

Th 13d

RECEIVED

O'Neill, Brian@Coastal

**From:** Jay Dankovich <jaydankovich@gmail.com>  
**Sent:** Monday, April 13, 2015 1:51 PM  
**To:** O'Neill, Brian@Coastal  
**Subject:** Re: AUP renewal

APR 13 2015

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Thanks very much Brian. That sounds good. Lets move the item to the consent calendar. Based on my interpretation of your message, I will plan to be at the hearing at 9 AM Thursday. Thanks again for all of your help. Jay

On 13 April 2015 at 13:29, O'Neill, Brian@Coastal <[Brian.O'Neill@coastal.ca.gov](mailto:Brian.O'Neill@coastal.ca.gov)> wrote:

Hello Jay,

Thank you for the AUP renewal. We have not heard any opposition to your project from either the public or the Commission. The only correspondence we have received to date was from Kathryn McDonald urging Commission approval.

At this point, we feel comfortable moving this item to the consent calendar. What that means is we would not hold a full hearing on the project. There would still be an opportunity for public comment and Commissioner questions, but no formal presentation. Unless three Commissioners vote to take the item off consent, your project would be approved along with all other waivers and consent items in the Deputy Directors Report for the Central Coast district. The Deputy Directors Report would receive a vote before any other items on the Central Coast agenda are heard. If you feel comfortable with that approach, the item would officially be moved to the consent calendar the morning of the hearing.

If you have any questions about this process, I am available by phone at any time today. However, I will need your confirmation in writing via e-mail to move the item to consent. Thank you.

~Brian

**From:** Jay Dankovich [<mailto:jaydankovich@gmail.com>]  
**Sent:** Tuesday, April 07, 2015 10:46 AM  
**To:** O'Neill, Brian@Coastal  
**Subject:** Fwd: AUP renewal

RECEIVED

APR 10 2015

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Th13d

Kathryn R. McDonald  
1398 Jewell Ave.  
Pacific Grove, CA 93950

April 8, 2015

California Coastal Commission  
725 Front St. #300  
Santa Cruz, CA 95060

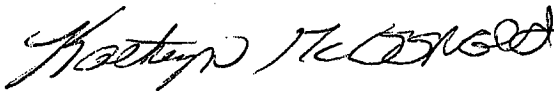
Re: Agenda Item #Th13d for Cindy Grines

Dear Sir or Madam:

As the neighbor located directly behind the Grines home, I strongly urge you to approve this project immediately. This house has been a burned out hulk since approximately the year 2000. It is extremely unsightly from any window in the back of my home. I'm sure that it is infested by rodents and other pests, as the roof is open to rain water and all of the elements. It is obvious that kids have had drinking parties there from the garbage in the backyard. Finally, I would really like to have a live in neighbor instead of a vacant, unsanitary junk yard behind me.

If the complete plans for the house are not approved by your commission, at a minimum, I strongly request that the house be demolished and the debris cleared to eliminate unsightliness and potential health problems.

Sincerely,



Kathryn R. McDonald  
Owner and Resident at 1398 Jewell Ave.

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
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# Th13d

Filed: 12/11/2014  
Action Deadline: 6/9/2015  
Staff: Brian O'Neill - SC  
Staff Report: 4/2/2015  
Hearing Date: 4/16/2015

## STAFF REPORT: CDP HEARING

**Application Number:** 3-14-1591, Grines SFD

**Applicant:** Cindy Grines

**Project Location:** 1359 Lighthouse Avenue, in the Asilomar Dunes neighborhood of Pacific Grove, Monterey County (APN 007-031-010)

**Project Description:** Demolition of an existing 2,803-square-foot single-story residence and construction of a new 4,845-square-foot two-story residence with three-car garage, decks, patios, and native dune restoration at 1359 Lighthouse Avenue in the Asilomar Dunes neighborhood of Pacific Grove, Monterey County.

