opposition on removing the limit on the number of small events with 49 or fewer people, however, the Commission did have concerns with removing the limit on the number of events with 50 or more people and the potential negative impacts that could result. The Commission also voiced concern with the expanded hours of use, especially the earlier start time. The Planning Commission continued the item for one month, to the August 23, 2016 meeting, to allow staff sufficient time to obtain additional feedback and direction from the Chapman Estate Advisory Commission (CEAC) on further limiting the number and types of events and hours of operation. Staff was able to meet with the CEAC on July 27, 2016 and obtain the needed input. With the likelihood of appeals, staff was concerned with timing of the process and the potential for the existing CUP (Amendment No. 1) to expire at the end of the year. Therefore, the item was moved up to the August 9, 2016 Planning Commission meeting for consideration.

### July 27, 2016 Chapman Estate Advisory Commission

Based on the Planning Commission's direction, the concept of seasonal hours was presented to the CEAC on July 27, 2016 and received unanimous support. Staff created **Table 1** below that illustrates the proposed seasonal hours of operation.

**Table 1**

SEASONAL HOURS OF OPERATION	
<b>FALL &amp; WINTER</b>	
Outdoor	10 a.m. - 6 p.m.
Indoor	10 a.m. - 8 p.m.
<b>SPRING &amp; SUMMER</b>	
Outdoor/Indoor	10 a.m. - 9 p.m.

The seasonal hours concept was proposed to limit the length of events to reasonable hours during certain times of the year. The concept would also allow for event attendees to enjoy sunset views and take advantage of photo opportunities.

The current CUP limits events only during daylight hours beginning at 11 a.m. with guest departure no later than 4 p.m. and event clean-up no later than 9 p.m.

The proposed closing times represent when the Chapman Estate entry gates will be closed to the public and locked. This means that prior to the closing times listed above, event guests must depart and event clean-up must be completed.

#### August 9, 2016 Planning Commission

On August 9, 2016, staff presented the seasonal hours concept and the following 3-year phased rollout concept to the Planning Commission:

**Table 2 as presented to the Planning Commission on August 9, 2016**

3-YEAR PHASED ROLLOUT				
EVENT	50% in 2017	75% in 2018	100% in 2019	TOTAL # OF EVENTS PER YEAR
<b>SMALL &lt;50</b>	Exempt from phased rollout			
<b>MEDIUM 50-125</b>	8	12	16	16
<b>LARGE 126-199</b>	3	5	6	6
<b>GRAND 200-300</b>	2	3	4	4
<b>TOTAL</b>	<b>13</b>	<b>20</b>	<b>26</b>	<b>26</b>

Even with this new information, the Planning Commission still did not feel comfortable with the proposed changes to the hours or reduction in the number of events.

Based on their concerns with the potential impacts of the large number of additional events and understanding the timing concerns presented by staff, the Planning Commission expressed their desire to extend CUP Amendment No. 1 for a year. Since extending the existing CUP was not a noticed agenda item, the Planning Commission sought direction and staff indicated that they could replace the proposed revised conditions of approval with the existing conditions of approval previously adopted by the Planning Commission for Amendment No. 1 (Resolution PC-R-2015-005) dated March 24, 2015 (see **Attachment 4**) and upheld by the Council on appeal on May 5, 2015, and set a new expiration date. The Planning Commission unanimously voted to approve CUP Amendment No. 2 subject to replacing the proposed conditions with the conditions from CUP Amendment No. 1 and set an expiration date of December 24, 2017.

The August 9, 2016 Planning Commission meeting minutes and staff report are included as **Attachments 5 and 6**.

#### **Review of the Strategic Plan and Operations Plan**

Before describing the appeal and options that could be considered, it is essential to review the key provisions of the Chapman Estate Strategic Plan and the policies and procedures established by the Special Events Committee.

#### Strategic Plan

Accepted by the City Council on June 7, 2016, the Chapman Estate Strategic Plan contains elements critical to the facility's future success as a public resource.

These elements include:

- A mission statement with appropriate goals for the estate's stewardship, management and operation;
- Specific responsibilities tailored to fit the individual roles of the:
  - City staff
  - Chapman Estate Foundation and its Board Members
  - Fundraising Consultant
  - Special Events Committee (SEC)
  - Facility Manager
  - Volunteers
- Fundraising Strategic Plan and capital needs, which includes a list of existing annual maintenance costs of approximately \$60,000 and a list of capital improvements at a cost of approximately \$2.5M.
- Event and programmatic revenue and cost assumptions that provide a general financial overview of the various event possibilities at the estate.
- Next Steps, which is a chapter dedicated to identifying specific timelines and the way forward for critical milestones in the success of the estate.

The Chapman Estate Strategic Plan is available on the City's website at <http://www.pismo beach.org/DocumentCenter/View/47882> or by scanning the QR Code at right.



