

## **CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
PHONE: (831) 427-4863  
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# Th14a

### **A-3-PSB-22-0005 (BEACH HOUSE VACATION RENTAL) APRIL 7, 2022 HEARING EXHIBITS**

- Exhibit 1 – Regional Location Map**
- Exhibit 2 – Project Vicinity Map**
- Exhibit 3 – Photos of Project Site**
- Exhibit 4 – City’s CDP Final Local Action Notice**
- Exhibit 5 – City-Approved Project Plans**
- Exhibit 6 – Appeal of City’s CDP Action**
- Exhibit 7 – City’s Response to Appeal**
- Exhibit 8 – Applicable LCP Provisions**



# Regional Location Map



# Project Vicinity Map



Source: California Coastal Records Project, Photo 201902588



View south from Addie Street looking at project site (2019 photo)



View southeast from Addie Street end looking at project site (2022 photo)



**View west of project site and existing residence during 1983 flood event**



Exhibit 3 **View east, approximately from project site, of Addie Street and Pismo Creek during 1983 flood event**  
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**CITY OF PISMO BEACH**  
**Community Development Department**  
760 Mattie Road, Pismo Beach, California 93449  
(805) 773-4658 / Fax (805) 773-4684

January 7, 2022

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

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

ATTN: Katie Butler, Coastal Planner

**FINAL LOCAL  
ACTION NOTICE**

REFERENCE # 3-PSB-22-0047  
APPEAL PERIOD 1/20/22 - 2/2/22

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

OWNER / APPLICANT Addie Street Land Group, LTD. John King  
285 Bridge Street, San Luis Obispo, CA 93401  
Tel: 805-544-4444/ Email: [jking@kingventures.net](mailto:jking@kingventures.net)

REPRESENTATIVE Jeff Davenport  
285 Bridge Street, San Luis Obispo, CA 93401  
Tel: 805-544-4444/ Email: [jeffd@kingventures.net](mailto:jeffd@kingventures.net)

DESCRIPTION:

Site Address: 136 Addie Street, Pismo Beach, CA 93449

Project Summary: COASTAL DEVELOPMENT PERMIT FOR A 195 SQUARE-FOOT ADDITION, A DECK ADDITION, AND A NEW RAISED PARKING DECK FOR A ONE-STORY VACATION RENTAL AND ADOPTING CATEGORICAL EXEMPTION NO. 2021-028; THE PROJECT IS LOCATED AT 136 ADDIE STREET WITHIN THE COMMERCIAL CORE (K) PLANNING AREA AND HOTEL-MOTEL AND VISITOR-SERVING R-4 ZONING DISTRICT. APN: 005-163-028.

DATE OF ACTION: 12/14/2021

ACTION: Adopted Resolution PC-R-2021-021 approving Project P21-000075 for a Coastal Development Permit for the as-built construction of a 195 square-foot addition and 265 square-foot deck expansion, and a new raised parking deck for a vacation rental residence and adopting Categorical Exemption No. 2021-028.

ATTACHMENTS:

- 1) Resolution No. PC-R-2021-021
- 2) Staff Report & Powerpoint Presentation
- 3) Approved Project Plans
- 4) Legal AD/ Notice of Public Hearing
- 5) Correspondence

APPEAL STATUS: Appealable

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

**RECEIVED**

**JAN 19 2022**

**CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA**

**RESOLUTION NO. PC-R-2021-021**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF PISMO BEACH, CALIFORNIA, APPROVING PROJECT P21-000075 FOR A COASTAL DEVELOPMENT PERMIT FOR A 195 SQUARE-FOOT ADDITION, A 265 SQUARE-FOOT DECK ADDITION, AND A NEW 490 SQUARE-FOOT RAISED PARKING DECK FOR A ONE-STORY VACATION RENTAL AND ADOPTING CATEGORICAL EXEMPTION NO. 2021-028;  
APN: 005-163-028**

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**WHEREAS**, Addie Street Land Group Ltd, John King, ("the Applicant"), has submitted an application for a Coastal Development Permit for an addition to an existing vacation rental; and

**WHEREAS**, the Planning Commission held a duly-noticed public hearing on December 14, 2021, at which all interested persons were given the opportunity to be heard; and

**WHEREAS**, the Planning Commission determined that under the provisions of the California Environmental Quality Act (CEQA) additions to an existing structure is exempt per CEQA 15301(e); and

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

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

1. The project is exempt from CEQA in accordance with Section 15301(e) of the CEQA Guidelines, regarding additions to existing structures.
2. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations because the project is a visitor-serving use in the mixed-use land use category within the R-4 zoning designation which allows for the establishment of vacation rentals.
3. The site is currently developed and is located within city limits on a project site of no more than five acres and is adjacent to similar or comparable vacation rental uses.
4. A biological evaluation was completed on August 1, 2021, by Ed Mercurio and found the project site has no value as habitat for endangered, rare or threatened species. Because the lot is already developed with an existing structure and the project is designed to utilize steel and helical piles for the additions and new raised platform driveway, reducing potential impacts to species.

5. Approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality because the project, as conditioned, is consistent with all applicable zoning code and California building code standards.
6. The site is currently served by all required utilities and public services.

**B. FINDINGS FOR APPROVAL OF THE COASTAL DEVELOPMENT PERMIT:**

1. The project improvements comply with the public access and public recreation policies of Chapter 3 (commencing with Section 30220) of the California Coastal Act of 1976.
2. The proposed development is existing and new additions are engineered in a manner that reduces potential impacts to the floodplain, avoids impacts to neighboring dune habitat by planting native species onsite, and ensures the structural stability over the life of the vacation rental. The new project additions are designed so as to be compatible with the existing residence, adjacent two-story vacation rentals; and is smaller in size to other vacation rentals on similarly sized lots in the near vicinity.
3. The architectural and general appearance of the addition is in keeping with the character of the existing structure and neighborhood. The architectural style, building materials, and massing are similar to other residences in the neighborhood and reflect a classic coastal character.
4. The proposed development is consistent with the General Plan, Local Coastal Plan and General Plan Land Use Plan category of Mixed use.
5. The proposed development is compatible with the nearby existing uses and not detrimental to the health, safety, morals, comfort, and general welfare of persons living or working in the surrounding area of the proposed project because the proposed use is a detached vacation rental where other vacation rentals exist in the immediate neighborhood.
6. The proposed development will not be detrimental to the orderly development of improvements in the surrounding area and will not be detrimental to the orderly and harmonious development of the City because the proposed use is similar to other vacation rental development in the immediate neighborhood.
7. The proposed development will not impair the desirability of investment or occupation in the neighborhood vicinity because similar vacation rentals exist in the immediate neighborhood and the structure is smaller in scale to other development in the same R-4 zone.

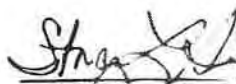
8. The proposed project will not significantly alter existing natural landforms because the project development uses pile construction and minor fill to widen the street; and
9. The height, bulk, and scale of the structure is compatible with the adjacent area and with the surrounding views and other Local Coastal Program Land Use Plan considerations as designed.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the City of Pismo Beach hereby approves Permit No. P21-000075 and accepts Categorical Exemption 2021-028, with the above findings and subject to the conditions as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

**UPON MOTION** of Commissioner Inman, seconded by Commissioner Werner, the foregoing Resolution is hereby approved and adopted the 14th day of December, 2021, by the following roll call vote, to wit:

<b>AYES:</b>	<b>4</b>	<b>Inman, Werner, Malone Prichard, Van Rozeboom</b>
<b>NOES:</b>	<b>1</b>	<b>Jones</b>
<b>ABSENT:</b>	<b>0</b>	
<b>ABSTAIN:</b>	<b>0</b>	
<b>RECUSED:</b>	<b>0</b>	

**Approved:**

  
\_\_\_\_\_  
**Stacy L. Inman**  
Chair

**Attest:**

  
\_\_\_\_\_  
**Elsa Perez, CMC**  
Planning Commission Secretary

## EXHIBIT A

**CITY OF PISMO BEACH CONDITIONS OF APPROVAL  
PLANNING COMMISSION MEETING OF DECEMBER 14, 2021  
PERMIT NO. P21-000075, CDP  
LOCATION: 136 ADDIE STREET, APN: 005-163-028**

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

**AUTHORIZATION:** Subject to the conditions stated below, approval of Permit P21-000075 grants planning permits for a 195 square-foot addition on an existing deck, a 265 square-foot deck addition, and a new 490 square-foot raised parking deck addition for an existing one-story vacation rental with City of Pismo Beach stamp of December 14, 2021. Approval is granted only for the construction and use as herein stated; any proposed changes shall require approval of amendments to these permits by the City of Pismo Beach.

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

**EXPIRATION DATE:** The applicant is granted two years for inauguration (i.e. building permits issued and construction begun) of this permit. The permits will expire on December 14, 2023, unless inaugurated prior to that date. Time extensions are permitted pursuant to Zoning Code Section 17.121.160 (2).

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

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

the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the project; or my failure to comply with conditions of approval. This agreement shall be binding on all successors and assigns.

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

Approved by the Planning Commission on December 14, 2021.

\_\_\_\_\_  
Addie Street Land Group, LTD. John King

\_\_\_\_\_  
Date

**CONDITIONS, POLICIES, AND SELECTED CODE REQUIREMENTS FOR  
PROJECT NO. P21-000075  
136 ADDIE STREET, APN 005-163-028**

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

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

**BUILDING DIVISION:**

1. **BUILDING PERMIT APPLICATION.** To apply for building permits, submit an electronic set of construction plans **ALONG WITH THE CONDITIONS OF APPROVAL NOTING HOW EACH CONDITION HAS BEEN SATISFIED** to the Building Division.
2. All construction shall conform to the edition of the applicable California Building Code (CBC) or California Residential Code (CRC), the California Plumbing Code, the California Mechanical Code, the California Electrical Code, the California Energy Code, and the California Green Building Standards Code, including City of Pismo Beach amendments, in effect when an application for a construction permit is submitted to the Building Division.
3. An application for a Building Permit remains valid for 365 days after the date of filing. If a permit is not issued by this date, the application shall expire. In order to renew action on an application after expiration, the applicant must confirm that Planning approvals remain valid and then submit a new application, plans and documentation and pay a new plan review fee.
4. All required documents essential to the design of the project shall be submitted with the construction permit application. No deferred submittals, such as truss details, fire sprinkler plans, metal fabrication drawings, etc., are allowed.
5. City of Pismo Beach policy requires a soils investigation for all new buildings and additions where the new floor area will exceed 250 square feet. The soils engineer shall evaluate soils in the area of the proposed structure and offer appropriate recommendations. The soils report shall be unique to this lot and current (dated less than 2 years prior to permit application date) and submitted with the building permit application.
6. The building is located in a designated flood area as established in the flood hazard map. Design for flood loading in accordance with Chapter 5 of ASCE7 and ASCE 24. Utilities must be located and secured according to flood resistant construction requirements [§ 1612 CBC, R322 CRC]

7. All conditions of the Planning Permit, such as required lot mergers, a required subdivision map, public improvement design documents, mitigation measures and any other requirement of the City shall be completely satisfied prior to Building Permit issuance for the project. No building permits for a part of the overall project will be considered, such as early grading, foundation only, partial demolition, etc.