**Staff Recommendation:** Approval with Conditions

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## SUMMARY OF STAFF RECOMMENDATION

The Applicant requests a coastal development permit (CDP) for the demolition of an existing one-story 2,803-square-foot single-family residence and construction of a new two-story 4,845-square-foot single-family residence on a 20,220-square-foot lot in the Asilomar Dunes neighborhood of the City of Pacific Grove. The proposed development also includes reconstruction of decks, walks, patio space, and driveway; removal of a septic tank; connection to the public sewer line; and native dune restoration.

The City has a certified Land Use Plan (LUP), but the Implementation Plan (and thus an overall

Local Coastal Program (LCP)) has not yet been certified. Therefore, a coastal development permit for the project must be obtained from the Coastal Commission and the standard of review is Chapter 3 of the Coastal Act. The policies of the LUP, however, are looked to as guidance that should not be ignored without good reason.

The Asilomar Dunes area has long been considered by the Commission to be an environmentally sensitive habitat area (ESHA) because it includes plant and animal life and related habitats that are rare, especially valuable, and easily disturbed and degraded by human activities and developments. The Applicant's parcel is comprised of this dune habitat mixed with Monterey pine 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. The total maximum lot coverage under the City's certified LUP is limited to 20 percent of the lot area for lots of the size at issue here (i.e., under one-half acre). The LUP also allows an additional maximum of up to 5 percent of the lot area for "immediate outdoor living area" that can be used for residential activities, but may not otherwise be covered with impervious surfaces (with structures, patios, etc.). Per the LUP, the remainder of any site must be preserved exclusively as dune habitat, including through restoration and an open space restriction. In addition, the LUP requires that an area of native dune habitat be restored and maintained adjacent to the site.

The Applicant proposes to significantly reduce the size of the overall residential and driveway footprint within the same general disturbance footprint of the existing development. All told, the Applicant proposes to decrease aggregate lot coverage from 40.8 percent to 24.9 percent of the lot (including the "immediate outdoor living area") and has incorporated into the project a dune restoration plan for the remainder of the site.

Here the Commission sees no good reason for ignoring the LUP coverage rule. Quite the contrary, the coverage rule is to address the Coastal Act's requirements to protect ESHA from non-resource dependent development, while complying with Section 30010 of the Coastal Act by avoiding an unconstitutional taking of private property without just compensation. In this case, the proposed development stays within the LUP's coverage limits, and will result in development in the dunes in the same general area as the existing residence. In addition, redevelopment of the site will necessarily involve temporary impacts to areas immediately surrounding the existing development envelope. Coupled with the restoration of the remainder of the site, restoration of adjacent dune habitat or payment of an in-lieu fee, and prohibition on development in the remaining dune areas, the project will not result in a significant disruption of the Asilomar Dunes ESHA. Overall, approval of the project with conditions to maximize ESHA protection, including mitigation of the cumulative impacts of such redevelopment in Asilomar, will allow reasonable redevelopment of the existing residential use.

In summary, and as conditioned to implement the ESHA and related habitat protections, to protect scenic resources, and to address other coastal resource issues (namely water quality and archaeological resource impact avoidance), the project can be found consistent with the Coastal Act. The motion to act on this recommendation is found on page 4 below.

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### APPENDICES

Appendix A – Substantive File Documents

### EXHIBITS

Exhibit 1 – Regional Location Map

Exhibit 2 – Project Vicinity Map

Exhibit 3 – Assessor’s Parcel Map

Exhibit 4 – Site Photos

Exhibit 5 – Project Plans

Exhibit 6 – Pacific Grove LUP Land Habitat Sensitivity Map

Exhibit 7 – City of Pacific Grove Architectural Permit AP12-0312

## I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number 3-14-1591 pursuant to the staff recommendation, and I recommend a yes vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 3-14-1591 and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the 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 development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.*

## II. STANDARD CONDITIONS

This permit is granted subject to the following 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 of 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.