#### Special Events Committee Policies

The Special Events Committee (SEC) is overseen by the Conference and Visitors Bureau. It consists of City staff members from various departments, two public members and a representative from the Chamber of Commerce.

The SEC was established to review all Special Event Permit applications for events of 50 or more people. The SEC plays a key role in its review of applications for compliance with established regulations and, when appropriate, to impose additional or more stringent constraints on events beyond those included in this CUP to mitigate potential impacts. The SEC will continue to regulate and oversee events at the Chapman Estate in an effort to maintain neighborhood expectations.

There is a mechanism for the public to provide concerns or comments to the SEC through City staff. In addition, members of the public can request to receive the SEC calendar which includes all proposed events.

Verifiable complaints would result from City officials (Police, Fire or other City staff) confirming that an event is not being run consistent with the conditions of approval or are in violation of the Pismo Beach Municipal Code. This would include vendors parking in unauthorized locations, blocking a fire lane and/or street and noise levels that exceed the City's noise ordinance. Once verified, the on-site attendant will correct the issue at the event and a record of the verified complaint would be forwarded to the SEC. Depending on the severity and frequency of the complaint, the SEC is authorized to impose more stringent conditions on an event of a certain type or on a specific vendor and/or future

RECEIVED

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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SANTA CRUZ, CA 95060-4508  
(831) 427-4863  
CENTRALCOAST@COASTAL.CA.GOV

MAY 11 2021

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



**APPEAL FORM**

**Appeal of Local Government Coastal Development Permit**

**Filing Information (STAFF ONLY)**

District Office: Central Coast

Appeal Number: A-3-PSB-21-0032

Date Filed: 5/11/2021

Appellant Name(s): MICHAEL & XEYRA JATEURETTE

**APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

**Note regarding emailed appeals.** Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the Central Coast district office, the email address is CentralCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <https://coastal.ca.gov/contact/#/>.

**Appeal of local CDP decision**  
**Page 2**

**1. Appellant information<sup>1</sup>**

Name: Michael & Debra LaTourette

Mailing address: 1326 Ocean Blvd., Pismo Beach, CA 93449

Phone number: (925) 437-9210

Email address: mlatourette@comcast.net

How did you participate in the local CDP application and decision-making process?

☐ Did not participate    ☒ Submitted comment    ☐ Testified at hearing    ☐ Other

Describe: We submitted a letter to the Planning Commission opposing the proposed CUP because of  
traffic, parking and safety. The Planning Commission voted 5-0 not to approve the proposed  
CUP. We also submitted a letter to the City Council with the same concerns opposing  
the proposed CUP & continue to be in agreement with the Planning Commission's view.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: In addition to our above comments, in our letters we expressed our concern with this being  
a family oriented, quiet residential community where the Chapman Estate exists. The Chapman  
House is zoned "R-1". We also expressed our concern that since the City of Pismo Beach  
has stated the seawall is in much need of repair, that those repairs must be addressed.

<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

**Appeal of local CDP decision**  
**Page 3**

**2. Local CDP decision being appealed<sup>2</sup>**

Local government name: City Of Pismo Beach, CA  
Local government approval body: City Council  
Local government CDP application number: P20-000069  
Local government CDP decision: ☒ CDP approval ☐ CDP denials  
Date of local government CDP decision: April 20, 2021

Please identify the location and description of the development that was approved or denied by the local government.

Describe: 1201 Ocean Blvd., Pismo Beach, CA, known as the  
"Chapman Estate". The City of Pismo Beach, City Council,  
approved 3-2 the Third Amendment of the Chapman House CUP  
to expand uses and the number of events to weddings,  
cultural events, music and overnight stays.

\_\_\_\_\_

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\_\_\_\_\_

<sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the appeal information sheet for more information.



## Appeal of local CDP decision

### Page 4

#### 3. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

#### 4. Grounds for this appeal<sup>4</sup>

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: We are opposed to the Third CUP because of concern for traffic, parking and safety. We also oppose the appeal of the CUP due to the fact that the Chapman House is zoned "R-1" and is located in a quiet, family oriented residential neighborhood. Finally, the City of Pismo Beach has acknowledged that the Chapman Estate is in need of many repairs and the seawall also requires major repairs.

In conclusion, the Planning Commission voted 5-0 to not approve the third CUP Amendment. They appreciated the many concerns in the letters sent by so many residents in the neighborhood with children who walk and play in the streets.