**PLANNING DIVISION:**

8. **COMPLIANCE WITH PLANNING COMMISSION APPROVAL.** Prior to the issuance of a building permit, the Project Planner shall confirm that the construction plot plan and building elevations are in compliance with the Planning Commission's approval and these conditions. Project shall comply with these standards:

Item	Approved
Lot Area	4,500 sf (existing)
Building Height	Building height - Addition to match existing roof height.
Maximum Lot Coverage	2,005 sf vacation rental +deck (44%) and 490 sf parking deck (11%) = 55%
Maximum Building Area	1,215 sf (27%)
Planting Area	2,015 sf open area (45%)
Setbacks	
Front	20' for parking deck
Rear	10'
Side(s)	5' for new parking deck
Parking Spaces	2 spaces on raised parking deck

9. **COLORS AND MATERIALS.** Colors and materials shall be consistent with those shown on the color board as reviewed and approved by the Planning Commission on December 14, 2021.
10. **ACCESSIBLE PATH.** The parking deck shall be widened to provide a 3' wide accessible path from Addie Street to the entrance of the vacation rental.
11. **LANDSCAPE.** A native planting program, including phased removal of nonnative ice plant, shall be developed and implemented to the satisfaction of the Community Development Director.
12. **PARKING NEW DECK RAILS.** The parking deck rails **and access ramp rails** shall be a 90% transparent design approved by the Community Development Director. **(Amended by Planning Commission 12-14-21.)**
13. **ARCHAEOLOGY.** The applicant shall contract for archaeological monitoring services to take place during all grading and excavation activities. Signed contracts for monitoring services shall be provided to the Planning Division prior to issuance

of a building permit for grading. A preconstruction meeting with the retained monitor present shall occur prior to demolition work.

14. Prior to issuance of a building permit, recent non-permitted grading conducted by the applicant on adjacent lots (142 and 150 Addie Street) shall be remediated to their condition prior to the grading, to the satisfaction of the Community Development Director and Public Works Director.

**ENGINEERING DIVISION:**

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

15. Engineering standard conditions (notes): Shall be placed on the plans at time of submittal. A copy may be obtained through the Engineering Department.
16. Project improvements shall be designed and constructed in accordance with City standards and specifications and in accordance with all applicable City Ordinances. The decision of the City Engineer shall be final regarding the specific standards that shall apply.
17. Appropriate City standards shall be referred to on the plans and shall be included on a detail sheet within the plan set.
18. Encroachment Permits are required prior to any/all work in the public right of way. City Streets are to remain open to through traffic at all times. A traffic control plan shall be submitted to the Engineering Division for approval prior to detours or rerouting of traffic. Excavation within the streets shall be covered or backfilled and paved prior to the end of work each day. No temporary or long term parking, storage, or disposal of construction equipment or materials within the right-of-way shall occur without prior issuance of an encroachment permit.
19. The City Engineering Division shall approve any landscaping or irrigation within a public right of way. All landscaping shall be maintained by the property owner.
20. Street Improvements
  - A. Street improvements shall be designed and constructed to the following street standards:
    - a. **30** feet street width from curb to curb, **5** foot wide concrete sidewalks.
    - b. Concrete Sidewalks, curb and gutter on one side of the street.
    - c. **40** foot wide right of way.
21. Due to the number of utility trenches required for this project a pavement overlay to the center of Addie Street along the frontage of the project is required.
22. Erosion and Drainage control features are to be available to be placed in the event of rain or other erosive action to prevent any sediment or refuse from leaving the site. Erosion control devices shall be installed and in place following daily

construction activities. The applicant shall notify the Engineering Division of any changes in construction which will require additional erosion control measures. No Building Permits will be issued without prior approval of the Engineering Division and an approved erosion and sediment control plan and construction schedule. Erosion control measures shall be in place and approved by the Engineering Division prior to the start of construction.

23. Street trees shall be installed to the satisfaction of the City Engineer.
24. The owner shall offer to dedicate to the City the following easement(s). The location and alignment of the easement(s) shall be to the description and satisfaction of the City Engineer:
  - A. Public Pedestrian Easement around the back of driveway apron; 5 feet wide.
25. The applicant shall provide a current title report to the Engineering Division.
26. Driveways and driveway approaches shall be located and constructed per City of Pismo Beach standards. Profiles shall be provided for all interior driveways.
27. The Owner and/or owner's contractor are to take precaution against damaging road surfaces. Note: The existing street sections adjacent the property may be substandard and may be subject to damage by heavy loading/equipment during construction. The owner is responsible for protection against and/or repair of, at owner's expense, any/all damage incurred during and/or due to construction.

#### **Grading and Drainage Plans**

The following conditions shall be met during construction:

28. A Preliminary Soils and/or Geology Report providing technical specifications for grading of the site shall be prepared by a Geotechnical Engineer.
29. All grading and drainage improvements shall be designed and constructed in accordance with the City Grading Ordinance and subject to approval by the City Engineer.
30. The project shall conform to the City's Storm Water Discharge Ordinance.
31. Post Construction Requirements: In order for the proposed development to maintain conformance with the City's Regional Stormwater Permit, implementation of Low Impact Development (LID) source control, site design, and stormwater treatment onsite or at a joint stormwater treatment facility shall be required. The stormwater design shall be submitted for review and approval by the City Engineer and in addition shall provide mitigation for post development runoff versus pre-development runoff. A Stormwater Control Plan application shall be submitted.

32. A Water Pollution Control Plan (WPCP) shall be submitted.
33. All off-site public improvement plans shall be prepared by a registered civil engineer and shall be submitted to the City Engineer for review and approval. The improvements shall be designed and placed to the Public Works Department Standards and Specifications.
34. Landscape and irrigation plans in the public right-of-way shall be incorporated into the improvement plans and shall require approval by the Public Works Department and the Community Development Department.
35. An Erosion and Drainage Control Plan shall be submitted in accordance with the City Grading Ordinance. The plan shall reflect "Best Management Practices" as proposed in the California Regional Water Quality Control Board Erosion and Sediment Control Field Manual, and shall include both temporary measures (to be used during construction, and until permanent measures are completed/established) and permanent measures. Plan shall include both source control and perimeter containment measures. All Drainage and Erosion Control Measures shall be designed and/or sized by a qualified professional.

#### **Utilities**

36. The applicant shall submit a composite utility plan for relocated utilities.
37. All utilities shall be extended to the boundaries of the project.
38. Sewer System Requirements
  - a. Applicant is required to show the existing location of the Sewer Main in the street and location of the sewer lateral, if existing, on the plans. If no lateral exists or existing lateral is in poor condition, then applicant is responsible for all costs, materials and labor for the installation of a new lateral. If existing sewer lateral is to be utilized, the applicant must have a video inspection performed of the sewer lateral to confirm the condition and material of the lateral and provide the Public Works department with a copy of the video for review. Show size and type of all sewer lines. Show size and type of all sewer lines.
39. Water System Requirements
  - a. Applicant is required to show the existing location of the Water Main in the street and location of the existing water lateral, if existing, on the plans. The size of the proposed lateral and proposed water meter shall be shown on the plans. If existing lateral is inadequate for the proposed water meter, then applicant is responsible for all costs, materials and labor for the installation of

a new water lateral. Show size and type of all water lines. Minimum water lateral and meter size is 1".

40. All wire utility services to the project shall be located underground.
41. Street lights shall be installed at locations approved by the City Engineer.

**B. CONDITIONS TO BE MET DURING CONSTRUCTION:**

**BUILDING DIVISION**

42. **SITE MAINTENANCE.** During construction, the site shall be maintained so as to not infringe on neighboring property, such as debris and dust.
43. **ARCHAEOLOGICAL MATERIALS.** In the event unforeseen archaeological resources are unearthed during any construction activities, all grading and or excavation shall cease in the immediate area and the find left untouched. The Building Official shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, Native American, or paleontologist, whichever is appropriate. The qualified professional shall evaluate the find and make reservations related to the preservation or disposition of artifacts in accordance with applicable laws and ordinances. If discovered archaeological resources are found to include human remains, or in any other case when human remains are discovered during construction, the Building Official shall notify to county coroner. If human remains are found to be of ancient age and of archaeological and spiritual significance, the Building Official shall notify the Native American Heritage Commission. The developer shall be liable for costs associated with the professional investigation.
44. Certification of compliance with the soils report shall be submitted to the Building Division prior to foundation approvals. A final report certifying compliance with the soils report or grading plans shall be submitted to the Building Division prior to final approvals.
45. A licensed surveyor or engineer shall verify pad elevations, setbacks, prior to foundation inspection, and roof elevations, prior to roof sheeting inspection, when determined necessary by the Planning Department.

**C. CONDITIONS TO BE MET PRIOR TO FINAL INSPECTION AND ISSUANCE OF CERTIFICATE OF OCCUPANCY:**

**PLANNING DIVISION:**

46. **COMPLETION OF LANDSCAPING.** All landscaping and irrigation systems shown on the approved plans shall be installed by the applicant and shall be subject to

inspection and approval by the Project Planner prior to the issuance of a Certificate of Occupancy.

**D. CONDITIONS SUBJECT TO ONGOING COMPLIANCE:**

47. **ROOF-MOUNTED EQUIPMENT.** All roof-mounted air conditioning or heating equipment, vents or ducts shall be screened from view in a manner approved by the Project Planner.
48. **COMPLIANCE WITH APPLICABLE LAWS.** All applicable requirements of any law or agency of the State, City of Pismo Beach and any other governmental entity at the time of construction shall be met. The duty of inquiry as to such requirements shall be upon the applicant.
49. **HOLD HARMLESS.** The applicant, as a condition of approval, hereby agrees to defend, indemnify, and hold harmless the City, its agents, officers, and employees, from any claim, action, or proceeding against the City as a result of the action or inaction by the City, or from any claim to attack, set aside, void, or annul this approval by the City of the applicant's project; or applicant's failure to comply with conditions of approval. This condition shall be binding on all successors and assigns.
50. The property owner and the applicant (if different) shall sign these Conditions of Approval within ten (10) working days of receipt; the permit is not valid until signed by the property owner and applicant.

**-END-**



## **PISMO BEACH PLANNING COMMISSION AGENDA REPORT**

### **Agenda Item #7.B**

#### **SUBJECT/TITLE:**

**COASTAL DEVELOPMENT PERMIT FOR A 195 SQUARE-FOOT ADDITION, A DECK ADDITION, AND A NEW RAISED PARKING DECK FOR A ONE-STORY VACATION RENTAL AND ADOPTING CATEGORICAL EXEMPTION NO. 2021-028; THE PROJECT IS LOCATED AT 136 ADDIE STREET WITHIN THE COMMERCIAL CORE (K) PLANNING AREA AND HOTEL-MOTEL AND VISITOR-SERVING R-4 ZONING DISTRICT. THE PROJECT IS LOCATED INSIDE THE COASTAL ZONE AND IS APPEALABLE TO THE COASTAL COMMISSION; APN: 005-163-028.**

#### **RECOMMENDATION:**

Adopt a **Resolution** approving Project P21-000075 for a Coastal Development Permit for the as-built construction of a 195 square-foot addition and 265 square-foot deck expansion, and a new raised parking deck for a vacation rental residence and adopting Categorical Exemption No. 2021-028.

