

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT  
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# F18a

**Prepared December 14, 2022 for December 16, 2022 Hearing**

**To:** Commissioners and Interested Persons  
**From:** Kevin Kahn, Central Coast District Manager  
Sarah MacGregor, Coastal Planner  
**Subject:** Additional hearing materials for F18a  
Appeal Number A-3-PSB-22-0064 (Mittry SFD)

This package includes additional materials related to the above-referenced hearing item as follows:

Additional correspondence received in the time since the staff report was distributed



760 Mattie Road, Pismo Beach, CA 93449  
(805) 773-4658 | [PismoBeach.org](http://PismoBeach.org)

December 2, 2022

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

**Re: Commission Appeal No. A-3-PSB-22-0064**

Dear Coastal Commissioners:

The City of Pismo Beach (the “City”) is providing this letter in response to the “Appeal of local CDP decision” submitted for Commission Appeal No. A-3-PSB-22-064 (the “Appeal”), received by the City on November 14, 2022, for the project located at 171 Naomi Avenue (the “Project”). The City appreciates the opportunity to address the appeal and support the City Council’s action regarding the Project. The City also appreciates Commission staff’s hard work analyzing the Appeal and supports staff’s recommendation of No Substantial Issue.

The Appeal includes several inaccurate or misleading assertions related to the Project and the City’s processing of the application. The intent of this letter is to provide additional information or, where necessary, to refute misstatements that were made in the Appeal.

The first item to address is regarding the appellants. The Appeal indicates both Tarren Collins and Erik Howell as Appellants. Based on the public record and meeting minutes, Mr. Howell did not attend nor provide public comment at any of the meetings regarding decisions being made on the Project. This includes the March 22, 2022, Planning Commission hearing, the April 19, 2022, City Council appeal hearing, nor the October 18, 2022, City Council public hearing to review and ratify the approval of the Project following Coastal Commission certification of the City’s Local Coastal Program (LCP) Amendment on September 9, 2022. Accordingly, the City believes Mr. Howell lacks standing to appeal due to failing to exhaust all local remedies prior to being part of the Appeal as outlined on Page 2 of the Commission’s Appeal Information Sheet under the first section titled Who can appeal? (Attachment 1).

Secondly, on Page 4 of the Appeal, under Item 4. Grounds for this appeal, the Appellants identify procedural irregularities as the first grounds for the Appeal. This is an attempt to continue to tie the Project to the Local Coastal Program Amendment for the St. Andrews Tract, which was certified by the Commission on September 9, 2022 (Attachment 2). As part of that hearing and the Coastal Commission’s actions, Commissioners stated that it is not uncommon for individual projects to process LCP Amendments and that LCP Amendments have been processed after-the-fact to ensure LCP and Coastal Act consistency. While the LCP Amendment was applied for by a private individual, the Amendment became a community issue and ended with a community benefit, a fact identified by the City’s Planning Commission as it unanimously recommended the City Council



adopt an expanded Amendment that implemented the LCP changes for the entire St. Andrews Tract Planning Area instead of a single parcel. For these reasons, the City believes this appeal point is not valid.

The third item to address is the Appellant's second grounds for the Appeal that the home is inconsistent with the community character of the neighborhood. This assertion is problematic for three reasons. The first reason is that while the home is larger in size with regard to square footage than the existing residence, the approved residence maintains a smaller building footprint and is one foot (1') lower in height than the existing residence. The second reason this assertion is problematic is that the proposed residence is consistent with the size and scale of several homes in the St. Andrews Tract Planning Area, which includes nine (9) homes over 3,000 square-feet and four (4) homes larger than 4,000 square-feet. The final reason this assertion is problematic is that this appeal point addressing compatibility with the neighborhood is attacking the City Council's approval of an Architectural Review Permit (ARP) as part of the Project, not the Coastal Development Permit (CDP). The City Council's approval of the Project included findings that the Project is consistent with the neighborhood. However, the Appeal is for the CDP and not the ARP. Therefore, arguments made about the compatibility of the approved residence should not be taken into consideration.

The final item to address in the Appeal is the correction of errors and misstatements made by the Appellants. The first is regarding the size of the approved residence. The Appeal states that the existing residence is 1,340 square-feet when the current home approved for demolition is 1,960 square-feet with the current garage and over 2,220 square-feet of building footprint. The second error in the Appeal is the Date of local government CDP decision on Page 3, which states the CDP was approved April 19, 2022. While the City Council took original action on the CDP on April 19, 2022, through consultation with the Commission's staff and as identified in the September 9, 2022, LCP Amendment staff report to the Coastal Commission, the City was required to take additional action following certification of the Amendment to ensure the Project is consistent with the City's LCP. On October 18, 2022, the Pismo Beach City Council held a public hearing to consider ratifying the Council's previous action under the certified LCP. At that time, the City Council ratified the Project's approval in light of the approved amendment to the LCP, setting the approval date as October 18, 2022. The last error in the Appeal is the inclusion of previous LCP Policy language that is no longer part of the City's Certified LCP, which is an attempt to continue tying the Project to regulations that are no longer in effect. The Project must be evaluated against the Certified LCP, which the City Council did as part of its approval of the Project on October 18, 2022.

We appreciate the opportunity to provide comments on this matter. Should you have any questions, please do not hesitate to contact me by email at [mdowning@pismo beach.org](mailto:mdowning@pismo beach.org) or by telephone at (805) 773-4658.

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew J. Downing".

Matthew J. Downing, AICP  
Community Development Director



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cc: James R. Lewis, City Manager  
Megan Martin, Planning Manager  
Kevin Kahn, District Manager, Central Coast District Office  
Ryan Moroney, Supervisor, Central Coast District Office  
Sarah McGregor, Coastal Planner, Central Coast District Office

Attachments:

1. Coastal Commission Appeal Information Sheet
2. September 9, 2022, Approved Local Coastal Program Amendment Certification Staff Report

**CALIFORNIA COASTAL COMMISSION**

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# Appeal Information Sheet

**IMPORTANT.** Before you complete and submit an 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 read and understand this information sheet. This information sheet describes who is eligible to appeal, what types of local government CDP decisions are appealable, the proper grounds for appeal, and the procedures for submitting such appeals to the Commission. Please note that this information does *not* apply to other types of appeals, including appeals of permit approvals by the City of Los Angeles or appeals of staff determinations to the Commission. If you have any questions about this information sheet or any aspect of the appeal process, please contact Commission staff in the Commission district office with jurisdiction over the project to be appealed (click [here](#) to visit the Commission's contact page, which provides both contact information and information about the geographic jurisdiction of each regional office).

## What can be appealed?

Coastal Act Section 30603 provides for the appeal to the Coastal Commission of certain CDP decisions by cities and counties that have Commission-certified LCPs. Such local CDP decisions are appealable when they apply to:

1. Approval of development located between the sea<sup>1</sup> and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
2. Approval of development located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
3. Approval of development located in a sensitive coastal resource area.<sup>2</sup>
4. For projects approved by counties, approval of development that is not designated as the principal permitted use (PPU) under the County LCP, either if such development is designated other than the PPU or in cases where multiple use types are designated as PPUs.

<sup>1</sup> See Public Resources Code, section 30115 (definition of "sea").

<sup>2</sup> See Public Resources Code, section 30116 (definition of "sensitive coastal resource area").

## **Appeal Information Sheet**

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5. Approval or denial of development constituting a major public works project (including a publicly financed recreational facility and/or a special district development) or a major energy facility.<sup>3</sup>

#### **Who can appeal?**

The applicant for the CDP or any “aggrieved person” may submit an appeal to the Commission provided they have exhausted all local appeals. An “aggrieved person” generally means any person who participated in the local CDP application and decision making process (e.g., submitted comments, testified at hearings, etc.), whether directly or through a representative, or who for good cause was unable to do so (e.g., a person who did not participate because they were not properly noticed).

To exhaust local appeals, a potential applicant or aggrieved person appellant must pursue appeals through all of the local appellate processes for CDP decisions specified in the certified LCP (e.g., appeal of Zoning Administrator CDP decisions to the Planning Commission, and appeal of Planning Commission decisions to the City Council/Board of Supervisors). A potential appellant can be deemed to have exhausted local appeals without completing all such local appellate processes in certain situations, the most common being that the local government either did not follow proper CDP notice and hearing procedures, or it charges a fee for local appellate CDP processes. In addition, any two Coastal Commissioners are eligible to appeal regardless of participation status and without exhausting local appeals.

#### **What are the allowed grounds for appeal?**

For appeals of a CDP approval, grounds for appeal are limited to allegations that the approved development does not conform to the LCP and/or to Coastal Act public access provisions. For appeals of a CDP denial, where allowed (i.e., only allowed in extremely limited circumstances – see description of appealable actions, above), the grounds for appeal are limited to allegations that the development conforms to the LCP and to Coastal Act public access provisions. Appellants need to clearly identify the ways in which they believe the development meets or doesn’t meet, as applicable, the LCP and Coastal Act provisions, with citations to specific provisions as much as possible, and emphasis on the areas where they believe the local government decision was in error. Appellants are encouraged to be concise, and to arrange their appeals by topic area and by individual policies.

#### **When, where, and how can appeals be filed?**

Local governments are required to send notices of their final CDP decisions to the Coastal Commission. The filing of a complete final local action notice, or FLAN, starts a 10-working day appeal period for that action running, during which time appeals may be filed with the Commission. Currently appealable local CDP actions are available for

<sup>3</sup> For definitions of ‘energy facility’ and ‘public works’ see Coastal Act Sections 30107 and 30114. For determining what constitutes ‘major’, see California Code of Regulations, Title 14, Section 13012.