### III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Approved Project.** Subject to these standard and special conditions (including modifications to the project and/or the project plans required by them), this coastal development permit authorizes implementation of the revised site plans (prepared by James Volceka, Architect, dated March 30, 2015 and received in the Coastal Commission's Central District Office April 1, 2015) that limit site coverage to no more than 20% impervious coverage of the 20,220-square-foot lot (i.e., a maximum of 4,044 square-feet) and a maximum of 4.9% "outdoor living space" (i.e., a maximum of 997 square-feet). The area within this maximum 24.9% area shall be considered the building envelope, and all development, other than habitat enhancement development and temporary construction activities related to septic removal, shall be confined within this building envelope. 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). The final site plans shall be supplemented as follows:
  - (a) **Grading.** The plans shall include a revised grading plan that limits all grading activities to the building envelope identified pursuant to Section 1 above and the areas necessary to complete the septic removal and sewer installation with one exception: sand to be excavated to accommodate the development may be placed outside of the building envelope, pursuant to the approved dune 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 area of Pacific Grove.
  - (b) **Construction Best Management Practices; 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 section 1 above to the maximum degree feasible. 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 include retaining 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 Dune 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.
- (c) **Landscaping and Irrigation Details.** The Plans shall include landscape and irrigation parameters prepared by a licensed Landscape Architect that shall identify all plant materials (size, species, and quantity), all irrigation systems, and all proposed maintenance. All plants used on site shall be native species from local stock appropriate to the Asilomar Dunes planning area. Non-native and invasive plant species shall be removed and shall not be allowed to persist on the site. The planting of non-native invasive species, such as those listed on the California Invasive Plant Council's Inventory of Invasive Plants, is prohibited. All plant materials shall be selected to be complementary with the mix of native habitats in the project vicinity, prevent the spread of exotic invasive plant species, and avoid contamination of the local native plant community gene pool. The landscape plans shall also be designed to protect and enhance native plant communities on and adjacent to the site, including required restoration and enhancement areas. All landscaped areas on the project site shall be continuously maintained by the Permittee; all plant material shall be continuously maintained in a litter-free, weed-free, and healthy growing condition.
- (d) **Building Height.** Buildings shall be no higher than 25 feet above the finished floor elevation, and the plans shall provide detail necessary to ensure that this is the case.



- (e) **Permanent Fencing Prohibited.** All permanent fencing on the site and the City road right-of-way shall be removed and any future permanent fencing is prohibited without an amendment to this Coastal Development Permit.

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

- 2. **Dune Restoration Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit for the Executive Director's review and approval, two sets of dune restoration plans in substantial conformance with the plans submitted with the application (prepared by Thomas K. Moss, dated April 21, 2014, and dated received in the Coastal Commission's Central Coast District Office on September 4, 2014) that provide for dune and related habitat enhancement for all areas outside the approved building envelope (See Special Condition 1) and on the adjacent City right-of-way, and as modified and supplemented as follows:

- (a) Final contours of the site, after project grading, necessary to support dune restoration and development screening, shall be identified.
- (b) All required plantings shall 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 restoration plan.
- (c) Installation of all plants shall be completed prior to occupancy of the redeveloped residence. Within 30 days of completion of native dune plant installation, the Permittee shall submit a letter to the Executive Director from the project biologist indicating that plant installation has taken place in accordance with the approved restoration plan, describing long-term maintenance requirements for the restoration, and identifying the five- and ten-year monitoring submittal deadlines (see Special Condition 2d below). At a minimum, long-term maintenance requirements shall include site inspections by a qualified biologist annually, or more frequently on the recommendation of the biologist, to identify and correct any restoration and maintenance issues.
- (d) Five years from the date of initial planting under the Plan, and every ten years thereafter, the Permittee or her 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 that the on-site restoration is in conformance with the approved Plan, along with photographic documentation of plant species and plant coverage.
- (e) If the restoration monitoring report or biologist's inspections indicate the restoration is not in conformance with or has failed to meet the performance standards specified in the Dune Restoration Plan approved pursuant to this permit, the Permittee, or her 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. These measures, and any subsequent measures necessary to carry out the approved dune restoration plan, shall be carried out in coordination with the Executive Director until the

approved dune restoration is established to the Executive Director's satisfaction.

The Permittee shall undertake development in accordance with the approved Dune Restoration Plan.

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 1) 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 contained within a single corridor underlying the approved building envelope pursuant to Special Condition 6.
  - (b) Restoration and associated maintenance and monitoring activities conducted in accordance with the approved Dune Restoration Plan prepared for the property as required by Special Condition 2.

PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI OF THIS PERMIT, the Applicant 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, prepared by a licensed surveyor, 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 1.

4. **Pre-construction Lizard Survey and Monitoring.** A qualified biologist shall conduct a pre-construction survey of the project site for the presence of lizards at the project site and safely relocate them. The project biologist shall notify the California Department of Fish and Wildlife staff prior to construction and submit a relocation plan for approval describing the habitat type and type of lizards that may be found. The plan shall include conditions that if black legless lizards are found, the lizards will be relocated and a state Scientific Collectors permit shall be provided allowing such a plan. The qualified biologist shall also monitor demolition activities related to removal of the driveway and patios. The monitoring shall include brief searching of the underlying sand after removal of any asphalt or concrete. The biologist shall stop all demolition activities if necessary to salvage or remove any black legless lizards.
5. **Environmental Monitoring During Construction.** The Permittee shall employ a project biologist/environmental monitor approved by the Executive Director and the City of Pacific Grove's Community Development 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 1 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 1b.

7. **Offsite Dune Habitat Restoration Requirement.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit to the Executive Director for review and approval an offsite dune habitat restoration plan provides for restoration of 1,011 square-feet of dune habitat within the Asilomar Dunes system at the ratio of 2:1 mitigation, or 2,022 square-feet. The 2,491-square-foot City road right-of-way adjacent to the site is the preferred offsite mitigation area; however, this condition does not limit the offsite mitigation to this location only. In lieu of providing for restoration of offsite dune habitat restoration along the adjacent road right-of-way, the plan may be submitted with evidence that a dune restoration payment of \$0.92 per square-foot of the required offsite dune habitat restoration has been deposited into an interest-bearing account to be established and managed by one of the following entities as approved by the Executive Director: the City of Pacific Grove, Monterey County, or the California Department of Parks and Recreation, for the sole purpose of financing dune habitat restoration and maintenance within the Asilomar Dunes system. All of the funds and any accrued interest shall be used for the above-stated purpose, in consultation with the Executive Director, within ten years of the funds being deposited into the account. Any portion of the funds that remains after ten years shall be donated to one or more of the State Parks units located in the vicinity of the Monterey peninsula, or other organization acceptable to the Executive Director, for the purpose of restoring and maintaining dune habitat. PRIOR TO EXPENDITURE OF ANY FUNDS CONTAINED IN THIS ACCOUNT, the proposed use of the funds must be deemed by the Executive Director to be consistent with the intent and purpose of this condition.
8. **Incorporation of City's Mitigation Requirements.** The conditions adopted by the City of Pacific Grove for Architectural Permit AP12-0312 for this project are attached as **Exhibit 7** to this permit. Condition 8 of AP12-0312, which addresses the protection of archaeological resources, is hereby incorporated as a condition of this permit. Any of the incorporated conditions/mitigations requiring materials to be submitted to the City and/or otherwise requiring City approval, shall also require the same materials to be submitted to, and/or the same approvals granted by, the Executive Director under the same review and approval criteria. For future condition compliance tracking purposes, the incorporated conditions/mitigations in **Exhibit 7** shall be considered subsections of this Special Condition 8. To the extent any such incorporated conditions/mitigations conflict with these conditions (i.e., Standard Conditions 1 through 5, and Special Conditions 1 through 7 and 9), the conditions of this CDP shall apply.
9. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit to the Executive Director for review and approval documentation demonstrating that the Applicant 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 Applicant’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.

## IV. FINDINGS AND DECLARATIONS

### A. PROJECT DESCRIPTION

#### Project Location

The proposed project is located at 1359 Lighthouse 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 **Exhibit 1** for a regional location map, **Exhibit 2** for a project vicinity map, and **Exhibit 3** for the Assessor’s parcel map).

The Applicant’s parcel is located in an area zoned by the City as R-1-B-4, Single Family Low Density Residential.<sup>1</sup> 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 lot is less than one-half acre (20,220 square-feet) and is currently developed with a 2,803-square-foot one-story house (see **Exhibit 4** for site photos). The existing residence was subject to a fire and has been uninhabited for approximately ten years. In terms of site coverage, the existing residence and other impervious coverage (walkways, decks, and driveway) cover 8,254 square feet, excluding the 240-square-foot portion of the driveway in the front yard setback,<sup>2</sup> or 40.8% of the lot. The existing residential development footprint leaves 59 percent of the lot undeveloped.