#### **BACKGROUND:**

The applicant is requesting approval of a Coastal Development Permit for an enclosed living area and deck expansion installed without permits, and a new raised parking deck for two vehicles. The project was previously approved by the Planning Commission on November 12, 2019 (P19-000034; **Attachment 3**). During the appeal period, the City received a comment from the California Coastal Commission (CCC) staff indicating intent to appeal due to the CCC staff's determination that evaluation of the existing site condition was based on site conditions for the neighboring property and, therefore, incomplete. The CCC recommended the applicant conduct additional site-specific studies to verify potential impacts from coastal hazards (i.e., flooding, wave-run-up, and sea-level rise) and potential impacts to adjacent dune habitat and coastal views would be less than significant and in compliance with the Coastal Act. The application was withdrawn to complete the additional studies, including a biological survey, hydrologic analysis to assess potential flood risks and obstructions, wave-run-up analysis including sea-level rise effects on the project site, and a geotechnical evaluation. A new application with the supplemental studies was subsequently submitted.

#### **Project Analysis**

The Floodplain Overlay zone requires that development comply with FEMA regulations for construction within the one-hundred-year flood boundaries and finished floor elevations are one foot above the projected flood line. During the previous application approval, reports prepared for the neighboring property were comparatively used with the property owner's consent to supplement site data, due to the common site conditions of the two properties. The previous staff report has been included as **Attachment 3** to provide the basis of the project analysis and the historical progression of the existing construction. The summary of the project development standards is provided in Table 1.

**Table 1: Project Requirements and Standards**

	Lot Size	Max Lot Coverage	Max Building Area	Min Planting Area	Height Limit	Setbacks	Parking
<b>1983 Zoning Code Standard</b>	5,000 sf	55% Allowance for this lot = 2,485 sf	125% Allowance for this lot = 5,625 sf	20% Required for this lot = 900 sf	35'	Front – 15' Side – 5' Rear – 10' Garage – 20'	2 spaces in garage
<b>Proposed</b>	4,500 sf existing	55% 2,495 sf	27% 1,215 sf	45% open planting 2,015 sf	Roof height to match existing roof	Front – 20' Side – 5' for new additions, Rear – 10'	2 spaces on open parking deck; improves existing condition

The supplemental site analysis and resulting recommended development practices are summarized below.

#### *Project Description*

The project plans have been updated to include right-of-way improvements in Addie Street that provide the public access frontage to the property and connection for the new raised parking deck. The raised parking deck allows relocation of the utility connections to attach beneath the deck and out of sight, improving coastal aesthetics. The project description also includes removal of the existing exterior stairway to be replaced by a new raised ramp to provide access to the front door (**Attachment 5**).

#### *Biological Survey*

The site-specific biological survey (Mercurio 2021) confirmed that the natural site vegetation has previously been disturbed and the majority of plant species on the site are nonnative species, namely *Carpobrotus chilensis* (Sea fig). No wetland indicator plants were observed, and no further study was recommended due to the soil conditions. As a result of the survey, the lack of native vegetation reduces the potential of the site as having habitat value. Due to the proximity to Pismo Creek and sparse dune vegetation, the report supports the reduction of sea fig on site and replacement with native dune species to promote a healthy and stable dune community.

#### *Hydrological Analysis*

The project site is located within the 100-year flood zone AE at a flood elevation of 15.87 feet and a wave-run-up elevation of 17.87 feet. A flood event in Pismo Creek in conjunction with a wave run-up event could cause a surge that would raise water to a higher level (Geosolutions 2021). In an 80–100-year period, an additional two-foot surge height is expected and living areas are recommended to be located higher than 18.37 feet. The existing deck is approximately 20 feet in elevation and meets the requirement.

#### *Geotechnical Evaluation*

Properties within the Floodplain Overlay are also subject to geotechnical evaluation to determine recommendations for protection of the structure and surrounding environment. Due to soil conditions and potential seismic and flood hazards, the geotechnical report (Geosolutions 2021) recommended the structure utilize a support system for the raised structure of either driven steel piles or high-capacity helical piles. The project will be adding seven new steel piles to support the proposed parking deck and raised access ramp. Five wood piles currently support the new floor area and deck addition. No enclosed floor area is proposed at ground level and the support system is open to allow floodwaters to circulate unimpeded and will not create displacement of water levels.

#### *Visual Analysis*

The site is developed with an existing structure that extends into the side setbacks on each side of the lot. The new additions meet setback requirements and do not create any further reduction of views to the creek. The visual analysis of the updated plans continues to require the use of transparent cable railing on the sides of the parking deck to maintain ocean views across the front of the site while the deck is not in use. The current construction of the adjacent vacation rental to the north shows through views to Pismo Creek between the structures (**Attachment 2**). The existing structure was allowed at a zero setback on this side and no further view width is feasible.

#### **Environmental Review**

In accordance with the California Environmental Quality Act (CEQA), it has been determined that the project is categorically exempt pursuant to Section 15301(e) of the CEQA Guidelines regarding additions to existing structures and based on the above referenced studies and analysis. A copy of the Categorical Exemption has been included as **Attachment 4**.

#### **Public Notification**

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

#### **Conclusion and Recommendation**

The project, as conditioned, meets the development standards, and is architecturally compatible with the existing structure and other vacation rental development in the immediate neighborhood (**Attachment 3**). It is recommended the Planning Commission adopt the prepared Resolution (**Attachment 1**) approving Project No. P21-000075 and adopting Categorical Exemption 2021-028.

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#### **FISCAL IMPACT:**

None.

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#### **ALTERNATIVES:**

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

---

**ATTACHMENTS:**

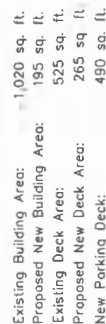
1. Resolution
2. Vicinity Map and Aerial View
3. P19-000034 Staff Report
4. Categorical Exemption No. 2021-028
5. Project Plans

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**Prepared by:** Meeting Date: December 14, 2021  
Aileen Nygaard, Associate Planner

**Reviewed by:** Megan Martin, Planning Manager

**Community Development Director Approval:** Matthew Downing, AICP



# Project Notes

## GENERAL NOTES

1. Owner and/or owner's contractor shall protect public infrastructure from damage during the course of construction. Note: The existing street sections may be substandard and the contractor shall protect the public infrastructure from damage by heavy loading/equipment during the course of construction. The contractor shall repair, at construction, to the satisfaction of the City Engineer.
2. Where delineation is necessary by the City Engineer, damaged portions of the existing curb, gutter and sidewalk along the property frontage shall be replaced to the satisfaction of the City Engineer prior to final approval.
3. Encroachment permit(s) must be obtained prior to any/all work in public right-of-way.
4. City Streets are to remain open to through traffic at all times. No temporary or long term parking or storage of construction equipment or materials shall occur without prior issuance of an encroachment permit.
5. A traffic control plan is required for any detours or rerouting of traffic. During construction, it shall be the responsibility of the contractor to provide for safe traffic control in and around the site. This may include but shall not be limited to signs, flashing lights, barricades and flag persons as directed by the Building Official or the City Engineer.
6. Excavation within the streets shall be covered with traffic rated steel plates or backfilled and paved, to the satisfaction of the City Engineer, prior to the end of work each day.
7. Erosion and Drainage control features shall be installed to prevent sediment from leaving the site. Erosion control devices shall be installed and in place following daily construction activities. The applicant shall notify the Engineering Division of any changes in construction which will require additional erosion control measures or other changes to the Erosion Control Plan.
8. Waste materials shall not be washed into the storm drain system. This includes but is not limited to soil, paint, stucco, gravel, culter coat, concrete dust, saw residues, groutings, oil, etc.
9. During the construction period, the project frontage(s) shall be swept daily and kept free of dirt, dust and debris. At the conclusion of construction, prior to the issuance of an occupancy permit, the frontage(s) shall be inspected by the City Engineer and repairs completed as directed to the satisfaction of the City Engineer.

## GRADING NOTES

1. Lot grading shall meet the minimum requirements of the latest CBC edition.
2. Drainage shall be carried to the street or other improved drainage device via a non-erative drainage device.
3. No grading or drainage improvements which alter existing drainage courses or concentrate drainage to adjacent properties shall be allowed without prior approval from the City Engineer.

## EROSION CONTROL STANDARD NOTES

1. Erosion Control measures shall be fully installed at all times.
2. Erosion Control measures shall be fully installed prior to ground disturbance. City Staff shall be notified and inspect prior to ground disturbance.
3. All site accesses shall be protected against erosion at all times that work is not being performed on the site, including evenings, weekends and holidays. Such protection may be removed to provide access to the site during work hours if and when it is not required due to weather conditions.
4. Property frontage shall be swept clean at the end of each day.
5. The first downstream storm drain inlet shall be protected per detail.
6. All stockpiles shall be protected against wind and water erosion, per detail, immediately upon placement.
7. Permanent Erosion Control measures shall be fully established to the satisfaction of the City Engineer prior to final.
8. Structural stormwater control measures shall be inspected by the Engineer of Record and City Staff at the time of installation.
9. Projects subject to post-construction requirements shall have stormwater control plan recorded with the County of San Luis Obispo prior to final.
10. In the event of off-site erosion, the property owner and/or his representative(s) shall be responsible for cleanup and all associated costs or damages.
11. Erosion Control Plans represent the minimum acceptable protection. Further measures will be required, to the satisfaction of the City Engineer, in the event of inadequacy or failure.

11/16/2021

11/16/2021

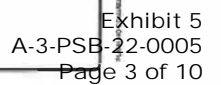
Residence Expansion/Remodel  
136 Addie Street, Pismo Beach, CA

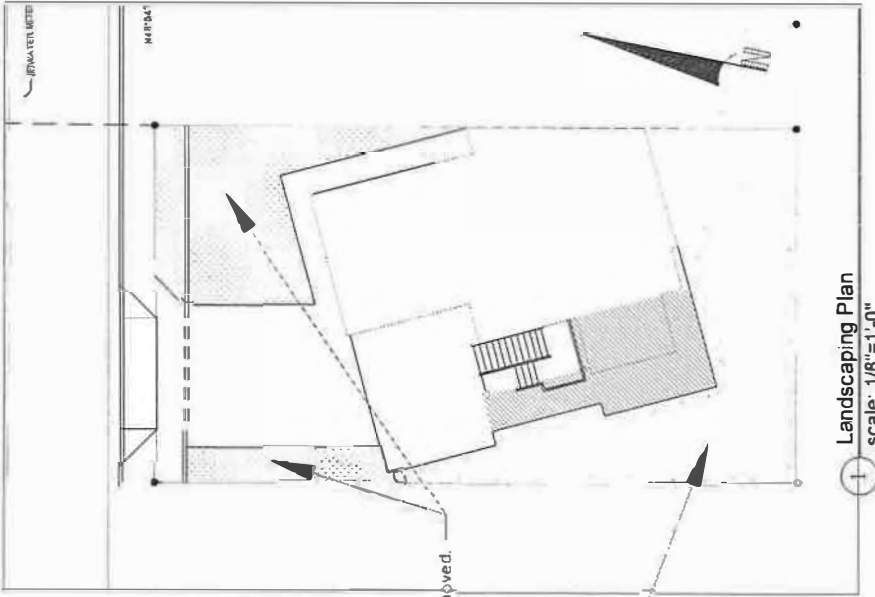
design house  
architectural/joinery  
40335 sand creek drive  
pismo beach, ca 93508  
(805) 726-6382



AR2  
sheet

10/20/2019 13.4.0





All open area to be re-planted with native species plants as noted. Invasive ruderal non-native species and ice plant to be removed.

