

RESOLUTION NO. 14-19**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH
APPROVING A COASTAL DEVELOPMENT PERMIT AND SITE AND ARCHITECTURAL
PLANS ASSOCIATED WITH DEVELOPMENT PERMIT APPLICATION 10-03 FOR THE
GROVER BEACH LODGE AND CONFERENCE CENTER PROJECT
AND RESCINDING RESOLUTION NO. 13-48**

WHEREAS, the applicant, Pacifica Companies, is proposing the development of a 150-room lodge with a conference center and restaurant, and construction of public amenities within Pismo State Beach on approximately 13.0 acres located at the end of West Grand Avenue within Pismo State Beach; and

WHEREAS, Development Permit Application 10-03 includes a Local Coastal Program Amendment, Coastal Development Permit, and Site and Architectural Plans; and

WHEREAS, on February 15, 2012 the Planning Commission recommended the City Council certify the Environmental Impact Report and approve the Local Coastal Program Amendment, Coastal Development Permit, and Site and Architectural Plans; and

WHEREAS, on March 5, 2012 the City Council certified the Environmental Impact Report prepared for the project in compliance with the California Environmental Quality Act (CEQA); and

WHEREAS, on June 4, 2012 the City Council approved in concept the Coastal Development Permit and Site and Architectural Plans pending the Coastal Commission certification of the Local Coastal Program Amendment; and

WHEREAS, on June 14, 2013 the Coastal Commission certified the Local Coastal Program Amendment; and

WHEREAS, as a result of the Local Coastal Program Amendment minor changes were required to the proposed project but none of these changes were substantial or had any increase in the severity of previously identified significant effects; in fact, the project revisions reduced previously identified significant effects on the environment; and

WHEREAS, on December 2, 2013 the City Council approved the Coastal Development Permit and Site and Architectural Plans for the project; and

WHEREAS, the City Council has determined that it wants to reconsider the project approval to resolve any perceived procedural issues related to filing the Local Notice of Final Action for the Coastal Development Permit and add two conditions of approval related to coastal hazards; and

WHEREAS, on January 21, 2014 the City Council opened the public hearing and continued the item to the February 18, 2014 Council meeting, which was noticed as required by law; and

WHEREAS, on February 18, 2014 the City Council opened the public hearing and continued the item to the March 3, 2014 Council meeting; and

WHEREAS, on March 3, 2014 the City Council opened the public hearing and continued the item to the March 17, 2014 Council meeting; and

WHEREAS, on March 17, 2014 the City Council opened the public hearing and continued the item to the April 7, 2014 Council meeting; and

WHEREAS, on April 7, 2014 the City Council conducted a public hearing to reconsider the Coastal Development Permit; and

WHEREAS, the City Council hereby rescinds Resolution No. 13-48 adopted by the Council on December 2, 2013 approving Development Permit Application 10-03 consisting of a Coastal Development Permit and Site and Architectural Plans; and

WHEREAS, the City Council of the City of Grover Beach makes the following findings:

The proposed project is consistent with General Plan Policy LU-6. The development of a hotel and conference center as an anchor for the Visitor Serving area is vital to increasing tourism to the City.

The proposed project is consistent with the State General Development Plan for Pismo State Beach which also identifies the site for use as a 150-room hotel and conference center.

The proposed project is consistent with the West Grand Avenue Master Plan and its policies promoting this area as a destination for locals and tourists by creating lodging, restaurant and outdoor spaces. In addition, pedestrian improvements along the West Grand Avenue frontage will strengthen the pedestrian connection between the beach and visitor serving areas on the east side of Highway 1 consistent with the Plan.

The proposed project is consistent with the City's Economic Development Strategy goal for developing a hotel conference center that will act as a flagship destination in the City and act as a catalyst for further development of visitor serving uses.

The Revised Final EIR prepared for the project was certified by the City Council on March 5, 2012. Subsequently, the Coastal Commission approved a Local Coastal Program (LCP) Amendment which required two changes to the project. These project revisions are consistent with the Final EIR and further minimize impacts identified in the Final EIR.

WHEREAS, the City Council of the City of Grover Beach makes the finding that the project is consistent with the applicable policies and requirements of Chapter 5 of the Local Coastal Program including the following:

Policy 5.7.A.1.a. No future development shall be permitted which obstructs access to the dunes, beach, and shoreline from Highway 1 within the City limits. New development west of Highway 1 shall provide access to the dunes, beach, and shoreline if adequate access does not already exist nearby.

The project does not obstruct access to the dunes, beach, and shoreline because there are no changes to the existing access via West Grand Avenue. The new 10-foot wide multi-purpose path on the north side of West Grand Avenue will enhance pedestrian and bicycle traffic to the beach. The project will also enhance access to the dunes by adding additional walkways within the project area and eliminating parking areas adjacent to the dunes.

Policy 5.7.D.1.b. Development in the Coastal Planned Commercial zone adjacent to the environmentally sensitive habitat area which will be sited and designed to prevent impacts which would significantly degrade such areas shall provide additional public parking for beach users. Exact number of spaces designated for public use shall be determined at the time of project review

and depend upon project size and feasibility.

The Revised FEIR for the project has required mitigation measures to ensure that no significant impacts will occur to adjacent sensitive habitat areas. These include preparation of a Riparian Habitat Restoration Plan for the Meadow Creek corridor. The project retains the existing 160 public parking spaces.

Policy 5.7.D.2.b. Existing and future sanitation stations shall be well signed in the vicinity of the beach and on all coastal access routes. The provision of the existing public dumping station with sewer services by the San Luis Obispo County Sanitation District should be facilitated to make more hours of station service economically feasible.

