

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
 725 FRONT STREET, SUITE 300
 SANTA CRUZ, CA 95060
 (408) 747-4863
 HEARING IMPAIRED: (415) 904-5200

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W4a

COASTAL DEVELOPMENT PERMIT: CONSENT CALENDAR

APPLICATION: 3-97-1 Johnson (SFD)

APPLICANT: **ROB JOHNSON** AGENT: T.A. Bluhm

PROJECT LOCATION: 1359 Lighthouse Avenue, Asilomar Dunes Area,
 City of Pacific Grove, Monterey County, APN 007-031-010.

PROJECT DESCRIPTION: Demolition of existing single-family dwelling and
 construction of new two-story, single-family dwelling,
 driveway, walkways and patio, grading, and tree
 removal and replanting.

Lot area:	20,220 sq. ft. (0.46 acre)	
	<u>Existing</u>	<u>Proposed</u>
Building coverage:	2793	3043
Pavement coverage:	5574	3345
Total coverage:	8367 (19.2%)	6388 (14.6%)
Parking spaces:	3 spaces	
LCP status:	Certified LUP only.	
Plan designation:	Special Zone, 1-2 units/acre	
Zoning:	Residential	
Project density:	2 units/acre	
Height above finish grade:	25 feet	

LOCAL APPROVALS RECEIVED: Architectural Review Board approval (No. 2185-96) and Tree Removal Permit (No. CDD 2355). CEQA - Categorically exempt.

SUBSTANTIVE FILE DOCUMENTS:

- Botanical Survey Report by Thomas Moss, 4/15/96.
- Preliminary Cultural Resources Reconnaissance by Archaeological Consulting, 3/21/96.
- Pacific Grove Land Use Plan.
- CDP 3-97-4, Abbott

SUMMARY: Staff recommends approval with conditions. Project replaces an existing residence on a severely impacted site in the environmentally sensitive Asilomar Dunes habitat. Total proposed site coverage (6388 sq. ft.) is 1979 sq. ft. less than the total existing site coverage. The recommended conditions provide for implementation of a native plant restoration plan and selected additional measures typically applied to residential development projects in this area, consistent with the standards of the certified LUP, and proportionate to the short-term impacts expected from this project.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit, for the proposed development on the grounds that, as conditioned below, the development will be in conformity with Chapter 3 of the California Coastal Act of 1976; will not prejudice the ability of the local government to prepare a Local Coastal Program consistent with 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. Final Plans. PRIOR TO COMMENCEMENT OF ANY GRADING AND/OR CONSTRUCTION, the permittee shall submit the following for the Executive Director's review and approval:**

- A. Two sets of 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. The building envelope shall include all surfaces covered by development (including the approved house, garage, patios, walkways, driveways, etc. which in aggregate shall not cover more than 15% of the lot area), as well as the immediate outdoor living area. The first 12 feet of driveway width within the City's minimum required front setback distance need not be included in the designated building envelope area. The "immediate outdoor living area" is that portion of the yard closest to the house, which shall be left in a natural condition or landscaped as discussed below. The submittal shall include review and approval by the City of Pacific Grove.
- B. Two copies of the final landscaping plan covering the "immediate outdoor living" area. The plan shall emphasize native plantings where feasible. All plant materials shall be installed prior to occupancy and shall be maintained in good condition. The landscape plan shall be coordinated with the Restoration Plan required by Special Condition No. 2 below, in order to preclude introduction of plant species and diseases which could threaten adjacent native plant restoration areas. Evidence of review and approval by the project biologist shall accompany the submittal.

Within 30 days of completion of the landscape installation, the permittee shall submit a letter from the project biologist indicating plant installation has taken place consistent with the approved landscape plan and the approved Restoration Plan.

- C. Two copies of final grading plans. This permit authorizes any additional grading needed to remove existing fill material and soils on the site which are not naturally found in the Asilomar Dunes. Any imported fill material or soils used in the native dune plant habitat areas shall be limited to sand salvaged from other sites within the Asilomar dunes system.