Existing ice plant to be retained to prevent erosion at slope

Proposed Native Beach Grasses for Replanting



California Poppy (*Eschscholzia californica*)

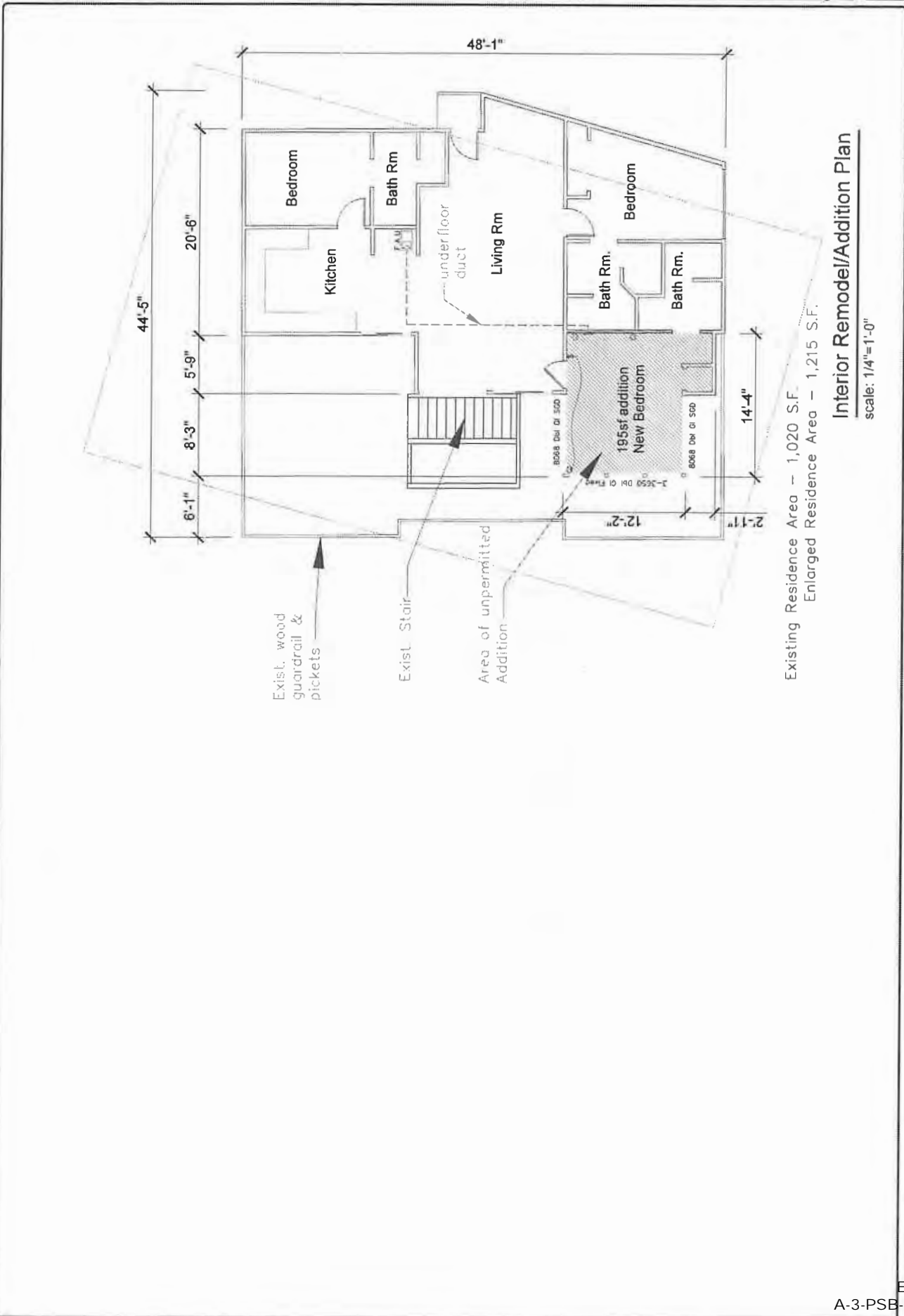


Saltgrass (*Distichlis spicata*)

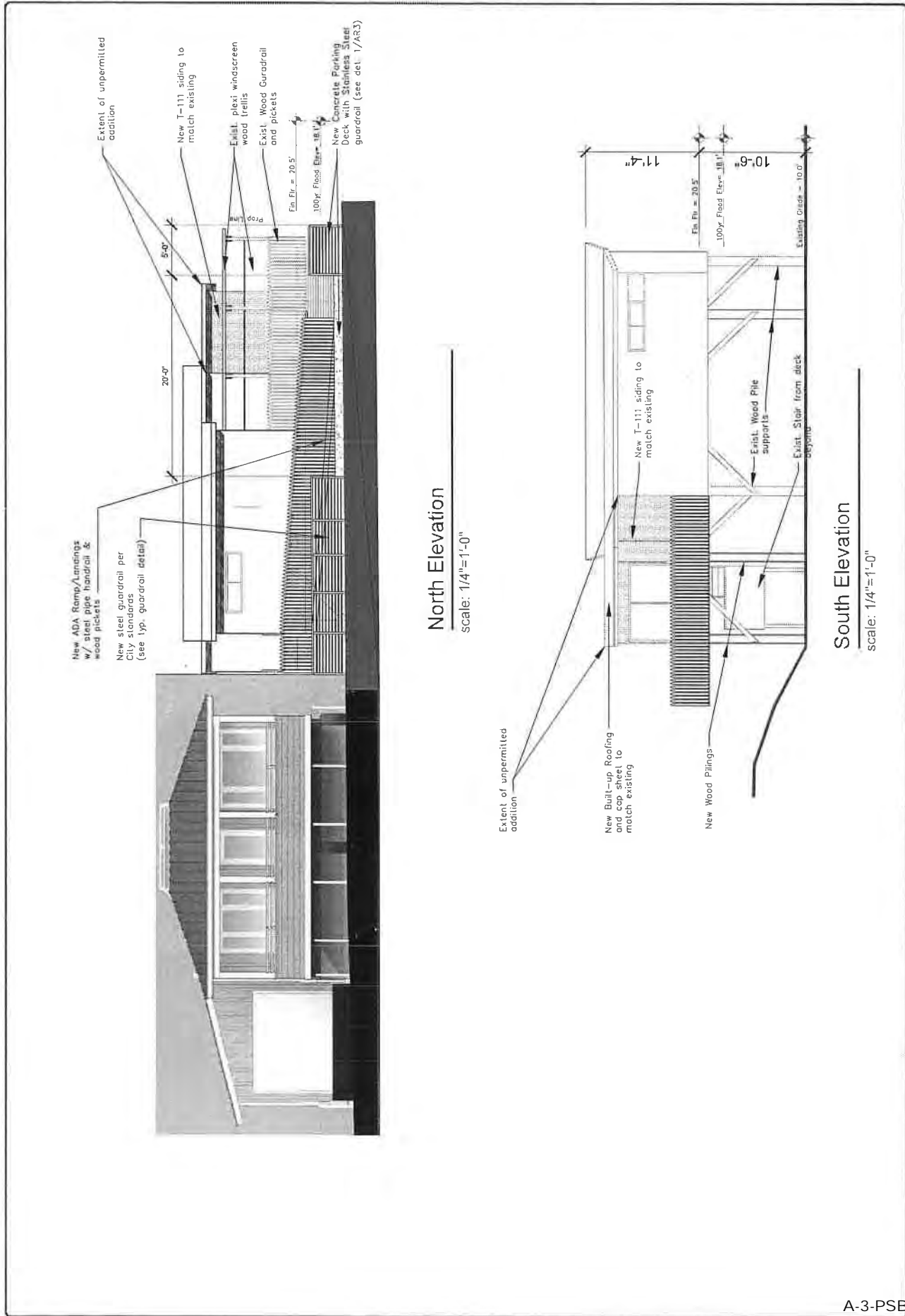


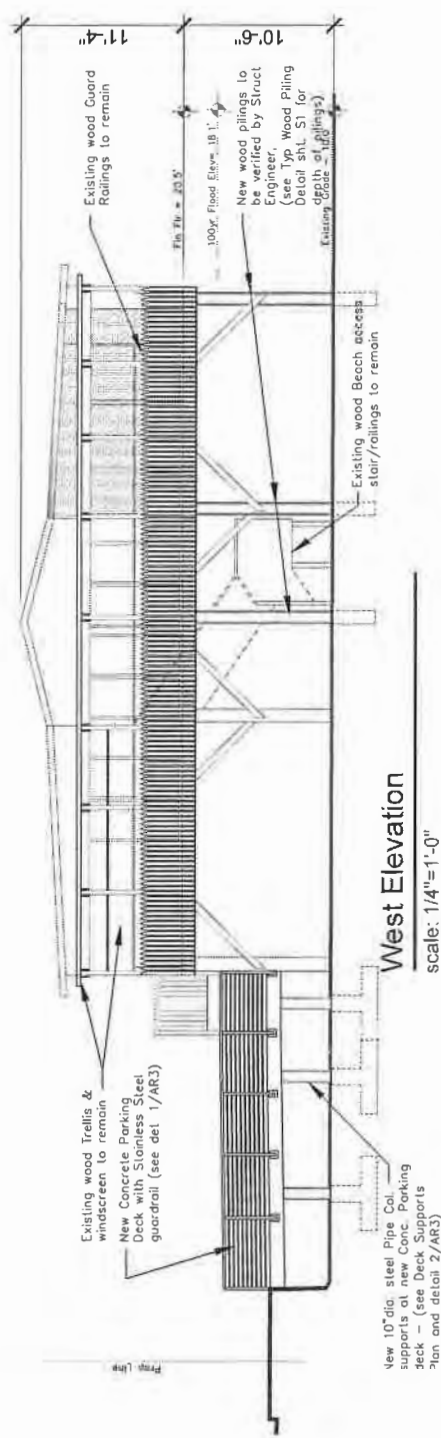
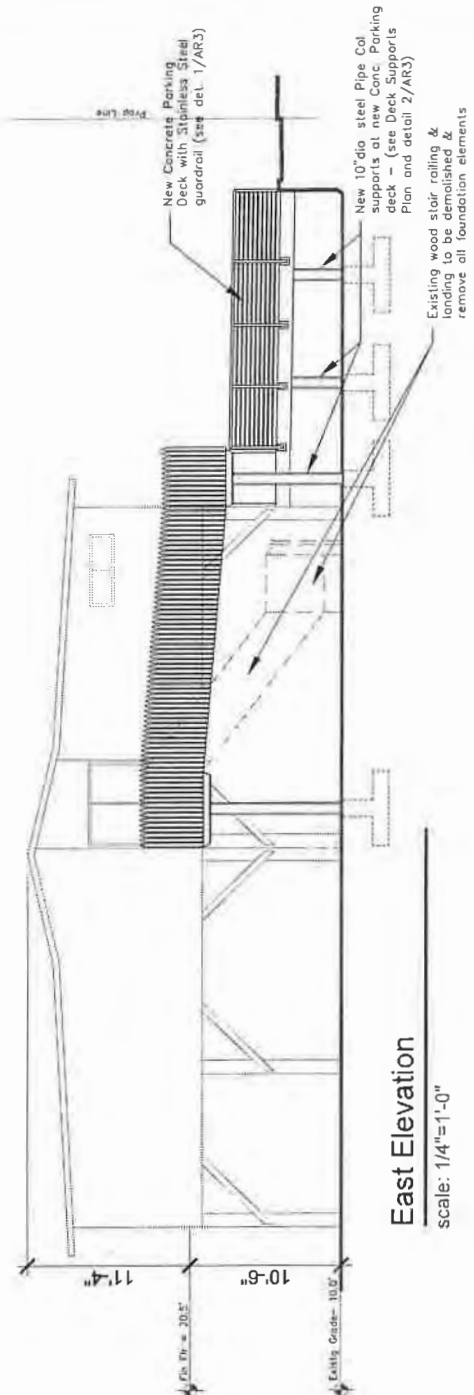
Seaside Daisy (*Erigeron glaucus*)