## **Appeal Information Sheet**

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review in the Commission district office with jurisdiction over that geographic area (again, click [here](#) for the Commission contact page) and are also published on the Commission's website (click [here](#) to see currently see appealable local actions). Appeals may be submitted in person, via email,<sup>4</sup> or by mail to the district office with jurisdiction over the project area. An appeal must be received by 5pm of the tenth working day of the appeal period, and appeals received after that time will be rejected.

#### **Is there a fee for appeals?**

There is no fee for an appeal unless the appeal is deemed patently frivolous by the Executive Director (in which case a \$300 fee must be paid within 5-working days of receiving notice of the Executive Director's determination, or the appeal will not be filed)<sup>5</sup> or it is an appeal of a CDP major project denial decision, in which case the appeal must be accompanied by a fee in the amount that would apply to the denied development if it were a CDP application for the same project pursuant to the Commission's CDP application fee regulations, and where the full and proper fee must be received by the Commission by 5pm on the tenth working day (see above) or the appeal will be deemed invalid and will not be processed. In the latter case, potential appellants are encouraged to contact staff in the Commission district office with jurisdiction over the applicable area to ensure the proper fee is timely submitted. Either way, it is the appellant's responsibility to submit the proper fee, and in cases where the fee is not submitted or the fee submitted is insufficient to cover the required development application fee, the appeal will be rejected.

#### **How do I track potential appealable CDP actions and appeal periods?**

Staff in the Commission district office with jurisdiction over the applicable area are your best sources for information on local government CDP decisions and appeal provisions. In addition, each district office maintains a list of currently appealable CDP decisions, with information on the development that was approved or denied, along with the appeal period dates and deadlines. This list can be accessed at the offices (again, see contact information [here](#)). In addition, appealable local government decisions are listed on the Commission's website [here](#).

<sup>4</sup> Emailed appeals are ONLY accepted if sent to the general email address for the Coastal Commission district office with jurisdiction over the geographic area where the development is proposed (e.g., for the North Coast District Office the general email address is [northcoast@coastal.ca.gov](mailto:northcoast@coastal.ca.gov), for the North Central Coast District Office the address is [northcentralcoast@coastal.ca.gov](mailto:northcentralcoast@coastal.ca.gov), etc.). 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 a would-be appellant's responsibility to use the correct email address. The addresses are contained on the appeal form for each district. For more information, click here for the Commission [contact page](#) which identifies each district geographically and identifies each district's general email address.

<sup>5</sup> If the Coastal Commission ultimately determines that the appeal raises a substantial issue (see also discussion below), then the \$300 fee will be refunded.

## **Appeal Information Sheet**

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#### **Where do I find the appeal form?**

The appeal forms are available on the Commission's website. Download the appropriate form for the district from this [page](#).

#### **What happens after I submit an appeal?**

Provided the appeal is properly and timely submitted, including any required fees (see above), Commission staff will notify the applicants, the appellants, the local government, and known interested parties that the appeal has been filed, and will ask the affected local government to forward a copy of the local administrative record for the subject CDP decision to the Commission. Commission staff will then evaluate the appeal contentions and prepare a staff recommendation on the appeal for Commission consideration.

#### **What happens when the Commission considers an appeal?**

The Commission's consideration of appeals is a two-step process. The first step is determining whether the appeal raises a substantial issue that the Commission, in the exercise of its discretion, finds to be significant enough to warrant the Commission taking jurisdiction over the CDP application. This step is often referred to as the "substantial issue" phase of an appeal. The Commission is required to begin its hearing on an appeal, addressing at least the substantial issue question, within 49-working days of the filing of the appeal, unless the applicant has waived that requirement, in which case there is no deadline.

The Coastal Act and the Commission's implementing regulations are structured such that there is a presumption of a substantial issue when the Commission acts on this question, and the Commission generally considers a number of factors in making that determination.<sup>6</sup> At this stage, the Commission may only consider issues brought up by the appeal. At the substantial issue hearing, staff will make a recommendation for the Commission to find either substantial issue or no substantial issue. If staff makes the former recommendation, the Commission will *not* take testimony at the hearing on the substantial issue recommendation unless at least three Commissioners request it, and, if no such hearing is requested, substantial issue is automatically found. In both cases, when the Commission does take testimony, it is generally (and at the discretion of the Commission Chair) limited to three minutes total per side, and only the applicant, persons who opposed the application before the local government (or their representatives), and the local government are allowed to testify, while others may submit comments in writing.

If, following testimony and a public hearing, the Commission determines that the appeal does *not* raise a substantial issue, then the first step is the only step, and the local

<sup>6</sup> Including (1) the degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and the Coastal Act's public access provisions; (2) the extent and scope of the development; (3) the significance of the coastal resources affected by the decision; (4) the precedential value of the local government's decision for future interpretation of its LCP; and (5) whether the appeal raises only local issues, or those of regional or statewide significance.



## **Appeal Information Sheet**

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government's CDP decision stands. However, if the Commission finds a substantial issue, the Commission takes jurisdiction over the CDP application, and the appeal heads to the second phase of the hearing on the appeal.

In the second phase of the appeal, the Commission must determine whether the proposed development is consistent with the applicable LCP (and in certain circumstances the Coastal Act's public access and recreation provisions). This step is often referred to as the "de novo" review phase of an appeal, and it entails reviewing the proposed project in total. There is no legal deadline for the Commission to act on the de novo phase of an appeal. Staff will make a CDP decision recommendation to the Commission, and the Commission will conduct a public hearing to decide whether to approve, approve with conditions, or deny the subject CDP. Any person may testify during the de novo phase of an appeal hearing.

#### **What if I have questions?**

If you have any questions about this information sheet or any aspect of the appeal process, please contact Commission staff in the Commission district office with jurisdiction over the area in question (click [here](#) to visit the Commission's contact page).

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# F10b

**Prepared August 19, 2022 for September 9, 2022 Hearing**

**To:** Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Director  
Katie Butler, Coastal Planner

**Subject: City of Pismo Beach LCP Amendment Number LCP-3-PSB-22-0018-2 (St. Andrews Tract Setback Changes)**

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## **SUMMARY OF STAFF RECOMMENDATION**

The City of Pismo Beach (City) proposes to amend the Land Use Plan (LUP) component of its Local Coastal Program (LCP) to modify development standards related to residential front setbacks and second story setbacks in LCP Planning Area E (known as the St. Andrews Tract) in the Shell Beach area of the City, upcoast of downtown. Specifically, the amendment proposes to remove St. Andrews tract-specific standards that require existing residential development: a) to maintain existing on-the-ground front yard setbacks, and b) to include a minimum 10-foot setback from the 1st to the 2nd floor along the front elevation. Once removed, that would mean that the St. Andrews Tract would be subject to the same residential front setback and second story setback LCP provisions as all other residential development in the City.

The St. Andrews Tract is an essentially fully built-out residential neighborhood that consists of some 112 existing residences (mostly single-family with some multi-family). The City indicates that existing front setbacks in this area range from 8 to 51 feet, with an average of 20-25 feet, and that most homes are single story. Under the existing LCP provisions in question, when these residences are modified (through remodel, addition, redevelopment, or complete replacement), they must retain the front setback of the existing residence. And if the modifications include second story elements, the second story must be stepped back at least 10 feet from the first floor along the front elevation. If these unique front yard standards were deleted, as proposed in this LCP amendment, existing LCP provisions would require at least a 20-foot front setback and would require that second floors be limited to no more than 80 percent of the first-floor area (where the associated setback is required to be at least in part on the street side of the house unless that is infeasible). All other applicable LCP provisions would continue to apply (e.g., related to neighborhood compatibility, massing, articulation, lot coverage, exterior materials, roof and window form and style, etc.).

The Coastal Act protects the scenic and visual qualities of coastal areas, including in terms of the ways that residential development might affect public views. As evidenced

### **LCP-3-PSB-22-0018-2 (St. Andrews Tract Setback Changes)**

by the City's analysis, average existing residential front setbacks in the St. Andrews Tract essentially map to the LCP minimum 20-foot setback already, so removal of the requirement that these residences maintain existing on-the-ground front yard setbacks upon redevelopment or additions would have a negligible effect on the overall development pattern and public views through the neighborhood. Similarly, removal of the 10-foot stepback from the 1st to the 2nd floor would also have negligible effects given that the LCP's existing 80% second floor area requirement (which would govern absent the St. Andrews Tract-specific requirement) also dictates second story stepbacks (albeit not necessarily in the same uniform street-side manner). The proposed change should not result in adverse impacts to coastal resources, including visual resources or public views, or other coastal resources, nor would it significantly change the degree of coastal resource protection in the St. Andrews Tract. Again, this is an essentially built-out neighborhood, and there is little to suggest the need for the additional specificity regarding residential front yards. The LCP's standard front yard provisions (as well as other applicable LCP provisions) are adequate to address any coastal resource concerns that may be engendered by such residential development in this area, including with respect to public views, public access, and community character.

Staff thus recommends that the Commission find the proposed amendment consistent with and adequate to carry out Chapter 3 of the Coastal Act, and that the Commission approve the amendment as submitted. The motion and resolution are found on page 4 below.

#### **Staff Note: LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on May 13, 2022. The proposed amendment affects the LCP's LUP only, and the 90-working-day deadline for the Commission to take action on it is September 21, 2022. Thus, unless the Commission extends the action deadline (it may be extended by up to one year by the Commission per Coastal Act section 30517), the Commission has until September 21, 2022, to take a final action on this LCP amendment.

Therefore, if the Commission fails to take a final action in this case (e.g., if the Commission instead chooses to postpone/continue LCP amendment consideration), then staff recommends that, as part of such non-final action, the Commission extend the deadline for final Commission action on the proposed amendment by one year. To do so, staff recommends a YES vote on the motion below. Passage of the motion will result in a new deadline for final Commission action on the proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion: I move that the Commission extend the time limit to act on City of Pismo Beach Local Coastal Program Amendment Number LCP-3-PSB-22-0018-2 to September 21, 2023, and I recommend a yes vote.

