# RECORD PACKET

# CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE FRONT STREET, STE. 300 NTA CRUZ, CA 95060 (408) 427-4863 HEARING IMPAIRED: (415) 904-5200

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Commission Action:

STAFF REPORT:

CONSENT CALENDAR

APPLICATION NO.:

3-97-4

APPLICANT:

MR. AND MRS. WILLIAM ABBOTT AND MR. AND MRS. GEORGE ABBOTT

AGENT: Laura Chase

PROJECT LOCATION:

377 Calle de los Amigos, Asilomar Dunes area, City of

Pacific Grove, Monterey County, APN 007-061-012

PROJECT DESCRIPTION:

Construct partial second-story and garage additions to

existing single-family dwelling and remove two trees.

Lot area:

21,625 sq. ft.

<u>Existing</u>

<u>Proposed</u>

<u>Total</u>

Building coverage: 1587 sq.ft.

596 sq.ft.

2183 sq.ft.

Pavement coverage:

2816 sq. ft.

-596 sq.ft.

2220 sq.ft.

Total coverage

4403 sq.ft.

0 sq.ft.

4403 sq.ft.

Parking spaces:

4 spaces

Zonina:

Residential

Plan designation:

Special Zone, 1-2 units/acre

Project density:

1 unit/.5 acre

Ht abv fin grade:

23 1/2 feet

LOCAL APPROVALS RECEIVED: Architectural approval; Site Plan Review Committee approval; and Tree Removal Permit. CEQA - Categorically exempt.

## SUBSTANTIVE FILE DOCUMENTS:

- Botanical Survey and Impact Assessment Report by Thomas Moss, 11/12/93.
- Addendum to Botanical/Biological Report by Bruce Cowan, 9/15/95. 0
- Supplemental Botanical/Biological Report by Bruce Cowan, 8/15/96. 0
- Preliminary Cultural Resources Reconnaissance by Archaeological Consulting, 9/29/93.
- Pacific Grove Land Use Plan. 0
- 3-95-42 Spradling.

#### STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached Exhibit A.

III. Special Conditions.

- 1. <u>Mitigation for Construction Activity Impacts on Environmentally Sensitive Dune Habitat</u>. Prior to occupancy of the approved addition, the permittee shall submit written evidence from the project's environmental consultant or the City's Community Development Department indicating that ice plant and ripgut grass has been removed from the property, as recommended by applicant's submitted botanic report addendum (Cowan, 9/15/95).
- 2. Environmental Monitoring During Construction. During the construction phase, the project's environmental consultant or the City's Community Development Department shall monitor construction activities on a weekly basis until project completion to assure compliance with the conditions of this permit. Evidence of compliance with this condition by the project monitor shall be submitted to the Executive Director each month while construction is proceeding and upon completion of construction. In the event of non-compliance with the adopted mitigation measures, the Executive Director shall be notified immediately. The environmental consultant or the City shall make recommendations, if necessary, for compliance with the approved permit conditions. These recommendations shall be carried out immediately to protect the natural habitat areas of the site.
- 3. <u>Temporary Fencing</u>. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit the following for the Executive Director's review and approval:
  - A. Final project plans including site and floor plans and elevations. The site plan shall designate a building envelope area not to exceed 20 percent of the lot area.

## III. Special Conditions. (Continued)

B. Plans for temporary exclusionary fences to protect sensitive areas from disturbance during construction. Vehicle parking, storage or disposal of materials, shall not be allowed within the exclusionary fences. Fences shall be installed prior to the start of construction and shall remain in place and in good condition until construction is completed.

The exact placement of the fences shall be identified on site by the project's environmental consultant. Evidence of inspection of the installed exclusionary fence location by the environmental consultant shall be submitted to the Executive Director prior to commencement of construction. Fences shall be 4 feet high and secured by metal T-posts, spaced 8 to 10 feet apart. Either field or snow-drift fence, or comparable barrier, shall be used.

4. <u>Archaeologic Mitigation</u>. If archaeologic materials are encountered, that portion of the work which could further disturb such materials shall be halted until a satisfactory plan of mitigation can be implemented.

If the archaeologic resources are found to be significant, permittee shall submit a plan of mitigation, prepared by a qualified professional archaeologist and using accepted scientific techninques, prior to any disturbance of the surface area of property. Such a plan shall be submitted for review by the State Historic Preservation Office and the approval of the Executive Director. The plan shall provide for reasonable mitigation of archaeologic impacts resulting from the development of the site, and shall be fully implemented. A report verifying compliance with this condition shall be submitted upon completion of excavation, for review and approval by the Executive Director.