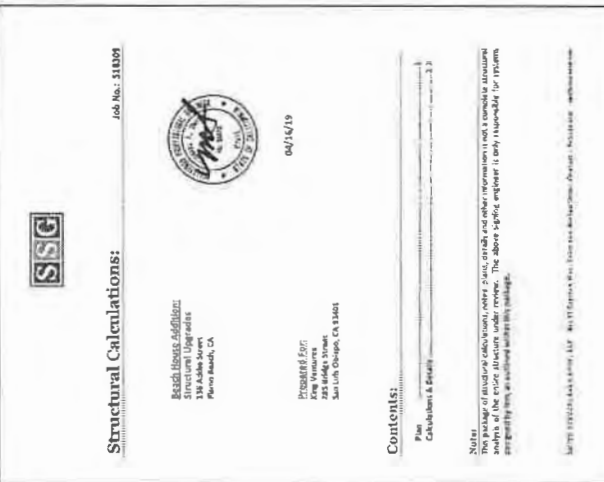
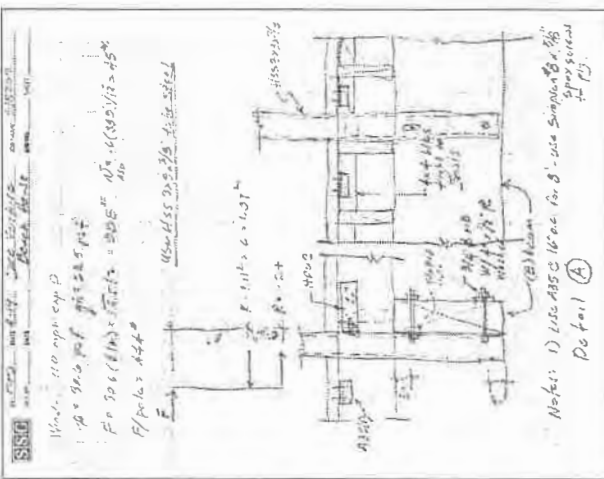
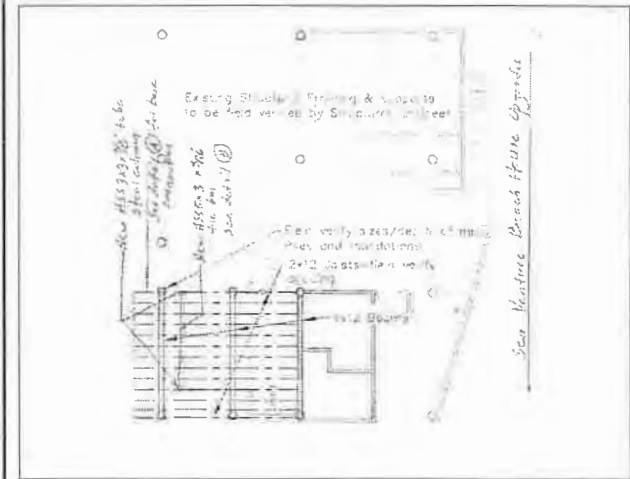
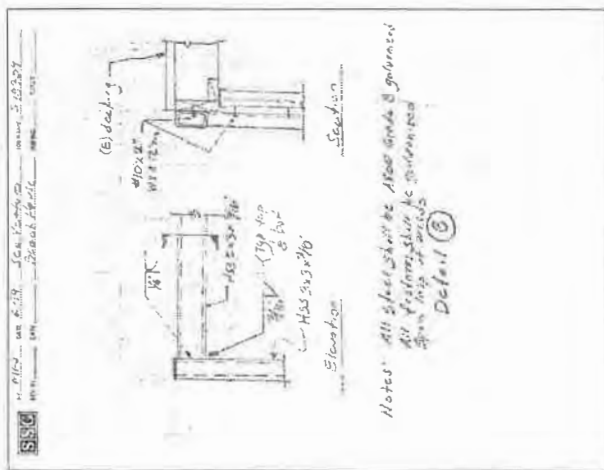
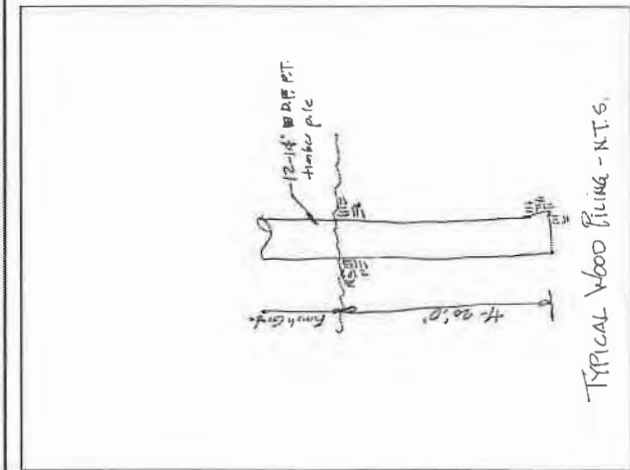
New Plantings will be hand watered as needed to establish growth.



Interior Remodel/Addition Plan  
scale: 1/4"=1'-0"



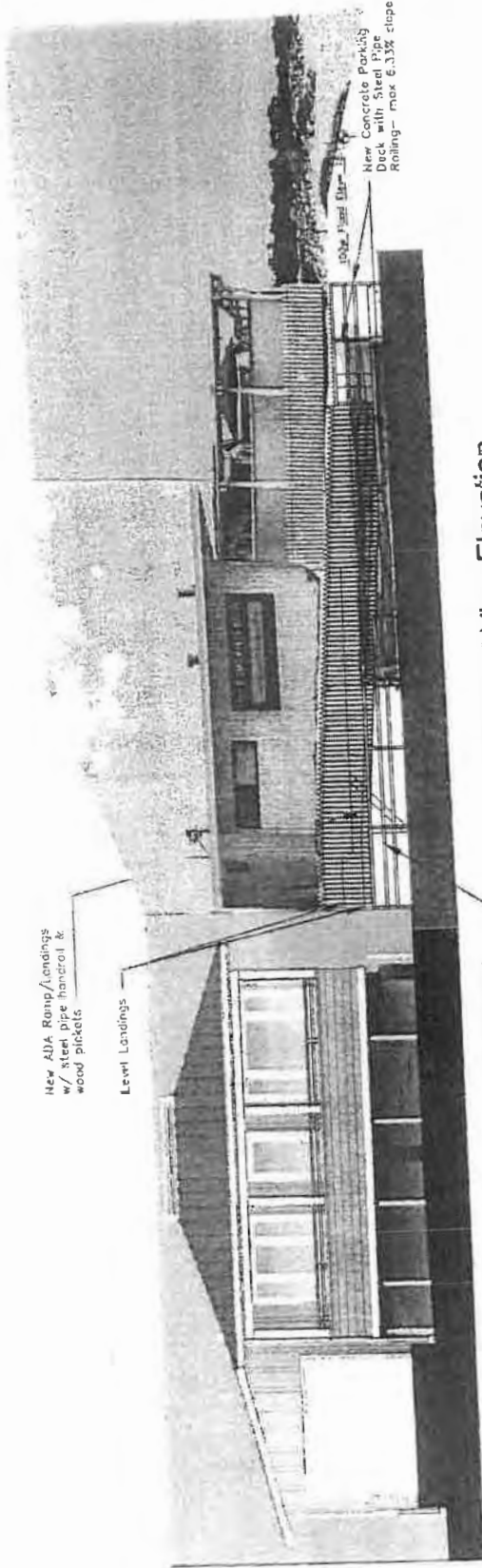






Site Photos





# Addie Street View Elevation

scale: 1/4"=1'-0"

New Concrete Parking Deck with Steel Pipe Railing- max 6.33% slope

New Elevated Parking Deck  
136 Addie Street, Pismo Beach, CA

9/7/2021

DESIGN HOUSE  
ARCHITECTURAL CONSULTANTS, INC.  
10377 Santa Anita Drive, Suite 200, Pismo Beach, CA 93559  
(805) 772-6207



Elev  
Sheet 1

AGENDA ITEM: 7.B-70

PLANNING COMMISSION AGENDA 12-14-2021

**CALIFORNIA COASTAL COMMISSION**

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

**COASTAL COMMISSIONER APPEAL FORM**

Appeal of a Local Government Coastal Development Permit Action

**1. Filing information**

Appeal number: A-3-PSB-22-0005  
Date appeal filed: January 31, 2022  
District: Central Coast District  
Commissioner: Caryl Hart  
Commissioner: Linda Escalante

RECEIVED  
JAN 31 2022  
CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**2. Local CDP decision being appealed**

Local government: City of Pismo Beach  
CDP application number: P21-000075  
CDP decision: Approval with Conditions  
Date of CDP decision: December 14, 2021  
Project location: 136 Addie Street, Pismo Beach, CA 93449 (APN 005-163-028)  
Project description: 195-square-foot bedroom addition and 265-square-foot deck addition previously constructed without permits after-the-fact (ATF); a new 490-square-foot raised concrete parking deck; and removal of an existing exterior stairway and replacement with a raised ramp that connects the parking deck to the front door at an existing one-story residence extending atop a series of piers that is currently used as a vacation rental. The project also includes right-of-way improvements in the Addie Street right-of-way that provide a connection for the new raised parking deck.

### **3. Applicant information**

Applicant: Addie Street Land Group, LTD. attn: John King

Applicant address: 285 Bridge Street, San Luis Obispo, CA 93401

Applicant phone number: (805) 544-4444

Applicant email address: Jking@kingventures.net

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

See attached statement.

### 5. Commissioner appellant certification

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

Commissioner name: Linda Escalante

Commissioner signature:  CF7DA0569066480...

Date of signature: 01/29/2022

**RECEIVED**

**JAN 31 2022**

**CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA**

## 6. Commissioner appellant certification

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

Commissioner name: Caryl Hart

Commissioner signature: DocuSigned by:  
Caryl Hart  
1EE2DCAAA0854D7...