The relocation of the RV sanitation station to North Beach Campground is in the vicinity of the beach and located adjacent to Highway 1. Directional signage will be added to aid in directing users to the location.

Policy 5.7.D.2.d. In cooperation with the California Department of Parks and Recreation, the parking lot and picnic area shall be landscaped with species that are drought tolerant and if feasible, with native species, and a water-conserving irrigation system installed. Landscaping shall be maintained in a healthy, growing condition, shall receive regular pruning, fertilizing, mowing, and trimming, and shall be kept free of weeds and debris. Any damaged, dead, or decaying plant material shall be replaced within thirty days from the date of damage.

The project will enlarge the public plaza picnic area and relocate the public parking lots. All landscaping shall be native dune species and native riparian species in detention basins.

Policy 5.7.E.1.a and b. Any fees charged in the future in connection with Pismo State Beach facilities within Grover Beach boundaries should be minimal and shall be related directly to the cost of providing specific services to beach users. Fees should not at any time be applied for access to or use of any part of the beach by either pedestrian visitors or vehicles. (b). Existing public recreational facilities should be preserved. The City in cooperation with the California Department of Parks and Recreation should pursue every opportunity to provide additional lower-cost recreational facilities.

There are no fee increases proposed as part of the project associated with public access. The proposed project will retain and enhance recreational facilities within Pismo State Beach.

Policy 5.7.F.1.a. The City shall ensure that visitors to the Pismo State Beach are provided with easily accessible, visitor-serving commercial and public recreational access services, particularly those relating to provision of food and lodging and beach related uses, in any new development in the Coastal Planned Commercial area west of Highway 1..... The area west of Highway 1 shall be developed with visitor serving uses, including a lodge and conference center within the portion of Pismo State Beach shown in Figure 3

The project will provide a visitor serving use consisting of lodging, conference center, and restaurant. The project also provides enhanced access to the existing and redeveloped recreational facilities, such as the public plaza. A second story public viewing area is also provided for views of the shoreline and ocean.

Policy 5.7.F.1.a.(1) Density. The project shall be limited to a maximum room/acre density of 15 rooms/acre.

The project is consistent with the overall room/acre density of 15 rooms/acre based on a room density of 12 rooms per acre (150 rooms/12.96 acres).

Policy 5.7.F.1.a.(2) Height. 60% of the project may extend to a maximum height of 40 feet, and 40% of the project may extend to a maximum height of 28 feet. In the area seaward of the viewshed setback line, as illustrated in LCP Figure 3, the project shall be limited to a maximum of 24 feet in height, with an allowance for minor architectural projections and articulations (such as eaves, gables and cupolas) to extend to a maximum of 26 feet. All such height limits are maximums, and not entitlements, that must be understood in relation to the public viewshed context, and may be adjusted downwards as necessary to meet LCP public view requirements.

The building height between 28 feet and 40 feet is 19% of the overall building area and the remaining 81% is less than 28 feet in overall building area as shown on Sheet A1.1 of Exhibit A. Therefore, the project is consistent with this policy for height percentage. Building 2 is within the viewshed setback and is a maximum of 24 feet in height with minor architectural features to duplicate architectural features on the other buildings that reach a maximum of 26 feet in height consistent with this policy. A condition of approval has been added requiring compliance with this standard and a licensed surveyor to provide verification during construction framing.

Policy 5.7.F.1.a.(3) View Corridors. The project shall be sited and designed to provide public view corridors from along Grand Avenue, Highway 1, and Le Sage Drive that will adequately break up project massing and provide views of the shoreline.

The project has been designed and the buildings sited to retain the public view corridors of the shoreline from West Grand Avenue, Highway 1 and Le Sage Drive. Building 3 is setback 10 feet from West Grand Avenue consistent with the LCP keeping the view corridor unobstructed. The view from Highway 1 at Le Sage Drive is preserved between Buildings 1 and 2 by maintaining a minimum building separation of approximately 90 feet. All four hotel buildings provide variation in massing with a combination of one-, two-, and three-story elements. A visual analysis as part of the Final EIR demonstrated through visual simulations that the proposed project would not significantly obstruct views from public areas and the four buildings are compatible with the environmental setting.

Policy 5.7.F.1.a.(4) Design. The project, including all architectural, landscape and design elements, shall be sited and designed to seamlessly blend into and complement the surrounding natural dune environment (including through the use of natural and natural appearing materials as much as possible). Structures shall be subservient to the natural dune landscape as much as possible, and shall employ measures to increase visual interest and to decrease perceived massing (e.g., low slung structures, areas of offsets and indents, upper stories pulled back from lower stories, landscaped berms, etc.). Lighting shall be limited as much as possible to avoid nighttime glares while still providing adequate lighting for public safety purposes.

The proposed lodge buildings are a contemporary style with simple angular elements to reflect the sloping dunes. The buildings have stepped massing with one-, two- and three-story elements to create visual interest and reduce visual massing. The buildings have overhangs, trellises, balconies and covered areas to provide relief and dimension. The building materials are natural appearing including the use of heavy timbers, siding, composition shingles, composite wood materials, and textured stucco. The building colors are earth tones consisting primarily of tans and browns to blend with the surrounding dunes. Landscaping includes bermed sand dunes and shallow detention basins to emulate the dunes and slack ponds. Mitigation measure AES/mm-4 requires a comprehensive lighting plan be prepared using best practices endorsed by the

International Dark Star Association to minimize lighting to the lowest levels allowed by public safety standards.

Policy 5.7.F.1.a.(5) Landscaping. Landscaping throughout the project site shall be limited to native dune species. In the areas designated as necessary for detention basins, native riparian species shall be allowed. All landscaping shall be kept in good growing condition. All areas not committed to structural development shall be landscaped to emulate a dune, riparian and/or back-beach environment.