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

**Appeal of local CDP decision**  
**Page 5**

**5. Appellant certifications**

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

Print name Michael LaTourrette DEBRA LATOURRETTE

[Signature] [Signature]  
Signature

Date of Signature 5/8/2021

**5. Representative authorization<sup>5</sup>**

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

<sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

**CALIFORNIA COASTAL COMMISSION**

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SANTA CRUZ, CA 95060-4508  
(831) 427-4863  
CENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****Filing Information (STAFF ONLY)**

District Office: Central Coast

Appeal Number: A-3-PSB-21-0032Date Filed: 5/14/2021Appellant Name(s): Brahm Levin**RECEIVED****MAY 14 2021****CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA****APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

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**Appeal of local CDP decision**

**Page 2**

**1. Appellant information<sup>1</sup>**

Name:

BRAHM LEVIN

Mailing address:

27969 Black Mt Rd Los Altos Hills, CA 94022

Phone number:

650-619-7691

Email address:

brahmlevin@gmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☒ Testified at hearing ☐ Other

Describe:

I objected in person at a City Council Meeting  
Letter to City Council voicing concern 5/19/14  
Letter to Planning Commission voicing concern 3/19/21

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe:

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe:

The city voted to defer action after I spoke at meeting  
Planning Commission denied CUP modification by 5-0  
Vote. I had sent a letter beforehand  
The City Council met 4/20/21 ignored the  
Planning Commission and voted 3-2 to approve the  
modified CUP.

<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

**Appeal of local CDP decision**  
**Page 3**

**2. Local CDP decision being appealed<sup>2</sup>**

Local government name:

City of Pismo Beach

Local government approval body:

Pismo Beach City Council

Local government CDP application number:

P20-000069

Local government CDP decision:



CDP approval



CDP denial<sup>3</sup>

Date of local government CDP decision:

4/20/21

Please identify the location and description of the development that was approved or denied by the local government.

Describe:

1201 Ocean Blvd Pismo Beach CA  
93449 San Luis Obispo County  
Apn: 06079-010-302-012

Chapman Estate amended CUP  
#3 to use the Estate zoned  
R1 as a public cultural center.

<sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

## Appeal of local CDP decision

### Page 4

#### 3. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

#### 4. Grounds for this appeal<sup>4</sup>

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

- Describe: Violations of Pismo Code Title 17 1983
- 17.003.010 D. Appropriate location E. Added congestion  
F. Privacy violation G. Excessive noise
  - 17.009.018 R1 Zoning violation
  - 17.108.020 Failure to meet off street parking required
  - 17.130.020 Planning Commission voted 5-0 3/23/21  
denying ammendment 3 to CUP
  - 17.09 Does property meet short term rental requirements  
for planned corporate retreats
  - 17.32 There is a new building under construction on property
  - 17.34 Off street parking is insufficient and loading  
and delivery vehicles are <sup>parked on the streets</sup> closing the streets
  - 17.52.020 New structure on the site in violation of  
requirements of this section

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

**Appeal of local CDP decision**  
**Page 5**

**5. Appellant certifications**

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

Print name BRAHM LEVIN

Signature 

Date of Signature 5/14/21

**5. Representative authorization<sup>6</sup>**

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

<sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.



**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name \_\_\_\_\_

CDP Application or Appeal Number \_\_\_\_\_

**Lead Representative**

Name \_\_\_\_\_

Title \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_

State, Zip \_\_\_\_\_

Email Address \_\_\_\_\_

Daytime Phone \_\_\_\_\_

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_

Additional Representatives (as necessary)

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
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Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_



Copy

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**APPEAL FORM**

## Appeal of Local Government Coastal Development Permit

**Filing Information (STAFF ONLY)****RECEIVED**

District Office: Central Coast

MAY 17 2021

Appeal Number: A-3-PSB-21-0032

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Date Filed: May 17, 2021Appellant Name(s): Pam Roberts**APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

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## Appeal of local CDP decision

### Page 2

#### 1. Appellant information<sup>1</sup>

Name: Pam Roberts

Mailing address: 317 Santa Fe Ave Pismo Beach Ca, 93449

Phone number: 805-835-7059

Email address: pamyjheartsings@gmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate ☒ Submitted comment ☐ Testified at hearing ☐ Other

Describe:

Emailed letter to the Planning Commission for the March 27th, 2021 meeting.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe:

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: The City did not follow the proper CDP hearing procedure. I was not notified by mail (nor my neighbors), which did not allow input from the residents that were directly affected at the City Council meeting.

<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

**Appeal of local CDP decision**  
**Page 3**

**2. Local CDP decision being appealed<sup>2</sup>**

Local government name:	<u>The City of Pismo Beach</u>
Local government approval body:	<u>Pismo Beach City Council</u>
Local government CDP application number:	<u>P20-000069</u>
Local government CDP decision:	<input checked="" type="checkbox"/> CDP approval <input type="checkbox"/> CDP denial <sup>3</sup>
Date of local government CDP decision:	<u>4/20/2021</u>

Please identify the location and description of the development that was approved or denied by the local government.

Describe: See attachment

<sup>2</sup> Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

<sup>3</sup> Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

## Appeal of local CDP decision

### Page 4

#### 3. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

#### 4. Grounds for this appeal<sup>4</sup>

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Describe:

See Attachment

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.