Date of signature: 01/28/2022

**RECEIVED**  
JAN 31 2022  
CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

## **Grounds for Appeal: City of Pismo Beach CDP P21-000075 (King Pole House)**

The City of Pismo Beach approved a CDP authorizing: a 195-square-foot bedroom addition and 265-square-foot deck addition that had previously been constructed without permits after-the-fact (ATF); a new 490-square-foot raised concrete parking deck; and removal of an existing exterior stairway and replacement with a raised ramp that connects the parking deck to the front door, at an existing one-story residence extending atop a series of piers that is currently used as a vacation rental, located at 136 Addie Street in Pismo Beach, in the back beach dunes and adjacent to Pismo Creek (City CDP application number P21-000075). The project description also states that the project includes right-of-way improvements in the Addie Street right-of-way that provide a connection for the new raised parking deck.<sup>1</sup> The City's CDP approval raises questions of conformance with applicable LCP provisions related to coastal hazards; public access, beach, and natural landform protection; creek and biological resource protection; and public views.

The City-approved project is located in an area of the back beach where it transitions to a creek corridor that is subject to significant coastal hazards, including flooding. The LCP requires that all new development be sited and designed to minimize risk from such hazards by, among other means, avoiding the placement of development in such hazard areas, and identifying and establishing appropriate long-term siting and design criteria based on an analysis of potential impacts. In addition, the LCP does not allow new fill or structures within the 100-year floodplain without the preparation of a detailed hydrologic study that assesses flood risks, and that specifies protective measures that should be undertaken to attain compliance with all applicable LCP provisions, including a requirement that such projects are not allowed to contribute to or increase flood hazards. In addition, the LCP specifically prohibits permanent aboveground structures on the dry sandy beach, and prohibits new development where it is determined that shoreline protection and/or other shoreline altering development will be necessary for protection of the development now or at any time in the future based on at least a 100-year time frame taking into account all relevant coastal hazards.

The project site is directly adjacent to the mouth of Pismo Creek, where it outlets to the Pacific Ocean. The site is located in the LCPs mapped floodplain and mapped hazards overlay zone, and within FEMA's AE zone, which indicates it is an area subject to the 100-year coastal flood with wave velocity. In addition, coastal flooding at this location would be exacerbated in the future due to sea level rise, and the site is subject to tsunami hazards and liquefaction. The Applicant's flood and wave run-up analysis concluded that the combined 100-year flood and wave run-up elevation at the site is 19.87 feet. And the City concluded that the residence's finished floor elevation of 20 feet (above a pier foundation) was adequate to meet the LCP requirement that habitable structures in such an area be at least one-foot above the projected elevation of the 100-year flood, even though that was not the case based on these estimates. In addition, the Applicant's geotechnical report recommended steel-driven piles or high capacity helical piles for the structure given concerns about liquefaction, earthquake-induced

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<sup>1</sup> Photos submitted with the City's approval indicate that such improvements (specifically, road widening and a new retaining wall) in the Addie Street right-of-way and in the sandy beach area appear to have already occurred. Absent a CDP, such development appears to be unpermitted, and would be considered ATF as well if part of the City's action here.

**Grounds for Appeal: City of Pismo Beach CDP P21-000075 (King Pole House)**

settlement, and scour from flood events at the site. The City did not require such reinforcement for the structure in its approval, except for the new proposed parking deck. The City also did not evaluate or make findings related to the LCP requirement that new development in the floodplain is not allowed to contribute to or increase flood hazards on the same or other properties or which would require the construction of flood control devices, nor did the City address or prohibit shoreline armoring as required by the LCP. It is also unclear how the project can be found consistent with the LCP prohibition against permanent aboveground structures on the sandy beach. In sum, it does not appear that the project has been adequately designed to minimize hazards consistent with the LCP or that the City adequately evaluated the project for conformance with the LCP's strict restrictions on development in this area, including those referenced above. Given the proximity of the project site to Pismo Creek and the Pacific Ocean, the geologic conditions of the site, and the known flooding history here, such evaluation and design is critical to avoid hazards risks, and to minimize those that are unavoidable. Further, all of these issues are also pertinent to public access, beach, and natural landform protection, and the City's action did not identify, evaluate, or address LCP requirements pertaining thereto, which also raise Coastal Act public access issues as well.

In addition, the site is within and adjacent to environmentally sensitive habitat areas (ESHA), specifically dunes, Pismo Creek, and potentially wetlands. The LCP references Coastal Act Section 30240 which prohibits non-resource dependent development in ESHA, and the LCP requires a minimum setback of at least 25 feet from the inland extent of Pismo Creek. In its approval, the City did not address the project's consistency with the prohibition against non-resource dependent use in ESHA but instead found that the natural site vegetation had been previously disturbed and the site possessed reduced habitat value. The City made no findings related to Pismo Creek and the LCP-required setback. It is not clear that the City's actions were consistent with the LCP on these points.

Finally, the LCP requires new development to be sited and designed to protect and enhance public views, which at this site include views of the creek, marsh, beach, and ocean. The expansion (including related to the right-of-way improvements) and proposed new raised parking deck and ramp have the potential to degrade such public views in conflict with these requirements, particularly given the site's extremely prominent presence in the public viewshed.

In summary, it appears that the City did not sufficiently evaluate the project's consistency with the LCP and the Coastal Act's public access requirements, and it is not clear that the project can be found consistent, as is required. Given these concerns, all of which are exacerbated by the project's key location near the mouth of Pismo Creek and in the back beach area, the City's approval of a CDP raises key questions related to coastal hazards, public access, beach, and natural landform protection, creek and biological resource protection, and public views, and it warrants Commission review and deliberation on these issues.

**RECEIVED**

JAN 31 2022

## COMMISSION NOTIFICATION OF APPEAL

February 4, 2022

To: Matt Downing, Director  
City of Pismo Beach Community Development Department  
760 Mattie Road  
Pismo Beach, CA 93449

From: Kevin Kahn, District Manager  
Katie Butler, Coastal Planner

Re: Commission Appeal No. A-3-PSB-22-0005

Please be advised the coastal development permit decision described below has been appealed to the California Coastal Commission pursuant to Public Resources Code Sections 30603 and 30625. Therefore, the decision has been stayed pending Commission action on the appeal pursuant to the Public Resources Code Section 30623.

LOCAL PERMIT #: P21-000075

APPLICANT(S): Addie Street Land Group, LTD. Attn: John King

APPELLANT(S): Commissioners Caryl Hart & Linda Escalante

DESCRIPTION: 195-square-foot bedroom addition and 265-square-foot deck addition previously constructed without permits after-the-fact (ATF); a new 490-square-foot raised concrete parking deck; and removal of an existing exterior stairway and replacement with a raised ramp that connects the parking deck to the front door at an existing one-story residence extending atop a series of piers that is currently used as a vacation rental. The project also includes right-of-way improvements in the Addie Street right-of-way that provide a connection for the new raised parking deck.

LOCATION: 136 Addie Street, Pismo Beach, CA 93449 (APN 005-163-028)

APPEAL FILED: 1/31/2022

The Commission appeal number assigned to this appeal is A-3-PSB-22-0005. The Commission hearing date has not been scheduled at this time. **Within 5 working days of receipt of this Commission Notification of Appeal, copies of all relevant documents and materials used in the City of Pismo Beach's consideration of this coastal development permit must be delivered to the Central Coast District Office of the Coastal Commission (California Administrative Code Section 13112). Please include copies of plans, relevant photographs, staff reports and related documents, findings (if not already forwarded), all correspondence, the mailing list used to notice the project, and a list, with addresses, of all who provided verbal testimony.**

A Commission staff report and notice of the hearing will be forwarded to you prior to the hearing. If you have any questions, please contact Katie Butler at [Katie.Butler@coastal.ca.gov](mailto:Katie.Butler@coastal.ca.gov) or by mail at the Central Coast District Office.

cc: John King  
Jeff Davenport



760 Mattie Road, Pismo Beach, CA 93449  
(805) 773-4658 | PismoBeach.org

March 11, 2022

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

**Subject: Commission Appeal No. A-3-PSB-22-0005**

Dear Coastal Commissioners,

The City of Pismo Beach (the "City") is providing this letter in response to Grounds for Appeal made in the Commission Notification of Appeal for Commission Appeal Number A-3-PSB-22-0005 (the "Appeal"), received by the City on February 7, 2022, for the project located at 136 Addie Street. The City's Local Coastal Program (LCP) was certified in 1984 and is considered to implement the Coast Act when combined with the City's 1983 Zoning Ordinance. On December 14, 2021, the City's Planning Commission (the "Planning Commission") adopted Resolution No. PC-R-2021-021 approving Project P21-000075 for an enclosed living area and deck expansion to an existing vacation rental that had been installed without permits (the "Project"). The Appeal was reported to have been made on January 31, 2022.

The Appeal includes several assertions related to environmental constraints and characteristics of the site and that the City did not sufficiently evaluate the project's consistency with the LCP and the Coastal Act's public access requirements. The intent of this letter is to provide additional information or, where appropriate, refute the statements made in the Appeal.

Background

The Project is located at 136 Addie Street on a legal lot of record established by the Dockery Addition in 1895 and was developed in 1963, prior to the implementation of the Coastal Act in 1977. The property takes access from an improved public street and is located approximately 85 feet away from the Pismo Creek bank.

The Project was previously approved by the Planning Commission on November 12, 2019 (P19-000034). During the coastal appeal period, the City received a comment from the California Coastal Commission (the "CCC") staff indicating intent to appeal due to the CCC staff's determination that evaluation of the existing site condition was based on site conditions for the neighboring property and, therefore, incomplete. The CCC recommended the applicant conduct additional site-specific studies to verify potential impacts from coastal hazards (i.e., flooding, wave-run-up, and sea-level rise) and identify whether potential impacts to adjacent dune habitat and coastal views would be less than significant and in compliance with the Coastal Act. The local planning application was withdrawn to address these comments and complete the additional studies, including a biological survey, hydrologic analysis to assess



potential flood risks and obstructions, wave-run-up analysis including sea-level rise effects on the project site, and a geotechnical evaluation.

#### Site Characteristics – Flood and Wave Run-Up

The Appeal states the project is located in an area of the back beach where the land transitions to a creek corridor that is subject to significant coastal hazards, including flooding. The Appeal asserts that the lot is directly adjacent to the Pismo Creek mouth and that the LCP requirement that prohibits permanent above ground structures on the sandy beach is applicable to this project. However, the site boundary is located beyond the wave run-up area of the open beach, is not directly adjacent to the Pismo Creek mouth, which is 1,500 feet to the south. The project site consists of stabilized soil adjacent to loose sand that temporarily shifts onto the site due to lack of foredunes caused by frequent beach access across the lots directly to the west of the project site. Furthermore, the project site is developed with an existing structure for vacation rental use that has already been designed to minimize risk from coastal hazards and avoid effects or contribute to increase flood hazards on the same or other properties through the elevation of the structure on piles.

The Appeal further states that the LCP requires that all new development be sited and designed to minimize risk from coastal hazards by avoiding the placement of development in such a hazard area and identifying and establishing appropriate long-term siting and design criteria based on an analysis of potential impact. The Appeal does not seem to acknowledge that the property is developed with an existing vacation rental. It is sited to avoid coastal hazards, namely coastal flooding and wave run-up, through its elevated design on wooden piles. The addition and new parking deck are also designed with this in mind and are elevated on piles, with the new parking deck to be outfitted with 10" diameter steel pipe supports to further protect coastal access parking to the visitor-serving accommodation from flood events. The City this consistent with the LCP to site and design development and minimize risk from coastal hazards based on the site-specific analysis provided by GeoSolutions (DATE) for the project site.