Sheets L1.0 and L1.1 of Exhibit A indicate compliance with this policy. In addition, condition of approval CDD-8 requires compliance with this policy as part of the final landscape plan review and approval. The site exceeds the LCP requirement for a minimum of 40% landscaped open areas.

Policy 5.7.F.1.a.(6) Ingress/Egress. Road access to the project shall be from Highway 1, Le Sage Drive and Grand Avenue and shall be designed in such a way as to facilitate all forms of access to the project and to the beach area (including vehicular, pedestrian, bicycle, etc.).

Vehicular access to the site is from Highway 1 via both West Grand Avenue and Le Sage Drive. The project is developed with several features to enhance all forms of access including a multi-purpose path on the north side of West Grand Avenue designed for pedestrian and bicycle access, a trail on the south side of West Grand Avenue, sidewalks on Le Sage Drive, multiple public access paths throughout the hotel site including a connection to the existing boardwalk to the Pismo Beach pier and a trail along Meadow Creek.

Policy 5.7.F.1.a.(7) Coverage. The project shall have a maximum site coverage (i.e., structures, pavement, paths, etc. – anything not landscaped) of 60%, the remaining minimum of 40% shall be in landscaped open areas. All paved areas shall be pervious to the extent feasible. All runoff shall be filtered and treated prior to discharge from the site, including that high pollutant generation areas shall require pollutant specific BMPs (e.g., restaurant wash down plumbed to sanitary sewer, etc.).

The site exceeds the LCP requirement for a minimum of 40% landscaped open areas as shown in Exhibit A. The plan also indicates extensive areas of pervious paving in the parking lots. Mitigation Measure DES/mm-1 requires on site retention and runoff to be treated prior to infiltration/discharge from the site. In addition, the project is required to have a NPDES permit and comply with the Water Quality Control Board Construction General Permit and post construction Storm Water Control Plan.

Policy 5.7.F.1.a.(8) Food Service. The project shall include restaurant facilities, including providing for lower-cost eating options, such as coffee shops and snack bars.

The existing Fin's Seafood Restaurant will remain and the Lodge provides an additional restaurant with a bar/lounge that will provide beverages and appetizers. The hotel will also have a gift shop that will sell low priced snacks and sundries.

Policy 5.7.F.1.a.(9) Parking. Public recreational access parking (including for day use of the beach) shall be provided at a volume commensurate with such demand and free of charge.

The project will retain the existing 160 public parking spaces free of charge. The parking has been redistributed into three areas with parking located adjacent to the golf course and Fin's Seafood Restaurant.

Policy 5.7.F.1.a.(10) Public Availability. All project facilities shall be open to the general public, and shall include as many integrated and defined areas within which public access is provided free of charge (e.g., viewing decks, etc.) as possible while still addressing paying guest needs.

The entire project site is open to the public with the exception of the private rooms and the pool. The project is developed with multiple public access paths throughout the site including a connection to the existing boardwalk to the Pismo Beach pier and a trail along Meadow Creek. The site also provides public paths on the west side of all buildings to allow uninterrupted views of the dunes and shoreline. A second story public viewing area is also provided for views of the shoreline and ocean.

Policy 5.7.F.1.a.(11) Overnight Units. All overnight units shall be provided as traditional overnight units (e.g., traditional hotel accommodations). Timeshare residential uses and quasi-residential visitor-serving uses (including condominium hotels, private unit ownership, fractional ownership, and similar use and ownership structures) shall be prohibited. Rooms may not be rented to any individual, family, or group for more than 29 days per year nor for more than 14 days between Memorial Day and Labor Day.

The hotel shall operate as a traditional hotel with overnight accommodation consistent with this policy as required by condition of approval CDD-2.

Policy 5.7.F.1.a.(12) Public access paths. The project shall provide continuous public access path connectivity from Highway One, Grand Avenue, and Le Sage Drive to the shoreline along the perimeter of and through the project site, including connections to the boardwalk to Pismo Beach. All such paths shall be sited and designed to maximize their public utility and value (including for connectivity, views, etc.).

Pedestrian access is provided to the site and through the site to the shoreline from Highway 1 via both West Grand Avenue and Le Sage Drive. The project is developed with multiple public access paths throughout the hotel site including a connection to the existing boardwalk to the Pismo Beach pier and a trail along Meadow Creek. A public path has been located on the west side of all buildings to allow uninterrupted views of the dunes and shoreline. The project is consistent with Chapter 3 of the Coastal Act including those provisions related to public access.

Policy 5.7.F.1.a.(13) Public Access Management Plan. The project shall include a public access management plan that clearly describes the manner in which general public access associated with the project is to be managed and provided, with the objective of maximizing public access to the public access areas of the site (including all walkways, benches, boardwalks, stairs and all other public access amenities).

The entire project site is open to the public with the exception of the private rooms and the pool. Condition of approval CDD-16 requires the approval of a Public Access Management Plan prior to occupancy.

Policy 5.7.F.b. Armoring. Armoring (including but not limited to seawalls, revetments, retaining walls, etc.) and similar responses to coastal hazards intended to protect development in the area west of Highway 1 (as shown on Figure 3) from coastal hazards (including but not limited to hazards from episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, flooding, and the interaction of same) shall be prohibited. All development in such area shall be conditioned to require that property owners expressly waive any future right to construct such armoring or similar hazard responses that may exist pursuant to Public Resources Code Section 30235 and the City of Grover Beach certified LCP. Prior to

issuance of a coastal development permit, any private property owner shall execute and record a deed restriction against the property that ensures that no such armoring or similar hazard responses shall be proposed or constructed to protect the development, and which includes their waiver, on behalf of themselves and any successors or assigns, of a future right to such armoring.