**Appeal of local CDP decision**

**Page 5**

**5. Appellant certifications<sup>5</sup>**

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

Print name Pam Roberts

Pam Roberts

Signature

Date of Signature 5/17/2021

**5. Representative authorization<sup>6</sup>**

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

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Your Name \_\_\_\_\_

CDP Application or Appeal Number \_\_\_\_\_

**Lead Representative**

Name \_\_\_\_\_

Title \_\_\_\_\_

Street Address. \_\_\_\_\_

City \_\_\_\_\_

State, Zip \_\_\_\_\_

Email Address \_\_\_\_\_

Daytime Phone \_\_\_\_\_

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_

Additional Representatives (as necessary)

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

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Street Address. \_\_\_\_\_  
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State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_



Appeal

Pam Roberts

317 Santa Fe Ave

Pismo Beach, Ca 93449

City of Pismo Beach P20-000069

## **2. Local CDP decision being appealed**

APN: 06079-010-302-012

Appeal of Amendment No. 3 of the Conditional Use Permit.

Allows use for up to 100 people per day with events/increased events from 18 per year to 204 per year

Increases parking, the estate does not have parking. The estate has 0 parking

Increased to year-round operations and events

This is zoned for R-1 in a residential area per the General and Coastal Plan/Local Coastal Plan. Conflict with zoning.

The lack of parking greatly affects residents, beachgoers and visitor's ability to enjoy the coast and raises serious concerns for safety.

## **4. Grounds for this appeal**

The City has failed to address the traffic concerns and coastal impacts.

The residential streets in between Shell Beach rd. and Ocean Blvd are small and narrow.

We have had a huge increase in traffic with residents & beachgoer's walking along Ocean Blvd. The visitors and tourists park along Ocean Blvd. and in the residential neighborhoods.

The City of Pismo did not complete a traffic circulation or parking study. The increase of events will cause significant impact on the neighborhoods and parking. It will further damage the already failing streets that are in desperate need of repair. Ocean Blvd has seawall issues, pot holes in the streets, staircases that have been washed away.

The City Manager mentioned (listen to meeting 4/20/21) that they will have to replace or repair the seawall on the property of the Chapman Estate (he estimated 1.5 million). Is the commission aware of this? What impact will this have in the area?

Our streets are narrow and already crowded from beach traffic, residential parking & tourists.

Santa Fe Ave (my street), is directly affected as the street ends right into the Chapman Estate. It is very narrow; it does not have curbs or sidewalks. Ocean Blvd. is the same. Pedestrians & bicyclists (I am one of them) already have to be very careful navigating with the amount of traffic.

The local Fire dept has had trouble navigating their trucks down the streets during these events with all the cars, in fact once they could not get around the cars. It's very dangerous.

The events in the past have had cars parked all the way down Ocean Blvd which included attendee's, event staff, catering trucks, rental trucks etc. this has and will take away from those enjoying the ocean and will take away significantly from parking. One of the highlights of living and visiting in this area is our enjoyment of strolls along Ocean Blvd to enjoy the ocean views and the beach.

The neighborhood is already impacted with the current level of traffic, from vacation rentals, locals and tourists, not to mention the Cities renovation of the Shell Beach road, that is now too narrow for big delivery trucks so they are driving along Ocean Blvd. We simply cannot handle anymore. Increased traffic makes it dangerous for pedestrians & bicyclists that are out for strolls and rides.

Shell Beach is the place to watch sunsets and bring your family to the beach. It is a residential neighborhood not an area for an event center. It will have a huge impact.

The city should be required to complete a Traffic Circulation and Parking study. I am in shock that they did not do this before changing the CUP.

The City fails to address the noise impacts. Shouldn't the City be required to complete a noise study?

I'm also concerned that the Planning Commission voted 5-0 in rejection of the proposed CUP and that the City Council failed to address the concerns.

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT ST., SUITE 300  
SANTA CRUZ, CA 95060-4508  
(831) 427-4863  
CENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM**

## Appeal of Local Government Coastal Development Permit

**Filing Information (STAFF ONLY)**

District Office: Central Coast

Appeal Number: A-3-PSB-21-0032Date Filed: 6/15/2021Appellant Name(s): Joanne Schultz**RECEIVED**

MAY 15 2021

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA**APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

**Note regarding emailed appeals.** Please note that emailed appeals are accepted ONLY at the general email address for the Coastal Commission district office with jurisdiction over the local government in question. For the Central Coast district office, the email address is CentralCoast@coastal.ca.gov. An appeal emailed to some other email address, including a different district's general email address or a staff email address, will be rejected. It is the appellant's responsibility to use the correct email address, and appellants are encouraged to contact Commission staff with any questions. For more information, see the Commission's contact page at <https://coastal.ca.gov/contact/#/>.