2. Final Restoration and Maintenance Plan. PRIOR TO COMMENCEMENT OF ANY GRADING OR CONSTRUCTION, the permittee shall submit the following for the Executive Director's review and approval:

A final native plant restoration and maintenance plan covering that portion of the lot outside of the building envelope area. Such plan shall be prepared by a professional botanist. The plan shall show the removal of all ice plant and non-native plant species and revegetation with vegetation native to the Asilomar dunes. The ice plant shall be removed in stages and the sand stabilized with native plantings to minimize erosion. The plan shall also include maintenance measures to control non-native species on the remainder of the property and to protect the native dune plant habitat areas from invasion by non-native plant species. (At permittee's discretion, the landscape plan for the "immediate outdoor living area" required in Special Condition No. 1.B. above may be combined with this Restoration Plan.)

This permit authorizes the removal of any non-native plant species including eucalyptus trees.

The plan shall also include a timetable and a monitoring program. Monitoring shall occur weekly during the first month after landscape installation and thereafter annually for a period of five years. Plant materials indicated on the approved plans shall be installed in accordance with the timetable and permanently maintained in good condition. Evidence of review by the City of Pacific Grove shall accompany the submittal.

3. Archaeological Mitigation. If archaeological 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 archaeological resources are found to be significant, permittee shall submit a plan of mitigation, prepared by a qualified professional archaeologist and using accepted scientific techniques, 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 archaeological 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.

4. Exterior Finish. All exterior finishes shall be of wood and rock, or earthen-tone colors as proposed. Any changes shall require prior review and approval by the Executive Director.
5. Future Additions. 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 demolition of an existing house and the construction of a new two-story, single-family dwelling, driveway, walkways, patio, grading, and tree removal and replanting. The property is located at 1359 Lighthouse Avenue in the Asilomar Dunes area of the City of Pacific Grove.

The existing house proposed for demolition covers about 2,793 square feet and the existing paved area covers about 5,574 square feet. The total existing site coverage is 8,367 square feet (or 19.2 percent). The proposed dwelling is two stories and covers about 3,043 square feet. The proposed paved area is about 3,345 square feet. The total proposed site coverage is 6,388 square feet (or 14.6 percent). The total site coverage proposed is about 1,979 square feet less than the total existing site coverage. Approximately 1,550 cubic yards of grading is proposed; about 775 cubic yards of fill will be imported to the site. Six cypress trees ranging in size from 3 to 6 inches will be removed to accommodate the proposed project.

The project site is relatively flat and rectangular in shape. The existing residence is located on the western half of the property. A driveway and parking area dominate a significant portion of the eastern half of the property. The undeveloped portions of the property were almost entirely covered with a non-native landscape consisting primarily of pink carpet ice plant and a lawn of kikuyu grass. Lacking irrigation, much of this ground cover is now withered or absent. Surrounding land use is low density residential development in the Asilomar Dunes neighborhood. Lighthouse Reservation, which contains the Pacific Grove Golf Course, is located across (and north of) Lighthouse Avenue.

2. Environmentally Sensitive Habitat Area.

Coastal Act Section 30240(a) states:

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.

Coastal Act 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. Description of Sensitive Habitat. The proposed single-family dwelling demolition and reconstruction is located in the Asilomar Dunes formation at the seaward extremity of the Monterey Peninsula. This dune field extends from Pt. Pinos in the City of Pacific Grove to the unincorporated Fan Shell Beach-Spyglass area of Del Monte Forest. 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. 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. Accordingly, even though some areas of the dunes are degraded or are only intermittently occupied by native plants (especially where competition from exotic plants is intense), all remaining dune surfaces in the Asilomar-Fan Shell Beach formation comprise environmentally sensitive habitat areas.

A Botanical Survey Report for the Johnson site was prepared by Thomas Moss, Coastal Biologist, on April 15, 1996. The following is a summary of the "Impact Assessment and Mitigation" from the Botanical Report:

The project applicant proposes to demolish an existing house and construct a new house, generally within the same foot-print of the existing house. Total site coverage will be reduced from 7,848 square feet (existing) to 4,507 square feet (proposed). *[sic]*

Given the existing site conditions, which include an existing residence and an absence of native habitat, the proposed project will not result in any adverse impacts to the environment. Therefore, no mitigation measures (i.e., deed restriction, landscape restoration plan, protective fencing, etc.), are recommended. Reducing the existing site coverage could be considered a net benefit to the environment (i.e., an increase in habitat potentially supporting species of special concern).