In addition, as a condition of approval of any development in the area west of Highway 1 (as shown on Figure 3) the property owner shall be required to acknowledge and assume all risks from coastal hazards (including but not limited to hazards from episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, flooding, and the interaction of same) associated with development at this location, waive any claims of damage or liability against the permitting agency, and agree to indemnify the permitting agency against any liability, claims, damages or expenses arising from any injury or damage due to such hazards. Prior to issuance of a coastal development permit, any private property owner shall execute and record a deed restriction against the property that explicitly assumes these risks, on behalf of themselves and any successors or assigns.

Conditions of approval CDD-18 and CDD-19 address this policy.

5.7.F.e. Lower-Cost Visitor and Recreational Facilities. Existing lower-cost visitor serving and recreational facilities shall be protected and enhanced, and new lower-cost visitor and recreational facilities shall be encouraged and provided in the City.

There are approximately 1,000 public campground sites within Pismo State Beach and Oceano Dunes SVRA and several private RV park/campgrounds with approximately 1,200 sites within a few mile radius of the site. Therefore, there are ample existing low-cost visitor facilities in the project vicinity. The City currently has no hotel/motel rooms in the Coastal Zone and the motels within the City are all low to moderately priced. A survey prepared in 2007 for the approved project located at 105 West Grand Avenue documented all lodging facilities in the project vicinity and there have been no significant changes since that survey was completed.

WHEREAS, the City Council of the City of Grover Beach makes the following findings that the project is consistent with the applicable policies and requirements of Chapter 6 of the Local Coastal Program as follows:

Policy 6.7.1.(6) Development shall only be approved if it is first clearly demonstrated that the development will be served by an adequate, long-term public water supply.

The project provides visitor-serving land uses which are a priority over other proposed developments in the Coastal Zone. The City's current water supply is 2,207 acre feet of water per year (AFY). The City's current water demand is 1,940 AFY. The project at 100% annual occupancy is estimated to use 12,500 gallons per day or approximately 14 AFY. Based on an estimate of 75% annual occupancy, the project will use approximately 10.5 AFY. The City currently has excess demand of 267 AFY. Therefore, the City has an adequate long-term water supply in place to serve the project.

Policy 6.7.2.(4) : Development shall only be approved if it is first clearly demonstrated that there is adequate, long-term public wastewater treatment capacity to serve such development.

The project provides visitor-serving land uses which are a priority over other proposed developments in the Coastal Zone. The City is a member of the South San Luis Obispo County Sanitation District (SSLOCSD) and is presently entitled to approximately 1.5 million gallons per day (MGD) of the treatment plant's 5 MGD average daily capacity. The estimated average flow rate in

2010 is 1.30 MGD, or about 87 percent of the District's allocated daily treatment capacity. Based on the estimated water usage, wastewater is projected to be 9,375 gallons per day (less water used for landscaping), or 0.009375 MGD. The City currently has excess demand of 0.20 MGD treatment capacity. Therefore, the City has adequate long-term wastewater treatment capacity in place to serve the project.

WHEREAS, the City Council of the City of Grover Beach makes the following findings that the project is consistent with the development standards for the C-P-C Zone as required by Section 9122.12 of the Zoning Code:

(A) That all development in this area be sited and designed to protect existing view slots or corridors from Highway 1 and upland areas to the dunes and shoreline. (B) That all development in this area be sited and designed to enhance or create new view slots from Highway 1 to the dunes and shoreline.

The project has been designed and the buildings sited to retain the existing view corridor of the ocean from West Grand Avenue and the view corridor of the dunes from Le Sage Drive. No other existing view corridors are blocked as a result of the lodge buildings. A visual analysis as part of the Revised Final EIR demonstrated through visual simulations that the proposed project would not significantly obstruct views from public areas and the four buildings are compatible with the environmental setting.

(C) That all development be sited and designed to protect and enhance where feasible the filtration capabilities of Meadow Creek. (H) That drainage systems be designed to ensure that all silts and oils are removed prior to the water entering a natural drainage channel. (J) That the existing habitat value of Meadow Creek be protected and enhanced by the use of buffer zones, additional native landscaping, sediment/oil control devices and controlled and limited pedestrian access to buffer zone areas.

The project will provide a 50 foot riparian buffer from Meadow Creek which will protect and enhance the habitat values and infiltration capabilities. Project runoff will be directed to detention basins and bioswales for treatment prior to discharging into Meadow Creek. A Habitat Restoration Plan will be prepared and best management practices incorporated into the project. A trail will be provided adjacent to the riparian area and interpretive signage to educate the public about habitat values.

(D) That reasonable mitigation measures shall be required to protect archaeological or paleontological resources.

The Revised FEIR did not identify any archaeological or paleontological resources on the project site.

(E) That native plant material shall be the major theme in all landscape designs.

Condition of approval CDD-8 requires that all landscaping be limited to native dune species and in areas designated as necessary for detention basins, native riparian species shall be allowed.

(F) That all roads, parking lots, and structures shall be sited and designed to prevent impacts which would significantly degrade the adjacent environmentally sensitive area.

The Revised FEIR for the proposed project requires mitigation measures to ensure that no significant impacts will occur to adjacent sensitive habitat areas.