As discussed below, the entire site is an environmentally sensitive habitat area (“ESHA”), as are all lots within dune 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 a highly sensitive archaeological area.

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<sup>1</sup> The City’s zoning has not been certified as part of the LCP by the Commission.

<sup>2</sup> Driveway components that are located within the 20-foot front setback area are treated differently under the LUP. Specifically, a 12-foot-wide portion of the driveway within the 20-foot front yard setback may be excluded from the coverage calculation if the entire driveway is comprised of pervious or semi-pervious materials. All coverage calculations in this report exclude this 240-square-foot portion of the driveway.

## **Project Description**

The existing residence at the project site is proposed for demolition. The existing roof will be completely removed and at least 58 percent of the existing exterior walls will also be removed. Additional exterior walls may need removal if additional fire damage is discovered. All interior walls will be demolished. The new residence will be constructed in a slightly different orientation than the existing residence. The project includes a 2,300-square-foot second-floor addition and a 263-square-foot reduction of floor area on the first-floor, bringing the floor area of the proposed residence to 4,845 square feet compared to the 2,803-square-foot existing residence. The total increase in floor area would thus be 2,042 square feet, a 72 percent increase over existing conditions. Building height would increase from 18 feet to 25 feet, a 39 percent increase over existing conditions. The proposed chimney would extend three feet above the overall 25-foot building height. See project plans attached as **Exhibit 5**.

Beyond the demolition and rebuilding of the residence described above, the proposed project also includes removal of all existing decks and patios. A new gravel patio would be placed around the northern side of the house, with a second-floor deck with glass railings and stone columns constructed above the patio. Significant portions of the concrete driveway would be removed. A permeable walkway area will be maintained along the southern side of the house, which is categorized as Outdoor Living Space as understood in the LUP context.

Due to the demolition of the existing house and redevelopment described above, the project is analyzed like new development that must conform to the LUP coverage standards. The Applicant originally proposed a project that would have retained most of the existing driveway and included a larger patio area. After discussions with Commission staff, the Applicant submitted a new design that reduced coverage to stay within the LUP maximum. The revised plans constitute the proposed project being analyzed in this report. In terms of site coverage, reductions to the building footprint would decrease structural coverage from 2,563 to 2,300 square feet. Removal of portions of the concrete driveway would reduce driveway coverage from 3,317 to 930 square feet. Total impervious coverage (structural and non-structural) for the site would be 4,044 square-feet, a reduction of 4,450 square-feet from existing coverage. Thus, the proposed project would reduce impervious lot coverage from 40.8 percent to 20 percent. Outdoor Living Space would increase from zero to 997 square-feet or 4.9 percent.

The proposal also includes removal of a septic tank and new connections to the public sewer line. The portion of the property not committed to residential use would be restored to its native dune condition, in addition to the adjacent City road right-of-way along Lighthouse Avenue. Finally, the Applicant has incorporated various mitigations required by the City into the project (see **Exhibit 7**). These address biological issues such as monitoring during construction activities, as well as archeological resource issues. These incorporated components are considered part of the proposed project.

## **B. STANDARD OF REVIEW**

The Asilomar Dunes portion of the City of Pacific Grove is located within the coastal zone, but the City does not have a certified LCP. The City's 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 updating its LUP and 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. The Commission has generally applied the certified LUP coverage rule for Asilomar Dunes neighborhood cases where new development is proposed on vacant lots. While LUP guidance is not the standard of review, the Commission nonetheless places high importance on compliance with the LUP's coverage rule. As one appellate court has explained:

*To promote efficiency and goodwill between agencies, and prevent injurious reliance by property owners, we believe that the issuing agency should consider the contents of a certified land use plan in making a decision. If it ignores the certified land use plan, then the decision may be subject to reversal if a reviewing court finds that the decision was arbitrary and capricious. In other words, the issuing agency must have a good reason for ignoring a certified land use plan, such as a significant change of conditions.*

(Douda v. California Coastal Commission, 159 Cal. App. 4<sup>th</sup> 1187 (2008))

Although the certified LUP provides guidance during the review of such applications, the standard of review is the Coastal Act.