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**EXHIBITS**

Exhibit 1: Location Maps

Exhibit 2: City Resolution and Proposed LUP Amendment

## **1. MOTION AND RESOLUTION**

Staff recommends that the Commission, after public hearing, **certify the proposed LCP amendment as submitted**. The Commission needs to make one motion in order to act on this recommendation, and staff recommends a **YES** vote on the motion below. Passage of this motion will result in certification of the Land Use Plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

***Motion to Certify:*** *I move that the Commission certify Land Use Plan Amendment LCP-3-PSB-22-0018-2 as submitted by the City of Pismo Beach, and I recommend a **yes** vote.*

***Resolution to Certify:*** *The Commission hereby certifies Land Use Plan Amendment LCP-3-PSB-22-0018-2 for the City of Pismo Beach and adopts the findings set forth below on the grounds that the amended Land Use Plan conforms with, and is adequate to carry out, the policies of Chapter 3 of the Coastal Act. Certification of the amended Land Use Plan complies with the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended Land Use Plan on the environment, or 2) there are no further feasible alternatives and mitigation measures that would substantially lessen any significant adverse impacts on the environment.*

## **2. FINDINGS AND DECLARATIONS**

### **A. Proposed LCP Amendment Description**

The City of Pismo Beach (City) proposes to amend the Land Use Plan (LUP) component of its Local Coastal Program (LCP) to modify development standards related to residential front setbacks and second story setbacks in LCP Planning Area E (known as the St. Andrews Tract) in the Shell Beach portion of the City, upcoast of downtown (see **Exhibit 1**). Specifically, the amendment proposes to remove St. Andrews tract-specific standards that require existing residences, upon redevelopment or additions: a) to maintain existing on-the-ground front yard setbacks, and b) to include a minimum 10-foot setback from the 1st to the 2nd floor along the front elevation. Once removed, that would mean that the St. Andrews Tract would be subject to the same residential front setback and second story setback LCP provisions as all other residential development in the City, including the requirement for a minimum 20-foot front setback and the requirement that second floors be limited to 80 percent of the first-floor area (where the associated setback is required to be at least in part on the street side of the house unless that is infeasible).<sup>1</sup> See **Exhibit 2** for the proposed amendment text.<sup>2</sup>

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<sup>1</sup> Per IP Sections 17.102.020.A and 17.105.135.A.

<sup>2</sup> The Commission notes that this amendment was preceded by a City CDP application involving a home in the St. Andrews Tract that did not meet the Tract-specific residential setback/stepback standards, but would meet the LCP's otherwise applicable residential setback/stepback standards. The City approved that CDP subject to a condition that the LCP be amended in the way proposed by the City here so that

## **B. Proposed LCP Amendment Consistency Evaluation**

### ***Standard of Review***

The proposed amendment affects the LCP's LUP, and the standard of review for LUP amendments is that they must conform with and be adequate to carry out the policies of Chapter 3 of the Coastal Act.

### ***Applicable Coastal Act Policies***

The proposed amendment affects residential development in LCP Planning Area E of the City of Pismo Beach. Applicable Coastal Act policies include Section 30250, which protects coastal resources generally when such development may be undertaken, and Section 30251, which protects public views.

**Section 30250:** *(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. ...*

**Section 30251:** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. ...*

### ***Consistency Analysis***

The St. Andrews Tract is a residential neighborhood that is essentially fully built out. It is located in the Shell Beach area of the City upcoast of downtown, and it includes some 112 existing residences (mostly single family with some multi-family). The City indicates that existing front setbacks in this area range from 8 to 51 feet, with an average of 20-25 feet, and that most homes are single story. Under the existing LCP provisions in question, when these residences are modified (through remodel, addition, redevelopment, or complete replacement), they must retain the existing front setback. And if the modifications include second story elements, the second story must be stepped back at least 10 feet from the first floor along the front elevation.<sup>3</sup> If these

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the project could become LCP consistent on that point. The City was informed by Commission staff before taking such a CDP action that it cannot condition a CDP decision on an LCP amendment, but rather that any CDP decision must be made in relation to the certified LCP in effect at the time. Notwithstanding that advice, the City approved the CDP anyway (but has not yet sent notice of that action to the Commission, and that item has not run its required Commission appeal period). Such City action, on this point at least, is LCP inconsistent. When the LCP is amended, the City will need to amend that prior CDP action (or take a new CDP action) for any such action to be LCP-consistent on this point. In any case, none of such related City CDP process has any bearing on the substantive issues presented by the proposed LCP amendment, and the Commission here evaluates the proposed amendment against the Coastal Act alone.

<sup>3</sup> These front yard residential standards were added to the LCP as part of a larger LCP update in 2012. The City indicates that the precise genesis of such standards is unclear, including as they are unique only

## **LCP-3-PSB-22-0018-2 (St. Andrews Tract Setback Changes)**

unique front yard standards were deleted, as proposed in this LCP amendment, the LCP would require at least a 20-foot front setback and would require that second floors be limited to 80 percent of the first-floor area (where the associated stepback is required to be at least in part on the street side of the house unless that is infeasible).<sup>4</sup>

Coastal Act Section 30250 directs that residential development generally shall not have significant adverse effects on coastal resources, and Coastal Act Section 30251 protects the scenic and visual qualities of coastal areas from public view-impacting development. In this case, the proposed change will not result in adverse impacts to coastal resources, including visual resources or public views, or other coastal resources, nor would it significantly change the degree of coastal resource protection in the St. Andrews Tract. Again, this is an essentially built-out neighborhood, and there is little to suggest the need for the additional specificity regarding residential front yards. The LCP's standard front yard provisions (as well as other applicable LCP provisions) are adequate to address any coastal resource concerns that may be engendered by such residential development in this area, including with respect to public views, public access, and community character. In fact, as evidenced by the City's analysis, average existing setbacks essentially map to the LCP minimum 20-foot setback already, the 80% second floor area requirement (which would govern absent the St. Andrews Tract-specific stepback requirement) requires second story stepbacks (including along the street side), and the expected effect over time of the proposed changes on coastal resources would be negligible.

As such, the proposed changes should not result in significant coastal resource impacts from residential development in the St. Andrews Tract neighborhood. The Commission thus finds the proposed amendment consistent with and adequate to carry out Chapter 3 of the Coastal Act.

### **C. California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the City found that there is no substantial evidence, in light of the whole record, that the amendment may have a significant effect on the environment, and adopted a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CCR Section 15000 et seq.).

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to the St. Andrews Tract and to nowhere else in the City, and City staff suggests that it may have been at the request of a St. Andrews Tract resident at the time. In any case, the 2012 LCP update included no specific analysis or discussion of these changes.

<sup>4</sup> In either case, all other applicable LCP provisions would also apply (including standards related to neighborhood compatibility, massing, articulation, lot coverage, exterior materials, roof and window form and style, etc.).

### **LCP-3-PSB-22-0018-2 (St. Andrews Tract Setback Changes)**

The Commission is not exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA. Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed amendment would necessitate. Thus, the proposed amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).



# LAW OFFICE OF TARREN COLLINS

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

December 13, 2022

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

Re: Commission Appeal No. A-3-PSB-22-0064 - 171 Naomi, Pismo Beach

Dear Chair Brownsey and Commissioners,

I am one of the appellants. Due to holiday travel plans, I am unable to attend the hearing on my appeal. My fellow appellant, Erik Howell, will speak for us both at the hearing.

First, I will address the abuse of process by the City of Pismo Beach:

No one denies that the City of Pismo Beach's concurrent processing of both the CDP and the LCP Amendment, upon which it depends, was procedurally improper. Your staff's report acknowledges this fact.

What is especially troubling is that your staff tried to prevent this impropriety by sending an email to the City of Pismo Beach four days before the City's April 19, 2022 hearing at which the CDP and LCP Amendment were approved. Your staff warned the City not to process the CDP and the LCP Amendment concurrently, and stated that if the City did so, the CDP could not be found consistent with the LCP.

In this email, dated April 15, 2022, your staff wrote: "We would like to retract our support for that approach, and instead **clarify that the LCP amendment should be processed first (independent of a project-specific CDP), and then if/when the amendment is certified by the Coastal Commission, only then should the CDP be considered by the City. Absent certification of the proposed changed to the LCP in this case, the proposed project cannot be found consistent with the LCP.**" (Emphasis added.) Please find a copy of this email attached.

The City flagrantly disregarded your staff's clearly stated guidance, and approved both the CDP and the LCP Amendment concurrently. Therefore, the CDP cannot be found consistent with the LCP - because it is the LCP as it was written in April of 2022, not September of 2022, that the CDP is measured against.

This is not a small matter. If you ignore the City's bad behavior, you invite others to do the same.

I hope and anticipate that the Commission will find a substantial issue exists regarding this appeal in order to avoid this type of abuse of process by elected officials and local governments in the future.

Second, the recently approved LCP Amendment, which was brought in conjunction with the CDP application, gutted the community character protections for this neighborhood. At your hearing on the LCP Amendment in September, Commission Mike Wilson addressed our concerns by commenting that we can always bring an appeal of projects that are not in conformity with the character of this community.

The community character was clearly defined in LCP Policy LU-E-1 prior to its recent amendment. The amendment to the LCP did NOT change the existing community character of this neighborhood.

In 2012, our LCP Update added Policy LU-E-1 which states: "The St. Andrews Tract Planning Area shall be retained as a residential neighborhood...The focus is on conserving the existing housing stock and **assuring that home additions and replacements are compatible with the scale and character of the existing development. This will be achieved by: a. Limiting the front yard setback** for additions and reconstruction of existing homes.... b. ... **A front elevation minimum 10' building setback from the first floor to the second floor.**" (Emphasis added.) Please find the relevant page of the City's LCP staff report attached.