(G) That the architectural theme of development in this area shall generally follow the criteria set forth in the adopted Advisory Architectural Design Guidelines and additionally said architectural theme shall be compatible and complimentary to the existing natural vegetation and land forms. The architecture and site design shall include the following characteristics, in order to reduce massing and reduce the sense of verticalness of structures: (1) Use of structural, architectural design elements, i.e., corridors, heavy beams, posts, arches, columns, colonnades, canopies, cornices, etc. (2) Strong textured look, using woods, tiles, pavers, stuccos, stones, blocks and bricks, colors, plant material, recesses, etc. (3) Strong feeling or overhead treatment such as roof overhangs, balconies, or dark facias. (4) Earthen colors. Colors with warm, natural tones. Colors range from whites, yellows, browns, clays, slates, etc. (5) Wall relief (graphic, three dimensional design, landscaping, heavy textured stucco, wood tiles, etc.). (6) Strong window statement (treatment of frame, mullions, border, etc.). (7) The minimum distance separating buildings shall be equal to the sum of the height of any two adjacent buildings divided by two, but in no case less than ten (10) feet between buildings.

The proposed lodge buildings are a contemporary style with simple angular elements to reflect the sloping dunes. The buildings have stepped massing with one-, two- and three-story elements to create visual interest and reduce visual massing. The buildings have overhangs, trellises, balconies and covered areas to provide relief and dimension. The building materials are natural appearing including the use of heavy timbers, siding, composition shingles, composite wood materials, and textured stucco. The building colors are earth tones consisting primarily of tans and browns to blend with the surrounding dunes. Large window and patio doors on the ground floor provide ample glazing and window treatments. The buildings are separated by a minimum of 60 feet providing on-site view corridors and large landscaped areas between buildings.

(I) That areas of significant natural vegetation be protected and enhanced where feasible.

The Revised FEIR for the proposed project requires mitigation measures to ensure that no significant impacts will occur to adjacent sensitive habitat areas. These include preparation of a Riparian Habitat Restoration Plan.

(K) That the maximum allowable coverage for any project in this District shall be sixty (60) percent. The remaining forty (40) percent shall be in landscaped open areas.

The project provides approximately 46% of the site in landscaped and open space areas and 54% of the site covered with building and parking.

(L) That for hotel/motel/lodge type developments the maximum rooms/acre density south of Le Sage Drive is twenty (20) rooms/acre while north of Le Sage Drive is a maximum of thirty (30) rooms/acre.

The project provides 150 rooms on a 13-acre site, for an overall density of 12 rooms per acre.

(M) That all development in this area be required to maintain or enhance public access to and along the shoreline based on the development's impact on public access.

The project will provide improved public access from Highway 1 to the beach by enhancing public walkways and providing enhanced public amenities. The project is on the inland side of the existing dunes and has no effect on the use of the beach. The project will have no adverse effect either individually or cumulatively on public access to the shoreline or along the coast because the project does not change existing access points to the beach or inhibit access from the beach to the

ocean and water oriented recreational activities. The project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act (commencing with Section 30200).

WHEREAS, the City Council of the City of Grover Beach makes the following findings in accordance with Zoning Code Section 9144.3 (B) (1-5) for Site and Architectural Review:

(1) The architecture and general appearance of the building and grounds are in keeping with the character of the neighborhood.

The existing buildings and grounds in the adjacent C-P-C Zone are predominately underutilized based on the types of visitor serving uses that are allowed. The proposed lodge buildings and surrounding grounds are consistent with the purpose and intent of the C-P-C Zone and will be an improvement to the area.

(2) The proposed design is not detrimental to the orderly and harmonious development of the City of Grover Beach.

The project site is zoned for development of visitor serving uses and has been identified for development as a hotel and conference center for 30 years. Development of the site is within the City limits and can be provided with the necessary City services and is therefore considered orderly development. The project is also within an area that is already developed with and adjacent to existing visitor serving uses.

(3) The development does not impair the desirability of investment or occupation in the neighborhood.

The project will represent a major investment in visitor serving facilities at the City's only developable site adjacent to the ocean. The project will attract overnight visitors who will patronize local businesses and have a positive economic benefit to the City.

(4) The proposal is consistent with applicable guidelines or standards for the project area.

The proposed project is well designed using high quality materials and meets the design intent of the Land Use Element.

(5) The project is consistent with the City's General Plan and Zoning Code.

The proposed hotel with conference center and restaurant is consistent with the purpose and intent of the Planned Commercial land use designation. The project will provide overnight lodging facilities consistent with the City goal of becoming a tourist destination.

The proposed hotel with conference center and restaurant is consistent with the purpose and intent of the C-P-C Zone to provide visitor serving uses in the Coastal Zone. The project meets all development standards as required in the C-P-C Zone.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Grover Beach **DOES HEREBY REVOKE** City Council Resolution No. 13-48 and **APPROVE** a Coastal Development Permit and Site and Architectural Plans associated with Development Permit Application 10-03 subject to the conditions below.

CONDITIONS OF APPROVAL:GENERAL

- G-1. The use shall comply with all Federal, State, and local codes, standards, and regulations in effect at the time of construction.
- G-2. The Applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligations of this condition. Applicant's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions contained in this resolution.
- G-3. The approval granted by this Resolution shall be valid for thirty-six (36) months from the date final action is taken by the City Council. If grading has not commenced prior to the expiration date, the applicant may file a time extension consistent with City code requirements.
- G-4. The applicant shall be responsible for all costs for plan review, plan check, special studies, inspections, and all other costs associated with the project as required by City Code and the conditions of approval.
- G-5. The applicant shall pay all development impact fees in effect at the time building permits are issued.
- G-6. The project shall comply with the City's Noise Ordinance at all times.