- 5. <u>Exterior Finish</u>. All exterior finishes shall be of wood or earthen-tone colors as proposed. Any changes shall require prior review and approval by the Executive Director.
- 6. <u>Future Additions</u>. Unless waived by the Executive Director, an amendment to this permit or a separate coastal development permit shall be required for any additions to the permitted development.
- IV. Findings and Declarations.

The Commission hereby finds and declares:

1. Project Description and Background.

The proposed development consists of the construction of a partial second story and garage additions to an existing single-family dwelling and the removal of two trees. The subject property is located at 377 Calle de los Amigos in the Asilomar Dunes area of the City of Pacific Grove.

The existing residence is centrally located on the property. The front yard slopes down to the street and is an area characterized by patches of mostly dead ice plant and a scattering of native dune plants. The back yard is

generally level, rising like sides of a shallow bowl toward the property edges. A blowout dominates the middle of the area where human activity has resulted in the complete elimination of the plant cover. A mix of ice plant and native vegetation still provides stability to the dunes around the periphery of the blowout. Seven Monterey cypress trees and one Monterey pine have been planted on the property according to the botanical survey prepared for the project. A 4-inch cypress and a 4-inch pine are proposed for removal. Surrounding land use is low density residential development in the Asilomar Dunes neighborhood.

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## 2. Environmentally Sensitive Habitat Area.

The Coastal Act, in Section 30240, states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within those areas.

The Coastal Act in Section 30107.5, defines an environmentally sensitive area as "...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments."

A. <u>Description of Sensitive Habitat</u>. The proposed single-family dwelling addition is located in the Asilomar Dunes formation at the seaward extremity of the Monterey Peninsula. The unusually pure, white silica sand in this area was formerly stabilized by a unique indigenous dune flora. However, only a few acres of the original approximately 480 acre habitat area remain in a natural state. The balance of the original habitat has been lost or severely damaged by sand mining, residential development, golf course development, trampling by pedestrians, and the encroachment of non-indigenous introduced vegetation. A number of preservation and restoration efforts have been undertaken, most notably at the Spanish Bay Resort, Asilomar State Beach, and in connection with previously approved residential developments on private lots.

Seaward of the dune crest, the shifting sands and strong prevailing winds favor the low-profile native dune plants. Due to past losses, certain plants characteristic of this environmentally sensitive habitat have become rare or endangered. The best known of these native dune plants are the Menzies' wallflower and the Tidestrom's lupine, both of which have been reduced to very low population levels through habitat loss. In addition, the native dune vegetation also includes more common species which play a special role in the ecosystem; for example, in nearby areas the bush lupine provides shelter for the rare Black legless lizard, and the coast buckwheat in nearby areas hosts the endangered Smith's blue butterfly.

A Botanical Survey and Impact Assessment Report for the Abbott residence was prepared by Thomas Moss, Coastal Biologist, on November 12, 1993. The project contemplated at that time was to replace the existing single-story house with a new two-story house. The report detailed the botanical and biological values of the site and recommended a series of mitigation measures to protect the sensitive habitat and endangered species.

An Adddendum to the Botanical/Biological Report and Supplement were prepared by Bruce Cowan, Environmental Landscape Consultant, on September 15, 1995 and August 5, 1996 respectively. The additional reports address the revised project, the second-story and garage additions.

The following is an excerpt from the addendum and supplement to the Botanical/Biological Report:

#### (Addendum)

No rare or endangered species were seen within the area of garage expansion. No direct impacts to sensitive species are anticipated. Shading from the second story (which has no overhangs) will be primarily in the existing courtyard which is currently shaded by trees. A slight amount of shading, which will occur in the front yard mornings and the back yard evenings, will be insignificant. In the Asilomar area the weather is mostly foggy or overcast, light is refracted, and no shadows are created except under the dense foliage of trees. I have seen Tidestrom's lupines thriving along the north side of a house within the feet of the house, and a Menzies' wallflower blooming immediately adjacent to the north side of a fence.

Suggested mitigations include removing ice plant (<u>Carpobrotus edulis</u>) and weedy ripgut grass (<u>Bromus diandrus</u>) from the property and letting native vegetation recover. No elaborate landscaping or planting plan is needed for the dune areas.

#### (Supplement)

In conclusion, the two story garage addition will cause no significant shadow effect. It will be much less than the shadows created by the remaining cypress trees. Removing two cypress trees and one pine will reduce the shading that exists now.