Rarely do we have such a clearly defined and demonstrable community character, having been codified in the 2012 LCP Update. The fact that the applicant secured an LCP Amendment allowing him to "check the boxes" of the LCP does not alter the fact that the CDP is not in conformity with the protected community character of this neighborhood. In fact, the LCP Amendment highlighted how the applicant's CDP is not compatible with the surrounding community.

Community character dies by a thousand cuts. In this small neighborhood, applicant's out-of-character project will sound the death knell.

Please find that substantial issue exists regarding this project's lack of conformity with the community character, and regarding the improper process used by the City in concurrently processing the CDP and the LCP Amendment.

Thank you,

A handwritten signature in blue ink, consisting of a stylized 'T' followed by a long horizontal stroke.

Tarren Collins, Esq.

Encl.  
Cc: Erik Howell, Esq.

**From:** [Butler, Katie@Coastal](mailto:Butler,Katie@Coastal)  
**To:** [City Council](#)  
**Cc:** [Matt Downing](#)  
**Subject:** 4/19/22 Items 11.A and 11.B (171 Naomi Ave. - LCPA & CDP)  
**Date:** Friday, April 15, 2022 2:38:21 PM  
**Attachments:** [image001.jpg](#)

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**External Email**

Dear Honorable Councilmembers,

Coastal Commission staff has reviewed the staff reports for agenda items 11.A and 11.B and would like to provide the following comments on the proposed process. City staff recommends approval of the CDP for the project contingent on Coastal Commission approval of the LCP amendment that is required for project consistency with the LCP. We discussed such an approach with City staff last year and provided general support for this concurrent processing, provided that the City held the final local action notice for the CDP until after Coastal Commission certification of the LCP amendment. We would like to retract our support for that approach, and instead clarify that the LCP amendment should be processed first (independent of a project-specific CDP), and then if/when the amendment is certified by the Coastal Commission, only then should the CDP be considered by the City. Absent certification of the proposed change to the LCP in this case, the proposed project cannot be found consistent with the LCP.

We apologize for not providing the correct guidance to City staff early on and for any confusion this may have caused.

Thank you,  
Katie

Katie Butler  
Coastal Program Analyst  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060  
(831) 427-4863  
[katie.butler@coastal.ca.gov](mailto:katie.butler@coastal.ca.gov)  
logo





## St. Andrews Tract Planning Area E

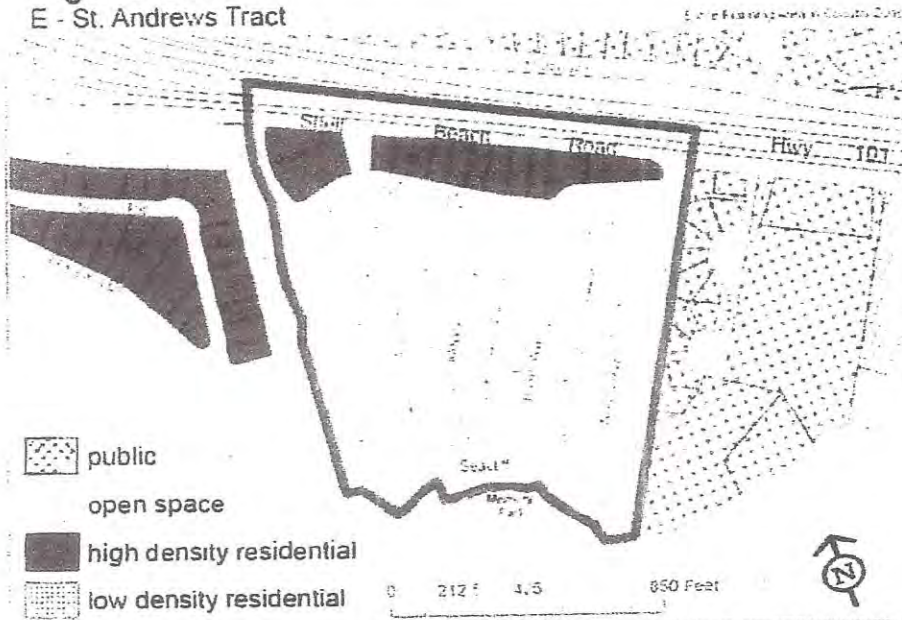
### Background

The St. Andrews Planning Area is almost completely developed with single-family homes, apartments and a city fire station.

The ocean frontage consists of single family residences and Memory Park. These homes are adjacent to highly erodible cliffs, with rocky shoreline and small pocket beaches below. During low tide there are small beaches accessible to the public.

There is a bluff top access from Naomi Avenue dedicated to the city and connected to a city easement south of the planning area in the Spindrifft Planning Area. This access leads to a spectacular viewpoint, which is under private ownership. There is a public access easement from Seacliff to Spyglass Park in the adjacent Spyglass Planning area.

Figure LU-8  
E - St. Andrews Tract



### Policies

**LU-E-1 Concept:** The St. Andrews Tract Planning Area shall be retained as a residential neighborhood with Low and High Density residential uses. The focus is on conserving the existing housing stock and assuring that home additions and replacements are compatible with the scale and character of the existing development. This will be achieved by:

a. Limiting the front yard setback for additions and reconstruction of existing homes or construction of a new home to the front yard setback in place on the existing home as of January 1, 2012. The front yard setback for the single undeveloped lot in this area, APN 010-500-003, shall comply with the implementing ordinance;

b. For additions or reconstruction of existing homes and the construction of new homes. A front elevation minimum 10' building stepback from the first floor to the second floor.

Richard Mitty  
182 Seacliff Drive  
Pismo Beach, CA 93449

December 5, 2022

Attn. Kevin Kahn, District Manager

California Coastal Commission  
Central Coast District Office  
725 Front Street, Suite 300  
Santa Cruz, California 95060-4508

**Commission Appeal No. A-3-PSB-22-0064**

Dear members of the California Coastal Commission,

I am the applicant for the proposed residence at 171 Naomi Avenue which was approved by the Planning Commission and the City Council of Pismo Beach and is now subject to an appeal to the California Coastal Commission. I am personally unable to attend this meeting to address the commission members in person due to my health, but I would like to convey my thoughts and provide you with my comments.

The appeal contains numerous errors and misstatements. The CDP was approved on October 18, 2022 and not April 19 of 2022. An appeal of a CDP from April 19<sup>th</sup> would be beyond the legal appeal timeframe. If that is the CDP they wish to appeal, then the appeal should not be processed.

The existing home is 2,226 square feet (not 1,340 square feet) and the replacement home is 3,648 square feet, both totals include the garage. The applicant is the Mitty Family Trust, I am the sole owner. Scott Newton has no legal ownership of the property nor the Trust. Scott is my stepson and he is a City Council Member for the City of Pismo Beach. You should note that the appellants decided to list the Pismo City Hall address as the "Applicant Address" which again, is incorrect & does not reflect the information provided in my application or any staff report.

The "Grounds for this appeal" have additional misinformation which is listed under "Procedural Irregularities". The recent LCP Amendment was for an entire neighborhood, and not a single residence. This LCP Amendment was appealed to your Commission, approved, and adopted. There is no question about the LCP Amendment's validity.

Listed under "LCP Conformance issues" the appellants contend that the "mass, scale, and narrow setbacks of the proposed home are inconsistent with General Plan. They then cite an outdated section of the LCP that as noted above, has been updated and approved. The changes to the LCP made the setback requirements consistent with what is required for every residential neighborhood in the city and eliminated the special rules for this one neighborhood, the St. Andrews Tract. The setback & setbacks that were adopted in 2012 (and deleted by the City and approved by your Commission), made over 80% of the 2-story homes non-conforming, including the City's fire department.

The proposed home for 171 Naomi is compatible with the neighborhood and meets exceeds all of the LCP requirements as follows:



- Proposed building area is only 72% of the maximum allowed
- Lot coverage ratio is 38%, 55% is the maximum allowed
- Planting area ratio is 29%, 20% in the minimum required

The required setback for new construction is 20' and the proposed home has a 24' setback. The following quote is from the City of Pismo Beach Staff Report.

*"Neighboring parcels have front setbacks ranging between 8' and 25'...new residence would be developed approximately 24' from the front property line. Allowing the structure to be built in this location will not affect views to the ocean from neighboring parcels or the right of way. Redevelopment of the site will not appear incohesive from the pattern of development in the same areas the proposed setback is consistent with the setbacks enjoyed by homes in the immediate vicinity."*

This image shows the proposed home's setback in comparison to the neighboring homes and how it is positioned to maintain a consistent setback with the contour of the bulb-out in the road.



The city's staff report also discussed the home's massing, and in particular the second-floor massing as follows:

*"The design is highly articulated, with a step back along the most prominent wall by 12'6", includes a large balcony, and variations in wall planes and roof forms."*

The home is well below the building area, lot coverage ratio, and exceeds the minimum planting area as follows:

Maximum Building Area Allowed: 5082 SF  
Proposed Building Area: 3648 sf

Maximum Lot Coverage Allowed: 4015 SF

Proposed Building Area: 2389 SF

Minimum Planting Area Required: 1460 SF

Proposed Planting Area: 2140 SF

The proposed home's footprint is only 26 square feet larger than the existing home and it will be 12" shorter in height.

The project is compatible with the physical scale of the neighborhood. The home features 2,852 SF of living space and 796 SF of garage/storage space that was intentionally designed to accommodate vehicles on the lot, rather than on the street. This lot is one of the largest lots in the neighborhood.