## Appeal of local CDP decision

### Page 2

#### 1. Appellant information<sup>1</sup>

Name: Joanne Schultz

Mailing address: 369 Castaic Ave., Pismo Beach, CA 93449

Phone number: N/A

Email address: schultz.ball@verizon.net

How did you participate in the local CDP application and decision-making process?

☐ Did not participate    ☒ Submitted comment    ☒ Testified at hearing    ☐ Other

Describe: I submitted written comments and spoke at the Planning  
Commission meeting on March 27, 2021.  
I submitted written comments and spoke at the City Council  
meeting on April 20, 2021.

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: N/A

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: The Planning Commission voted 5-0 to reject this Amendment No. 3  
to the CUP for the Chapman Estate. The City Council -- who is also  
also the applicant -- ignored the recommendation of the Planning  
Commission and approved it. I am appealing this approval.

<sup>1</sup> If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.

## Appeal of local CDP decision

## Page 3

## 2. Local CDP decision being appealed2

Local government name:

City of Pismo Beach

Local government approval body:

City of Pismo Beach

Local government CDP application number:

P20-000069

Local government CDP decision:

☒

CDP approval

☐

CDP denial3

Date of local government CDP decision:

4/20/2021

Please identify the location and description of the development that was approved or denied by the local government.

Describe:

See Attachment 1

2 Attach additional sheets as necessary to fully describe the local government CDP decision, including a description of the development that was the subject of the CDP application and decision.

3 Very few local CDP denials are appealable, and those that are also require submittal of an appeal fee. Please see the [appeal information sheet](#) for more information.

## Appeal of local CDP decision

## Page 4

### 3. Identification of interested persons

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

☐ Interested persons identified and provided on a separate attached sheet

#### 4. Grounds for this appeal4

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See Attachment 1

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page.

<sup>4</sup> Attach additional sheets as necessary to fully describe the grounds for appeal.

**Appeal of local CDP decision**

**Page 5**

**5. Appellant certification<sup>5</sup>**

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

Print name Joanne Schultz

Signature



Date of Signature 5/15/2021

**5. Representative authorizations**

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

<sup>5</sup> If there are multiple appellants, each appellant must provide their own certification. Please attach additional sheets as necessary.

<sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.

Attachment 1

*2. Local CDP decision being appealed*

*Please identify the location and description of the development that was approved or denied by the local government.*

**Project Location:**

The Chapman Estate, 1201 Ocean Blvd., Pismo Beach, CA 93449, APN: 06079-010-302-012.

**Description of Development:**

Appeal of Amendment No. 3 of the Conditional Use Permit (CUP) which repurposes the Chapman Estate as an event center. It allows use of the property for daily events of up to 100 people, which is inappropriate in its residential neighborhood setting.

A summary of changes includes:

- Increases Gatherings, Events and Fundraisers from 18 per year to 204 per year, a 1,100% increase in the number of events.
- 72 private events, none of which would require offsite parking.
- 104 recreational classes – which are not defined or limited in terms of size
- Year-round operations
- No parking provisions or mitigations although the estate has zero parking spaces in an area with narrow streets, no sidewalks, and significant pedestrian and bike traffic

*4. Grounds for this appeal:*

*For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.*

The City of Pismo Beach has not conformed to the LCP and to Coast Act public access provisions in the approval of the Chapman Estate CUP Amendment No. 3, which has resulted in six grounds for appeal. Any one of these items, on its own, is sufficient for the Coastal Commission to hear the appeal of the project.

Attachment 1

**1. The proposed development does not comply with the Local Coastal Plan, Circulation Element.**

The 4/20/2021 City Council Agenda Report #11.A Findings Section C “Findings Regarding the Amendment to the Coastal Development Permit” fails to address the traffic circulation, parking, and safety impacts caused by significantly increasing activities at the estate and does not provide any mitigation strategies.

The Chapman Estate is within a neighborhood of Shell Beach Boulevard is bounded by Ocean Boulevard, Shell Beach Boulevard, Vista Del Mar and Placentia Avenue, There are 11 residential streets in this neighborhood. The residential streets closest to the Chapman Estate are narrow, and many have small beach cottages on small lots with one-car garages and very short driveways. Most residents rely on street parking for one or more vehicles.

The Chapman Estate has no onsite parking spaces and no loading dock.

Ocean Boulevard and the residential streets in the neighborhood have no sidewalks, although there is significant foot traffic from both residents and visitors walking to Eldwayen Park, for beach access from Ocean Boulevard and down Ocean Boulevard to the scenic vista at Boeker often with dogs and strollers. There is also significant bike traffic in this area.

Currently, significant beach visitor parking occurs all along Ocean Boulevard and along residential streets closest to the ocean access. In addition, visitor parking for the restaurants and shops along Shell Beach Road occurs at the east end of the residential streets.