The following is an excerpt from the Botanical Survey prepared in November, 1993:

Survey Results - Protected Species and Sensitive Habitat

Two protected plant species were found on the property - Tidestrom's lupine and Monterey spineflower. A total of 118 Tidestrom's lupine plants were found on the property, including 15 in the front yard and 103 in the back yard. Approximately 335 Monterey spineflower plants were also found, including 300 in the front yard and 35 in the back yard. The distribution of these plants on the property was mapped on the site plan for the proposed project and is shown in Figure 2. Areas of high-quality habitat for protected species were also mapped and labeled as Environmentally Sensitive Habitat Area.

Environmentally sensitive habitat covers the entire front yard, from the street to nearly the front patio wall, not including the driveway. In the back yard, environmentally sensitive habitat covers about half the area, excluding the leach field area and areas that are significantly shaded by the existing trees.

Three dune buckwheat plants were found on the property, all of which occurred in the front yard near the edge of the patio. The buckwheat plants were in poor condition, having very few remaining leaves as a result of deer browsing.

Habitat quality on the property for the black legless lizard is low, and it is unlikely that any of these animals are present here at this time.

The Moss Botanical Survey indicates that about a dozen other native dune plants are located on the site as well. These species each play an important role in the ecosystem; while not endangered, they each contribute to the maintenance of the natural habitat and serve to stabilize the dunes. Therefore, the locations of the Tidestrom's lupines, Monterey spineflower, and dune buckwheat, as well as adjacent areas which support native dune flora must all be considered environmentally sensitive habitat areas.

B. <u>Cumulative Impacts</u>. The applicant's project is located at the easterly edge of the Asilomar Dunes neighborhood, an area of about 60 acres where the dunes retain roughly their original contours. Although divided into about 95 lots and developed with 75 existing dwellings, the area still contains some of the best remaining examples of original Asilomar Dunes flora.

The cumulative impacts of additional residential development would have a substantial adverse impact on the unique ecology of the Asilomar Dunes, as each loss of natural habitat area within the Asilomar Dunes formation contributes to the overall degradation of this extremely scarce coastal resource. This cumulative effect has progressed to the point that on existing lots of record in the nearby unincorporated portion of the Asilomar Dunes, all remnant coastal dune areas stabilized by natural vegetation must, under the County's certified Local Coastal Program (LCP), be preserved, and a very substantial effort to restore a natural dune habitat was required as a condition of resort development at Spanish Bay.

The City's Land Use Plan (LUP) contains comparably rigorous policies to protect the native dune plant habitat area, including the forest front zone along Asilomar Avenue. Because the LUP limits residential development to 15 percent of each lot, or 20 percent for lots that are one-half acre or less in size, and requires the balance to be permanently protected, approval of residential development will cumulatively result in a network of protected lands. This experiment in private stewardship has already yielded a patchwork quilt of "private nature reserves."

C. Land Use Plan Criteria. As the applicants' site lies within the northerly portion of the overall Asilomar-Fan Shell Beach dune complex, it is subject to the City of Pacific Grove's Local Coastal Program Land Use Plan (LUP) standards pursuant to local ordinance (this portion of the dune formation was annexed by the City in October, 1980). The City's LUP residential development criteria include the Coastal Act requirement of "no significant disruption", as provided by Section 30240. The City's LUP was approved with modifications by the Commission on December 15, 1988, and has subsequently been revised and adopted by the City.

The LUP contains policies which require the following:

- Structures shall be sited to minimize alteration of natural dune topography. Restoration of disturbed dunes is mandatory as an element in the siting, design and construction of a proposed structure.
- All new development in the Asilomar dunes area shall be controlled as necessary to ensure protection of coastal scenic values and maximum possible preservation of sand dunes and the habitat of rare and endangered plants.
- Where a botanical survey identifies populations of endangered species, all new development shall be sited and designed to cause the least possible disturbance to the endangered plants and their habitat; other stabilizing native dune plants shall also be protected.
- Site coverage proposed for new development (including driveways, accessory buildings and other paved areas) shall be reduced from the maximum coverage allowed in Chapter 3 of this plan (i.e., 15%), and by relevant zoning, to the extent necessary to ensure protection of Menzies' wallflower or Tidestrom's lupine habitat determined to be present on the site.
- Require dedication of conservation easement or deed restriction to protect the area of the lot outside the building envelope, with provisions to restore and maintain the natural habitat, restrict fencing that would interfere with public views or wildlife, and require long-term monitoring of the protected area;
- Sidewalks shall not be required as a condition of development permit approval in the Asilomar dunes unless the City makes a finding that sidewalks are necessary for public safety where heavy automobile traffic presents substantial hazards to pedestrians, no reasonable alternative exists and no significant loss of environmentally sensitive habitat would result.
- Require compliance inspections during the construction phase;
- Provide for preparation of a native plant landscaping plan, and limit exotic plant introductions to the area within the building envelope; and.
- Require installation of utilities in a single corridor if possible, avoiding disturbance of the protected habitat area.