Note: The total site coverage figures in the Botanical Survey differ slightly from the figures on the plans submitted with the application. The figures used throughout this staff report are the current figures as supplied by the applicant's representative. The project biologist indicates that his conclusions remain the same. The report does not consider the need to mitigate the impact of construction activities which will occur outside the existing developed surfaces of the lot; see detailed discussion in Finding No. 1.d below.

b. Cumulative Impacts. The applicant's project is located at the northern 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 Monterey 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 under special circumstances, 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. The standard for review for this coastal development permit is the Coastal Act (particularly the Chapter 3 policies), pending completion of the City of Pacific Grove's Local Coastal Program (LCP). In the interim, as applicant's site lies within city limits, pursuant to local ordinance, it is also subject to the City of Pacific Grove's Local Coastal Program Land Use Plan (LUP) standards (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.

Where development is contemplated on environmentally sensitive dune habitats, adverse impacts are to be mitigated through a variety of measures. The total amount of surface area covered by new residential development is strictly limited (maximum of 15 percent) and a transitional open space buffer ("immediate outdoor living area") is designated around the residence. The total "building envelope" which results cannot exceed 20 percent of the lot area. The native plant habitat on the undeveloped balance of the lot is required to be restored, and placed under permanent legal protection as open space. The LUP's habitat protection policy, in Section 3.4.5, states:

2. Maximum aggregate lot coverage for new development shall be 15% of the total lot area. For purposes 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 plant habitats, need not be counted as coverage.

d. Project Analysis. The proposed development consists of the demolition of an existing house, and the construction of a new residence with an attached garage, driveway, walkways, patio, grading and tree removal and replanting. The proposed house and garage cover approximately 3,043 square feet of the site. The proposed driveway, walkways and patio cover approximately 3,345 square feet. The total proposed site coverage figure is 6,388 square feet or 14.6 percent. The total site coverage proposed is 1,979 square feet less than the total existing site coverage. The new residence will be constructed roughly in the same location as the existing house

proposed for demolition. In contrast to the existing development on the lot, the project as submitted will conform with the LUP's 15% maximum site coverage standard.

The applicant is proposing to remove six non-indigenous cypress trees ranging in size from 3 to 6 inches. The City granted a tree removal permit and required replacement planting of two trees for each tree to be removed. In granting the tree removal permit, the City found that removal was necessary to allow reasonable development of the site and that the trees being removed were not suitable species for this location. (Not mentioned are several young eucalyptus trees, which also represent a potential invasive pest species within the dunes.)

According to the City's Land Use Plan (LUP), the 15 and 20 percent site coverage standards (including the house, driveway and first story decks) are applied to new construction. The LUP is not specific about demolition and replacement construction. One option for the City would be to recognize the existing site coverage on lots legally developed prior to the Coastal Act as conforming, even if the 15 and 20 percent standards are exceeded. Lot coverage for replacement construction could be allowed up to the amount of the existing lot coverage where no significant disruption to the habitat value of the site would result. Such an exception to the LUP site coverage standard for "grandfathered" developments could be considered during the implementation phase of the Local Coastal Program process. Because the LUP is silent on the "grandfathering" issue, approval of development which increases the intensity or area of site coverage could set a precedent prejudicial to the City's options for completing its LCP in accordance with Coastal Act policies.

In this case the project will avoid the problem by conforming to the site coverage standards for new construction. The subject parcel is already committed to residential use; and the proposed replacement residence represents an actual reduction in site coverage. Therefore, the proposed project will better conform to the LUP site coverage policies, and will not prejudice the City's ability to implement the LUP's site coverage standards.

Preliminary grading plans were submitted with the application. Approximately 1,550 cubic yards of grading are proposed. Of that amount 775 cubic yards of material would be imported to the site from a local quarry.

Sterile fill, such as base rock for structural support of the house and driveway, would not have an adverse impact if confined to the areas beneath developed surfaces. On the other hand, special care is needed within the native plant restoration area. Introduction of fill materials and soils from outside sources would encourage weedy growth to the detriment of native dune habitat recovery, and would increase the risk of introducing aggressive exotic plant species. Therefore, the conditions of approval for this permit allow additional grading to remove existing fill material and soil on the site which are not naturally found in the Asilomar Dunes; and, require that any imported fill material or soils used in the native dune plant restoration area be limited to sand from the Asilomar Dune system.

e. Basis for Approval. New residential construction on a vacant residential lot in the environmentally sensitive dune habitat area would represent a significant disruption of such habitat, both individually and cumulatively. Further, such use would not be resource-dependent on the dune habitat. Accordingly, Coastal Act Section 30240 considered by itself would prohibit such new development.