The additional site-specific studies verified that the potential impacts related to coastal flooding, wave run-up, and sea level rise would be less than significant if the residence was designed to incorporate living areas above the wave run-up and 100-year flood elevations. However, the Appeal conflates the flood elevation and wave run-up levels (19.87 feet) and implies the 20.5 feet finished floor level is inadequate. To be clear, the Sea Wave Run-Up Analysis (GeoSolutions, June 2021) states the 100-year wave run-up elevation is 17.87 feet (NAVD88 datum). It then evaluates a 100-year Pismo Creek flood event at approximately 15.87 feet (NAVD88 datum) and that if a flood and wave run-up event occurred together, it would cause a surge effect up to an elevation of 19.87 feet; the highest elevation that a sea wave run-up would reach.

The project site plans demonstrate the existing residence and addition are both above the 17.87 feet and 15.87 feet (NAVD88 datum) elevations with a finished floor of 20.5 feet for both the existing residence and addition. Therefore, the City continues to rely on the analysis prepared for the site which clearly demonstrates coastal flooding and wave run-up would not have an impact on the residence. Furthermore,



the development is consistent with the LCP requirement for new development in the floodplain to not contribute to or increase flood hazards on the same or other properties. The proposed addition and parking deck would not have an effect on the surface flow in the event of a flood based on the existing and proposed support piles and does not require the construction of flood control devices to support the new development. Therefore, based on the studies for the project site, existing site characteristics, development siting, and design of the addition and new parking deck, the finished floor elevation of 20.5 feet is adequate to meet the LCP requirement.

#### Environmentally Sensitive Habitat Area

The Appeal states the site is within and adjacent to environmentally sensitive habitat areas (ESHA), specifically dunes, Pismo Creek, and potentially wetlands. The existing development stands approximately 85 feet away from the creek bank and approximately 35 feet from the nearest riparian vegetation, which is more than the LCP required 25-foot buffer. Additionally, the lot is separated from the creek by an intervening lot of separate ownership.

The existing residence has no impact to the creek and its habitat, and the proposed development serves to improve the quality of plant habitat in the area by replacing domestic invasive species with native vegetation, consistent with the neighboring lot at 140 Addie Street. The proposed native landscaping will also improve soil stabilization and protect the existing landforms from shifting due to potential wind and water erosion, and foot/vehicle traffic at the site, which will minimize impacts related to temporary shifts of the loose sand on the site due to the lack of foredunes caused by beach access across the lots directly to the west of the project site.

As it relates to “potential wetlands”, the Biological Survey prepared for the project site indicated no presence of wetland habitat on the lot as observable from plants present (Ed Mercurio, 2021). Additionally, no obligate wetland plant species or species that can only grow in wetlands were observed on the lot. Lastly, with regard to ESHA, no wetland or native vegetative communities were found within the lot boundary and the site is not considered an ESHA because no rare or valuable plants or animals are present. In addition, a separate property lies between the creek bank and the project lot. The project will improve the vegetative cover at the project site, thereby protecting the nearby riparian and dune area terrain by planting native species.

#### Public Views and Access

Public views to the creek and toward the beach will remain largely unchanged around the existing structure. As with any legal lot, development is expected and guided by development standards for setbacks and heights to protect views to a reasonable extent across, through, and sometimes over, private property. Side yard views are established by 5-foot setback standards totaling 10 feet between structures. Because the nearly 60-year-old existing structure was not aligned with the property lines, it is legally nonconforming on the side boundaries; however, all new additions meet the setback standards. The structure was modified in 2018 to establish the nonconforming setback on the north side to 0 feet to correct the existing structure’s extension over the property at 140 Addie Street. Both the City’s Planning



Commission and the CCC recognized the position of the existing structure on the lot and supported the creation of the nonconforming setback on that side due to interior floor plan challenges, ultimately contributing to the limitation of side yard views on that side.

Front setbacks in this zone have a 15-foot setback, where the existing structure is set further back on the lot at 20 feet, which increases views across the front of the lot. The parking deck will create no further impact to the view than any other driveway at street level. Railing will be transparent to maintain views when the deck is not in use.

With this project, public coastal access to the beach is improved, both for pedestrians, and emergency vehicles. A new segment of paved sidewalk is provided across the site frontage as well as new on street parking. These improvements are provided in conjunction to the City's right-of-way repairs to create better access into the free public beach parking lot and provide dedicated vehicle access for beach emergencies. The project also improves coastal public access by providing onsite parking, preserving on street parking for public use directly adjacent to this beach access.

The Project was analyzed for consistency with the City's Certified LCP and Coastal Act requirements and, can be found to be consistent with both. The project site is in a key location, but the existing residence and additions have been designed and sited with respect to coastal hazards through an elevated design that is above the highest point of the flood elevation. It maintains and improves public access through the public improvements at the street level and development of the new raised parking deck to allow for access to the visitor-serving accommodation. The underlying natural landform is maintained and improved as site disturbance is limited with no grading to occur based on the pile column design and installation of native vegetation to protect erosion from wind and water. Lastly, the project does not impair public views to the ocean or to Pismo Creek as the existing residence with the addition and new parking deck is designed consistent with the City's Certified LCP.

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@pismobeach.org](mailto:mdowning@pismobeach.org) or by phone at (805) 773-4658.

Sincerely,



Matthew J. Downing, AICP  
Community Development Director

cc: James R. Lewis, City Manager  
Kevin Kahn, District Manager, Central Coast District Office  
Katie Butler, Coastal Planner, Central Coast District Office

## Applicable LCP Provisions

### Hazards

The LCP requires new development to avoid and minimize risks due to hazards and it requires new development to ensure that it will not result in increased hazards. LCP Policy S-2 states:

***S-2: New development.*** *New development within the City's jurisdiction shall be designed to withstand natural and man-made hazards to acceptable levels of risk by: ... (c) Evaluating new development, particularly industrial, commercial or utility development, to ensure that construction or operation of the project will not cause hazardous conditions at an unacceptable level of risk; (d) Requiring new development to avoid portions of sites with high hazard levels.*

The LCP also specifically addresses the risks due to bluff hazards. It defines bluffs and blufftops, it prohibits most new development on bluff faces, it requires adequate setbacks from bluffs, and it addresses the need to ensure long-term stability and structural integrity and avoid landform-altering devices. The LCP also restricts the development of permanent structures on the beach, prohibits new development that would require shoreline protection now or in the future, and provides criteria and standards for the development of shoreline structures, including groins, piers, breakwaters and other similar structures that serve to protect development. Relevant LCP policies include:

***IP Chapter 17.006 Definitions.*** ... ***17.006.0155 Bluff (Ocean):*** *A bank or cliff rising from the beach or coastline. ... 17.006.0165 Bluff Top (Ocean):* *The point at which the slope of the bluff begins to change from near horizontal to more vertical.*

***S-3: Bluff Set-Backs.*** *All structures shall be set back a safe distance from the top of the bluff in order to retain the structures for a minimum of 100 years, and to neither create nor contribute significantly to erosion, geologic instability or destruction of the site or require construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.*

*The City shall determine the required setback based on the following criteria: (a) For development on single family residential lots subdivided prior to January 23, 1981, the minimum bluff setback shall be 25 feet from the top of the bluff (blufftop is defined as the point at which the slope begins to change from near horizontal to more vertical). A geological investigation may be required at the discretion of the City Engineer, and a greater setback may be applied as the geologic study would warrant; (b) For all other development, a geologic study shall be required for any development proposed.*

***S-4: Blufftop Guidelines/Geologic Studies.*** *Site specific geological reports shall incorporate the information requirements contained in the State Coastal Commission's guidelines for Geological Stability of Blufftop Development, as adopted May 3, 1977 and updated on December 16, 1981. This guideline is included in the Appendix. The report shall consider, describe and analyze the following: (1) A site specific erosion control plan to assure that the development would not contribute to the erosion or failure of any bluff face shall be prepared by a licensed engineer qualified in hydrology and soil*

*mechanics for all bluff top development; (2) Cliff geometry and site topography, extending the surveying work beyond the site as needed to depict unusual geomorphic conditions that might affect the site; (3) Historic, current and foreseeable cliff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available and possible changes in shore configuration and sand transport; (4) Geologic conditions, including soil, sediment and rock types and characteristics in addition to structural features, such as bedding, joints and faults; (5) Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development and the potential effects of the development on landslide activity; (6) Impact of construction activity on the stability of the site and adjacent area; (7) Ground and surface conditions and variations, including hydrologic changes caused by the development (i.e., introduction of irrigation water to the ground water system; alterations in surface drainage); (8) Potential erodability of the site and mitigating measures to be used to ensure minimized erosion problems during and after construction (i.e., landscaping and drainage design); (9) Effects of marine erosion on seacliffs; (10) Potential effects of seismic forces resulting from a maximum credible earthquake, and; (11) Any other factors that might affect slope stability.*

***S-5: Development on Bluff Face.*** No additional development shall be permitted on any bluff face, except engineered staircase or accessways to provide public beach access, and pipelines for scientific research or coastal dependent industry. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe and beach. Drainage devices extending over the bluff face shall not be permitted if the property can be drained away from the bluff face, toe and beach.

***S-7: Hazards Overlay Zone.*** Areas where blufftop hazards exist shall be included within and subject to the requirements of the Hazards Overlay Zone.

***17.078.060 Shoreline protection criteria and standards.***

*A. No permanent above ground structures shall be permitted on the dry sandy beach except facilities necessary for public health and safety, such as, but not limited to lifeguard towers and the pier.*

*...*

*E. New development shall not be permitted where it is determined that shoreline protection will be necessary for protection of the new structures now or in the future based on a one hundred year geologic projection.*

*F. Shoreline structures, including groins, piers, breakwaters, pipelines, outfalls or similar structures which serve to protect existing structures, or serve coastal dependent uses and that may alter natural shoreline processes shall not be permitted unless the city has determined that when designed and sited, the project will:*

*1. Eliminate or mitigate impacts on local shoreline sand supply;*

*2. Provide lateral beach access;*

3. Avoid significant rocky points and intertidal or subtidal areas; and

4. Enhance public recreational opportunities.

G. No additional development shall be permitted on any bluff face, except engineered staircases or accessways to provide public beach access, and pipelines for scientific research or coastal dependent industry. Drainpipes shall be allowed only where no other less environmentally damaging drain system is feasible and the drainpipes are designed and placed to minimize impacts to the bluff face, toe and beach.

...

The LCP also addresses hazards due to flooding, restricting development in the flood plain and prohibiting new development that in any way obstructs floodwaters or contributes to flooding. Relevant policies state:

**S-8: Flood Plain Zoning.** Areas subject to flooding shall be mapped within and subject to the requirements of the Flood Plain Overlay zone.

**S-9: Restrictions on Development Within the 100-Year Flood Plain.** (1) No habitable structure shall be approved for construction within the area of the 100-year flood plain unless the applicant demonstrates that the finished floor elevations are at least one foot above the projected elevation of the 100-year flood, except as allowed by FEMA regulations; (2) No new fill, structure, or other obstruction shall be permitted to be placed or constructed within a floodway unless a detailed hydrologic study has been prepared and approved by the City Engineer ensuring that the proposed project will not obstruct, in any way, passing floodwaters; (3) No new development shall be allowed in the 100-year flood plain which will contribute to or increase flood hazards on the same or other properties or which would require construction of flood control devices; (4) Any application for development on a parcel any portion of which is within the boundary of the 100-year flood plain shall be required to submit a hydrological engineer's report which assesses the nature of the flood risks, identifies the boundary of the 100-year flood plain and specifies the protective measures that should be undertaken to attain compliance with the city's flood plain zoning and with FEMA regulations.