The following homes are in the St. Andrews tract and close to the proposed home:

109 Naomi @ 3,400 SF

160 Naomi @ 3,456 SF

185 Naomi @ 4,155 SF

159 Baker @ 4,160 SF

188 Seacliff @ 4,317 SF

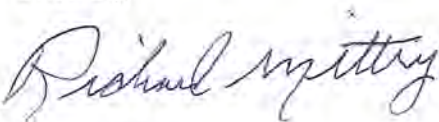
165 Baker @ 4,424 SF

It is clear that the proposed home for 171 Naomi is compatible with the existing neighborhood. It accomplishes this while serving its purpose of providing for multi-generational housing.

As a current resident within this neighborhood, it was especially important to me that we designed a home that the neighbors would appreciate and accept. Prior to putting any design concept on paper, we met with the surrounding neighbors to listen to any concerns they might have; this step is highly encouraged on your website to minimize the risk of an appeal and we embraced it. Despite our best efforts, we were still appealed by individuals who don't live anywhere near this neighborhood or proposed home, they are about a mile away. At my age, I have seen a lot of things and this appeal has nothing to do with the proposed home and everything to do with my stepson; land use should be about the land and not about a relative of a property owner. To be honest, I don't understand why anyone would want to serve in an elected or appointed position and open themselves up to such petty and baseless attacks, so thank you for your service, I have a new appreciation for what you do.

In closing I would like to say the true measurement of neighborhood compatibility is neighborhood acceptance. I am very proud to say that we earned the support of every immediate neighboring home. Over forty residents within the St. Andrews tract have also supported the new residence at 171 Naomi. I have attached many of the letters of support that were received by the City from people who live in the St. Andrews tract.

Sincerely,

A handwritten signature in cursive script that reads "Richard Mitty".

Richard Mitty



Scott Newton  
215 Santa Fe  
Pismo Beach, California 93449

December 9, 2022

Attn. California Coastal Commission  
Re: Commission Appeal: A-3-PSB-22-0064

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

Dear California Coastal Commission members,

These comments are mine as an individual and not those of the City or City Council, despite my position as a current City Council Member. The appellants of 171 Naomi have failed to demonstrate that the proposed home does not meet or exceed all the requirements of the Local Coastal Plan.

The appeal states two grounds for their appeal, procedural irregularities, and LCP conformance issues. I fully support your Staff's recommendations that "The project simply does not raise the types of coastal resource concerns that would suggest there exists a substantial issue in this case. As a result, staff recommends that the Commission determine that the appeal contentions do not raise a substantial LCP or Coastal Act public access conformance issue". (Page 3)

While it may appear that the City had some procedural errors by initially processing the CDP and LCP concurrently, it was done under the advice of CCC staff. CCC staff later notified the Pismo Beach City Council of their change of guidance on the same day that the City Council was meeting to process the appeal of the Planning Commission CDP and the City's LCP Amendment. The City of Pismo Beach ensured the process was respectful of the CCC staff's new advice and conducted a public hearing for the CDP after the CCC had approved the LCP amendment. I have attached CCC staff's email where they recognize their change of advice.

It is obvious that that the appeal of the Planning Commission and City Council's approval were never about the project, but rather about me. As we heard from several commissioners when you approved the LCP Amendment, Erik is simply wrong on this one; the continued focus on "who owns 171 Naomi" clearly demonstrates that.

As a newly elected council member I listed all properties (2020 Form 700) that could be associated with me since I believe that over disclosure is better than not being fully transparent. In 2021, I updated my Form 700 to more clearly reflect that I did not & do not own 171 Naomi. The appellants fail to acknowledge that I recused myself from all votes that involved this property as well as the General Plan Update, thus, the home ownership is a non-issue. I am sure I would have been scrutinized if I didn't list the property owned by my stepfather's trust. I have attached a copy of my Form 700 for 2022 which was not provided in the recent letter to you on this topic.



Since neither of the appellants live near 171 Naomi, I have attached some of the support letters that the City of Pismo Beach received during their approval processes. I think that it is critical to recognize that all of these are from residents in the St. Andrews neighborhood. In total over forty residents of the Saint Andrews tract have publicly came forward supporting this project, including all of the immediate neighbors. As I have stated all along, this appeal is personal and not about the project. My hope is that you recognize this also and concur with your Staff Report that no substantial issue exists and that you deny this appeal.

Kind Regards,

A handwritten signature in cursive script, appearing to read "Scott Newton".

Scott Newton

**From:** [Butler\\_Katie@Coastal](mailto:Butler_Katie@Coastal)  
**To:** [City Council](#)  
**Cc:** [Matt Downing](#)  
**Subject:** 4/19/22 Items 11.A and 11.B (171 Naomi Ave. - LCPA & CDP)  
**Date:** Friday, April 15, 2022 2:38:21 PM  
**Attachments:** [image001.jpg](#)

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**External Email**

Dear Honorable Councilmembers,

Coastal Commission staff has reviewed the staff reports for agenda items 11.A and 11.B and would like to provide the following comments on the proposed process. City staff recommends approval of the CDP for the project contingent on Coastal Commission approval of the LCP amendment that is required for project consistency with the LCP. We discussed such an approach with City staff last year and provided general support for this concurrent processing, provided that the City held the final local action notice for the CDP until after Coastal Commission certification of the LCP amendment. We would like to retract our support for that approach, and instead clarify that the LCP amendment should be processed first (independent of a project-specific CDP), and then if/when the amendment is certified by the Coastal Commission, only then should the CDP be considered by the City. Absent certification of the proposed change to the LCP in this case, the proposed project cannot be found consistent with the LCP.

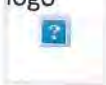
We apologize for not providing the correct guidance to City staff early on and for any confusion this may have caused.

Thank you,  
Katie

---

Katie Butler  
Coastal Program Analyst  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060  
(831) 427-4863  
[katie.butler@coastal.ca.gov](mailto:katie.butler@coastal.ca.gov)

logo



**SCHEDULE B**  
**Interests in Real Property**  
(Including Rental Income)

**CALIFORNIA FORM 700**  
FAIR POLITICAL PRACTICES COMMISSION

Name

Scott Newton

▶ ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

CITY

Atascadero

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000  
☐ \$10,001 - \$100,000  
☒ \$100,001 - \$1,000,000  
☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

\_\_\_\_/\_\_\_\_/21      \_\_\_\_/\_\_\_\_/21  
ACQUIRED      DISPOSED

NATURE OF INTEREST

☒ Ownership/Deed of Trust      ☐ Easement

☐ Leasehold      ☐ \_\_\_\_\_  
Yrs. remaining      Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED

- ☐ \$0 - \$499      ☐ \$500 - \$1,000      ☐ \$1,001 - \$10,000  
☒ \$10,001 - \$100,000      ☐ OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.

☐ None

Samantha Wouters

▶ ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

CITY

Pismo Beach

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000  
☐ \$10,001 - \$100,000  
☐ \$100,001 - \$1,000,000  
☒ Over \$1,000,000

IF APPLICABLE, LIST DATE:

\_\_\_\_/\_\_\_\_/21      \_\_\_\_/\_\_\_\_/21  
ACQUIRED      DISPOSED

NATURE OF INTEREST

☐ Ownership/Deed of Trust      ☐ Easement

☐ Leasehold      ☒ Held by Mittry Family Trust  
Yrs. remaining      Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED

- ☐ \$0 - \$499      ☐ \$500 - \$1,000      ☐ \$1,001 - \$10,000  
☐ \$10,001 - \$100,000      ☐ OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.

☒ None

\* You are not required to report loans from a commercial lending institution made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER\*

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF LENDER

INTEREST RATE      TERM (Months/Years)

\_\_\_\_\_%      ☐ None

HIGHEST BALANCE DURING REPORTING PERIOD

- ☐ \$500 - \$1,000      ☐ \$1,001 - \$10,000  
☐ \$10,001 - \$100,000      ☐ OVER \$100,000

☐ Guarantor, if applicable

NAME OF LENDER\*

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF LENDER

INTEREST RATE      TERM (Months/Years)

\_\_\_\_\_%      ☐ None

HIGHEST BALANCE DURING REPORTING PERIOD

- ☐ \$500 - \$1,000      ☐ \$1,001 - \$10,000  
☐ \$10,001 - \$100,000      ☐ OVER \$100,000

☐ Guarantor, if applicable

Comments:



**From:** Keone Kauo <[keone.kauo@gmail.com](mailto:keone.kauo@gmail.com)>  
**Sent:** Tuesday, April 19, 2022 8:24 AM  
**To:** City Council <[citycouncil@PismoBeach.org](mailto:citycouncil@PismoBeach.org)>  
**Subject:** 171 Naomi Avenue and GPA

**External Email**

Dear City Council,

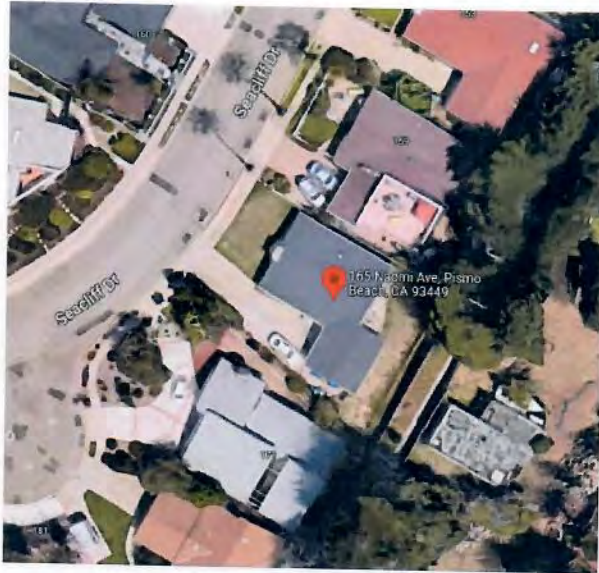
My family and I live directly next door to the proposed house at 165 Naomi Avenue. My wife and I are both civil engineers and we thoroughly understand the request of the General Plan Amendment along with all of the details of the house itself.