However, Coastal Act Section 30010 requires that the Coastal Act be applied in the context of Constitutional requirements. This means that, in order to avoid the "takings" issue, just compensation must be provided to the owner--or a reasonable economic use must be allowed.

In this case, the lot is located in an area where no government agency has indicated an interest in acquiring such lands. Further, the existing residence represents a reasonable economic use. Because the project would not result in an intensification of use, nor increased lot coverage, the "takings" issue is not raised in this instance. Therefore, project approval is based solely on its conformance with Coastal Act Chapter 3 policies. This is made possible by a design which actually reduces site coverage, and together with the permit conditions, avoids prejudice to the City's ability to complete its LCP.

f. Mitigation Measures Proportioned to Impacts. The LUP's habitat protection policies for the Asilomar Dunes, and the Commission's previous permit actions in this area, have focused on new residential development on existing vacant parcels. Such parcels generally comprise, in their entirety, environmentally sensitive habitat. Therefore, construction of residential development on these parcels results in a long-term loss of habitat that will persist even beyond the life of the permitted structure(s). Accordingly, long-term mitigation measures which run with land are appropriate: the LUP calls for restoration of that portion of the lot outside the building envelope, coupled with exclusionary fences to protect the restored area during construction and dedication of a conservation easement covering the restored area. (The Commission is currently employing deed restrictions as a functionally equivalent method of securing such long-term legal protection.)

This project can be distinguished from such new development in the following ways:

- the parcel is already committed to residential use;
- the area to be developed within the lot is already mostly occupied by an existing house and driveway, rather than natural habitat;
- the project, including the proposed replacement residence, will result in an actual reduction in site coverage, thereby increasing the potential area within which native plant populations can reestablish themselves; and,
- at the present time, the premises are essentially devoid of any native groundcover.

Nonetheless, the proposed demolition and construction activities are still expected to result in adverse impacts to the environment. Since the completion of the botanical report cited previously, the non-native iceplant groundcover has through lack of irrigation nearly disappeared. The stage is now set for native plants to colonize the more barren sand surfaces (without proper attention, these areas could also just as easily be colonized by pampas grass, Hottentot fig and other weedy non-natives). Experience has shown that demolition and construction activities normally result in substantial "spill-over" impacts on the area surrounding the features actually being demolished/constructed. In this case, such spill-over impacts can be expected from vehicle activity, worker foot traffic, temporary trailer/restroom placement, stockpiling of materials, etc. These impacts, while short-term, will delay or interrupt any natural recovery of native plant and animal habitat on the site. (This consideration is not included in the site's botanical report.)

Accordingly, to ensure proportionality and correspondence to actual impacts, the conditions of this permit omit certain mitigation measures normally applied to vacant residential parcels containing environmentally sensitive habitat in the Asilomar Dunes neighborhood. The omitted measures include exclusionary fencing (no native plants to protect, yet); and, permanent legal

restrictions (because, if native plants are reestablished on the site, no net long-term negative impact will result when compared to the existing situation on the lot).

While the proposed replacement residence and driveway will occupy only 14.6 percent of the site, it is nonetheless appropriate to offset the short-term impacts of development through the implementation of a native plant restoration and management plan. The applicant has submitted an outline for such a restoration plan and the Botanical Report includes recommendations for landscaping with native plants. Conditions of this permit provide for completion and implementation of a native plant restoration plan.

g. Conclusion. As conditioned to require the completion and implementation of a native dune plant restoration plan, final project plans, including final grading plans and a landscape plan; to allow for removal of non-indigenous plant species including eucalyptus trees without further permit; and to require a separate permit or amendment for future additions, the proposed development can be found consistent with Section 30240 of the Coastal Act.

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 requires the following:

- Design review of all new development.
- 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 Lighthouse Avenue, one lot inland from Sunset Drive, and just northeast of Asilomar State Beach. While previous development has already impaired many views, the overall visual character of the dunes and forest 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 replacement house is a two-story residence (25 foot maximum height) dwelling of contemporary design. The house will be finished with horizontal wooden siding or shingles and a light green, concrete tile roof. The window frames will be white vinyl-clad wood. A tan stone veneer will be used for the fireplace and patio walls.

Special Condition No. 5 requests that any future additions to the Johnson house would require a separate permit waiver or amendment. Condition No. 4 requires the use of wood or earthen-tone finishes. As conditioned, the project can be found consistent with Section 30251 and 30240(b) of the Coastal Act.