## **Biological Resources**

### ***Principle 2: Natural Resources--Key Foundation of the City***

*Pismo Beach is the ocean, beaches, hills, weather and related ecosystems. Conservation and protection of these resources shall be the key focus of the General Plan. The unique geographical character of Pismo Beach is recognized as the foundation for all other aspects of the community. These physiographic characteristics enhance the quality of life of residents and visitors and shall not be wasted, destroyed, or neglected. They are generally nonrenewable and provide many of the scenic, historic, economic, recreation, open space and ecological values for the community.*

### ***Principle 3: Resources and Open Space Belong to Everyone***

*Pismo Beach is an integral part of the larger California coastal community, linked by*

*shared resources that are prized by the state, national and even international community. Congenial and cooperative use of these resources by both residents and visitors is recognized. Solutions for cooperative use shall always be based on retaining the area's fragile charm and resources.*

***Principle 6: The Big Three***

*The three primary resources and open space for Pismo Beach are: (1) The Ocean--A Resource For Everyone. The ocean, coastal cliffs, and shoreline resources are vital to Pismo Beach for their wildlife habitat, recreational use, open space, scenic value and the city's overall economy. These natural assets will be protected and made available to all.*

...

In addition, the LCP defines ESHA broadly and requires it to be preserved and protected within the intent of the Coastal Act's biological resource protection policies. It defines ESHA as follows:

***17.006.0435 Environmentally Sensitive Habitat:*** *Those identifiable resources within the Coastal Zone which, due to their sensitivity or public value must be protected or preserved within the intent of Section 30230, 30231, 30233, 30236 and 30240 of the Coastal Act. Also, see Sensitive Coastal Resources Areas.*

***17.006.0895 Sensitive Coastal Resource Areas:*** *Those identifiable and geographically bounded land and water areas within the coastal zone of vital interest and sensitivity, including: (1) Special marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designed in the General Plan/Local Coastal Program Land Use Plan...*

The relevant cross-referenced Coastal Act policies state:

***Section 30230:*** *Marine resources shall be maintained, enhanced, and, where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

***Section 30231:*** *The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface waterflow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

***Section 30233:*** *(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:*

- (1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.*
- (2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.*
- (3) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.*
- (4) Incidental public service purposes, including, but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.*
- (5) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.*
- (6) Restoration purposes.*
- (7) Nature study, aquaculture, or similar resource-dependent activities.*

...

*(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.*

...

*(d) Erosion control and flood control facilities constructed on watercourses can impede the movement of sediment and nutrients that would otherwise be carried by storm runoff into coastal waters. To facilitate the continued delivery of these sediments to the littoral zone, whenever feasible, the material removed from these facilities may be placed at appropriate points on the shoreline in accordance with other applicable provisions of this division, where feasible mitigation measures have been provided to minimize adverse environmental effects. Aspects that shall be considered before issuing a coastal development permit for these purposes are the method of placement, time of year of placement, and sensitivity of the placement area.*

**Section 30236:** *Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) developments where the primary function is the improvement of fish and wildlife habitat.*

**Section 30240:** (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas; (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

Finally, the LCP specifically requires the protection of Pismo Creek and the riparian areas around Pismo Creek. The LCP requires a minimum setback of at least 25 feet from the inland extent of these habitat areas.

**CO-14: Riparian Habitat.** Riparian habitat is the environment associated with lands adjacent to freshwater sources – perennial and intermittent streams, estuaries, marshes, springs, seeps. The habitat is characterized by plant and animal communities that require high soil moisture in excess of that available from precipitation. Among the major plants associated with riparian habitat in the Pismo Beach area are sycamore, cottonwood, willow and occasionally oak. Large riparian areas occur along the banks of Pismo Creek, Meadow Creek and Pismo Marsh, although smaller areas can be found in the planning area. It is the policy of the City to preserve riparian habitat under the following conditions: (1) As part of discretionary planning permits, a biotic resources management plan shall be required; (2) The biotic resources management plan shall include standards for project development which will avoid habitat disturbance; (3) The standards specified in the biotic resource management plan shall be utilized to determine the extent of development. The minimum standards that may be specified in the biotic plan for the preservation of habitat shall include: ... No significant disruption of riparian vegetation will be permitted. In addition, a minimum riparian buffer area shall be identified for each riparian habitat area at the time of development review. Except as specified in Policy CO-21 for Pismo Creek and policy CO-23 for Pismo Marsh, the minimum width of the buffer area shall be as identified by the biotic resources management plan and generally not less than 25 feet. Development standards for the minor riparian habitat areas and their respective buffer areas shall be the same as provided in Policy CO-21 with respect to kinds and locations of allowable uses.

**CO-21: Pismo Creek Protection.** Pismo Creek shall be retained in its natural state and protected from significant alterations. The following measures shall be employed to accomplish this intent:

**(a) Streamside Protection Zone.** There shall be a minimum streamside protection zone to conserve the environmentally sensitive habitats of the creek. This buffer zone shall be measured from the outer edge of the riparian vegetation to where there is no riparian vegetation, from the top of the creek bank. The minimum width for the buffer shall be as follows: West Bank – 100 feet/Cypress northward to City limits; 25 feet/Cypress to the ocean; East Bank – 100 feet/U.S. 101 northward to City limits; 50 feet/U.S. 101 to Dolliver Street; 25 feet/Dolliver to the ocean. A lesser buffer may be permitted if: 1) the minimum widths set forth above would render a parcel inaccessible or unusable for the purpose designated in the land-use plan; or 2) there is a showing by an applicant through the resource assessment study identified in item 'h' that a lesser buffer will not result in loss of, or adverse effects on, streamside vegetation or the biotic quality of the

*stream. Alternative mitigations shall be required where lesser buffers are authorized. No new construction or vegetation removal, except for normal maintenance, shall be allowed in the buffer zone with the exception of public roadways or bridges identified in the Circulation Element, paths, trails, fences, flood control structures, and other similar structures deemed not to adversely affect the creek.*

***(b): Open Space.** The sandspit and channel where Pismo Creek enters the ocean and those portions of parcels located within the creek channel shall remain as open space and no structures or fill shall be permitted thereon.*

***(c): Conservation Dedication.** Any new development shall be required to dedicate as a condition of any discretionary approval, an easement for the protection of the streamside area consisting of 25 feet or more from the top of the creek bank. In addition, new development shall provide access amenities adjacent to the creek for the city to use as a greenbelt and/or recreation corridor.*

...

***(h): Resource Protection Plan.** A Resource Assessment and Protection Plan shall be required and approved concurrent with city action on projects located on parcels which have a portion within the streamside protection zone. The plan shall include appropriate measures to protect the creeks biological and visual aspects.*

***CO-31: Grading and Drainage Regulations.** ...**(b)** Development shall be designed to fit or complement the site topography, soils, geology, and any other existing conditions and be oriented to minimize to the extent of grading and other site preparation...*

## **Public Views**

***P-2 Natural Resources--Key Foundation of the City:** Pismo Beach is the ocean, beaches, hills, weather and related ecosystems. Conservation and protection of these resources shall be the key focus of the General Plan. The unique geographical character of Pismo Beach is recognized as the foundation for all other aspects of the community. These physiographic characteristics enhance the quality of life of residents and visitors and shall not be wasted, destroyed, or neglected. They are generally nonrenewable and provide many of the scenic, historic, economic, recreation, open space and ecological values for the community.*

***P-6 The Big Three:** The three primary resources and open space for Pismo Beach are:*

*The Ocean--A Resource For Everyone: The ocean, coastal cliffs, and shoreline resources are vital to Pismo Beach for their wildlife habitat, recreational use, open space, scenic value and the city's overall economy. These natural assets will be protected and made available to all.*

...

***P-7 Visual Quality is Important:** The visual quality of the city's environment shall be*

*preserved and enhanced for the aesthetic enjoyment of both residents and visitors and the economic well-being of the community. Development of neighborhoods, streets and individual properties should be pleasing to the eye, rich in variety, and harmonious with existing development. The feeling of being near the sea should be emphasized even when it is not visible. Designs reflective of a traditional California seaside community should be encouraged.*

***P-14 Immediate Ocean Shoreline:*** *The ocean, beach and the immediate abutting land are recognized as an irreplaceable national resource to be enjoyed by the entire city and region. This unique narrow strip of land should receive careful recognition and planning. The purpose of the beach is to make available to the people, for their benefit and enjoyment forever, the scenic, natural, cultural, and recreational resources of the ocean, beach and related up-lands.*

***CO-21 Pismo Creek Protection:*** *Pismo Creek shall be retained in its natural state and protected from significant alterations. The following measures shall be employed to accomplish this intent:...* b. *The sandspit and channel where Pismo Creek enters the ocean and those portions of parcels located within the creek channel shall remain as open space and no structures or fill shall be permitted thereon. ...h. Resource Protection Plan: A Resource Assessment and Protection Plan shall be required and approved concurrent with city action on projects located on parcels which have a portion within the streamside protection zone. The plan shall include appropriate measures to protect the creeks biological and visual aspects.*

***CO-31:...b.*** *Development shall be designed to fit or complement the site topography, soils, geology, and any other existing conditions and be oriented to minimize to the extent of grading and other site preparation...*

## ***D-2 Building and Site Design Criteria***

### ***a. Small Scale***

*New development should be designed to reflect the small-scale image of the city rather than create large monolithic buildings. Apartment, condominium and hotel buildings should preferably be contained in several smaller massed buildings rather than one large building. Building mass and building surfaces such as roofs and exterior walls shall be highly articulated to maintain a rich visual texture and an intimate building scale.*

*Maximum height, setback, and site coverage standards to achieve the desired small-scale character will be regulated by City ordinance. Except where specified otherwise by this Plan or further limited by the implementing ordinance, the maximum height standard for new buildings shall not be more than 25 feet above existing natural grade in Neighborhood Planning Areas A through J, and Q; and not more than 35 feet above existing natural grade in the remaining portions of the Coastal Zone.*

### ***b. Entrances***

*To residential buildings, to individual dwelling units within the building, and to commercial structures should be readily identifiable from the street, parking area, or semipublic areas and designed to be of a pedestrian scale.*

**c. Views**

*Views to the ocean, creeks, marsh, and surrounding hills should be preserved and enhanced whenever possible. The feeling of being near the sea should be emphasized, even when it is not visible.*

**d. All Facades**

*Architectural features shall be consistent throughout a development, even when a portion of the development is hidden from public view.*

**e. Walls**

*Project perimeter walls should complement surrounding architecture and neighborhood environment and should avoid monotony by utilizing elements of horizontal and vertical articulation.*

**f. Driveway Widths**

*Driveway widths shall be kept narrow in order to retain a pedestrian street scale. Minimum and maximum driveway widths shall be as set forth in the Zoning Ordinance.*

**g. Support Structures**

*The city shall establish guidelines for architectural review of the appearance of support structures allowable for homes jutting over steep slopes.*

**D-17 Native and Drought Tolerant Landscaping:** *Native and drought tolerant landscaping with drip irrigation shall be required within all new and rehabilitated development requiring discretionary approval in conformance to city water conservation policies.*