COMMUNITY DEVELOPMENT DEPARTMENT

- CDD-1. This approval authorizes the construction and operation of a 150 room hotel, conference center and restaurant. The final project plans shall be in substantial conformance with the approved conceptual plans dated November 20, 2013 attached as Exhibit A and on file in the Community Development Department. Minor modifications to the approved plans may be approved by the Community Development Director and the Joint Authority if determined to be in substantial conformance with the approved plans and the Concession Contract. The Lodge shall be constructed and operated in compliance with the Concession Contract.
- CDD-2. All hotel rooms shall be operated as traditional overnight units (e.g., traditional hotel accommodations). Timeshare residential uses and quasi-residential visitor-serving uses (including condominium hotels, private unit ownership, fractional ownership, and similar use and ownership structures) shall be prohibited. Rooms may not be rented to any individual, family, or group for more than 29 days per year nor for more than 14

days between Memorial Day and Labor Day.

- CDD-3. The mitigation measures contained in Resolution No. 12-14 Certifying the Revised FEIR are incorporated herein as part of this resolution, except that the following Mitigation Measures are no longer required based on the project revision eliminating the equestrian parking area on the south side of West Grand Avenue (Area C): AES/mm-1, BIO/mm-14, BIO/mm-24, GS/mm-4, GS/mm-5, DES/mm-6 and all other references to Area C as documented in the attached Exhibit B. The applicant shall pay for City staff and/or consultant costs as necessary to implement and monitor the mitigation measures.
- CDD-4. Prior to starting construction in the existing equestrian parking area, an interim or permanent on-site or off-site equestrian parking area shall be operational as approved by the Joint Authority (JA).
- CDD-5. Prior to demolition of the existing RV sewer dump station, the expansion of the North Beach Campground RV dump station shall be operational as approved by State Parks.
- CDD-6. Prior to demolition of the existing 160 public parking spaces, an interim or permanent parking plan shall be approved by the Joint Authority (JA) to ensure that the 160 parking spaces remain available during construction.
- CDD-7. Prior to issuance of a grading and/or building, a comprehensive signage program shall be submitted for review and approval by the Joint Authority (JA). The signage program shall include on-site and off-site directional signage, interpretive signage, safety signage, and monument signs.
- CDD-8. The final landscape plan shall be in compliance with LCP Policy 5.7.F.1.a.(5) which requires the project site be limited to native dune species. In the areas designated as necessary for detention basins, native riparian species shall be allowed. All landscaping shall be kept in good growing condition. All areas not committed to structural development shall be landscaped to emulate a dune, riparian and/or back-beach environment. The final landscape plan shall also be in compliance with the State's Model Water Ordinance.
- CDD-9. Prior to issuance of a grading and/or building, final site plans, building plans, landscape plans and signage shall be approved by the Joint Authority (JA) as required by the Concession Contract.
- CDD-10. Prior to issuance of a grading and/or building permit, the plans shall demonstrate that all ground mounted equipment shall be screened from public view by landscaping and/or decorative walls/fences to the maximum extent feasible.
- CDD-11. Prior to issuance of a grading and/or building permit, the final site plan shall indicate that all parking space dimensions and drive aisle widths meet the minimum Code requirements. A maximum of 30% of parking spaces may be compact size. In addition, turning radii shall be plotted to demonstrate that access is adequate for over sized vehicles to the private pull through spaces and the equestrian parking area.
- CDD-12. Prior to issuance of a grading and/or building permit, the plans shall demonstrate that the parking lot adjacent to West Grand Avenue shall be screened from view from West Grand Avenue through the use of landscaping, berming, fences, and/or walls to the

maximum extent feasible.

- CDD-13. Prior to issuance of a grading and/or building permit, the plans shall demonstrate compliance with the maximum building heights of LCP Policy 5.7.F.1.a.(2). Upon completion of framing of Buildings 1, 2, and 3, a licensed surveyor shall verify the building heights do not exceed the maximum building heights as measured from the finish floor elevations.
- CDD-14. Prior to issuance of a grading and/or building permit, the north and south elevations of Building 2 and the north elevation of Building 3 shall be revised to incorporate additional building articulation and visual interest consistent with the other building elevations as approved by the Joint Authority (JA).
- CDD-15. Prior to issuance of a grading and/or building permit, the State Park parking area to accommodate over sized vehicles in the southeast corner of the site shall be revised to maximize the useable area as approved by the Joint Authority (JA). This may include the removal of the raised curbs and landscaping. The area shall be constructed of an all weather surface to accommodate equestrian usage.
- CDD-16. Prior to occupancy, the applicant shall submit a Public Access Management Plan to be approved by the Joint Authority (JA) that clearly describes the manner in which general public access associated with the project is to be managed and provided, with the objective of maximizing public access to the public access areas of the site (including all walkways, benches, boardwalks, stairs and all other public access amenities).
- CDD-17. Prior to occupancy, the applicant shall submit a Tsunami Safety Plan to be approved by the JA that clearly describe the manner in which hazards associated with tsunamis will be addressed, including that: the existence of threat from both distant and local source tsunamis will be communicated to all guests, information regarding personal safety measures to be undertaken in the event of a tsunami in the area will be made available, efforts will be provided to assist those physically less mobile in seeking evacuation during a tsunami event and that staff have been adequately trained to carry out the safety plan. At a minimum, the plan shall be prepared in cooperation with the San Luis Obispo County Office of Emergency Services, and shall be in general conformance with any area-wide tsunami safety plan that has been prepared for this section of the coast; the plan shall detail the posting of placards, flyers, or other materials at conspicuous locations within each room, provided in an appropriate variety of languages and formats (e.g., embossed braille, tape recordings, etc.), explaining tsunami risks, the need for evacuation if strong earthquake motion is felt or alarms are sounded, and the location of evacuation routes; the plan shall detail the efforts to be undertaken by staff to assist the evacuation of physically less mobile persons during a tsunami event; and the plan shall detail the instruction to be provided to all employees to assure that the Tsunami Safety Plan is effectively implemented.
- CDD-18. Coastal Hazards Risk. By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns:
- (a) That the project is governed by a Joint Powers Agreement (JPA) and a Concessionaire Contract that allocate responsibility for indemnification of the parties, claims of damage and liability and adverse effects on project property among property owner (California State Parks), the project proponent (City of Grover Beach), and the Permittee.
 - (b) Coastal Hazards. That the site is subject to coastal hazards including but not limited

to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction and the interaction of same;