### **C. ENVIRONMENTALLY SENSITIVE HABITAT AREAS**

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 Dunes neighborhood. With regards 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.c.*** During construction of new development, habitat areas containing Menzies' wallflowers or Tidestrom's lupine or other rare and endangered species shall be protected from disturbance. Temporary wire mesh fencing shall be placed around the habitat prior to construction and the protected area shall not be used by workers or machinery for storage of materials. Compliance inspection(s) will be made during the construction phase.

***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.*** Utility connections shall be installed 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.

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 applicant's lot; and,*
- b) The additional site coverage is essential for protecting public views (i.e., by maximizing front setback in the case of parcels facing 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.*

### **Asilomar Dunes Resources**

Coastal sand dunes constitute one of the most geographically constrained habitats in California. They only form in certain conditions of sand supply in tandem with 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, which 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.<sup>3</sup>

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

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<sup>3</sup> 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.



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 in a degraded state. Even so, it remains a valuable habitat area because it supports certain rare and/or endangered plants and animals characteristic of this environmentally sensitive and rare habitat.

The Asilomar Dunes complex includes up to ten rare plant species and one rare animal species 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, which all 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 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, serve to minimize environmental stresses to the interior trees of the forest, reduce tree failures that result when trees are more directly exposed to wind, and are considered critical in maintaining the stability of the landward extent of the sand dunes. 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 features, both in the City of Pacific Grove and Monterey County, as being located within ESHA. Based on this understanding, the Pacific Grove LUP certified by the Commission and serving as guidance for evaluation of the CDP application includes a variety of policies, some of which are cited above, to protect this identified dune ESHA.

### **Site Specific 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 Applicant's parcel was identified and characterized as "coastal bluff" with low to moderate sensitivity and "Monterey pine forest" with moderate sensitivity (see **Exhibit 6**). A botanical survey report prepared by coastal biologist Thomas K. Moss on April 29, 2012 explains that the property can best be characterized as severely degraded open dune and Monterey pine forest habitat. Exotic ornamental plants and trees have been maintained over a significant portion of the property. Aggressive invasive species such as ice plant and ripgut grass are abundant throughout the site. No special status species were found, despite areas of potential habitat located throughout the site. The report noted that the black legless lizard is likely to occur on the property, but the site was not searched for its presence. The black legless lizard is listed on the California Department of Fish and Wildlife's "Species of Special Concern."

Commission staff has visited the site and confirmed that the site contains dune habitat, albeit degraded with non-native plants. Therefore, based upon the presence of dune habitat and the biological assessment prepared for the property, 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.

### **Project Impacts**

The proposed project will impact the dune ESHA on the site in two ways: (1) it will extend the life, and thus the impacts, of a residential use in dune ESHA for the foreseeable future, and (2) it will contribute to the cumulative loss of the Asilomar Dune system. Nonetheless, as discussed below, with onsite restoration, avoidance of sensitive dune species, and a condition to adhere to the site plans that stay within the coverage limitations of the LUP, the project can be found consistent with Coastal Act Section 30240.

#### *Extension of Residential Use in ESHA*

The existing home on the Applicant's site pre-dates 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 comply with Section 30010 by avoiding an unconstitutional taking of private property. Thus, the existing condition of a residence in the Asilomar Dunes ESHA is not consistent with Coastal Act Section 30240. However, the Commission recognizes that there is pre-existing non-conforming legal use of the site by a non-resource dependent residential use.

As proposed, the project will result in a new structure in the same general location on the site as the existing residence. Although the application has not specifically addressed the life of the project, the Commission assumes that the new home will be on the site for at least 50 years, if not more. The Commission expects, therefore, that the impacts of the current residential use of the site will be extended into the future for as long as the new house remains on the site.