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 March 21, 1996. 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 recommendations:

- 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 grading and construction, the proposed development is consistent with Section 30244 of the Coastal Act and approved LUP archaeological resource policies.

5. Local Coastal Programs.

Under Coastal Act Section 30604 the Commission can take no action that would prejudice the ability of uncertified jurisdictions to prepare a Local Coastal Program that conforms with the provisions of Chapter 3 of the Coastal Act. As discussed above, this neighborhood contains unique features of scientific, educational, recreational and scenic value. In its Local Coastal Program the City will need to assure long-range protection of these resources.

While the northern Asilomar Dunes area was originally included in the work program for the Del Monte Forest Area LUP (approved 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 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, or additional impacts identified, 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. CEQA.

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.

EXHIBIT-A

RECOMMENDED CONDITIONS

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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. Compliance. 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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. Assignment. 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. Terms and Conditions Run with the Land. 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. 3-97-1
Standard Conditions
 California Coastal Commission

Johnson
1359 Lighthouse Ave.

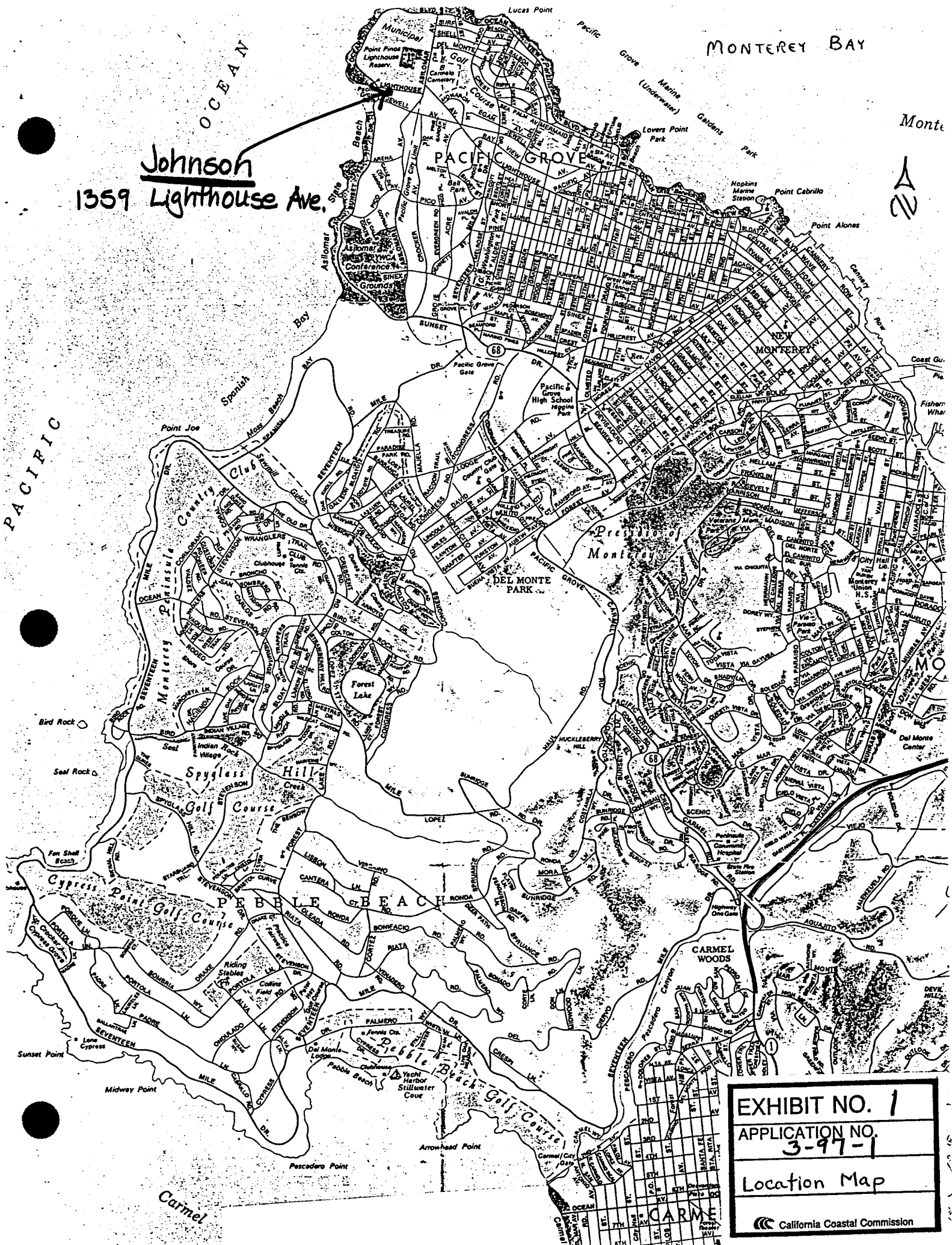
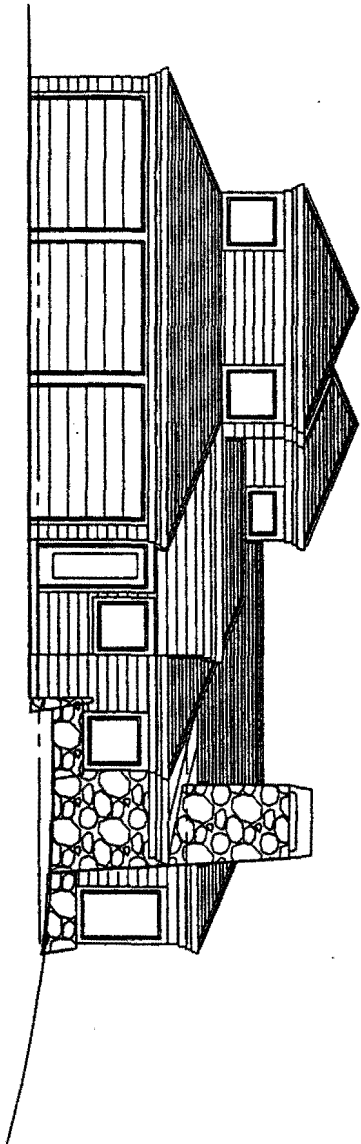