It is quite apparent (especially after attending the Planning Commission meeting) that the General Plan requirements for setbacks and stepbacks was done somewhat haphazardly. The fact that this type of requirement does not apply to any other neighborhood is quite interesting. I recently learned that during the last General Plan Update that the Planning Manager at the time proposed the change and then there was absolutely no discussion regarding it. The St. Andrews neighborhood did not request this, rather one resident did. I doubt if anyone understood what the actual implications of this would be.

I have attached an image of our house. It shows how our garage is set towards the rear property line. Based upon the current General Plan, our house would not ever be allowed to move the garage toward the road. This seems quite punitive and would greatly limit the ability to ever expand and create a home that utilizes more of the lot like most of our neighbors have. Our exact situation is the same for quite a few others in the St. Andrews development. I ask that you support the Planning Commission's recommendation for removing the setback and stepback requirement.

I also understand that the proposed house at 171 Naomi Avenue has been appealed. I believe that our house is the most impacted and I fully support the Planning Commission's approval. The architect has worked with us and ensured that our view corridor is not compromised, rather it will be enhanced when the house is completed.

I urge you to fully support the decision and findings of the Planning Commission for the General Plan Amendment and the approval of the house at 171 Naomi Avenue.



Sincerely,  
Keone Kauo  
165 Naomi Avenue  
Shell Beach

**Elsa Perez**

---

**From:** Mark Burnes <mb.ccim@gmail.com>  
**Sent:** Tuesday, March 22, 2022 4:22 PM  
**To:** Planning Commission  
**Subject:** 171 Naomi

**External Email**

My name is Mark Burnes. I am a long-time resident of Pismo Beach. I live at 140 Naomi Ave.

In addition to having been here since 1981, I served on the Pismo Beach Planning Commission from 2004 to 2012.

I am in full support of the modification of Policy LU-E-1 a & b, as well as the project at 171 Nami Ave.

This house is very well designed and, in my opinion, quite beautiful.

I urge the Planning Commission to support the modification(s) and the project.

--  
Mark Burnes CCIM - ALC  
Broker/Owner  
Burnes Commercial Group  
BCG Management  
CA. DRE #01361305  
Ph 805.556.0900  
[www.bcgcentralcoast.com](http://www.bcgcentralcoast.com)



**Elsa Perez**

---

**From:** mooreclanemail@gmail.com  
**Sent:** Tuesday, March 22, 2022 6:35 AM  
**To:** Planning Commission  
**Subject:** Home at 171 Naomi Ave

**External Email**

Michael Moore  
117 Seacliff Drive  
Pismo Beach, CA 93449

March 22, 2022

Dear Pismo Beach Planning Commission,

On Tuesday's (today's) agenda you will be reviewing a single family residence at 171 Naomi Avenue. I have seen the plans, stood in the street in front of the address, and discussed the project with the owner as well as surrounding neighbors. As a resident and neighbor down the street from the residence of interest, I speak for my St. Andrews neighborhood that it is a welcome addition. I also hear that there is some opposition to the project from individuals who do not live in the area, and I wonder if it is for political reasons/ their own personal gain rather than in the interest of the St. Andrews community.

I ask that you consider the proposed home on its own merits and not let the political opposition influence your decision making. Personally for myself and my family, we believe the new home should be approved. It increases the esthetic beauty of the street, increases the value of all the other houses in the area, and brings in a productive and community conscious family who fits our neighborhood. This house has been thoughtfully designed and will compliment our great neighborhood.

I understand that your role is to look out for the city, and I appreciate your approval, as our neighborhood welcomes this new home.

Furthermore, I would like to voice concern with the General Plan Amendment. There are many beautiful homes in our neighborhood that do not meet the 2nd story set back requirement. Does this mean that we are limited to contrived remodels in the future in the only attempt to save 10 feet of our 2nd stories that were not set back off the 1<sup>st</sup>, even if thoughtfully crafted?

I would ask that you consider looking in the near future with a plan to either not enforce this on remodels or remove the requirement overall. If architecture and planning are the goal, which I think they are, it can be defined in other ways, illustrated beautifully by the 171 Naomi home.

Thank you for taking the time to review and carefully consider my concerns.

Sincerely,

Michael Moore

**Erica Inderlied**

---

**From:** John Sherwood <jsherwd@gmail.com>  
**Sent:** Friday, April 15, 2022 9:50 AM  
**To:** City Council  
**Subject:** Agenda item 11.A

External Email

Please accept the Planning Commission recommendation with reference to repealing Policies LU-E-1 a & b and allow the project at 171 Naomi Avenue to go forward.

John Sherwood  
189 Seacliff Drive  
Shell Beach CA 93449  
310/663-2000



**Elsa Perez**

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**From:** Jennifer McGettigan <ladymcget@gmail.com>  
**Sent:** Tuesday, January 11, 2022 12:10 PM  
**To:** Planning  
**Subject:** 171 Naomi

External Email

To Whom it May Concern,  
I live at 177 Naomi Ave, and they have shared the plans that they are proposing to do at 171 Naomi. This project would be a welcomed one as this current home greatly needs improvements.

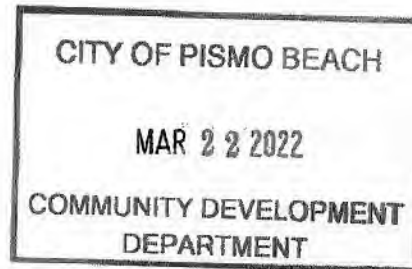
I wanted to let the city know that I am in favor of the plans they will be presenting tonight.

Jennifer McGettigan  
177 Naomi Ave



March 21, 2022

City of Pismo Beach  
Community Development Department  
Planning Division



Re: 171 Naomi  
Project No.: P21-000015 and P21-000054

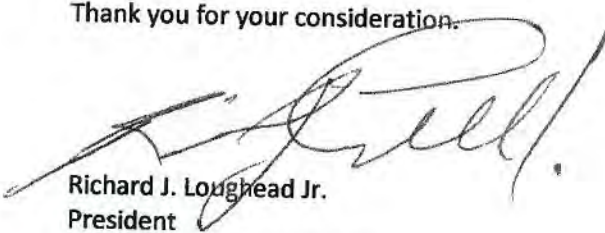
This is a letter of total support for the proposed residence at 171 Naomi. As a resident of St. Andrews Tract with my personal home only 2 house away from 171 Naomi, we are excited to have such a well-designed, high quality residence in the neighborhood. The existing structure was poorly designed and is not compatible with the existing neighborhood and should be demolished.

I've attached a photo of 182 Seaciff for reference as to that quality already demonstrated by the Mr. Newton.

As a professional general contractor and real estate broker for more than 50 years and having built over \$ 200 million in Pismo Beach alone, it seems ridiculous that this home needs a general plan amendment. As proposed, it clearly has set backs that exceed, by far most homes in St. Andrews. The architect's attention to detail and aesthetics is apparent and a second story setback should not be required in this situation.

As a neighbor and professional, I urge you to vote to approve this application. We need to demonstrate that our City supports high quality developments.

Thank you for your consideration.



Richard J. Loughhead Jr.  
President  
rickl@thedolphinbay.com



182 Seacliff



**Elsa Perez**

---

**From:** Brian Kreowski <BrianK@sblg.legal>  
**Sent:** Friday, March 18, 2022 2:49 PM  
**To:** Planning Commission  
**Subject:** 171 Naomi Avenue

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**External Email**

Dear Planning Commissioners:

My family has lived in the St. Andrews tract for many years and we truly enjoy the character of our neighborhood. Much of the charm of our neighborhood has to do with the unique mixture of home styles and designs. We have recently seen more construction and the Planning Commission has done an excellent job in making sure that they blend in well. Our area is in fact improving over time.

I have reviewed the plans for 171 Naomi and I welcome it to our neighborhood. The home's design, curb appeal, landscaping and attention to detail will be a great addition. I have no concerns with the applicant's reasonable request on their General Plan Amendment. I would say their request would allow them to do what everyone else here has been already allowed to do. Enforcing excessive setbacks and the step back rule appears punitive, and especially to this pie shaped lot. I have not heard any concerns in our neighborhood about the GPA request, nor do I expect to.

I fully support the proposed home for 171 Naomi, their General Plan Amendment, and am asking the Planning Commission to approve it so that it can go to the City Council for final approval. As a St. Andrews resident, this is the type of development that I welcome in my neighborhood.

Regards,  
Brian Craig Kreowski

**Elsa Perez**

---

**From:** Ron Penir <penir@sbcglobal.net>  
**Sent:** Monday, March 21, 2022 10:17 AM  
**To:** Planning  
**Subject:** 171 Naomi Ave

**Categories:** Planning Commission

**External Email**

Members of the Pismo Beach Planning Commission,

I have previously sent an email regarding the application for the new home at 171 Naomi , but since I will be unable to attend the meeting , I wanted to reiterate my position as well as that of many of my neighbors.

The new home has requested that they be allowed to utilize their property in the same way that most of the St. Andrews tract has. This seems like a very reasonable request. I am unsure why or anyone could expect a new home to keep a setback that was only done because the prior homeowner wanted a "U" shaped driveway. I have met with the owners and seen their proposed setbacks and they are inline with the neighboring houses, exceed what is required in the rest of Pismo Beach (outside of the St. Andrews tract), and the new footprint will not impede on any views. To enforce them to maintain the largest setbacks in the neighborhood just seems unreasonable to me, and almost punitive. The setback provision is even more confusing since if it was enforced on all 2-story homes, they would all have 10' 2nd story balconies. That surely would not add to the beauty to the home or neighborhood since they would be of identical style..