#### *Direct and Indirect ESHA Impacts*

The extended impacts of the proposed residential use on ESHA are varied. First and foremost is the direct loss of dune ESHA on site due to the proposed impervious development footprint of 4,044 square-feet, or 20 percent of the 20,220-square-foot site. The proposed residence would cover 2,540 square-feet of the site. Another 1,504 square-feet of impervious surface, including porches, walkways, and decks, would be placed in various locations around the residence.

Currently, 8,254 square-feet, or 40.8 percent of the property, is covered by impervious surfaces. This proposal would reduce total impervious coverage by 4,210 square-feet, accomplished mostly through removal of portions of the driveway and decreased patio areas. In total, the project would result in direct displacement of 20 percent of the site or 4,044 square-feet of dune habitat, a 20.8 percent reduction compared to existing conditions. Much of this area is already displaced by the existing residential use, and redevelopment of the site will necessarily disturb areas immediately adjacent to the existing development footprint. The following table summarizes the existing condition, the proposed project, and the LUP maximums related to site coverage.

Project Component	Existing	Proposed	LUP maximum
Building Coverage (home and garage)	2,803 sq. ft. (13.8%)	2,540 sq. ft.(12.6%)	
Other Coverage (driveways, sidewalks, etc.)	5,451 sq. ft. (27%)	1,504 sq. ft. (17.7%)	
<b>Total Impervious Coverage</b>	<b>8,254 sq. ft. (40.8%)</b>	<b>4,044 sq. ft. (20%)</b>	<b>4,044 sq. ft. (20%)</b>
Outdoor Living Area (backyard, landscaped, and pervious areas)	0 sq. ft. (0%)	997 sq. ft. (4.9%)	1,011 sq. ft. (5%).
<b>Total Lot Coverage</b>	<b>8,254 sq. ft. (40.8%)</b>	<b>5,041 sq. ft. (24.9%)</b>	<b>5,055 sq. ft. (25%)</b>

The other significant onsite impacts to ESHA are due to the location of the residential use immediately in and adjacent to 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 ongoing feature of dune habitat systems.

As with other parcels in the Asilomar Dunes system, the direct impacts to adjacent habitat are not avoidable if a residential use of the site is to continue because the entire site is dune ESHA. There is no feasible location that would 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 if residential use is to continue on the site.

#### *Expanded Residential Use of Site*

The new residential use and development will directly displace a small area of previously undeveloped dune habitat, but the project will also greatly expand residential use of the site. As detailed above, the project is sited in a slightly different location as the existing residential use. The new residence also includes a 2,300-square-foot second floor addition, taking the relatively modest 2,803-square-foot one-story home to a 4,845-square-foot two-story home, including a 700-square-foot master bedroom, three-car garage, garage lift, and an elevator. The expanded size of the new residence can be expected to support a larger family and greater number of persons, pets, cars, and other typical urban trappings. This generally equates to a greater amount of light, noise, and other disturbances that can impact ESHA.

#### *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 accounted for. The Commission also recognizes that any redevelopment of the site cannot reasonably be achieved without some necessary disturbance of the general area within which the existing residential use is located. Finally, the project will include septic

removal and sewer installations that will also result in a temporary disruption of ESHA, and can reasonably be expected to result in future disruption for necessary repairs and maintenance.

*Cumulative Impacts to Asilomar Dunes System*

The Applicant's project is located near the northern end 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 intensified residential development immediately within the dunes system.

**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 the Pacific Grove LUP policy guidance that strikes a balance between maximum dune habitat protection and allowance of a reasonable residential use on pre-existing subdivided parcels in the Asilomar area. To minimize disturbance to the sensitive dune and related habitats, the total maximum aggregate lot coverage (not counting outdoor living space area) under the certified LUP is limited to 15 percent of the lot area for most lots (i.e., for lots greater than one-half acre in size). In cases where a lot is one-half acre or less, such as the subject lot, up to 20 percent impervious 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 percent of the total area of the lot, and 2) the additional coverage is necessary to avoid a hardship in the case of existing parcels of less than one-half acre, which would otherwise suffer in comparison to adjacent slightly larger developed parcels. 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" if landscaped to avoid impervious surfaces and within which residential activities are allowed. Per the LUP, the remainder of any site (i.e., 75-80 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 this case, the proposed new residence is sited in the same general footprint as the existing residence, with an overall 20.8 percent reduction in lot coverage compared to existing conditions. The project otherwise avoids direct impacts to individual occurrences of endangered plant species, as none have been identified on the site.<sup>4</sup> The Applicant has incorporated into the project

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<sup>4</sup> 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

a dune restoration plan for the remainder of the site. The proposed plans contemplate 24.9 percent total lot coverage (i.e., 20 percent impervious coverage and 4.9 percent outdoor living space), which is within the established LUP maximum for impervious coverage on lots less than half an acre.