- (c) Assume Risks. That in addition to any requirements in the Concessionaire Contract, it agrees to assume the risks to the Permittee and the property that is the subject of this CDP of injury and damage from such coastal hazards in connection with this permitted development;
- (d) Waive Liability. That in addition to any requirements in the Concessionaire Contract, it agrees to unconditionally waive any claim of damage or liability against the City of Grover Beach, its officers, agents, and employees for injury or damage from such coastal hazards;
- (e) Indemnification. That in addition to any requirements in the Concessionaire Contract, it agrees to indemnify and hold harmless the City of Grover Beach, its officers, agents, and employees with respect to the City's approval of the development against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such coastal hazards; and

Coastal Hazards Response. By acceptance of this CDP, the Permittee acknowledges and agrees, on behalf of itself and all successors and assigns, that:

- (f) Protective Measures Prohibited. In the event that the approved development is threatened with damage or destruction from coastal hazards, or is damaged or destroyed by coastal hazards, protective structures (including but not limited to seawalls, revetments, groins, deep piers/caissons, etc.) shall be prohibited;
- (g) Section 30235 Waiver. Any rights to construct such protective structures, including rights that may exist under Public Resources Code Section 30235 and City of Grover Beach LCP, are waived;
- (h) Property Owner Agreement. Prior to Issuance of this permit, the Permittee shall provide the City with evidence, for review and written approval, that California State Parks acknowledges and agrees that future shoreline protective structures shall be prohibited and that any rights to construct such protective structures are waived.

PUBLIC WORKS DEPARTMENT

PW-1. Prior to issuance of a grading permit and/or building permit, the applicant shall prepare a construction traffic access and signage plan indicating restrictions on the use of Le Sage Drive for review and approval by the City Engineer.

PW-2. Prior to issuance of a grading and/or building permit, the applicant shall obtain a City Encroachment Permit for all work in the City right-of way. The applicant shall provide insurance and indemnifications as reasonably required to obtain a City Encroachment Permit.

Prior to issuance of a grading permit, the applicant shall submit a structural analysis of the existing Le Sage Drive Bridge and shall implement repairs identified in the analysis to support the anticipated maximum loading.

PW-3. Prior to any site disturbing activity, the applicant shall comply with the requirements of the Water Quality Control Board Construction General Permit and shall submit a Storm Water Pollution Prevention Plan to the Water Board for approval. In addition, the applicant shall prepare a post construction Storm Water Control Plan (SWCP) for review and approval by the City Engineer. The site shall be designed to retain the 85th

Percentile 24-hour storm event, to provide biofiltration treatment systems capable of treating site runoff at a 0.2-inch per hour rainfall intensity loading rate, and shall provide peak flow attenuation such that post construction peak flows do not exceed pre-construction peak flows for the 2 thru 10 year storm events. The applicant shall identify a State Water Board qualified representative to implement and assure compliance with the program on behalf of the applicant.

- PW-4. Prior to occupancy, the applicant shall complete all on and offsite improvements in compliance with Codes and standards in effect at the time of construction as identified on the approved plans and required by these conditions of approval unless otherwise approved by the City.
- PW-5. Prior to occupancy, West Grand Avenue shall be improved between State Highway 1 and the west end of West Grand Avenue to the following cross section:
- a. Two westbound 13-foot travel lanes and one eastbound 12-foot travel lane with a 4-foot wide shoulder.
 - b. Street crossfall and drainage capacity per City standards.
 - c. An 8-foot wide all weather surface multi-purpose trail on the south side of West Grand Avenue from the Meadow Creek Bridge to the Grand Dune Trail. Wood trail fencing shall separate the shoulder from the trail as approved by the City Engineer.
 - d. 10-foot wide concrete multi-purpose path on the north side adjacent to the curb.
- PW-6. Prior to occupancy, the West Grand Avenue project frontage shall be improved as follows:
- a. Construct a decorative concrete crosswalk on the east side of the driveway entering the State Park parking lot immediately west of Meadow Creek Bridge.
 - b. Construct a decorative concrete crosswalk on the west side of the main driveway entrance to the Lodge.
 - c. Construct pedestrian scale lighting along the north side multi-purpose path.
 - d. Construct a minimum 10-foot wide landscape parkway on the north side of the multi-purpose path.
 - e. Construct a landscape irrigation system to provide adequate watering for all new landscape along West Grand Avenue.
 - f. Provide adequate signage for bicycle and pedestrian safety and provide directional signage to the Grand Dune Trail entrance and Beach Boardwalk.
- PW-7. Prior to issuance of a grading permit, the applicant shall provide verification that Pacific Crossing has approved work within the easement area. The applicant shall be responsible for all costs associated with inspections by Pacific Crossing.
- PW-8. Prior to occupancy, the applicant shall construct a new water main connecting the project site to the existing main located in West Grand Avenue at 2nd Street. The main shall be sized to provide adequate flow and pressure for domestic service and fire protection to the site. The new main shall include a blow-off and water quality sampling station to be installed per City of Grover Beach and AWWA standards. Water service to existing uses within the State Park shall be maintained at all times unless otherwise approved by the City.
- PW-9. Prior to occupancy, the applicant shall construct a looped water main system on site. The water mains shall be sized to provide adequate flow and pressure for domestic service and fire protection to the proposed buildings and site amenities.