EXHIBIT NO. 1
APPLICATION NO.
3-97-1
Location Map
California Coastal Commission

SIDE - EAST



REAR - SOUTH

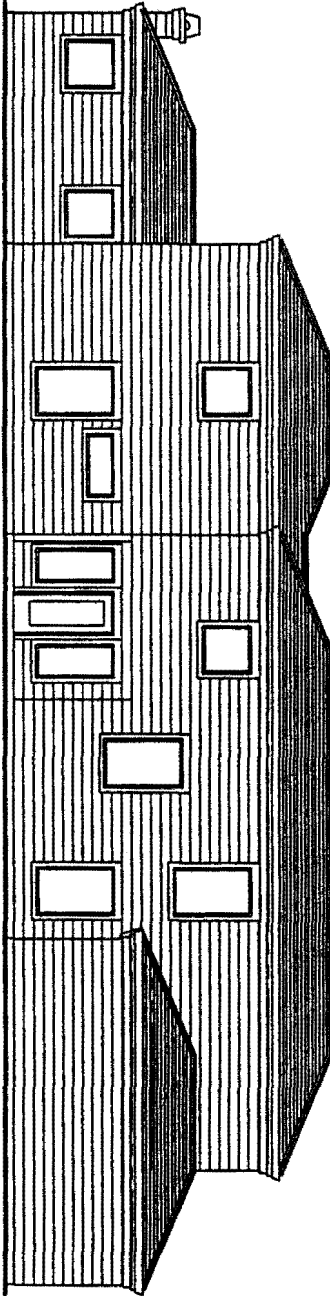


EXHIBIT NO. 3
APPLICATION NO. 3-97-1
Elevations
p. 2/2

Johnson site

golf course

dunes

Page Miller

LIGHTHOUSE

NOAA AVE

PINE GARDEN LANE

GROVE ACRES

JEWELL AVE

MOTEL

COASTAL ZONE BOUNDARY

RAILROAD

OAK PL

WAY

CONTRA COSTA

ASILOMAR STATE BEACH

SUNSET DR

ARENA AVE

ASILOMAR AVE

CROCKER

AVE

CITY OF PACIFIC GROVE ASILOMAR AREA

- PROPERTIES GREATER THAN 1 ACRE
- SINGLE FAMILY DWELLING
- ∨ VACANT
- * AUXILIARY UNIT APPROVED BY CITY DENIED BY COASTAL COMMISSION UNDER CONSTRUCTION AS ADDITION TO SFD



EXHIBIT NO. 4

APPLICATION NO. 3-97-1

Asilomar Dunes Land Use Map

Asilomar Conference Center