It is time to teardown the existing eyesore and allow the new home to be built. The owners have gone above and beyond communicating with all of us neighbors with their plans. I doubt if anyone has ever worked this closely to ensure that neighbors were involved.

I support the new home at 171 Naomi, I live right across the street from it, I look forward to your approval.

Ron Penir  
170 Naomi

Ron Penir  
805-709-FICO (3426)



**SCHEDULE B**  
**Interests in Real Property**  
(Including Rental Income)

**CALIFORNIA FORM 700**  
FAIR POLITICAL PRACTICES COMMISSION

Name

Scott Newton

▶ ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

CITY

Atascadero

FAIR MARKET VALUE

☐ \$2,000 - \$10,000

☐ \$10,001 - \$100,000

☒ \$100,001 - \$1,000,000

☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

\_\_\_\_/\_\_\_\_/21  
ACQUIRED

\_\_\_\_/\_\_\_\_/21  
DISPOSED

NATURE OF INTEREST

☒ Ownership/Deed of Trust

☐ Easement

☐ Leasehold

Yrs. remaining

☐

Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED

☐ \$0 - \$499

☐ \$500 - \$1,000

☐ \$1,001 - \$10,000

☒ \$10,001 - \$100,000

☐ OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.

☐ None

Samantha Wouters

▶ ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

CITY

Pismo Beach

FAIR MARKET VALUE

☐ \$2,000 - \$10,000

☐ \$10,001 - \$100,000

☐ \$100,001 - \$1,000,000

☒ Over \$1,000,000

IF APPLICABLE, LIST DATE:

\_\_\_\_/\_\_\_\_/21  
ACQUIRED

\_\_\_\_/\_\_\_\_/21  
DISPOSED

NATURE OF INTEREST

☐ Ownership/Deed of Trust

☐ Easement

☐ Leasehold

Yrs. remaining

☒

Held by Mitty Family Trust

Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED

☐ \$0 - \$499

☐ \$500 - \$1,000

☐ \$1,001 - \$10,000

☐ \$10,001 - \$100,000

☐ OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.

☒ None

\* You are not required to report loans from a commercial lending institution made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER\*

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF LENDER

INTEREST RATE

TERM (Months/Years)

\_\_\_\_% ☐ None

HIGHEST BALANCE DURING REPORTING PERIOD

☐ \$500 - \$1,000

☐ \$1,001 - \$10,000

☐ \$10,001 - \$100,000

☐ OVER \$100,000

☐ Guarantor, if applicable

NAME OF LENDER\*

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF LENDER

INTEREST RATE

TERM (Months/Years)

\_\_\_\_% ☐ None

HIGHEST BALANCE DURING REPORTING PERIOD

☐ \$500 - \$1,000

☐ \$1,001 - \$10,000

☐ \$10,001 - \$100,000

☐ OVER \$100,000

☐ Guarantor, if applicable

Comments:

**Elsa Perez**

---

**From:** +1 805-550-4758 <+18055504758>  
**Sent:** Tuesday, March 22, 2022 2:19 PM  
**To:** Planning Main Line Voicemail  
**Cc:** Planning Main Line VM  
**Subject:** Shared Voicemail (Planning Auto Attendant Tier 2)  
**Attachments:** audio.mp3

**External Email**

This is John Frady. I live in Saint Andrews track of Shell Beach There is a whole being proposed at 171 Naomi. I think it is a beautiful design and fits the community very. We would welcome that if you would go ahead and OK. Thank you very much.

You received a voice mail from [+18055504758](#).

**From:** Jennifer McGettigan  
**To:** Planning  
**Subject:** Fwd: 171 Naomi  
**Date:** Monday, March 21, 2022 4:11:05 PM

---

External Email

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

From: Jennifer McGettigan <ladymcget@gmail.com>  
Date: Tue, Jan 11, 2022 at 12:10 PM  
Subject: 171 Naomi  
To: <planning@pismobeach.org>

To Whom it May Concern,  
I live at 177 Naomi Ave, and they have shared the plans that they are proposing to do at 171 Naomi. This project would be a welcomed one as this current home greatly needs improvements.

I wanted to let the city know that I am in favor of the plans they will be presenting tonight.

Jennifer McGettigan  
177 Naomi Ave



**Elsa Perez**

---

**From:** Keone Kauo <keone.kauo@gmail.com>  
**Sent:** Tuesday, March 22, 2022 11:42 AM  
**To:** Planning Commission  
**Subject:** 171 Naomi Proposed Home

**External Email**

Planning Commission,

My family resides at 165 Naomi, directly next door to the proposed home at 171 Naomi. My wife & I have reviewed the plans extensively and fully support this project. We are both licensed civil engineers and understand how to read plans. We have no issues with the home design, setback, or their requested General Plan Amendment.

The owners of 171 Naomi went beyond our expectations and even set a pole at the new proposed corner of the residence. The new home will in no way compromise our views and the new set back has no negative effects on our home viewshed.

I greatly appreciate the efforts you take to ensure that development is orderly and blends in with the existing neighborhood. Please understand that most of us that reside in St. Andrews have never heard about the setback and step-back restrictions, nor do I doubt that there would be support for them. I have been present as the applicants have met with many of the neighbors and this requirement usually surprises everyone. It is obvious however, that the applicants have met the spirit of this requirement and their home will compliment our great neighborhood.

Please understand that I support this home and I ask that you do the same.

Thank you,

Keone Kauo  
165 Naomi  
Shell Beach, CA 93449

**Elsa Perez**

---

**From:** Michelle Benson <mm\_benson@yahoo.com>  
**Sent:** Thursday, March 17, 2022 7:58 PM  
**To:** Planning Commission  
**Subject:** Fwd: 171 Naomi

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

 External Email

Sent from my iPhone

Email to:  
[planningcommission@pismo beach.org](mailto:planningcommission@pismo beach.org)

Subject Line:  
171 Naomi Avenue; Pismo Beach

Dear Planning Commissioners,

I am writing to you today in regards to the submittal at 171 Naomi Avenue. I love our St. Andrews neighborhood and I want to see it continue to improve. I have reviewed the plans and images of the proposed home and I believe it will only add to the beauty of our neighborhood.

I ask that you demonstrate that our city appreciates great home submittals such as this one, and that you approve it as submitted. When quality projects get denied it not only delays the process and drives up the home cost, but it also sends a message that our approval process can be virtually unattainable.

I also understand that they are requesting a General Plan Amendment for the setback of the home and for how the 2nd story must be placed back from the front of the house. I never recall this strange requirement taking effect. I am confident that I never received any notice about it and I have lived here for many years. So if a garage is at the rear property line, are we asking that they never move it forward? How is this fair? And if many of the existing 2-story homes proceed with a remodel they would be forced to tear down the front 10' of their 2nd story? It appears that St. Andrews has a selective punitive rule just on our neighborhood and it will only continue to cause issues as our aging homes submit for permits in the future. I not only support the exemption for 171 Naomi, but ask that you remove this requirement during our city-wide General Plan Update.

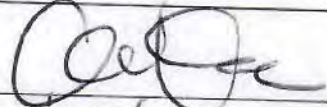
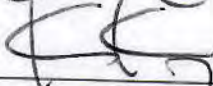
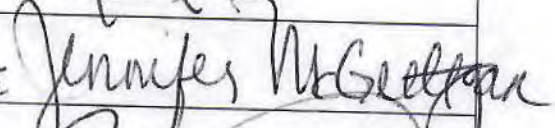
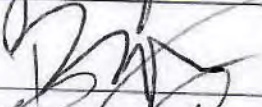
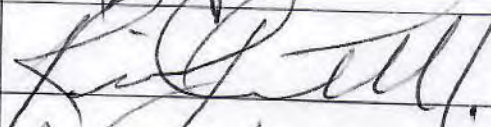
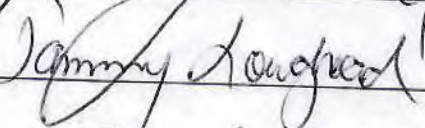

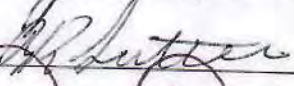
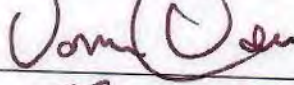

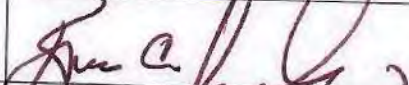
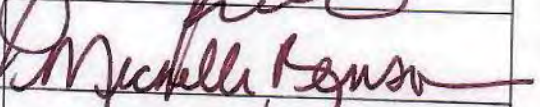



I apologize for my lengthy message but I am passionate about my St. Andrews neighborhood. Thank you for serving our great city and dedicating so much time to it to protect us residents. I fully support the new home at 171 Naomi and ask that you approve it.

Michele Benson  
123 Baker Avenue  
Shell Beach, CA 93449



## 171 Naomi Avenue, Pismo Beach

We, the undersigned, have reviewed the plans that were presented at the Planning Commission on 1/11/22 and the requested General Plan Amendment for single family residence at 171 Naomi Avenue; Pismo Beach, California. We ask that the City (Planning Commission and City Council) approve both the General Plan modification that has been requested along with the building permit.