#### 3.4.5 Specific Policies

2. Maximum aggregate lot coverage for new development shall be 15% of the total lot area. For puposes of calculating lot coverage under this policy, residential buildings, driveways, patios, decks (except decks designed not to interfere with passage of water and light to dune surface

below) and any other features which eliminate potential native plant habitat will be counted. However, a driveway area up to 12 feet in width the length of the front setback shall not be considered as coverage if surfaced by a material approved by the Site Plan Review Committee. An additional 5% may be used for immediate outdoor living space, if left in a natural condition, or landscaped so as to avoid impervious surfaces, and need not be included in the conservation easement required by Section 2.3.5.1(e). Buried features, such as septic systems and utility connections which are consistent with the restoration and maintenance of native plan habitats, need not be counted as coverage.

D. <u>Project Analysis</u>. The proposed development is for a partial second story and garage additions to an existing residence and tree removal. The existing house and proposed additions cover approximately 2183 square feet of the site. The total existing impervious surface coverage is 2816 square feet. A portion of the existing driveway, 596 square feet, will be removed. The total lot coverage <u>both</u> existing and proposed is 4,403 square feet or 20 percent. There is no change in the total amount of site coverage.

The applicant is proposing to remove a cypress tree, and a pine tree both planted as landscaping. The City has granted a tree removal permit.

The addendum and supplement to the botanical report note no rare or endangered species were seen within the area of the proposed garage expansion. The addendum suggested mitigations including removing ice plant and weedy ripgut grass from the property and letting native vegetation recover. The rebuilt residence and driveway will cover no more area than is presently covered by the existing house and driveway. The only impact on the environmentally sensitive habitat area is the temporary impact resulting from construction activities on the property. These temporary impacts can be offset by the mitigations proposed by the applicant's botanical consultant, the removal of ice plant and ripgut grass from the property and letting native vegetation recover.

Temporary exclusionary fences to protect the native dune plant habitat areas during construction are a necessary mitigation measure and are proposed to assure protection of this environmentally sensitive habitat area. Experience has shown that exclusionary fencing helps to assure that workpeople and materials stay outside sensitive natural habitat areas. Weekly monitoring during construction is required as a condition of this permit, consistent with LUP Policy 2.3.5.1(c) regarding compliance inspections during the construction phase.

As conditioned, to require the removal of invasive ice plant and ripgut grass as proposed in the Botanical Addendum, identification of temporary exclusionary fencing and monitoring, to assure no disturbance of the existing native plant habitat areas; and separate permit or amendment for future additions, the proposed development can be found consistent with Section 30240 of the Coastal Act and LUP sensitive habitat policies.

#### 3. Visual Resources.

Section 30251 of the Coastal Act requires that new development in highly scenic areas "such as those designated in the California Coastline

Preservation and Recreation Plan prepared by the Department of Parks and Recreation..." shall be subordinate to the character of its setting; the Asilomar area is one of those designated in the plan. The Coastal Act further provides that permitted development shall be sited and designed to protect views in such scenic coastal areas; and, in Section 30240(b), requires that development adjacent to parks and recreation areas shall be sited and designed to avoid degradation of those areas.

The City's certified Land Use Plan contains policies which require the following:

- Design review of all new development is required.
- Residential structures shall not be more than 25 feet in height.
- Earthtone color schemes shall be utilized, and other design features incorporated that assist in subordinating the structure to the natural setting.
- Landscape approval shall be required for any project affecting landforms and landscaping. A landscaping plan, which indicates locations and types of proposed plantings, shall be approved by the Architectural Review Board. Planting which would block significant public views shall not be approved.
- Utilities serving new single-family construction in scenic areas shall be placed underground.

The applicant's property is located on Calle de los Amigos which is inland of Sunset Drive and about two blocks northwest of Asilomar State Beach. While previous development has already impaired many views, the overall visual character of the forest and dunes still predominates. Therefore, views from these important public use areas along Sunset Drive and Asilomar State Beach towards the adjacent dunes and the sea are an issue of concern.