Yet the City did not complete a traffic circulation or parking study for adding 186 events per year, all of which will cause traffic and parking impacts on these narrow, over-used streets.

The report’s silence on the effect of daily events on parking in the neighborhood is laughable. If a private company proposed opening an event center with zero parking spaces, the City would never approve such a venture.

The neighborhood is already strained to accommodate current levels of traffic, much less increased delivery trucks, City trucks, event staff, and attendees.

The City should be required to complete a Traffic Circulation and Parking study and provide meaningful mitigation strategies before proposing a change to the CUP. Adding 186 events per year at the estate will impact both residents and visitors seeking coastal access.

Attachment 1

**2. The proposed development does not comply with the Local Coastal Plan, Noise Element.**

The 4/20/2021 City Council Agenda Report #11.A Findings Section C "Findings Regarding the Amendment to the Coastal Development Permit" fails to address the noise impacts caused by significantly increasing activities at the estate and does not provide any mitigation strategies.

The City should be required to complete a noise study and provide meaningful mitigations strategies before proposing a change to the CUP. Adding 186 events per year will impact both residents and visitors enjoying coastal access in the neighborhood.

**3. The proposed development does not comply with the Local Coastal Plan which designates its Land Use as Low Density residential.**

The Chapman Estate is a large residence in the Shell Beach neighborhood. It is zoned R-1 Residential and is Low Density Residential per the current General Plan/Local Coastal Plan.

Use of this property as an events center running 204 functions a year is neither low density nor residential and is in conflict with the zoning. Furthermore, it will have a negative impact on the other R-1 properties in the neighborhood.

The 4/20/2021 City Council Agenda Report #11.A Findings Section C "Findings Regarding the Amendment to the Coastal Development Permit" erroneously states that "the increase in the number of events will not impair the desirability of investment or occupation in the neighborhood because the Conditions of Approval affecting events will work in conjunction with the Special Events Committee approvals to avoid potential impacts to the neighborhood."

There is no factual basis for this finding. It is a complete assertion. This complete avoidance of the issues and is an unacceptable response.

Or is the City saying that the rest of the neighbors can start renting out their properties for private events too?

**4. The proposed development will impact Coastal Act public access to the beach and scenic vista points and public safety.**

The 4/20/2021 City Council Agenda Report #11.A Findings Section C "Findings Regarding the Amendment to the Coastal Development Permit" asserts that it will allow for additional coastal access at the Chapman Estate. However, there is no

Attachment 1

discussion of the impacts to the coastal access on those enjoying the beach, Eldwayen Park, or walking the neighborhood. These impacts are likely significant.

As described in Item 1, the neighborhood has extremely constrained traffic flow with narrow streets, and limited street parking, with many residents relying on street parking.

The Chapman Estate has no onsite parking spaces and no loading dock.

Currently, a large amount of beach visitor parking occurs all along Ocean Boulevard and along residential streets closest to the ocean access.

During the 208 events per year, there is no parking at the Chapman Estate, so attendees, event staff, caterers, etc. will park on Ocean Boulevard and residential streets, competing with beach visitors. The added traffic will also pose safety challenges due to the amount of foot and bike traffic.

The City should be required to complete a Traffic Circulation and Parking study and provide meaningful mitigation strategies before proposing a change to the CUP. Adding 186 events per year will negatively impact Coastal Act public access.

**5. The proposed development did not follow proper CDP notice and hearing procedures.**

The proposed development circumvented the correct approval process because the City, who is the applicant, overrode the 5-0 rejection by the Planning Commission.

On March 27, 2021, the Planning Commission rejected the proposed CUP Amendment No. 3 by a vote of 5-0 and stated concerns including the following:

- Traffic circulation studies are needed before any action is taken.
- The current CUP is already straining the community.
- Additional events will be at the expense of neighbors who did not purchase their homes with the understanding that they were near an event center.
- It appears that this change will lessen the quality of life for residents.
- Increased frequency of events is an issue. 25 attendees still have a lot of cars on narrow streets with limited parking.
- Removing the provision for annual review is problematic because the CUP can't be modified if it causes problems.

None of the Planning Commission concerns were addressed by the City at the April 20, 2021 City Council meeting where the council ignored the recommendation and approved CUP Amendment No. 3 on a 3-2 vote. It was clear that the driving issue



Attachment 1

behind the approval is the City's desire for revenue from the facility to offset its maintenance costs.

Two City Council members dissented and their comments regarding their decision to reject the change included the following:

- The City's Findings in the report are not adequate to allow amendment to the CUP.
- This attempt to monetize the Chapman Estate with more events will strain the neighborhood.
- Parking will be an issue with events of any size.
- It is physically impossible not to impact the neighborhood.

The fact that the City appealed to itself – and still only approved the measure 3-2 – tells how dysfunctional this system is. The City's arrogance in refusing to study, quantify, or mitigate the impacts is an affront to the public process they are pretending to comply with.

**6. The proposed development did not follow proper CDP notice and hearing procedures because public involvement was avoided and hearings were not properly noticed.**

The City did not solicit input from the community during development of CUP Amendment No. 3.

Once developed, the City had an event to present its plan and claims to have sent out postcards to the neighborhood, but I live 500 feet from the estate and I did not receive one, nor did many of my neighbors. I certainly would have attended such an event. I walk by the Chapman Estate twice a day. I never noticed a posting about developing this amendment or their presentation event. I can only conclude that the City preferred not to hear from us.

I did not receive a notice for the Planning Commission meeting on March 27, 2021. I heard about it from neighbors.

I did not receive a notice for the City Council meeting on April 20, 2021. What is most concerning here is that a number of residents who participated in the Planning Commission meeting and knew that the resolution was rejected, thought the issue was over. The City Council's failure to notice excluded some interested parties from that meeting – they didn't even know that CUP Amendment No. 3 was still being pursued.

Attachment 1

**Conclusion**

The City of Pismo Beach approved the Chapman Estate CUP Amendment No. 3 without regard to community and coastal impacts, and in defiance of its own Planning Commission who rejected the measure 5-0. There are multiple grounds for appeal. I respectfully request that the Coastal Commission hear the appeal.



**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT ST., SUITE 300  
SANTA CRUZ, CA 95060-4508  
(831) 427-4863  
CENTRALCOAST@COASTAL.CA.GOV

**APPEAL FORM****Appeal of Local Government Coastal Development Permit****RECEIVED****MAY 20 2021**

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**Filing Information (STAFF ONLY)**

District Office: Central Coast

Appeal Number: A-3-PSB-21-0032Date Filed: 5/20/2021Appellant Name(s): Kathryn Smalarz**APPELLANTS**

**IMPORTANT.** Before you complete and submit this appeal form to appeal a coastal development permit (CDP) decision of a local government with a certified local coastal program (LCP) to the California Coastal Commission, please review the appeal information sheet. The appeal information sheet describes who is eligible to appeal what types of local government CDP decisions, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Appellants are responsible for submitting appeals that conform to the Commission law, including regulations. Appeals that do not conform may not be accepted. If you have any questions about any aspect of the appeal process, please contact staff in the Commission district office with jurisdiction over the area in question (see the Commission's contact page at <https://coastal.ca.gov/contact/#/>).

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## Appeal of local CDP decision

### Page 2

#### 1. Appellant information:

Name: Kathryn Smalarz

Mailing address: 375 Castaic Ave, Shell Beach, Ca 93449

Phone number: 818-590-4095

Email address: ksmalarz@hotmail.com

How did you participate in the local CDP application and decision-making process?

☐ Did not participate    ☒ Submitted comment    ☒ Testified at hearing    ☐ Other

Describe: I wrote a letter to the Planning Commission and the City Council and spoke at the City Council Meeting

If you did *not* participate in the local CDP application and decision-making process, please identify why you should be allowed to appeal anyway (e.g., if you did not participate because you were not properly noticed).

Describe: N/A

Please identify how you exhausted all LCP CDP appeal processes or otherwise identify why you should be allowed to appeal (e.g., if the local government did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes).

Describe: The Planning commission voted unanimously against the CUP for the Chapman Estate (5 to 0).

The City Council which has 3 members who have been on the council for years,

and 2 newly elected members voted along age lines to approve

their own Amendment. Sounds like a huge conflict of interest to me. How can you submit something for approval to yourself?

1 If there are multiple appellants, each appellant must provide their own contact and participation information. Please attach additional sheets as necessary.



## Page 4

On a separate page, please provide the names and contact information (i.e., mailing and email addresses) of all persons whom you know to be interested in the local CDP decision and/or the approved or denied development (e.g., the applicant, other persons who participated in the local CDP application and decision making process, etc.), and check this box to acknowledge that you have done so.

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP or to Coastal Act public access provisions. For appeals of a CDP denial, grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Please clearly identify the ways in which the development meets or doesn't meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

Describe: See attached

Exhibit 6  
A-3-PSB-21-0032  
85 of 90

**Appeal of local CDP decision**

**Page 5**

**5. Appellant certifications**

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

Print name Kathryn Smalarz

Signature Kathryn Smalarz

Date of Signature 5/20/2021

**5. Representative authorizations**

While not required, you may identify others to represent you in the appeal process. If you do, they must have the power to bind you in all matters concerning the appeal. To do so, please complete the representative authorization form below and check this box to acknowledge that you have done so.

☐ I have authorized a representative, and I have provided authorization for them on the representative authorization form attached.

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<sup>6</sup> If there are multiple appellants, each appellant must provide their own representative authorization form to identify others who represent them. Please attach additional sheets as necessary.