Name	Address	Signature
ANNA KAHO	165 NAOMI AVE	
KEONE KAHO	165 NAOMI AVE	
JENNIFER McGETTIGAN	171 NAOMI AVE	
RON PENIB	170 NAOMI AVE	
RICHARD LOUGHEAD	185 NAOMI AVE	
TAMMY LOUGHEAD	185 NAOMI AVE	
JOAN SUTLE	173 BAKER AVE	
BERNIE SUTLE	173 BAKER AVE	
DONEMCA DEVINE	200 SLOOCH DR	
MICHAEL DEVINE	200 SLOOCH DR	
Brian C. Kreowski	123 Baker, Ave	
Michelle M. Benson	123 Baker Ave	
Tylen Holter	129 NAOMI	
ALACK BURNES	140 NAOMI	
LISA HESS	129 NAOMI	



## 171 Naomi Avenue, Pismo Beach

We, the undersigned, have reviewed the plans that were presented at the Planning Commission on 1/11/22 and the requested General Plan Amendment for single family residence at 171 Naomi Avenue; Pismo Beach, California. We ask that the City (Planning Commission and City Council) approve both the General Plan modification that has been requested along with the building permit.

Name	Address	Signature
JOHNNY L. FRADY	2540 COBURN LN, PISMO BEACH, CA	<i>Johnny L. Frady</i>
DONNA FRADY	2540 COBURN LANE PISMO BEACH, CA	<i>Donna Frady</i>
MARIAN KWANT	2530 Coburn Ln Pismo Beach, CA	<i>Marian Kwant</i>
RON PENIR	170 Naomi Pismo Beach	Via Email
DEBBIE PENIR	170 Naomi Pismo Beach	Via Email
TAYLOR PENIR	170 Naomi Pismo Beach	Via Email
KARLY PEUR	170 Naomi Pismo Beach	Via Email
JOHN SHERWOOD	189 SEACLIFF Pismo Beach	Via Email
BARBARA SHERWOOD	189 SEACLIFF Pismo Beach	Via Email
CO CO FERNANDEZ	135 Naomi	Via Email
SUSAN MISTRETTA	147 SEA CLIFF	Via Email
Susan McBeth	2520 Ruby Court	<i>Susan McBeth</i>



**171 Naomi Avenue, Pismo Beach**

We, the undersigned, have reviewed the plans that were presented at the Planning Commission on 1/11/22 and the requested General Plan Amendment for single family residence at 171 Naomi Avenue; Pismo Beach, California. We ask that the City (Planning Commission and City Council) approve both the General Plan modification that has been requested along with the building permit.

[illegible]

**From:** [CentralCoast@Coastal](mailto:CentralCoast@Coastal)  
**To:** [MacGregor, Sarah@Coastal](mailto:MacGregor.Sarah@Coastal)  
**Subject:** Fwd: Public Comment on December 2022 Agenda Item Friday 18a - Appeal No. A-3-PSB-22-0064 (Mittry SFD, Pismo Beach)  
**Date:** Monday, December 5, 2022 9:58:35 AM

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Get [Outlook for iOS](#)

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**From:** John Sherwood <jsherwd@gmail.com>  
**Sent:** Saturday, December 3, 2022 9:47:51 AM  
**To:** CentralCoast@Coastal <CentralCoast@coastal.ca.gov>  
**Subject:** Public Comment on December 2022 Agenda Item Friday 18a - Appeal No. A-3-PSB-22-0064 (Mittry SFD, Pismo Beach)

There is clearly no substantial issue here and the Commission has already dealt with this issue. These people are wasting your time and public resources.

John Sherwood  
189 Seacliff Drive  
Shell Beach, CA 93449  
310/663-2000

## **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](http://WWW.COASTAL.CA.GOV)



# F18a

**A-3-PSB-22-0064 (MITTRY SFD)  
DECEMBER 16, 2022 HEARING**

**CORRESPONDENCE**



# **LAW OFFICE OF TARRIN COLLINS**

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

November 21, 2022

California Coastal Commissioners and Staff  
California Coastal Commission  
455 Market Street, Suite 300  
San Francisco, California 94105

Re: Commission Appeal No. A-3-PSB-22-0064 - 171 Naomi, Pismo Beach

Dear Commissioners and Staff:

Your recent meeting in Salinas was attended by Pismo Beach Councilmember Scott Newton. On Friday, November 18, 2022, during "Public Comment on Items Not on the Agenda," Mr. Newton complained about the filing of an appeal of his illegally permitted house. His comments were riddled with false statements. The earliest and easiest to prove is his assertion that he doesn't actually own the house in question at 171 Naomi Street, Pismo Beach.

I am enclosing a copy of Councilmember Scott Newton's FPPC Form 700 clearly identifying his ownership in the property at issue. The remainder of his testimony was equally untrue.

I hope and anticipate that the Commission will find a substantial issue exists regarding this appeal in order to avoid this type of abuse of process by elected officials and local governments in the future.

Thank you,

A handwritten signature in dark ink, consisting of a long horizontal stroke with a small vertical tick mark below it, and a second, slightly longer horizontal stroke to the right.

Tarren Collins, Esq.

Encl.

Cc: Erik Howell, Esq.

COVER PAGE

A PUBLIC DOCUMENT

Filed Date: 01/07/2021 10:33 PM  
SAN: FPPC

Please type or print in ink.

NAME OF FILER (LAST) (FIRST) (MIDDLE)  
Newton Scott

1. Office, Agency, or Court

Agency Name (Do not use acronyms)

City of Pismo Beach

Division, Board, Department, District, if applicable

Your Position

City Council Member

► If filing for multiple positions, list below or on an attachment. (Do not use acronyms)

Agency: Position:

2. Jurisdiction of Office (Check at least one box)

☐ State

☐ Judge, Retired Judge, Pro Tem Judge, or Court Commissioner  
(Statewide Jurisdiction)

☐ Multi-County

☐ County of

☒ City of Pismo Beach

☐ Other

3. Type of Statement (Check at least one box)

☐ Annual: The period covered is January 1, 2019, through  
December 31, 2019.

☐ Leaving Office: Date Left / /  
(Check one circle.)

-or-

The period covered is / / , through  
December 31, 2019.

☐ The period covered is January 1, 2019, through the date of  
leaving office.

-or-

☒ Assuming Office: Date assumed 12 / 09 / 2020

☐ The period covered is / / , through  
the date of leaving office.

☐ Candidate: Date of Election and office sought, if different than Part 1:

4. Schedule Summary (must complete) ► Total number of pages including this cover page: 6

Schedules attached

☐ Schedule A-1 - Investments - schedule attached

☒ Schedule C - Income, Loans, & Business Positions - schedule attached

☒ Schedule A-2 - Investments - schedule attached

☐ Schedule D - Income - Gifts - schedule attached

☒ Schedule B - Real Property - schedule attached

☐ Schedule E - Income - Gifts - Travel Payments - schedule attached

-or- ☐ None - No reportable interests on any schedule

5. Verification

MAILING ADDRESS STREET CITY STATE ZIP CODE  
(Business or Agency Address Recommended - Public Document)  
760 Mattie Rd Pismo Beach CA 93449-2000  
DAYTIME TELEPHONE NUMBER EMAIL ADDRESS  
( 805 ) 773-7003

I have used all reasonable diligence in preparing this statement. I have reviewed this statement and to the best of my knowledge the information contained herein and in any attached schedules is true and complete. I acknowledge this is a public document.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date Signed 01/07/2021 10:33 PM  
(month, day, year)

Signature Electronic Submission  
(File the originally signed paper statement with your filing official.)

**SCHEDULE B**  
**Interests in Real Property**  
(Including Rental Income)

Name

Scott Newton

▶ ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

301 N. Main

CITY

Templeton

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000  
☐ \$10,001 - \$100,000  
☒ \$100,001 - \$1,000,000  
☐ Over \$1,000,000

IF APPLICABLE, LIST DATE:

ACQUIRED

DISPOSED

NATURE OF INTEREST

☐ Ownership/Deed of Trust

☐ Easement

☐ Leasehold

Yrs. remaining

☒ In Escrow

Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED

- ☐ \$0 - \$499    ☐ \$500 - \$1,000    ☐ \$1,001 - \$10,000  
☐ \$10,001 - \$100,000    ☐ OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.

☒ None

▶ ASSESSOR'S PARCEL NUMBER OR STREET ADDRESS

171 Naomi

CITY

Pismo Beach

FAIR MARKET VALUE

- ☐ \$2,000 - \$10,000  
☐ \$10,001 - \$100,000  
☐ \$100,001 - \$1,000,000  
☒ Over \$1,000,000

IF APPLICABLE, LIST DATE:

ACQUIRED

DISPOSED

NATURE OF INTEREST

☒ Ownership/Deed of Trust

☐ Easement

☐ Leasehold

Yrs. remaining

☐

Other

IF RENTAL PROPERTY, GROSS INCOME RECEIVED

- ☐ \$0 - \$499    ☐ \$500 - \$1,000    ☐ \$1,001 - \$10,000  
☐ \$10,001 - \$100,000    ☐ OVER \$100,000

SOURCES OF RENTAL INCOME: If you own a 10% or greater interest, list the name of each tenant that is a single source of income of \$10,000 or more.

☒ None

\* You are not required to report loans from a commercial lending institution made in the lender's regular course of business on terms available to members of the public without regard to your official status. Personal loans and loans received not in a lender's regular course of business must be disclosed as follows:

NAME OF LENDER\*

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF LENDER

INTEREST RATE

TERM (Months/Years)

\_\_\_\_\_%    ☐ None

HIGHEST BALANCE DURING REPORTING PERIOD

- ☐ \$500 - \$1,000    ☐ \$1,001 - \$10,000  
☐ \$10,001 - \$100,000    ☐ OVER \$100,000

☐ Guarantor, if applicable

NAME OF LENDER\*

ADDRESS (Business Address Acceptable)

BUSINESS ACTIVITY, IF ANY, OF LENDER

INTEREST RATE

TERM (Months/Years)

\_\_\_\_\_%    ☐ None

HIGHEST BALANCE DURING REPORTING PERIOD

- ☐ \$500 - \$1,000    ☐ \$1,001 - \$10,000  
☐ \$10,001 - \$100,000    ☐ OVER \$100,000

☐ Guarantor, if applicable

Comments: