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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number3-10-045, DaCosta SFD

ApplicantsNicholas and Bonnie DaCosta

Project location1301 Pico Avenue, in the Asilomar Dunes area of Pacific Grove, Monterey County (APN 007-072-020).

Project descriptionAfter-the-fact authorization for construction of a 3,126 square foot single family residence with garage and related development. Project further includes 1,954 square foot reduction in existing coverage, fence removal, new split rail fence, native landscape restoration, and off-site native habitat restoration.

Local approval.....City of Pacific Grove Architectural Review Board approval (AA# 1650-91).

File documents.....City of Pacific Grove certified Land Use Plan (LUP); Revised Landscape Restoration Plan (Thomas K. Moss, September 30, 2010).

Staff recommendation ...Approval with Conditions

I. Staff Recommendation

A. Summary of Staff Recommendation

The Applicants seek after-the-fact authorization to retain a roughly 2,695 square foot, single-story residence with 431 square foot garage (a total of 3,126 square feet together) on a 21,524 square foot lot in the Asilomar Dunes area of the City of Pacific Grove. In addition, the Applicants propose to remove approximately 1,890 square feet of impervious site coverage and retain 425 square feet of patio area that has been constructed at the rear of the residence, a 240 square foot flagstone walkway, and a 513 square foot driveway. When combined, the total proposed aggregate site coverage will be 4,305 square feet or 20% of the lot. The proposed project also includes removal of the existing solid wood fencing and installation of a 3-foot tall split rail fence around the perimeter of the property. The remaining portion of the lot, approximately 17,219 square feet, will be restored to its native condition and placed into a conservation easement for native dune/forest habitat. An additional roughly 4,530 square feet within the City's right of ways along Pico and Asilomar Avenues is proposed to be restored and maintained as



forested dune habitat. The application is after-the-fact because although a coastal permit was approved in 1990 for the original residence at this location, and the residence was constructed by the prior owner, the conditions of that permit were never met and the coastal development permit expired. As a result, the residence is not covered by the coastal permit. The current owner purchased the property in 2009, and the lack of a coastal permit was uncovered just after that time. Thus, the pending application is to obtain a CDP for the development on the site and to include any changes necessary for LUP/Coastal Act conformance.

The City of Pacific Grove has a certified Land Use Plan (LUP), but the Implementation Plan has not yet been certified. Therefore, the Coastal Commission retains CDP jurisdiction over this project, and the standard of review is Chapter 3 of the Coastal Act, with the LUP as non-binding guidance.

The Asilomar Dunes area has a number of unique biological and geological resources, including at least ten plant and one animal species of special concern, and dune landforms comprised almost entirely of quartz sand. These coastal dunes have long been considered by the Commission to be environmentally sensitive habitat areas (ESHAs) because they include plant and animal life and related habitats that are rare, especially valuable, and easily disturbed and degraded by human activities and developments. The Applicants' approximately one-half acre parcel is comprised of this dune habitat in association with native Monterey pine forest, another habitat type independently considered ESHA by the Commission. The pines at this forest front location also serve to minimize environmental stresses to the more interior trees of the forest, reduce tree failures that result when trees are more directly exposed to wind off the shoreline area, and are also considered critical in maintaining the stability of the inland extent of the sand dunes where the dunes transition to forest.

The Commission has a long history of protecting the Asilomar Dunes system ESHA, including through development and application of guiding Pacific Grove LUP policies that strike a balance between maximizing dune and related habitat protection and accommodating reasonable residential use on pre-existing subdivided parcels in the Asilomar Dunes area. To minimize disturbance to the sensitive dune and related habitats, the total maximum aggregate lot coverage under the City's certified LUP is limited to 15 percent of the lot area for most lots in Asilomar (i.e., one-half acre and up). As defined in the LUP, this coverage includes buildings, driveways, patios, decks that do not allow for the passage of water and light to the dune surface, and any other features that eliminate native plant habitat. The LUP also allows an additional maximum of 5 percent of the lot area for "immediate outdoor living area" that can be landscaped and used for residential activities, but not covered otherwise (with structures, patios, etc.). Per the LUP, the remainder of any site (i.e., approximately 80 percent, once maximum coverage and outdoor living area are accounted for) must be preserved as dune habitat, including through restoration/enhancement as necessary to ensure maximum feasible habitat value, and through conservation easements that require this area to remain as habitat in perpetuity.

Where parcels are less than one-half acre, as is the case here, up to 20% aggregate lot coverage (i.e., not counting immediate outdoor living area) may be allowed provided that 1) an offsetting area of native habitat will be restored and maintained adjacent to the site such that the total area preserved, restored, and maintained is equal to at least 80% of the total area of the Applicants lot, and 2) the additional



coverage is necessary to avoid a hardship in the case of existing parcels of less than one-acre which would otherwise suffer in comparison to adjacent similarly sized developed parcels.

In this case, the proposed development includes a new single-story residence which is sited in the central portion of the lot to minimize tree removal, as well as removal of some existing development on the site. The resulting aggregate lot coverage associated with the development will be 4,305 square feet or 20% of the lot area. The proposed residence otherwise avoids direct impacts to individual occurrences of native dune plant species on the site.¹ In addition, the Applicants have incorporated into the project a dune landscape restoration plan for the remainder of the site and the adjacent City-owned right-of-way, as well as various other measures to address the impacts of the project.

The Commission has consistently applied the guiding LUP 20% (15% plus 5%) maximum coverage rule for Asilomar Dunes neighborhood cases where new development is proposed on vacant lots. This is to address the Coastal Act requirements to protect ESHA from non-resource dependent development, while avoiding a taking of private property. In certain circumstances, the Commission has also approved an increase in lot coverage over existing coverage in some cases where an existing development exists but is at less than the LUP defined maximum coverage, depending on the unique circumstances of each case, up to the LUP maximum coverage allotment. Conversely, and in other circumstances, the Commission has also required reductions in coverage to meet the LCP's coverage limitations when existing development exceeds such thresholds, as is the case here.

In this case, development of the new house will occur in previously undeveloped native dune area and result in unavoidable and permanent impacts to ESHA. Additionally, construction of the proposed new residence will necessarily involve impacts to areas immediately surrounding the existing development envelope, but such impacts will be minimal and temporary. Given a requirement to restore the remainder of the site along with corresponding off-site mitigation, and conditions requiring the development to stay within the coverage limits of the LUP, the project will not result in a significant disruption of the Asilomar Dunes ESHA, despite the temporary impacts caused during construction.

With conditions to restore the remainder of site, and to stay within the coverage limits of the LUP, the project will not result in a significant disruption of the Asilomar Dunes ESHA, despite the temporary impacts caused by construction. Overall, approval of the project with conditions to maximize ESHA protection, including mitigation of the cumulative impacts of such redevelopments in Asilomar, will allow reasonable redevelopment of the existing residential use, consistent with the Coastal Act's ESHA requirements as understood in a takings context.

In summary, and as conditioned to implement the ESHA and related habitat protections, to protect scenic resources (including eliminating fencing), and to address other coastal resource issues (namely

¹ This does not account for impacts to potential seed bank present below the surface of the dunes on the site, but rather is focused on individual expressed above-ground plants. Given the shifting nature of these types of dunes, including shifting seed banks etc., it is generally presumed that expressed individuals indicate that seed stock for these species is present in the general area, and that the "habitat" for these species is not necessarily confined to individual expressed occurrences. That said, it has also been the Commission's long practice to avoid locations of individual sensitive plants that are identified on a site, as is the case here.



water quality and archaeological impact avoidance), the project can be found consistent with the Coastal Act. The motion is found on the following page directly below.

B. Staff Recommendation on CDP

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

Motion. I move that the Commission approve Coastal Development Permit Number 3-10-045 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

Staff Report Contents

- I. Staff Recommendation.....1
 - A. Summary of Staff Recommendation.....1
 - B. Staff Recommendation on CDP.....4
- II. Findings and Declarations5
 - A. Project Location, Background, and Description.....5
 - 1. Project Location5
 - 2. Background6
 - 3. Project Description6
 - B. Standard of Review.....7
 - C. Coastal Development Permit Determination7
 - 1. Environmentally Sensitive Habitat Areas.....7
 - 2. Visual Resources.....19
 - 3. Archaeological Resources.....21
 - 4. Water Quality/Marine Resources.....22



5. Unpermitted Development.....	23
6. Local Coastal Programs	23
7. California Environmental Quality Act (CEQA)	24
D. Conditions of Approval	25
III. Exhibits	
A. Regional Location Map	
B. Project Vicinity Map	
C. Assessors Parcel Map	
D. Pacific Grove LUP Land Habitat Sensitivity Map	
E. Pacific Grove LUP Archaeological Sensitivity Map	
F. Pacific Grove LUP Shoreline Access Map	
G. Project Site Plans	
H. Aerial Photo	

II. Findings and Declarations

The Commission finds and declares as follows:

A. Project Location, Background, and Description

1. Project Location

The site is made up of a 21,524 square foot lot located at 1301 Pico Avenue where it intersects Asilomar Avenue in the Asilomar Dunes neighborhood of the City of Pacific Grove. The Asilomar Dunes neighborhood is mapped as the area bounded by Lighthouse Avenue, Asilomar Avenue, and the northern boundary of Asilomar State Park to the south, and is located in the Asilomar Dunes complex extending from Point Pinos at the Lighthouse Reservation in Pacific Grove through Spanish Bay and to Fan Shell Beach in the downcoast Del Monte Forest area (see Exhibits A, B and C).

The Applicants' parcel is located in an area zoned by the City as R-1-B-4, Single Family Residential, with a minimum parcel size of 20,000 square feet.² Development within the surrounding area is characterized by one and two-story single-family dwellings interspersed in the dunes. This low-density zoning and development on relatively large lots is part of what gives this Asilomar Dunes residential area its open-space character. In this case, the just under one-half acre lot is currently developed with a 3,126 square foot house and detached garage, and other impervious and semi-pervious surface coverage (walkways, patios, decks, and driveway) totaling 3,068 square feet. Thus, this existing site coverage is 6,194 square feet, or 28.8% of the lot. The site is further fragmented by the existing walkways and patio coverage, thus committing another approximately 1,000 square feet of property to immediate outdoor living space or roughly 4.6% of the site. Together, lot coverage and outdoor living space account for

² The City's zoning has not been certified as part of the LCP by the Commission. In fact, in relation to minimum parcel sizes, the certified LUP includes a half-acre minimum parcel size for the Asilomar Dunes.



33.4% of the site. In addition, 6-foot fencing has been installed all along the perimeter of the 21,524 square foot lot and in at least two locations within the interior of the site.

As discussed below, the entire site is considered to be environmentally sensitive habitat area (ESHA), as are all lots within dune and related habitat located in the Asilomar Dunes. This is due in part to the existence of up to ten plant species and one animal species of special concern that have evolved and adapted to the harsh conditions found in the Asilomar Dunes system. Increasing development pressure has reduced the amount of available habitat and thus the range of these species. The site is also located within an archaeologically sensitive area (see Exhibit E). Therefore, an archaeological survey was conducted for the parcel and a report prepared by Thomas Wheeler (March 2008).

2. Background

On December 12, 1990 the Commission conditionally approved CDP 3-90-123 authorizing the construction of a two-story single family residence and appurtenant development at this location. The previous property owner constructed the residence and related development prior to fulfilling the special conditions of the permit and prior to obtaining the CDP. Although plans had been approved through CDP 3-90-123, the residence was not constructed in accordance with the approved plans. The CDP expired in December 1992. Thus, in short, all development on the site is without benefit of a CDP, and is therefore unpermitted development.

The present property owners purchased the property in 2009, and they claim to have not known that all of the development on site was constructed without a valid permit. They proceeded to grade the site and install additional walkways, patios, and fencing, also without first seeking CDPs. In November 2009, the Commission received a report regarding the most recent unauthorized development and the matter was referred to the Commission's Enforcement Division for investigation. Enforcement identified a path to resolution, which included the submittal of a CDP application to authorize the existing residence and otherwise bring the development into conformance with the City of Pacific Grove certified Land Use Plan and the Coastal Act. On August 18, 2010, a CDP application was received in the Commission's Central Coast Office. Because the existing development at the site is unpermitted, the application is for after-the-fact retention of the residence, as well as measures to bring it into conformity with LUP criteria and to remove more recent unpermitted development. Thus, from an analytic review, this CDP evaluation is performed as if the site were completely undeveloped. The physical reality is that the site is currently developed with a single-family residence and related development, but the CDP question is whether it should be authorized for the first time. This report identifies "existing" features, but they are understood as physically existing, but not existing in a permitted sense.

3. Project Description

The Applicants propose to retain and make modifications to have a roughly 2,695 square foot, single-story residence with a 431 square foot garage (see project plans attached as Exhibit G). In addition, the Applicants propose to remove approximately 1,890 square feet of impervious site coverage and retain 425 square feet of patio area that will be constructed at the rear of the residence, a 240 square foot flagstone walkway, and a 513 square foot driveway. The project also proposes removal of the existing



solid wood fencing and installation of a 3-foot tall split rail fence around the perimeter of the property. When combined the total proposed aggregate site coverage will be 4,305 square feet or 20% of the lot. The remaining portion of the lot, approximately 17,219 square feet, will be restored to its native condition (dune/forest habitat) and deed restricted to remain as undeveloped open space. An additional roughly 4,530 square feet within the City's right of ways along Pico and Asilomar Avenues will be restored and maintained as forested dune habitat. Thus, the Applicants propose 20% of the site (4,305 square feet) for residential development and use, the remaining 80% (17,219 square feet) plus an additional 4,530 square feet for dune restoration.

B. Standard of Review

The Asilomar Dunes portion of the City of Pacific Grove is within the coastal zone, but the City does not have a certified LCP. The City's Land Use Plan (LUP) was certified in 1991, but the zoning, or Implementation Plan (IP) portion of the LCP has not yet been certified. The City is currently in the preliminary stages of developing an IP. Because the City does not yet have a certified LCP, Applicants for coastal zone development must apply to the Coastal Commission directly for coastal development permits. Although the certified LUP provides non-binding guidance during the review of such applications, the standard of review is the Coastal Act.

C. Coastal Development Permit Determination

1. Environmentally Sensitive Habitat Areas

A. Applicable Environmentally Sensitive Habitat Area (ESHA) Policies
Coastal Act Section 30240, states:

Section 30240 Environmentally sensitive habitat areas; adjacent developments

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

The Coastal Act, in Section 30107.5, defines an environmentally sensitive area as

Section 30107.5...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.

As indicated previously, while Coastal Act policies are the standard of review for coastal development



permits until the City completes its LCP, the City's certified LUP can provide guidance to the Commission as it considers proposals for development in the Asilomar Dune neighborhood. With regard to environmentally sensitive habitat areas, the LUP contains various policies designed to protect the acknowledged dune ESHA of the Asilomar dunes area:

LUP Policy 2.3.5.1. *New development in the Asilomar dunes area (bounded by Asilomar Avenue, Lighthouse Avenue, and the boundary of Asilomar State Park) shall be sited to protect existing and restorable native dune plant habitats... **No development on a parcel containing ESHA shall be approved unless the City is able to find that, as a result of the various protective measures applied, no significant disruption of such habitat will occur.** [emphasis added]*

LUP Policy 2.3.5.1.d. *The alteration of natural land forms and dune destabilization by development shall be minimized. Detailed grading plans shall be submitted to the City before approval of coastal development permits.*

LUP Policy 2.3.5.1.e *If an approved development will disturb dune habitat supporting or potentially supporting Menzies' wallflower, Tidestrom's lupine or other rare or endangered species, or the forest front zone along Asilomar Avenue south of Pico Avenue, that portion of the property beyond the approved building site and outdoor living space (as provided in section 3.4.5.2) shall be protected by a written agreement, deed restrictions or conservation easement granted to an appropriate public agency or conservation foundation. These shall include provisions which guarantee maintenance of remaining dune habitat in a natural state, provide for restoration of native dune plants under an approved landscape plan, provide for long-term monitoring of rare and endangered plants and maintenance of supporting dune or forest habitat, and restrict fencing to that which would not impact public views or free passage of native wildlife. Easements, agreements or deed restrictions shall be approved prior to commencement of construction and recorded prior to sale or occupancy.*

LUP Policy 2.3.5.1.g. *Require installation of utilities in a single corridor if possible, and should avoid surface disturbance of areas under conservation easement.*

LUP Policy 3.4.4.1. *All new development 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.** [emphasis added]*

Section 3.4.5.2 of the LUP specifies the maximum aggregate lot coverage allowed for new development in the Asilomar Dunes area as follows:

LUP Policy 3.4.5.2. *Maximum aggregate lot coverage for new development in the R-1-B-4 zoning districts is 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 that 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 that are consistent with the restoration and maintenance of native plant habitats, need not be counted as coverage.

The siting of each new development and the expected area of disturbance around each residence shall be individually reviewed by the Site Plan Review Committee. Such review shall duly consider the minimization of dune destabilization and disturbance to endangered plants and their habitat.

In special cases up to 20% aggregate lot coverage may be allowed as a conditional use if the City specifically finds that:

- a) An offsetting area of native dune plant habitat will be restored and maintained adjacent to the site, such that the total area which will be preserved, restored and permanently maintained under conservation easement or similar enforceable legal instrument, as provided in Section 2.3.5.1, is equal to at least 80% of the total area of Applicants lot; and,*
- b) The additional site coverage is essential for protecting public views (i.e., by maximizing front setback in the case of parcels fronting Sunset Drive), or for avoiding hardships in the case of existing parcels of one-half acre or less which would otherwise suffer in comparison to adjacent similarly sized developed parcels.*

B. Site/Resource Description

Asilomar Dunes Complex

Coastal sand dunes constitute one of the most geographically constrained habitats in California. They only form in certain conditions of sand supply and wind energy and direction. Dunes are a dynamic habitat subject to extremes of physical disturbance, drying, and salt spray and support a unique suite of plant and animal species adapted to such harsh conditions. Many characteristic dune species are becoming increasingly uncommon. Even where degraded, the Coastal Commission has typically found this important and vulnerable habitat to be ESHA due to the rarity of the physical habitat and its important ecosystem functions, including that of supporting sensitive species.

The proposed development is located in the Asilomar Dunes complex, an environmentally sensitive habitat area extending several miles along the northwestern edge of the Monterey Peninsula. The Asilomar Dunes complex extends from Point Pinos at the Lighthouse Reservation in Pacific Grove through Spanish Bay and to Fan Shell Beach in the downcoast Del Monte Forest area. Within Pacific Grove, this dunes complex extends through two protected areas, the Lighthouse Reservation area and Asilomar Dunes State Park, that sandwich a dune-residential community. Although this dune-residential area is often described as Asilomar Dunes more broadly, it is only a part of the larger Asilomar Dunes



complex.³

The Asilomar Dunes extend inland from the shoreline dunes and bluffs through a series of dune ridges and inter-dune swales to the edge of more urban development in some cases and the edge of the native Monterey pine forest in others. The unusually pure, white quartz sand in this area was formerly stabilized by a unique indigenous dune flora. However, only a few acres of the original habitat area, which spans almost five miles of shoreline and includes the Asilomar residential neighborhood in Pacific Grove, 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. While 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, much of the Asilomar Dunes complex remains degraded. Even so, it remains a valuable habitat area, including because it supports certain plants and animals characteristic of this environmentally sensitive habitat that are themselves rare or endangered.

The Asilomar Dune complex includes up to ten plant species and one animal species of special concern that have evolved and adapted to the desiccating, salt-laden winds and nutrient poor soils of the Asilomar Dunes area. The best known of these native dune plants are the Menzie's wallflower, Monterey spineflower and the Tidestrom's lupine, all of which have been reduced to very low population levels through habitat loss and are Federally-listed endangered species. Additionally, the native dune vegetation in the Asilomar Dunes also includes other dune species that play a special role in the ecosystem; for example, the bush lupine which provides shelter for the rare black legless lizard, and the coast buckwheat, which hosts the endangered Smith's blue butterfly. Native Monterey pine trees that comprise the forest-front, an area where the central dune scrub plant community intersects the native Monterey pine forest community, are also present in Asilomar and constitute another habitat type long (both independently and when in association with dunes) considered ESHA by the Commission.⁴ The pines at this forest front location also serve to minimize environmental stresses to the more interior trees of the forest, reduce tree failures that result when trees are more directly exposed to wind off the shoreline area, and are also considered critical in maintaining the stability of the inland extent of the sand dunes where the dunes transition to forest.

Because of these unique biological and geological characteristics of the Asilomar Dunes, the Commission has a long history of identifying all properties in the Asilomar Dunes area with these dune system and related habitat features, both in the City of Pacific Grove and unincorporated Monterey

³ The Pacific Grove Asilomar Dunes dune-residential area is located between Lighthouse Avenue and State Parks' Asilomar Conference grounds, and between inland Asilomar Avenue and the Asilomar State Beach shoreline.

⁴ Native Monterey pine is a California Native Plant Society (CNPS) list 1B.1 species considered "rare, threatened, or endangered in California and elsewhere" where the "0.1" modifier indicates that it is considered "seriously endangered in California (over 80% of occurrences threatened/high degree and immediacy of threat)." CNPS has no higher threat classification than 1B. Native Monterey pine is also classified by CDFG's Natural Diversity Database (CNDDDB) with a G1 global rank and an S1.1 state rank, indicating that both globally and within California there are fewer than 6 viable "element occurrences" (G1 and S1) and that the species is considered "very threatened" (S1.1). There is no higher degree of rarity (or threat) in the CNDDDB global or state rankings. In addition, the CNDDDB designates Monterey pine forest as a rare community type.



County (i.e. in the Del Monte Forest area), as within environmentally sensitive habitat areas. Based on this understanding, the Pacific Grove LUP certified by the Commission includes a variety of policies, some of which are cited above, to protect this identified dune and related habitat ESHA.

Specific Site Resources

At the time of LUP development, the City of Pacific Grove conducted a comprehensive survey of existing dune resources on each parcel. At that time (1990), the Applicants' parcel was identified and characterized as "Monterey pine forest" with moderate sensitivity (see Exhibit D). A botanic survey prepared for the prior owner in 1990 described the property's vegetation as a closed-cone pine forest plant community or Monterey pine forest, with an understory of species containing mostly plants associated with the northern coastal scrub plant community.⁵ No special status dune plant species were found on the property. More recently, in January 2010, the project biologist indicated that all the vegetation on the property, except for the larger Monterey pine trees, had been cleared from the site. Typical of other sites along Asilomar Avenue, the property was once covered with a dense stand of Monterey pine trees (i.e., more than 20 individuals) which was part of a continuous closed canopy forest that extended more than one-half mile inland. The near complete absence of tree recruitment has led to the rapid fragmentation of the original forest and canopy coverage at the site. Today, roughly only half the Monterey pine trees remain and no other native plants are growing on the property. Re-vegetating the site with species native to the Asilomar Dunes complex would greatly enhance and restore the property's biological and aesthetic resource values.

Commission staff has visited the site and confirmed that the site contains native Monterey pine and dune habitat, albeit degraded. The site has been graded and covered over with concrete, crushed rock, and exotic tree and plant species. Therefore, based upon the botanical surveys prepared for the property, staff observations, and consistent with the City's LUP and prior Commission actions on other proposed development in the Asilomar Dunes, the Commission finds that the site is environmentally sensitive habitat as defined by Section 30107.5 of the Coastal Act.

C. Project Impacts

The proposed project will impact the dune and related ESHA on the site in three ways: it will retain residential uses, including their impacts in ESHA for the foreseeable future, it will incrementally expand the final direct loss of dune habitat, and it will contribute to the cumulative loss of the Asilomar Dune system. Nonetheless, as discussed below, with onsite restoration and conditions to protect habitat otherwise, including through meeting the coverage limitations of the LUP, the project can be found consistent with Coastal Act Section 30240 in light of potential takings concerns.

Introduction of Residential Use in ESHA

Residential zoning of the Applicants' site pre-dates enactment of the Coastal Act, including Section 30240, the purpose of which is to protect environmentally sensitive habitat areas. Ordinarily the Coastal Act does not allow residential uses in ESHA, absent a need to avoid an unconstitutional taking of private

⁵ By Thomas K. Moss on June 18, 1990.



property. Thus, the proposed residence in the Asilomar Dunes ESHA is not consistent with Coastal Act Section 30240. However, such finding must be understood in terms of constitutional takings requirements.

As proposed, the project will result in the retention of a new residence, garage and related development on the slightly less than one-half acre site. As a result, the project will result in the continued displacement of previously undeveloped dune habitat in the vicinity of the new residence. Furthermore, the project will also retain residential uses of the site, including persons, pets, cars, and other typical urban amenities. This generally equates to a greater amount of light, noise, and other disturbances which can impact ESHA. Lastly, although the application has not specifically addressed the life of the project, the Commission assumes that the home will be on the site for at least 50 years, if not more. The Commission expects, therefore, that the impacts of the residential use of the site will be extended into the future for as long as the house remains on the site.

Direct and Indirect ESHA Impacts

The impacts of the proposed residential use on ESHA are varied. First and foremost is the direct loss of ESHA on site, due to the proposed development footprint of 4,305 square feet or approximately 20% of the 21,524 square foot site. The proposed residence is designed at 2,695 square feet and includes a 431 square foot garage, 513 square foot driveway, and another 665 square feet in impervious site coverage. The proposed residence would be constructed at the center of the property in an east-west orientation with the driveway and walkway leading from the residence out to the Pico Avenue road right of way. A small patio would be constructed at the rear of the residence at the south elevation. The single-story design has a large footprint but is oriented in a way to minimize the loss of Monterey pine trees. All told, the project results in direct displacement of approximately 20% of the site or 4,305 square feet of forested dune habitat (of course, all of this area is already displaced by the existing residential use). Development of the site will also necessarily disturb areas immediately adjacent to the existing development, but such impacts will be minimal and temporary. The following table summarizes the existing condition, the proposed project, and the LUP maximums related to site coverage for lots of the size at issue here (i.e., under one-half acre).⁶

⁶All properties in the Asilomar Dunes neighborhood are limited to 15% aggregate lot coverage, however the LUP provides for an additional 5% of aggregate lot coverage under certain conditions (i.e., up to 20% total aggregate lot coverage), such as for properties such as this that are small than one-half acre.



Project Component	Existing*	Proposed	LUP maximum
Building Coverage (home and garage)	3,126 sq. ft.(14.5%)	3,126 sq. ft.(14.5%)	
Other Coverage (driveways, sidewalks, etc.)	3,068 sq. ft. (14.3%)	1,178 sq. ft. (5.5%)	
Total Aggregate Lot Coverage	6,194 sq. ft. (28.8%)	4,305 sq. ft. (20%)	3,229 sq. ft. (15%)**
Outdoor Living Area (backyard, landscaped, and pervious areas)	1,000 sq. ft. (4.6%)	0.0 sq. ft. (0.0%)	1,076 sq. ft. (5%)
Total Lot Coverage***	7,194 sq. ft. (33.4%)	4,305 sq. ft. (20%)	4,305 sq. ft. (20%)

*Coverage amounts are existing but unpermitted.

** In certain cases where parcels are less than one-half acre, up to 20% aggregate lot coverage may be allowed.

***Total Lot Coverage is the amount of lot area committed to urban residential uses and includes both total impervious coverage and outdoor living area.

The other significant onsite impacts to ESHA are due to the location of the residential use immediately in and adjacent to the remaining habitat without any buffers. To implement Coastal Act Section 30240 the Commission usually requires not only avoidance of ESHA but also the use of buffering to minimize the disruption of habitats from non-compatible uses. Such impacts include light and noise; shading of dune habitat; the potential introduction on non-native plants and invasive species; direct disturbance of habitat from residentially-related activities; and potential impacts on flora and fauna from domestic animals. In the case of dune habitat, the presence of residential development also results in a general impact to the ecological functioning of the dune system, including fragmentation of habitat and the prevention of sand movement that is an on-going feature of these dune habitat systems.

In this case, there are no endangered plant species that have been identified to be growing in close proximity to the existing and proposed development footprint. There are some existing Monterey pine trees, but they are proposed to be retained and construction will take place away from these tree locations. Thus, project-related construction activities (i.e., demolition and new construction) are not expected to result in damage and/or loss of individual sensitive plant or animal species. Potentially, some of the seed bank in the dune soils could be dispersed due to development, but it is unclear how many seeds may be present in this area, and it is likely that such impacts, if any, will be minimal. Similarly, grading and stockpiling of soils and construction materials are not expected to result in direct impacts to these species either.

As with other parcels in the Asilomar Dunes system, the direct impacts to adjacent habitat are not avoidable in this case if a residential use of the site is going to continue because the entire site is dune and related ESHA. There is no feasible location that could also buffer the ESHA. Some of the impacts could perhaps be reduced, for example by making the home design more compact (smaller) in order to minimize coverage and maximize adjacent contiguous habitat. However, the overall impacts of the existing residential use on the dune system cannot be eliminated.

Temporary ESHA impacts

The project will also result in direct temporary impacts to dune ESHA necessitated by the construction process. Inevitably the project will entail impacts to dune habitat beyond the proposed final development footprint, as it is not reasonably feasible to contain all of the construction activity within



the development envelope itself. Although these areas will be restored at the end of the construction process, these impacts are, nonetheless, impacts to dune ESHA that must be mitigated. In addition, the Commission also recognizes that any development of the site cannot reasonably be achieved without some necessary disturbance of the general area within which the existing residential use is located.

Cumulative Impacts to Asilomar Dunes System

The Applicants' project is located in the northeast corner of the Asilomar Dunes dune-residential area of Pacific Grove, an area now of approximately 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 the original Asilomar Dunes landform and flora.

The cumulative impacts of additional residential development, both new and redevelopment, will 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 finite and extremely scarce coastal resource. This cumulative impact includes direct loss of habitat, increased fragmentation and interference with ecological processes, and intensified impacts from expanded and extended residential development immediately within the dune system.

D. Consistency with the Coastal Act and LUP Guidance

The Commission has a long history of protecting the Asilomar Dunes system ESHA, including through development and application of guiding Pacific Grove LUP policies that strike a balance between maximizing dune habitat protection and accommodating reasonable residential use on pre-existing subdivided parcels in the Asilomar Dunes area. To minimize disturbance to the sensitive dune and related habitats, the total maximum aggregate lot coverage under the certified LUP is limited to 15 percent of the lot area for most lots (i.e., roughly one-half acre). As defined in the LUP, this coverage includes buildings, driveways, patios, decks that do not allow for the passage of water and light to the dune surface, and any other features that eliminate native plant habitat. The LUP also allows an additional maximum of 5 percent of the lot area for "immediate outdoor living area" that can be landscaped and within which residential activities are allowed. Per the LUP, the remainder of any site (i.e., approximately 80 percent, once maximum coverage and outdoor living area are accounted for) must be preserved as dune habitat, including through restoration/enhancement as necessary to ensure maximum feasible habitat value.

In cases where lots are less than one-half acre, up to 20% aggregate lot coverage may be allowed provided that 1) an offsetting area of native habitat will be restored and maintained adjacent to the site such that the total area preserved, restored, and maintained is equal to at least 80% of the total area of the Applicants' lot, and 2) the additional coverage is necessary to avoid a hardship in the case of existing parcels of less than one-acre which would otherwise suffer in comparison to adjacent similarly sized developed parcels.

In this case the proposed development includes a single story residence which is sited in the central portion of the lot to minimize tree removal. The resulting aggregate lot coverage associated with the



development will be 4,305 square feet or 20% of the lot area. The proposed residence otherwise avoids direct impacts to individual occurrences of native dune plant species on the site.⁷ In addition, the Applicants have incorporated into the project a dune landscape restoration plan for the remainder of the site as well as the adjacent City-owned right-of-way, and various other measures to address the impacts of the project.

The Commission has generally applied the guiding LUP 20% (15% plus 5%) coverage rule cited earlier for cases in Asilomar where new development is proposed on vacant lots. This is to address the Coastal Act requirements to protect ESHA from non-resource dependent development, while avoiding a taking of private property. This intent is summarized in the Commission's 1988 findings for adoption of the LUP:

Over a period of 14 years, the Coastal Commission has considered several dozen coastal development requests in the Asilomar Dunes area...

Because of this existing pattern of use, it wasn't feasible to exclude residential development from existing vacant parcels. Therefore, the Commission has emphasized preservation and restoration of remaining habitat rather than strict prohibition ...Generally, this has meant that building and driveway coverage have been limited to 15% or less of the parcel area...

Since certification of the LUP, the Commission has continued the same general pattern of decision-making, with specific attention to limiting the total site coverage (excluding outdoor living space) of new residential development on vacant lots of record to 15% (e.g., 3-99-071 (Knight); 3-01-013 (Baldacci); 3-01-020 (Pletz)). As anticipated by the LUP, the Commission has allowed up to 20% coverage in cases involving smaller, more constrained lots (e.g., 3-90-123 (Naegele)). The Commission has also approved a number of demolition and rebuilds or remodels of existing homes with coverage limitation equal to the existing coverage or with reduced coverages in certain cases where the existing residential use was greater than the 15-20% range contemplated by the LUP for new development (e.g., 3-97-001 (Johnson); 3-03-029 (Kwiatkowski); 3-09-012 (White); and 3-09-049 (Wheeler)). More recently, in these cases where coverage increased but was still within LUP maximums, the Commission has also required 2:1 off-site mitigation for any new dune habitat coverage over existing conditions (e.g., 3-07-012 (Johnston) and 3-10-029 (Johnston)).

Another important aspect of the Commission's permitting history in Asilomar is the evolution and refinement of the application of Coastal Act Section 30240 to new residential development in dune ESHA. For example, as evidenced by the LUP finding cited above, the Commission has always been concerned with the need to provide for a residential use on existing vacant lots of record in Asilomar, notwithstanding the presence of dune ESHA. The Commission findings for such approvals have become

⁷ This does not account for potential seed bank present below the surface of the dunes on the site, but rather is focused on individual expressed above-ground plants. Given the shifting nature of these types of dunes, including shifting seed banks etc., it is generally presumed that expressed individuals indicate that seed stock for these species is present in the general area, and that the "habitat" for these species is not necessarily confined to individual expressed occurrences. That said, it has also been long practice to avoid locations of individual sensitive plants that are identified on a site, as is the case here.



more focused on the need to make such approvals to avoid a taking of private property pursuant to Coastal Act Section 30010 (e.g., 3-05-059 (Pletz) and 3-05-060 (Reinstedt)). In addition, since the Bolsa Chica decision,⁸ there has been increased attention on the need to more strictly apply the resource-dependent requirement of Section 30240. Although the practical effect may have been similar, earlier decisions in Asilomar focused more on the need to minimize significant disruption of dune habitat and less on the fact that residential development is not a resource dependent use.

Another factor to consider is the long-standing 15% plus 5% coverage guidance in the LUP for residential development that some have interpreted as applying to all residential parcels, whether vacant or not. The existence of this LUP standard is a unique situation that distinguishes the Asilomar case from other protected ESHA systems along the coast that may not have such a standard already in place in the LUP to account for non-resource dependent development in ESHA. At the landscape level of the Pacific Grove portion of the Asilomar Dunes system, there is an argument for allowing each dune-residential parcel to enjoy the same limited benefits of some residential development in ESHA, up to the maximum coverages allowed by the LUP certified by the Commission.

In this case, the house is sited in what was previously undeveloped native dune area, and retaining it results in unavoidable and permanent impacts to ESHA. Additionally, construction will necessarily involve impacts to areas immediately surrounding the existing development envelope, but such impacts will be minimal and temporary. Given a requirement to restore the remainder of the site, along with corresponding off-site mitigation, and conditions requiring the development to stay within the coverage limits of the LUP, the project will not result in a significant disruption of the Asilomar Dunes ESHA, despite the temporary impacts caused during construction.

Recognizing the unique circumstances of dune protection in the Asilomar system, including the long-applied LUP guiding policies that clearly establish a maximum coverage limit, the project can be found consistent with Section 30240, if conditioned to address the direct, indirect, and cumulative impacts of the development. To assure maximum protection and thus minimize significant disruption of dune ESHA, and to mitigate new direct and cumulative impacts to dune ESHA as required by both the Coastal Act and the LUP, onsite restoration of dune habitat is necessary. Special conditions are also required to assure that the new residential development stays within the coverage limitations established by the LUP.

Special conditions have been attached to this permit that require final plans to show the maximum aggregate lot coverage to be a total of no more than 20% of the lot (up to 4,305 square feet). No immediate outdoor living space is authorized or allowed. (see Special Condition 1a). The 20% allowance complies with the LUP's special case rule which authorizes additional coverage for small lots (i.e., less than one-half acre) and where there is corresponding mitigation equal to 80% of the total lot area. In this case, the subject lot is less than one-half acre (i.e., 21,524 square feet) and the Applicants have forgone outdoor living space in favor of restoring and maintaining the remaining portion of the lot (i.e., 17,219 square feet or 80%). The Applicants have also proposed to restore the entire Pico Avenue

⁸ *Bolsa Chica Land Trust v. Superior Court*, 71 Cal. App. 4th 493 (1999).



and Asilomar Avenue road right-of-ways, approximately 4,530 square feet, in order to mitigate for the permanent loss of forest and dune habitat. Although the proposed mitigation falls short of the 2:1 mitigation ratio typically applied for new disturbance, given the history of the site (that the house exists without permits by virtue of the prior property owner's action, and the house has been in place for 17 years and thus the "new" disturbance is actually 17 years old), a slightly more than 1:1 mitigation ratio is appropriate here. The Applicants have proposed adjacent restoration of over 4,500 square feet to offset this "new"/old impact, and the Applicants have proposed modifications to the existing development on site that will remove 1,890 square feet of coverage at the site to bring it into LUP conformance, thus, the just over 1:1 offset can adequately offset "new"/old direct impacts in this case, and can be found consistent with the LUP and Coastal Act resource protection policies. Elsewhere, implementation of the required 2:1 mitigation has resulted in a payment to the City, in lieu of on-site restoration, to fund future restoration within the Asilomar Dunes. In this case, the Applicants are instead directly mitigating by restoring habitat on the immediately adjacent site. As such, the resultant combined amount of area to be restored and maintained by the Applicants would be 21,569 square feet, or roughly equivalent to 100% of the area of the Applicants' lot.

Per LUP guidance, to best protect remaining dune habitat, Special Condition 1e requires the submittal of final landscaping plans that among other things prohibit the planting and require the removal of non-native, invasive species, and further requires all plant materials be selected to be complimentary to the native habitats in the project vicinity (Central Coast Dune Scrub and Monterey Pine Forest), to prevent the spread of exotic invasive plant species, and to avoid contamination of the local native plant community gene pool.

Because the project will adversely impact remaining (i.e., not directly impacted by retained development – see also below) sensitive dune habitat areas in a manner described above, mitigation is required to offset these impacts. Specifically, the remaining dune habitat areas (i.e., the remaining minimum 80% of the lot) must be enhanced and protected over the long term to offset impacts to these areas from the expanded residential use, including its extended lifetime. The Applicants' proposed dune restoration plan can form the basis for such long-term enhancement and protection, provided that it includes standards typically used by the Commission to ensure its maximum effectiveness. Accordingly, this approval requires a qualified biologist to prepare and implement a revised native dune habitat restoration plan for the site (Special Condition 2) that includes performance standards, and long-term maintenance and monitoring of the undeveloped portions of the property (i.e., ongoing for the life of the project). In addition, the restoration area must be made off-limits to other than habitat related development and uses, and this approval therefore requires a deed restriction reflecting this requirement to ensure the long-term protection and restoration of all areas outside of the approved building envelope (see Special Conditions 3 and 8). It is also appropriate that this same deed restriction reflect permit conditions requiring a final restoration and management plan and defining the maximum building envelope. Definition of a building envelope will help reduce adverse impacts to the environmentally sensitive habitat area, as well as minimize disruption to the sand dunes, throughout the life of the development (see Special Conditions 1a and 3).



The Commission has historically discouraged fencing in these dune areas so as to maximize their habitat values,⁹ including to allow maximum natural exchange of sand and seed stock across the dunes, and to ensure wildlife corridor continuity. Typically, when fencing is considered in the Asilomar Dunes area, it must be considered based on the purpose and need for such fencing and, where it is deemed that a fence cannot be avoided, only split rail or similar low-key landscape fencing may be used.

In this case, the Applicants have proposed to remove the existing unpermitted 6-foot tall solid wood fence and redevelop the site with a 3-foot tall split rail fence around the perimeter of the property to discourage indiscriminate walking/shortcutting across the corner lot. The solid fence must be removed to address habitat concerns identified above. With respect to the proposed split rail fence, the type and design are consistent with the LUP guidelines for symbolic fencing to discourage trampling of sensitive plant communities while allowing free passage of wildlife and seed and sand exchange. However, it has not been clearly demonstrated that there is a purpose and need for the proposed fence that would necessitate its installation. In fact, property line fences typically serve little purpose but to identify boundaries, and are generally antithetical to the dune environment. Should there be a need to address trampling issues, a future application could be considered. More appropriately, the City could pursue boardwalks or similar features to encourage pedestrians to use the street rights of way. In this case, though, fencing of the type proposed has not been shown to be necessary and is therefore not allowed (See Special Condition 1e).

Temporary exclusionary fences to protect native dune plant habitat areas outside of the building envelope during construction are a necessary mitigation measure and are required to assure protection of these environmentally sensitive habitat areas (Special Condition 1e). To assure compliance with the native dune habitat restoration plan, the environmental consultant must monitor the site on a weekly basis during construction (consistent with LUP Policy 2.3.5.1(c) regarding compliance inspections during the construction phase). Experience has shown that exclusionary fencing helps to assure that workpeople and materials stay outside of sensitive natural habitat areas, and that weekly monitoring during construction better ensures compliance and habitat protection during construction (Special Condition 5).

In addition, Special Condition 1d requires implementation of construction BMPs both during and after construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. Special Condition 6 requires all utilities to be installed in a single corridor underlying the driveway, to the extent possible, consistent with LUP Policy 2.3.5.1.g.

5. ESHA Conclusion

As conditioned to: limit the development footprint to 20% of the roughly one-half acre lot and to exclude any outdoor living space; implement a native dune restoration plan for the remainder of the site as well as the adjacent right of way area; record deed restrictions clearly identifying the requirements for restoration and maintenance of natural dune habitat outside of allowed coverage areas; require temporary exclusionary fencing and monitoring to avoid disturbance of the existing native plant habitat

⁹ And their viewshed values; see also visual resources finding that follows.



areas; omit other fencing; and prohibit any future development in the restored area outside of the allowed coverage area, the proposed development can be found consistent with the Coastal Act's sensitive habitat policies. Although continued residential development in dune ESHA is not consistent with the general intent of Coastal Act Section 30240, in order to avoid a taking of property, and under the unique circumstances of the Commission's implementation of Section 30240 in the Asilomar Dunes residential area of Pacific Grove, it allows for approval of the project as conditioned herein. With the special conditions to protect onsite and offsite habitat and provide restoration of same, the Commission finds that the project is consistent with Section 30240 as that section is understood in a takings context in the Asilomar Dunes.

2. Visual Resources

A. Applicable Visual Resources Policies

Section 30251 of the Coastal Act states:

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

The City's certified Land Use Plan, which is advisory in this case, also contains the following relevant policies:

LUP Policy 2.5.2. ...Coastal area scenic and visual qualities are to be protected as resources of public importance. Development is required to be sited to protect views, to minimize natural landform alteration, and to be visually compatible with the character of surrounding areas.

LUP Policy 2.5.5.1. New development, to the maximum extent feasible, shall not interfere with public views of the ocean and bay.

LUP Policy 2.5.5.5. 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.

LUP Policy 2.5.5.6. ...Utilities serving new single-family construction in scenic areas shall be placed underground.

LUP Policy 2.5.5.8. New development within the scenic forest front zone along Asilomar Avenue shall be designed to minimize loss of native Monterey pine and oak forest, and to retain public views towards the inland face of the high dunes.



LUP Policy 3.4.4.1. 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.

The Coastal Act protects coastal zone viewsheds, and requires that these viewsheds be protected as a resource of public importance. Development must be sited and designed to protect such scenic coastal views, including by minimizing natural landform alteration and requiring development to be compatible with established visual character. Development in highly scenic areas, such as the Asilomar Dunes system, must be subordinate to the character of its setting. The LUP echoes and reinforces these visual resource protection policies for this area. The LUP identifies the Asilomar Dunes area as both a highly scenic area and also a resource of public importance. Complementary LUP policies serve to protect public views and scenic resources in the Asilomar Dunes area.

B. Visual Resources Analysis

The proposed residence is a single-story low-profile dwelling sited at the southeast corner of the Asilomar Dunes neighborhood. Designed at a maximum of 18-feet in height, it generally fits into the dune and forest front landscape (i.e., both native dune habitat in the foreground and the Monterey pine forest-front in the background as seen from Pico Avenue). The building is sited to minimize tree loss, and sufficient Monterey pine trees will be retained and replanted to adequately screen the residence from both Asilomar and Pico Avenues. When completed, the residence will not block views of the ocean from public viewing areas defined in the LUP Shoreline Access Map (Exhibit F), and will not be visible from the public viewshed along the shoreline. This area is much more forested than the lower reaches of the Asilomar Dunes and therefore the visual impacts of residential development are more muted. The residence is subordinate to the forested dune habitat setting, and is generally consistent with the low-density residential character of this established dune-residential neighborhood.

The proposal includes removal of the existing unpermitted 6-foot tall solid wood fencing and replacing it with a 3-foot tall split-rail fence along the perimeter of the Applicants' property to discourage indiscriminate walking/shortcutting across the corner lot. The LUP prohibits the use of solid fencing because of its impacts on public views and character, and because it restricts the free passage of native wildlife and the transfer of sand and seed bank. Where fencing is allowed, it must be purpose and need driven (where such purpose and need appropriately reflects the fact that the area in question is dune and related habitat ESHA), and the LUP requires it to be more symbolic cable and wire or split-rail fencing that does not have the same impacts on natural resources as solid fences do.

In this case, the solid fence must be removed to address habitat concerns (see previous finding). It must also be removed to address visual impacts inasmuch as the solid fence contributes to the perceived massing of the residential development in such a way as to reduce the open space character of the Asilomar Dunes area. Although the fencing here only incrementally increases mass, each such increment leads both individually and cumulatively to public viewshed degradation contrary to the underlying premise (LUP and Coastal Act) as it applies to the relative anomaly of a residential community in a dune habitat area. Special Condition 1(e) requires the solid fencing to be removed.



With regard to the proposed split rail fence, the type and design are consistent with the LUP guidelines for symbolic fencing to discourage trampling of sensitive plant communities, while allowing free passage of wildlife and seed and sand exchange. However, it is unnecessary (see previous finding) and it contributes to the sense of this being a “kept” dune area as opposed to a natural dune within which residential development happens to be sited. Such residential trappings over and above core use and development to avoid a takings, cannot be found consistent with public view protection policies as they apply to Asilomar Dunes resources. Thus, all fencing on the property must be removed (see Special Condition 1e).

Additionally, as previously described, all areas outside of the building envelope will be excluded from development by a deed restriction required to protect the environmentally sensitive habitat on the remaining undeveloped portion of the property. This condition also helps to find visual consistency as it maintains the natural landform as much as possible in a restored state that will help offset the dichotomy of residential development in the dunes and forest front by ensuring that it is subordinate to the natural setting, same as fence removal. As conditioned for habitat purposes, the project results in the maximum allowable site coverage, and no future additions will be allowed that would increase the total aggregate site coverage or create additional view impacts. Again, this is also necessary to find visual consistency as additional development outside the development envelope would lead to inappropriate viewshed impacts as well. Thus, Special Conditions 1a and 1f are also required for viewshed protection reasons as well.

Both the Coastal Act and the LUP require that new development be compatible with and subordinate to the character of this important Asilomar Dunes viewshed. In this case the Commission finds that the proposed project fits in with and is subordinate to the dune and forest front residential character, provided that all fencing is removed from the project and the surrounding habitat area is restored and protected. As conditioned by this permit, no future additions will be permitted to ensure that no additional view impacts will occur. Additional required visual resource mitigation measures include the use of natural materials, earthen-tone finishes, undergrounding of utilities, and final grading plans. Accordingly, the proposed project is consistent with Section 30251 of the Coastal Act and the visual protection provisions of the LUP.

3. Archaeological Resources

A. Applicable Archaeological Resources Policies

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 guidance on this topic as follows:

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.*

B. Archaeological Resources Analysis and Conclusion

The subject site is located within an archaeologically sensitive area (see Exhibit E). Previous archaeological surveys prepared for parcels in the immediate vicinity suggest that there are numerous archaeological sites located within one kilometer of the project site. Because of the nature of the project (i.e., after-the-fact permit), the City of Pacific Grove did not require a field reconnaissance of the site. However, since construction activities may unearth previously undisturbed materials, the project has been conditioned to prepare and implement an archaeological mitigation plan if archaeological resources are encountered (Special Condition 4).

As conditioned to require suspension of work and development of a mitigation plan if archaeological materials are found, the proposed development is consistent with Section 30244 of the Coastal Act and approved LUP archaeological resource policies.

4. Water Quality/Marine Resources

A. Applicable Water Quality Policies

Sections 30230 and 30231 of the Coastal Act state:

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

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



Similarly, LUP Policy 2.2.5.2 states:

To reduce the potential for degradation of the ASBS/Marine Gardens, the City shall require, where necessary, drainage plans and erosion, sediment and pollution control measures as conditions of approval of every application for new development.

B. Water Quality Analysis and Conclusion

As recognized by the LUP, the rich and diverse marine habitat along the Pacific Grove Shoreline is an Area of Special Biological Significance (ASBS) designated by the State Water Resource Control Board. The project site is directly inland and upslope from these marine habitats. Drainage and stormwater runoff from the site, both during and after construction, has the potential to degrade coastal water quality and diminish biological productivity by contributing sediments and pollutants to the marine environment.

Therefore, to carry out the Coastal Act and LUP standards above, approval of the development has been conditioned to require grading and drainage plans that minimize site disturbance, prevent erosion, contain sediments and pollutants, and retain stormwater runoff on site to the maximum degree feasible (Special Condition 1d). Only with this condition is the project consistent with Coastal Act Sections 30230 and 30231.

5. Unpermitted Development

In the early 1990's, a previous owner applied for a CDP from the Commission but constructed the existing dwelling and related development without first obtaining the CDP. The CDP expired in December 1992. The present property owners purchased the property in 2009 and undertook additional development on site (i.e., grading, fencing, walkways, etc.). While staff found evidence of the original conditionally approved CDP for the project site, the previous property owner had never fully complied with all prior-to-issuance conditions of approval, and the final CDP had never been transmitted by the Commission. Staff searched Commission records and was unable to locate any additional CDPs for the existing dwelling or additional development issued by the Commission, and the Applicants have not provided any evidence of permits being issued by the Commission. Therefore, because this is an after-the-fact permit approval, Special Condition 7 requires all "prior to issuance" conditions be satisfied within 90-days of the Commission's action.

Although development has taken place prior to submission of this permit application and approval of the CDP, consideration of the application by the Commission has been based solely upon the certified LUP policies (advisory) and Chapter 3 policies of the Coastal Act. Action by the Commission on the permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal development permit.

6. Local Coastal Programs

Section 30604(a) of the Coastal Act. Section 30604(a) states:



Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

Although the northern Asilomar Dunes area was originally included in the work program for Monterey County's 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's LUP was certified on January 10, 1991, and the City is currently formulating implementing ordinances. In the interim, the City has adopted an ordinance that requires that new projects conform to LUP policies. At this time, however, the standard of review for coastal development permits, pending LCP completion, is conformance with the policies of the Coastal Act.

The LUP contains various policies that are relevant to the resource issues raised by this permit application, particularly with respect to protection of environmentally sensitive habitat and scenic resources (see previous findings). The City's action on the project also generally accounted for the proposed LUP policies.

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.

7. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effects which the activity may have on the environment.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.



As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

D. Conditions of Approval

A. 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. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. **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.
5. **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.

B. Special Conditions

1. **Revised Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two sets of revised final plans, for the Executive Director's review and approval, in substantial conformance with the plans submitted with the application (prepared by Landset Engineers Inc., dated September 24, 2010), and as modified and supplemented as follows:
 - (a) **Building Envelope.** The plans shall include a final site plan that limits the maximum aggregate structural site coverage to a total of no more than 20% of the 21,524 square foot lot (i.e., a maximum of 4,305 square feet). Immediate outdoor living space shall be prohibited. This area (i.e., the maximum aggregate structural site coverage area including the driveway, walkway, and patio pavement area) shall be considered the building envelope, and all development other than habitat enhancement and restoration shall be confined within this building envelope. All coverage calculations (i.e., for the residence, driveway, patio, etc.) shall be provided and broken down by classification and accompanied by a site plan illustration keyed to each sub-type in



closed polygon format. The final plans shall be keyed to a graphic scale and shall accurately depict all property lines, the entire Pico Avenue and Asilomar Avenue road right-of-ways, restoration areas, and all structures including residence, driveway, walkways, patios, etc. The remainder of the project site outside of the building envelope shall be restored to its native habitat condition pursuant to Special Condition 2, and restrictions placed upon it to ensure that only development consistent with the required habitat restoration activities may occur within this protected habitat area (Special Condition 3).

- (b) **Dune Topography.** The plans shall provide for the remainder of the site outside of the development envelope to be contoured in such a way to mimic naturally undulating dune landforms. Any imported sand shall be clean sand from within the Asilomar Dunes system. The plans shall identify all finished dune contours and shall provide mechanisms consistent with the Habitat Restoration Plan (see Special Condition 2) to ensure that finished contours are maintained substantially consistent with their approved state.
- (c) **Grading.** The plans shall include a grading plan that limits all grading activities to the building envelope identified pursuant to subsection (a) above with one exception: sand to be excavated to accommodate the development may be placed outside of the building envelope, pursuant to the approved habitat restoration plan (Special Condition 2), in a manner that replicates surrounding natural dune forms, provided that it is free of impurities or previously imported soil or fill material. The grading plan shall be accompanied by a determination by a qualified biologist or landscape professional that the placement of sand or changes to existing site contours, outside of the building envelope, will support and enhance the restoration of natural habitat values, including avoiding direct impacts to sensitive plants. Any excess sands not used in conjunction with the native habitat restoration shall be made available for use within the Asilomar Dunes planning area of Pacific Grove.
- (d) **Drainage and Erosion Control.** The plans shall include a drainage and erosion control plan that incorporates the following provisions:
 - (1) **Implementation of Best Management Practices During Construction.** The plans shall identify the type and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. These measures shall be selected and designed in accordance with the California Storm Water Best Management Practices Handbook, and shall be located entirely within the building envelope specified in accordance with subsection (a) above to the maximum degree feasible, where any measures applied outside of the area are consistent with and accounted for by the required Restoration Plan (See Special Condition 2). Among these measures, the plans shall limit the extent of land disturbance to the minimum amount necessary to construct the project; designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which shall be covered on a daily basis; and provide for the installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction,



staging, and storage/stockpile areas. The plans shall also incorporate good construction housekeeping measures, including the use of dry cleanup measures whenever possible; collecting and filtering cleanup water when dry cleanup methods are not feasible; cleaning and refueling construction equipment at designated off site maintenance areas; and the immediate clean-up of any leaks or spills.

The plans shall indicate that **PRIOR TO THE COMMENCEMENT OF GRADING**, the Permittee shall delineate the approved construction areas with fencing and markers to prevent land-disturbing activities from taking place outside of these areas.

- (2) **Post Construction Drainage.** Plans to control drainage after construction is complete shall be designed to retain runoff from the roof, driveway, decks, and other impervious surfaces onsite to the greatest degree feasible. Runoff shall be captured and directed into designated pervious areas, percolation pits or appropriate storm drain systems. The drainage plan shall demonstrate that the pervious areas, percolation pits, or drainage systems are sized and designed appropriately to accommodate runoff from the site produced from each and every storm event up to and including the 85th percentile 24-hour runoff event. In extreme storm situations (>85% storm) excess runoff shall be conveyed off-site in a non-erosive manner. Plan preparation shall be coordinated in conjunction with the Habitat Restoration Plan (special Condition 2) and the project biologist to determine the best suited location for percolation pits and drain systems to avoid any adverse impacts on native dune restoration activities.
- (e) **Fencing.** The plans shall omit all fencing with the exception of temporary exclusionary fencing to protect sensitive areas from disturbance during construction. Such temporary exclusionary fencing shall be 4 feet high, made up of mesh field fence or snowdrift fence (or comparable barrier), and secured by metal T-posts spaced no more than 8 feet apart. Construction activities (including but not limited to parking and storage or disposal of materials) shall be prohibited within the fenced sensitive areas. 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 temporary exclusionary fencing shall be substantially consistent with the location identified in the approved revised plans and shall be identified on site by the project biologist/environmental monitor required by Special Condition 5, below. **PRIOR TO COMMENCEMENT OF CONSTRUCTION**, evidence that the monitor has inspected and approved the installation of the temporary exclusionary fencing and that it is substantially consistent with the location identified in the approved revised plans shall be submitted to the Executive Director for review and approval.
- (f) **Building Elevations and Height.** The final plans shall include plan elevations. Building heights on the final plan elevations shall be no greater than 18 feet above the finished floor elevation.

The Permittee shall undertake development in accordance with the approved Revised Final Plans.



2. Habitat Restoration Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittees shall submit, for the Executive Director's review and approval, two sets of dune habitat restoration plans for the entire lot outside of the building envelope designated pursuant to Special Condition 1a, and the entire Pico Avenue and Asilomar Avenue road right-of-ways adjacent to the lot. The goal of the restoration plan shall be to establish the restoration area as a high quality, self-functioning, forest dune habitat in perpetuity. The restoration plan shall be prepared using California native plant species endemic to the Asilomar Dunes. The plan shall include an analysis by a qualified expert that considers the specific condition of the site including soil, exposure, temperature, moisture, and wind, as well as restoration goals. At a minimum, the plan shall demonstrate that:

- (a) All non-native and/or invasive species shall be removed from the site;
- (b) All vegetation planted on the site will consist of dune plants native to the Asilomar Dunes area;
- (c) All required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan;
- (d) Final contours of the site, after project grading, will support restoration efforts; and
- (e) Restoration shall be premised on enhancing dune habitat so that it is self-functioning, high quality dune habitat in perpetuity.

The plans shall include, at a minimum, the following components:

- (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system (if any), topography of the developed site, and all other landscape features, and
- (b) A schedule for installation of plants within the first growing season after completion of construction.
- (c) A plan for monitoring and maintenance of habitat areas in perpetuity, including:
 - A schedule.
 - A description of field activities, including monitoring studies.
 - Monitoring study design for each habitat type, including, as appropriate: goals and objectives of the study; field sampling design; study sites, including experimental/revegetation sites and reference sites; field methods, including specific field sampling techniques to be employed (photo monitoring of experimental/re-vegetation sites and reference sites shall be included); data analysis methods; presentation of results; assessment of progress toward meeting success criteria; recommendations; and monitoring study report content and schedule.



- Adaptive management procedures, including provisions to allow for modifications designed to better restore, enhance, manage, and protect habitat areas.

(d) Provision for submission of reports of monitoring results to the Executive Director for review and approval in perpetuity, beginning the first year after initiation of implementation of the plan.

Removal of non-native and/or invasive plants and dune contouring shall be completed when significant work on the project renovations has been completed. Installation of native plants described in the Dune Habitat Restoration Plan shall commence immediately upon completion of project renovations and shall be completed within one year of the project receiving final building inspection approval by the City of Pacific Grove. Within 30 days of completion of all such activities, the Permittees shall submit a letter from the project biologist indicating that such activities have taken place in accordance with the approved restoration plans and describing long-term maintenance requirements for the restoration. At a minimum, long-term maintenance requirements shall include site inspections by a qualified biologist annually, or more frequently, to identify and correct any restoration and maintenance issues.

Five years from the date of completion of the project, and every ten years thereafter, the Permittees or successors in interest shall submit, for the review and approval of the Executive Director, a restoration monitoring report prepared by a qualified specialist that certifies the on-site restoration is in conformance with the approved plan along with photographic documentation of plant species and plant coverage.

If the restoration monitoring report or biologist's inspections indicate the landscaping is not in conformance with or has failed to meet the performance standards specified in the Native Dune Habitat Restoration Plan approved pursuant to this permit, the Permittees, or successors in interest, shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director. The revised restoration plan must be prepared by a qualified specialist, and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. Actions necessary to implement the recommendations shall be implemented within 30 days of Executive Director approval of each Monitoring Report, unless the Executive Director identifies a different time frame for implementation.

- 3. Open Space Restriction.** No development, as defined in Section 30106 of the Coastal Act shall occur in the Open Space Area (i.e., all areas outside of the approved building envelope described in Special Condition 1a) as described and depicted in an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive director issues for this permit except for:
- (a) Necessary utility lines to serve the residence, to the extent such lines cannot be feasibly contained within a single corridor underlying the approved building envelope pursuant to Special Condition 6.
 - (b) Restoration, landscaping and monitoring activities conducted in accordance with the approved Habitat Restoration Plan prepared for the subject property as required by Special Condition 2.



(c) Fencing approved pursuant to Special Condition 1f.

PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI OF THIS PERMIT, the Applicants shall submit for review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, which shall include all areas of this site outside of the development envelope authorized by Special Condition 1a.

- 4. Archaeological Mitigation.** PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, a qualified archaeological monitor and Native American representative approved by the Executive Director shall be identified. Such monitor shall be present during any demolition, construction or pre-construction activities that involve ground disturbance, such as removal of existing foundations or utilities. Should archaeological resources be discovered at the project site during any phase of construction, the Permittee shall stop work until a mitigation plan, prepared by a qualified professional archaeologist in coordination with interested Native Americans, is completed and implemented. Prior to implementation, the mitigation plan shall be submitted for review and approval by the State Historical Preservation Office and for review and approval by the Executive Director of the Commission. The plan shall provide for reasonable mitigation of the archaeological impacts resulting from the development of the site, and shall be fully implemented. A report verifying compliance with this condition shall be submitted to the Executive Director for review and approval, upon completion of the approved mitigation.
- 5. Environmental Monitoring During Construction.** The Permittee shall employ a project biologist/environmental monitor approved by the Executive Director to ensure compliance with all permit conditions and mitigation requirements during the construction phase. Evidence of compliance shall be submitted by the project monitor to the Executive Director each month while construction is proceeding, and upon completion of construction.
- 6. Utility Connections.** All utility connections shall be placed underground, and shall be contained within a single corridor underlying the building envelope established pursuant to Special Condition 1a to the maximum extent feasible. When installing any new utility connections, care shall be taken to avoid and minimize disturbance outside of the building envelope, among other ways, by employing the best management practices specified pursuant to Special Condition 1d.
- 7. Condition Compliance.** WITHIN 90 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION, or within such additional time as the Executive Director may grant for good cause, the Applicants shall satisfy all requirements specified in the conditions hereto that the Applicants are required to satisfy prior to issuance of the permit. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.
- 8. Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit to the Executive Director for review and approval documentation demonstrating that the Permittee has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California



Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property (hereinafter referred to as the “Standard and Special Conditions”); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the Permittee’s entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.



Regional Location Map

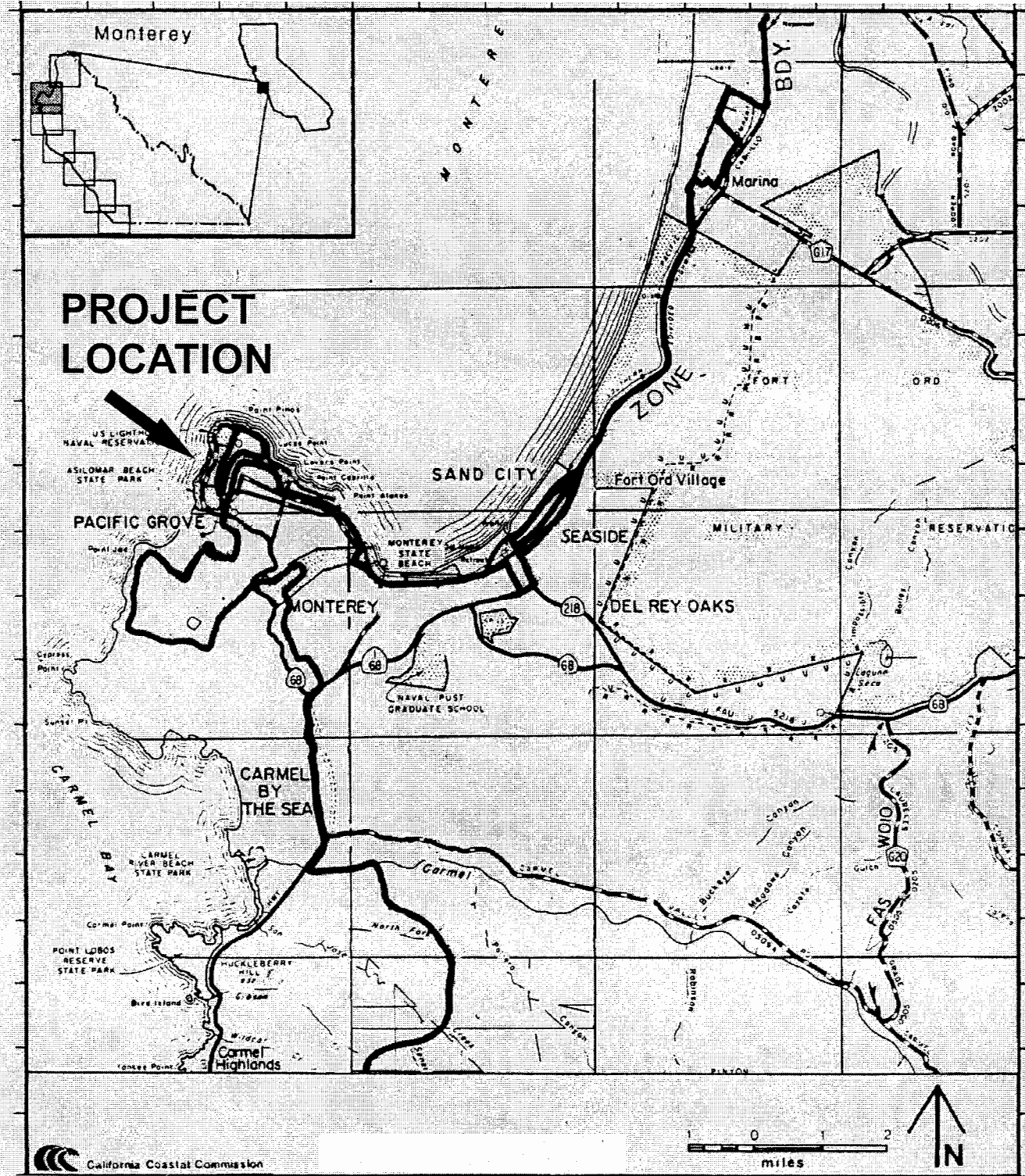


Exhibit A: Regional Location Map
3-10-045; DaCosta SFD
Page 1 of 1

Project Vicinity

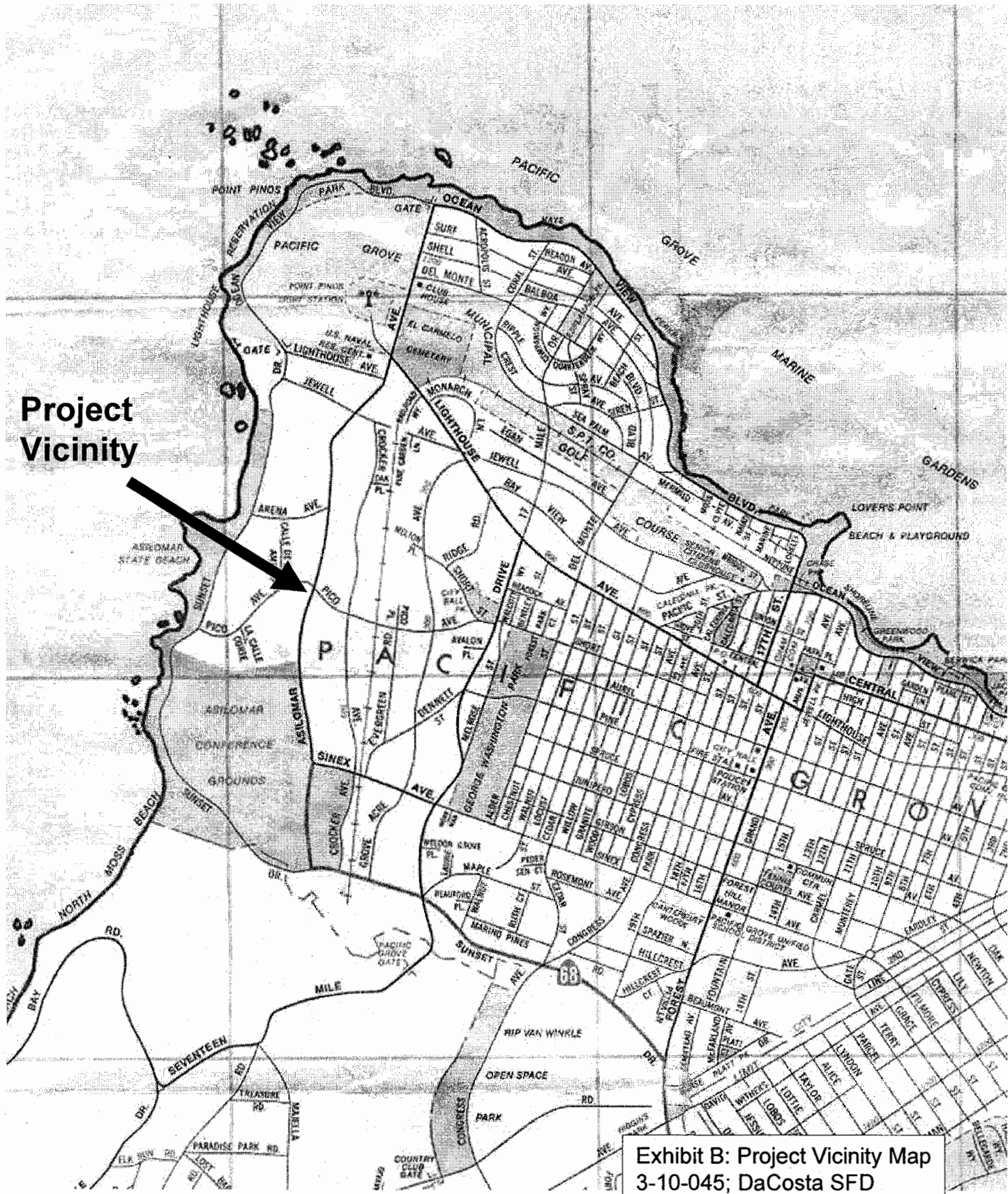


Exhibit B: Project Vicinity Map
3-10-045; DaCosta SFD
Page 1 of 1

Asilomar Dunes Parcel Map

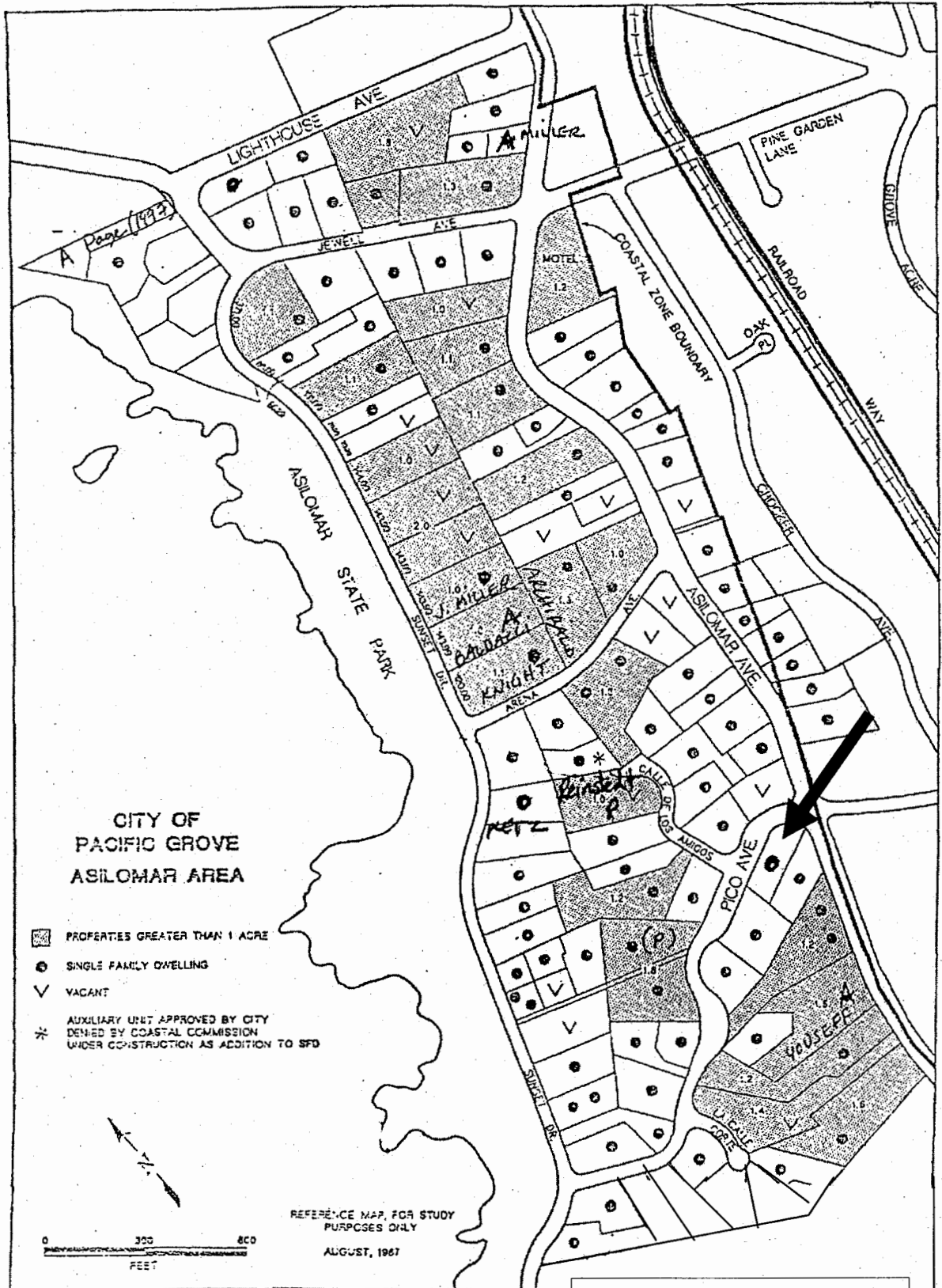
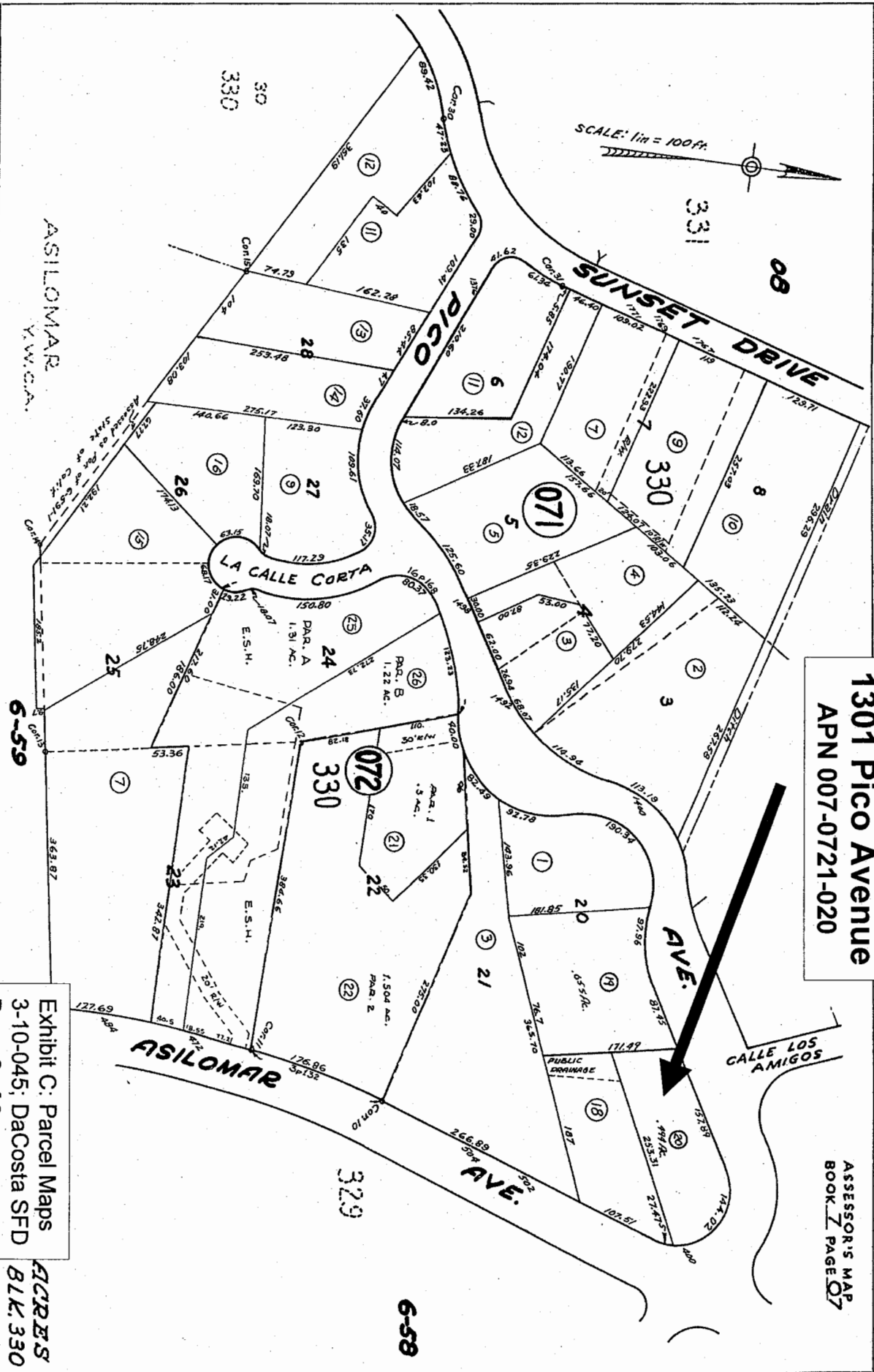


Exhibit C: Parcel Maps
3-10-045; DaCosta SFD
Page 1 of 2



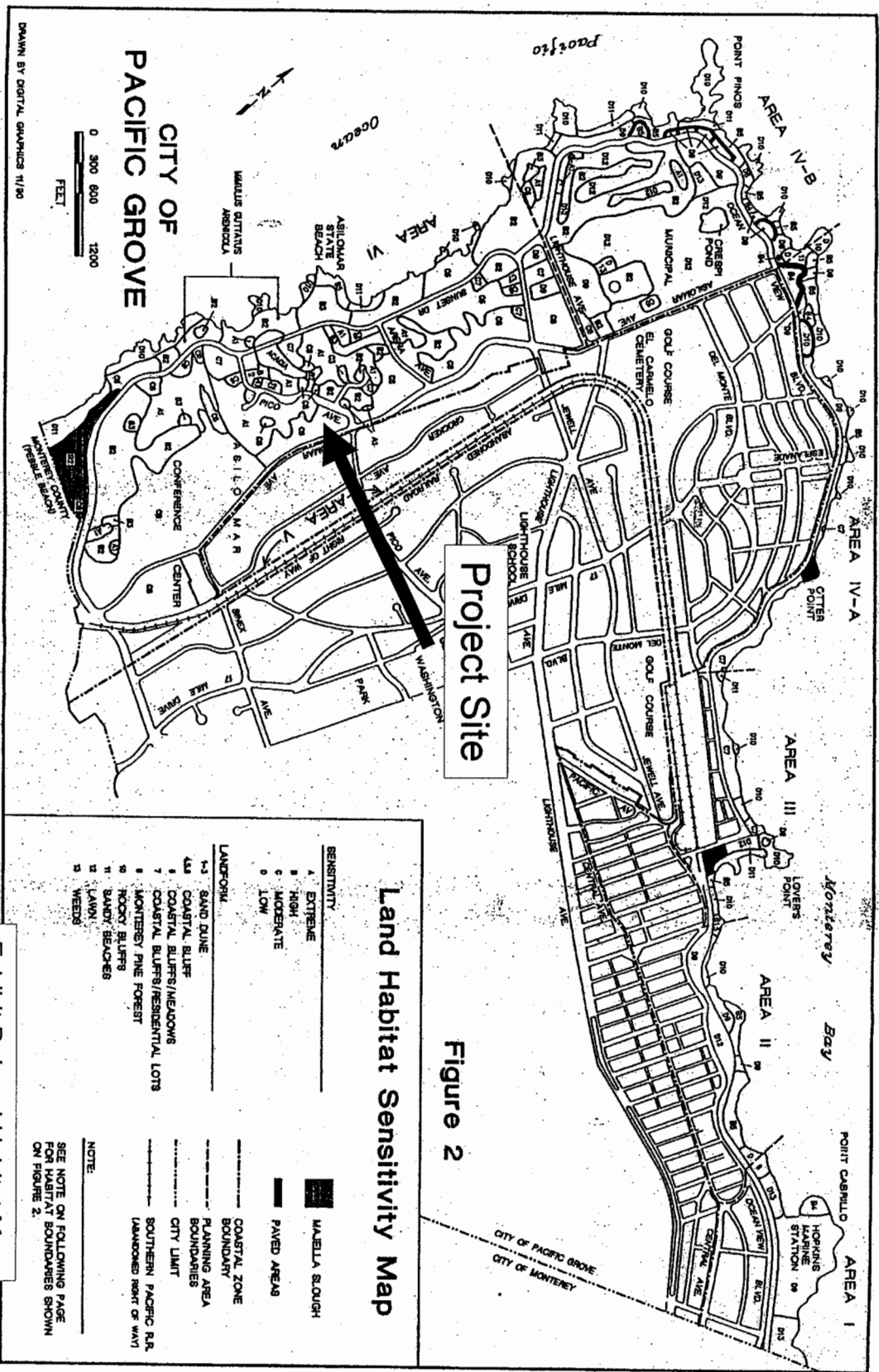
1301 Pico Avenue
APN 007-0721-020

ASSESSOR'S MAP
 BOOK 7 PAGE 07

Exhibit C: Parcel Maps
 3-10-045; DaCosta SFD
 Page 2 of 2

ACRES
BLK. 330

6-58



Project Site

Land Habitat Sensitivity Map

- SENSITIVITY**
- A EXTREME
 - B HIGH
 - C MODERATE
 - D LOW

- LANDFORM**
- 1-3 SAND DUNE
 - 4A COASTAL BLUFF
 - 1 COASTAL BLUFFS/MEADOWS
 - 7 COASTAL BLUFFS/RESIDENTIAL LOTS
 - 8 MONTEREY PINE FOREST
 - 9 ROCKY BLUFFS
 - 10 SANDY BEACHES
 - 11 LAWN
 - 12 MEADOWS

- MARIETTA SLOUGH
- PAVED AREAS
- COASTAL ZONE BOUNDARY
- PLANNING AREA BOUNDARIES
- CITY LIMIT
- SOUTHERN PACIFIC R.R. (UNMARKED RIGHT OF WAY)

NOTE:
SEE NOTE ON FOLLOWING PAGE FOR HABITAT BOUNDARIES SHOWN ON FIGURE 2.

Figure 2

CITY OF PACIFIC GROVE

0 300 600 1200
FEET

DRAWN BY DIGITAL GRAPHICS 11/90

Exhibit D: Land Habitat Map
3-10-045; DaCosta SFD
Page 1 of 1

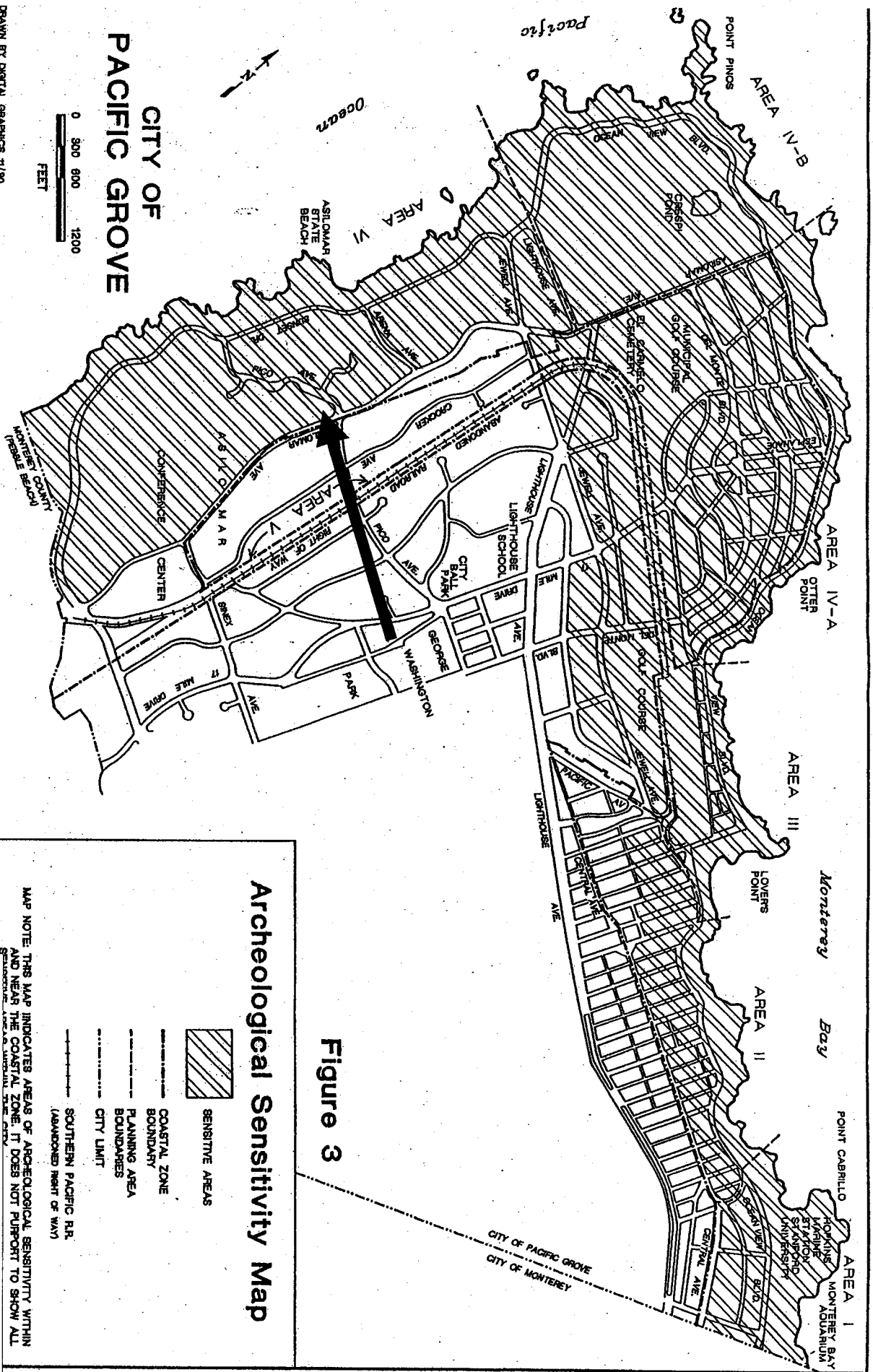
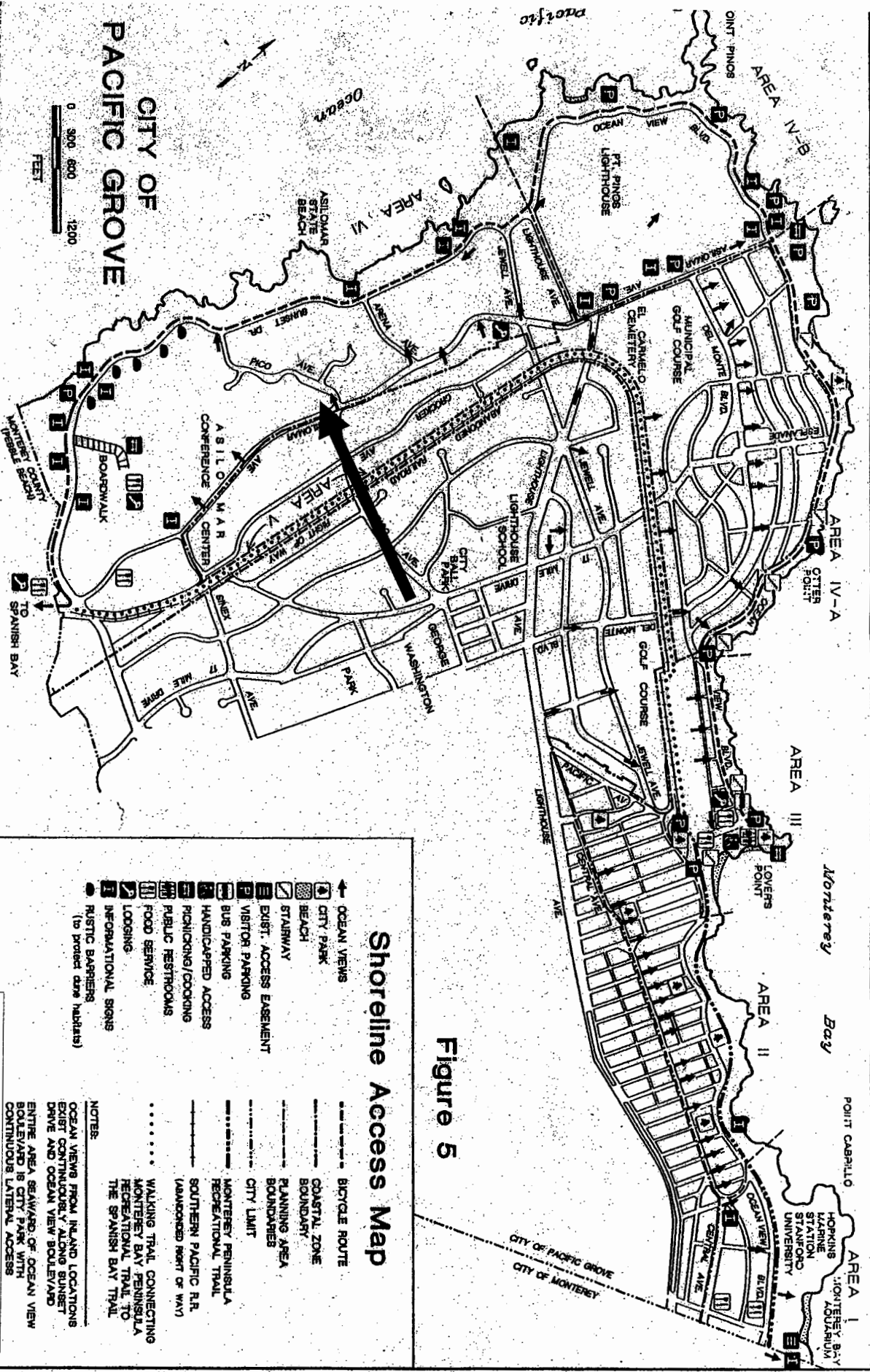
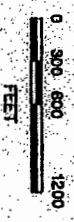


Figure 3

CITY OF PACIFIC GROVE



Shoreline Access Map

- ← OCEAN VIEWS
- ☐ CITY PARK
- ☐ BEACH
- ☐ STAIRWAY
- ☐ EXIST. ACCESS EASEMENT
- ☐ VISITOR PARKING
- ☐ BUS PARKING
- ☐ HANDICAPPED ACCESS
- ☐ PICNICKING/COOKING
- ☐ PUBLIC RESTROOMS
- ☐ FOOD SERVICE
- ☐ LOOSING
- ☐ INFORMATIONAL SIGNS
- ☐ RUSTIC BARRIERS (to protect dune habitats)

- BICYCLE ROUTE
- COASTAL ZONE BOUNDARY
- PLANNING AREA BOUNDARIES
- CITY LIMIT
- MONTEREY PENINSULA RECREATIONAL TRAIL (UNADORNED PART OF WAY)
- SOUTHERN PACIFIC R.R.
- WALKING TRAIL CONNECTING MONTEREY BAY PENINSULA RECREATIONAL TRAIL TO THE SPANISH BAY TRAIL

NOTES:
 OCEAN VIEW FROM ISLAND LOCATIONS EXIST CONTIGUOUSLY ALONG BANSSET DRIVE AND OCEAN VIEW BOULEVARD
 ENTIRE AREA SEAWARD OF OCEAN VIEW BOULEVARD IS CITY PARK WITH CONTIGUOUS LATERAL ACCESS

Figure 5

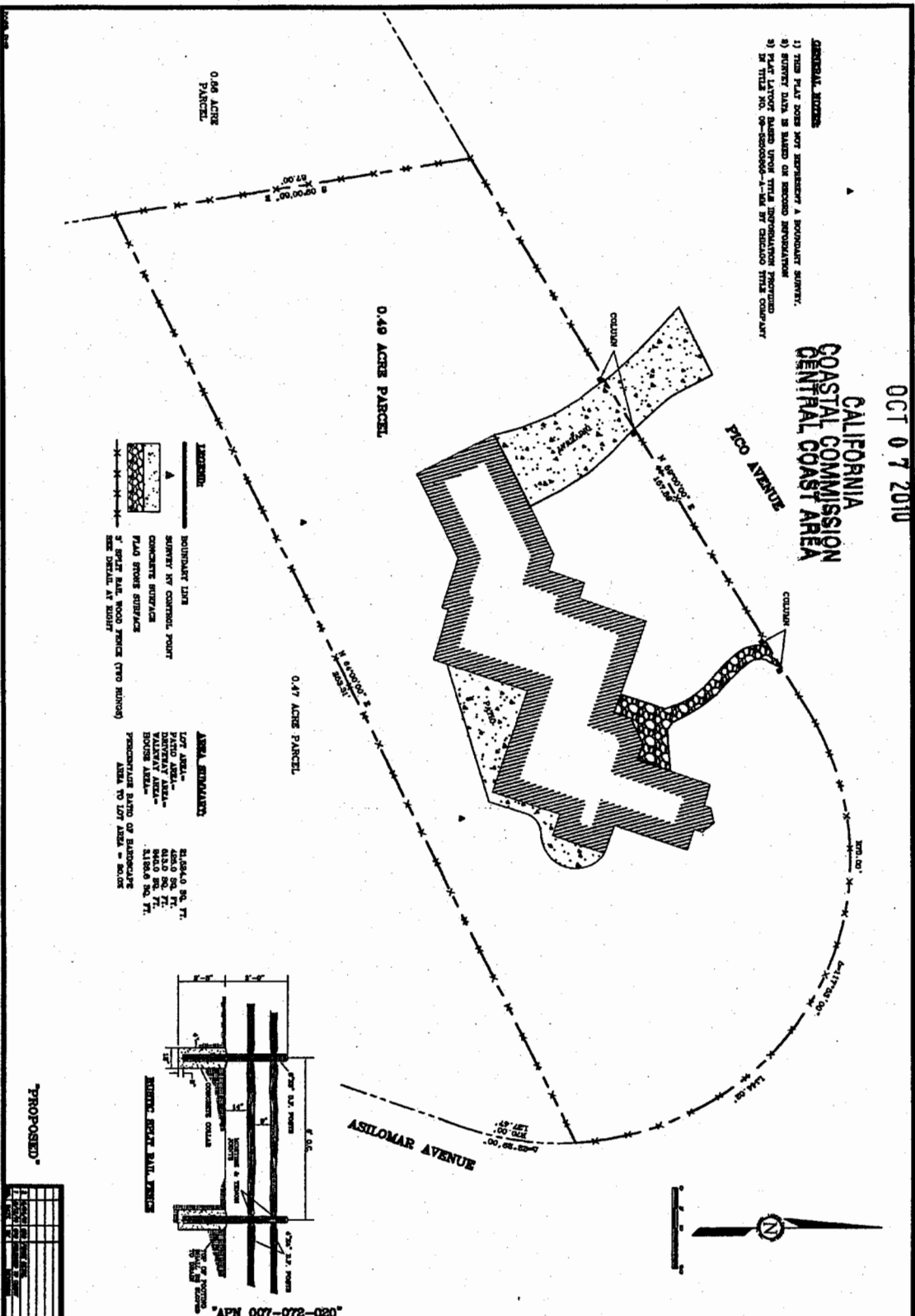
RECEIVED

Proposed Project

OCT 07 2010

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

GENERAL NOTES:
1) THIS PLAN DOES NOT REPRESENT A PROPOSED SURVEY.
2) SURVEY DATA IS BASED ON RECORD INFORMATION.
3) PLAT LAYOUT SHALL UNDER FINAL INSPECTION PROVIDED
IN TITLE NO. 04-2000000-1-111 BY CHIEF OF TITLE DIVISION

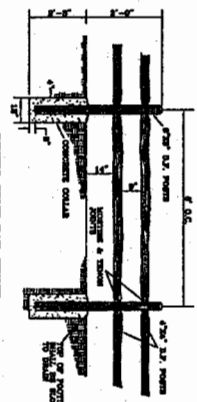


LEGEND

BOUNDARY LINE
 SURVEY IN CONTROL POINT
 CONCRETE SURFACE
 PLAS STONE SURFACE
 2" BRICK SAIL WOOD TRIM (TWO MINORS)
 SEE DETAIL AT SHEET

AREA SUMMARY

LOT AREA - 11,854.0 SQ. FT.
 PLAT AREA - 458.0 SQ. FT.
 SURVEY AREA - 410.0 SQ. FT.
 HOUSE AREA - 1,198.0 SQ. FT.
 PROPOSED AREA OF SUBDIVISION
 AREA TO LOT AREA = 36.0%



APN 007-072-020

SURVEY PLAT

0.49 ACRE PARCEL - PORTION OF BLOCK 330
 PACIFIC GROVE ACRES TRACT
 VOLUME 6 OF SURVEYS AT PAGE 122
 MR. NICHOLAS D'ACOSTA

LANDSET ENGINEERS, INC.

APPROVED BY: GUY S. CHALDS

DATE: OCT 07 2010

SCALE: 1" = 100'

Exhibit G: Proposed Project
 3-10-045: DaCosta SFD
 Page 1 of 1



Exhibit H: Aerial Photo
3-10-045; DaCosta SFD
Page 1 of 1