- PW-10. Prior to occupancy, the applicant shall construct an on-site sewage collection system consisting of 8-inch or larger sewer mains sized as necessary to provide adequate sewer service to both the proposed and existing buildings and site amenities. Sewer service to the existing uses within the State Park area shall be maintained at all times unless otherwise approved by the City. The applicant shall provide access to all sewer manholes and cleanouts to the satisfaction of the City Engineer.
- PW-11. Prior to occupancy, the applicant shall either construct a new private sewage lift station and force main or utilize and upgrade the existing private lift station and force main as needed to convey sewage to the City's existing gravity sewer system located on the east side of Highway 1. The new or upgraded private sewage lift station shall be designed and constructed to provide adequate protection from sewage overflows including duplex pumping, connections for an external pump, provisions for emergency secondary power, high water level sensors, and an alarm system including both visual and audible alarms. The applicant shall submit plans for review and approval by the City Engineer.
- PW-12. Prior to occupancy, all existing and proposed dry utilities along the project frontages and within the site that serve the proposed development shall be undergrounded in accordance with City standards.
- PW-13. Prior to occupancy, the applicant shall prepare and submit mylar and electronic record drawings identifying the as-constructed location of all new public improvements located on and offsite.
- PW-14. Prior to occupancy, the applicant shall enter into a maintenance agreement with the City to require the operator of the Lodge to maintain landscape areas, irrigation systems, and drainage inlets along the project frontage.
- PW-15. Prior to occupancy, the applicant shall enter into a maintenance agreement with the City to assure adequate maintenance of all storm water detention and treatment facilities associated with the project in compliance with the approved Storm Water Control Plan.
- PW-16. Prior to occupancy, the applicant shall prepare and submit a CLOMR and LOMR to FEMA for approval to relocate the flood elevation boundaries indicated on the FIRM for the project area.
- PW-17. Prior to occupancy, the applicant shall provide a warranty bond or other securities to guarantee all new public improvements for the period of one year following occupancy.
- PW-18. Prior to issuance of a grading and/or building permit, the applicant shall design driveways to prevent tracking of gravel and/or dirt onto West Grand Avenue and Le Sage Drive.

FIRE DEPARTMENT

- FD-1. Installation of a NFPA 13 Fire Protection System shall be required.
- FD-2. A standpipe system shall be incorporated into the fire sprinkler system and be located in each stairwell in each building on all floors.

- FD-3. A dedicated water service sufficient to meet the requirements of the current CFC shall be supplied for the Fire Protection System to be calculated and approved by Fire Protection Engineer.
- FD-4. Prior to occupancy, locally monitored fire alarm system with battery back-up, audible and visual devices, and heat sensors shall be installed in commercial space, stairwells, walkways, and garages.
- FD-5. Prior to occupancy, fire alarm enunciator panel shall be located in the main entrance area.
- FD-6. Prior to occupancy, elevators shall be sized and rated for emergency personnel and equipment and signage posted. Elevators shall also be equipped with recall to the first floor when fire alarm sounds.
- FD-7. Prior to occupancy, if applicable, HVAC systems shall have automatic shut-off when alarm system sounds.
- FD-8. Fire Department connection shall be located at each building either on the double detector check valve or at the building at a location to be determined by the Fire Department.
- FD-9. Prior to occupancy, in compliance with CFC 912.4, a metal sign with raised letters at least one inch (25mm) in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable. Where the fire department connection does not serve the entire building, a sign shall be provided indicating the portions of the building served.
- FD-10. Prior to occupancy, fire extinguishers shall be located at each exit on each floor in a protective enclosure with appropriate signs posted.
- FD-11. Prior to occupancy, ceiling mounted exit signs (red in color) with battery back-up, and emergency lighting, shall be placed at each exit on each floor and in hallways and stairwells, indicating direction of egress.
- FD-12. Prior to occupancy, a Knox Box shall be mounted on the wall six feet from ground level at the front main entrance to each building.
- FD-13. Prior to occupancy, riser room(s) shall be posted with signage, red in color, with letters one inch minimum in height, letter stating: FIRE SPRINKLER RISER.
- FD-14. Prior to occupancy, electrical room(s) shall be posted with signage, red in color, with letters one inch minimum in height, stating: ELECTRICAL ROOM.
- FD-15. Prior to occupancy, gas meters shall be labeled with units served and signage posted, red in color, with letters one inch minimum in height, indicating the location.
- FD-16. Prior to occupancy, as per CFC 503.2.3, driveways shall be designed and maintained to support the imposed loads of fire apparatus.

- FD-17. Prior to delivery of combustible building materials on site, the hydrants and water system shall pass all required tests and be connected to the public water system.
- FD-18. Prior to construction of combustible materials, an all weather surface shall be in place to provide adequate access for emergency vehicles. The surface shall be of sufficient thickness to support the imposed load of a fire apparatus. The access for use of firefighting equipment shall be provided to the immediate job construction site at the start of construction and maintained at all times until construction is completed.
- FD-19. Prior to occupancy, all driveways shall be designated and posted as "Fire Lane, No Parking".

On motion by Council Member Nicolls, seconded by Mayor Pro Tem Lee, and on the following roll-call vote, to wit:

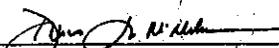
AYES: Council Members Bright, Marshall, Nicolls, Mayor Pro Tem Lee, and Mayor Peterson
NOES: Council Members – None.
ABSENT: Council Members – None.
ABSTAIN: Council Members – None.

the foregoing RESOLUTION NO. 14-19 was **PASSED, APPROVED, and ADOPTED** at a regular meeting by the City Council on this 7th day of April, 2014.



DEBBIE PETERSON, MAYOR

Attest:



DONNA L. MCMAHON, CITY CLERK