The proposed addition is a second story addition (23 1/2 foot maximum height), contemporary design. The addition will be finished with vertical redwood siding and a copper roof. All existing windows will be replaced with new aluminum windows and proposed new windows materials will also be aluminum.

As conditioned by this permit, future additions will require a separate permit waiver or amendment. Additional required mitigation measures include the use of wood or earthen-tone finishes as proposed. Accordingly, the project can be found consistent with Section 30251 and 30240(b) of the Coastal Act and LUP visual resource policies.

#### 4. Archaeology.

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Land Use Plan Section 2.4 also provides for protection of archaeological resources:

#### LUP Policy 2.4.5

- 1. Prior to the issuance of any permit for development or the commencement of any project within the areas designated on Figure 3, the Archaeological Sensitivity Map, the City in cooperation with the State Historic Preservation Office and the Archaeological Regional Research Center, shall:
- a) Inspect the surface of the site and evaluate site records to determine the extent of the known resources.
- b) Require that all sites with potential resources likely to be disturbed by the proposed project be analyzed by a qualified archaeologist with local expertise.
- c) Require that a mitigation plan, adequate to protect the resource and prepared by a qualified archaeologist be submitted for review and, if approved, implemented as part of the project.

The subject site is located in a "sensitive area" according to the LUP Archaeological Sensitivity Map. A "Preliminary Cultural Resources Reconnaissance" was prepared for the site by Anna Runnings and Gary Breschini, Archaeological Consulting, on September 29, 1993. The report concludes as follows:

Based upon the background research and the surface reconnaissance, we conclude that the project area does not contain evidence of potentially significant cultural resources. Because of this, we make the following recommendation:

o The proposed project should not be delayed for archaeological reasons.

Because of the possibility of unidentified (e.g., buried) cultural resources being found during construction, we recommend that the following standard language, or the equivalent, be included in any permits issued within the project area:

o If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

As conditioned to protect archaeological resources during construction, the proposed development is consistent with Section 30244 of the Coastal Act and approved LUP archaeological resource policies.

## 5. Local Coastal Programs.

The Commission can take no action which would prejudice the options available to the City in preparing a Local Coastal Program which conforms with the provisions of Chapter 3 of the Coastal Act (Section 30604 of the Coastal Act). Because this neighborhood contains unique features of scientific, educational, recreational and scenic value, the City in its Local Coastal Program will need to assure long-range protection of the undisturbed Asilomar Dunes.

While the northern Asilomar Dunes area was originally included in the work program for the Del Monte Forest Area LUP (aproved with suggested modifications, September 15, 1983), the area was annexed by the City of Pacific Grove in October, 1980, and therefore is subject to the City's LCP process. Exercising its option under Section 30500(a) of the Coastal Act, the City in 1979 requested the Coastal Commission to prepare its Local Coastal Program. However, the draft LCP was rejected by the City in 1981, and the City began its own coastal planning effort. The City has now submitted its own LUP, which the Commission approved with modifications in December, 1988. The City has now revised and adopted the LUP, and is formulating implementing ordinances.

The LUP contains various policies which are relevant to the resource issues raised by this permit application, particularly with respect to protection of environmentally sensitive habitat and scenic resources. Finding No. 2 above summarizes the applicable habitat protection policies; Finding No. 3 addresses the LUP's visual resource policies; and Finding No. 4 discusses archaeological resource policies. The City's action on the project has generally accounted for the proposed LUP policies. Where procedural standards are absent, the City's mitigations are augmented by the conditions of this permit, particularly with respect to native plant restoration and maintenance.

Therefore, as conditioned, the proposed development is consistent with the policies contained in Chapter 3 of the Coastal Act and will not prejudice the ability of the City of Pacific Grove to prepare and implement a complete Local Coastal Program consistent with Coastal Act policies.

#### 6. CEOA.

The City of Pacific Grove has determined that the proposed project is categorically exempt from CEQA requirements. As conditioned, the project will not create any significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

#### **EXHIBITS**

- A. Standard Conditions.
- 1. Location Map.
- 2. Site Plan.
- 3. Elevations.
- 4. Land Use Map.

#### CALIFORNIA COASTAL COMMISSION

### **STANDARD CONDITIONS:**

- 1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. <u>Compliance</u>. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
- 4. <u>Interpretation</u>. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 5. <u>Inspections</u>. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
- 6. <u>Assignment</u>. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
- 7. <u>Terms and Conditions Run with the Land</u>. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

EXHIBIT NO. A

APPLICATION NO.4

Standard

Conditions