**CALIFORNIA COASTAL COMMISSION**

45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE (415) 904-5200  
FAX (415) 904-5400

**DISCLOSURE OF REPRESENTATIVES**

If you intend to have anyone communicate on your behalf to the California Coastal Commission, individual Commissioners, and/or Commission staff regarding your coastal development permit (CDP) application (including if your project has been appealed to the Commission from a local government decision) or your appeal, then you are required to identify the name and contact information for all such persons prior to any such communication occurring (see Public Resources Code, Section 30319). The law provides that failure to comply with this disclosure requirement prior to the time that a communication occurs is a misdemeanor that is punishable by a fine or imprisonment and may lead to denial of an application or rejection of an appeal.

To meet this important disclosure requirement, please list below all representatives who will communicate on your behalf or on the behalf of your business and submit the list to the appropriate Commission office. This list could include a wide variety of people such as attorneys, architects, biologists, engineers, etc. If you identify more than one such representative, please identify a lead representative for ease of coordination and communication. You must submit an updated list anytime your list of representatives changes. You must submit the disclosure list before any communication by your representative to the Commission or staff occurs.

Your Name \_\_\_\_\_

CDP Application or Appeal Number \_\_\_\_\_

**Lead Representative**

Name \_\_\_\_\_

Title \_\_\_\_\_

Street Address. \_\_\_\_\_

City \_\_\_\_\_

State, Zip \_\_\_\_\_

Email Address \_\_\_\_\_

Daytime Phone \_\_\_\_\_

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_

Additional Representatives (as necessary)

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Street Address. \_\_\_\_\_  
City \_\_\_\_\_  
State, Zip \_\_\_\_\_  
Email Address \_\_\_\_\_  
Daytime Phone \_\_\_\_\_

Your Signature \_\_\_\_\_

Date of Signature \_\_\_\_\_

The Chapman Estate 1243 Ocean Blvd (addressed as 1201 in your paperwork), Pismo Beach, Ca 93449

The City Council approved their own amendment for this property. Is that NOT a conflict of interest? Their amendment will increase the number of events held in this residential community from approximately 18 per year to 200 + per year. We residents did NOT purchase our properties with an Event Center in the neighborhood. The City's proposal has events going on every day throughout the year (365 days). They have not addressed concerns of the Planning Commissions resounding NO vote (5-0) on their approval. Parking in our residential neighborhood is marginal at best. Homeowners and their families grapple to find adequate parking on a daily basis. If they have company or visitors they too have to struggle to find parking. The Estate has NO parking of their own nor do they have a loading dock. Our streets are narrow (15 MPH) and no sidewalks. The local residents walk children, pets and ride bicycles on these streets. In previous events at the Estate the local streets are saturated with attendees parking in 'legal' parking, which impacts our own parking spaces. We already absorb visitors cars and RV's to our local small park (Eldwayen Park).

Ocean Blvd itself is in danger of eroding into the ocean. There are multiple 'patches' of sea wall along the street. Our sewer system is underneath Ocean Blvd. The Estate's proposed daily use would have multiple large delivery trucks, attendees, City trucks and event staff up and down our streets EVERY SINGLE DAY.

The City will be advertising for events or availability for events at the property. This will bring in many people who may not know we even exist here. This will increase crime as well as traffic in our residential only neighborhood. The Estate is zoned R1. The city's proposed use will not conform to this zoning though I'm sure they will try to change the zoning to accommodate themselves and their 'project'.

The city proposes to allow music at these events. I live just around the corner and can hear any music or microphone speaking at my house. I moved here to be able to listen to the ocean and wild life. An occasional event similar to that held by the now deceased owner was not objectionable as it was only a few times a year NOT every day of the year. Noise will be an issue daily here as well as safety. Increased traffic with the current local use of biking, walking, running, dogs, strollers are enough of a demand for the small streets and neighborhood.

Property values will be impacted by a new proposed Event Center. I did not buy to have an event center around the corner. This event center will impact the quality of our lives.

The city council seemed to have already made up their mind when they held the council meeting. Three of the members have been on the council for years going back to before the previous owner passed away. They accepted this property from the trust and now realize that they need to do something to provide monies for maintenance and upkeep. The city told us that they estimate it will take about 4 million dollars to bring it up to code. They did not mention where this money was coming from but it's clear that they are trying to balance the books on the backs of the local residents without regard for our quality of life. They should give the property back to the trust or keep it at the originally agreed upon minimal events (18) per year. City council voted 3 in favor and 2 against. The two against stated it would negatively impact the neighborhood.

Although I live around the corner I did not receive notification of the proposed changes or receive the postcard the city says it sent out to all residents in the impacted area. The city has tried to approve this almost in secret. I sure got a lot of election postcards though when they were all running for office.

I urge you to NOT approve this Chapman Estate CUP Amendment 3 and to hear the appeal.