The Commission has generally applied the guiding LUP 15/5 percent (or 20/5 percent for lots less than half an acre) 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; some flexibility has been allowed where hardships resulted from very small lot sizes or similar circumstances...*

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 percent (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 percent coverage in cases involving smaller, more constrained lots (e.g., 3-90-123 (Naegele); 3-10-045 (DaCosta); 3-14-0981 (Carp)).

The Commission has also approved a number of demolition and rebuilds or remodels of existing homes with a coverage limitation equal to the existing coverage, or with reduced coverage where the existing residential use was greater than the 15-20 percent LUP maximum for new development (e.g., 3-01-094 (Kriens); 3-03-029 (Kwiatkowski); 3-09-049 (Wheeler)). More recently, in cases where there was new dune coverage and/or a coverage increase that was still within LUP maximums, the Commission has also required 2:1 off-site mitigation for any dune coverage over existing conditions (e.g., 3-10-029 (Johnston); 3-11-020 (Goins); and 3-14-0981 (Carp)).

For demolitions and rebuilds that propose a reduction in impervious coverage below existing conditions yet still above the LUP maximum, the Commission has most recently approved such projects with a condition to further reduce coverage to stay within the LUP maximum for new development (3-09-012 (White); 3-14-1186 (Griffith)). These actions are based on California Coastal Commission Regulations (CCR) Section 13252, which states that “[u]nless destroyed by natural disaster, the replacement of 50 percent or more of a single family residence . . . is not repair and maintenance under Section 30610(d) but instead constitutes a replacement structure

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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.

requiring a coastal development permit.” This regulation has been interpreted in recent LCP updates to mean the replacement of 50 percent or more of major structural components of the existing residence, or an increase in floor area of 50 percent or more over existing conditions. In this case, the proposed project removes at least 58 percent of existing exterior walls and includes a 72 percent increase in floor area over existing conditions. Thus the proposed project constitutes a new structure under the Coastal Act and should conform to the long-standing LUP maximum for lot coverage in the Asilomar Dune ESHA.<sup>5</sup>

The fire damage to the existing residence does not exempt the new residence from staying within the LUP maximum for lot coverage. Coastal Act Section 30610(g)(1) states that “[t]he replacement of any structure, other than a public works facility, destroyed by a disaster . . . shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure.” This section does not apply to the proposed project for three reasons. First, this provision only applies to disasters, which the Coastal Act defines as “any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner.” The existing residence was damaged by a fire caused by a discarded cigarette, which is not a situation beyond an owner’s control. Second, Section 30610(g)(1) only allows the replacement of a destroyed structure to exceed existing floor area, height, and bulk by ten percent; and also requires the structure to be sited in the same location as the destroyed home. The proposed project exceeds the existing floor area by 72 percent, height by 39 percent, bulk<sup>6</sup> by 70 percent, and is sited in a slightly different location as the existing structure. Third, Section 30610(g) also requires that replacement structures adhere to all applicable zoning requirements. Thus, even if Section 30610(g)(1) was applicable to this project, the replacement structure would still need to conform to the established LUP maximum for lot coverage.<sup>7</sup>

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. However, the Commission’s more recent findings for such approvals have become more focused on the need to make such

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<sup>5</sup>Although not a part of the certified LUP, the City has a provision in its municipal code similar to CCR Section 13252, although with a lower threshold, which states that “[t]he demolition and reconstruction of 25 percent or less of the floor area of a nonconforming building or structure and/or the demolition and reconstruction of 25 percent or less of the total lateral length of the exterior walls of a nonconforming building or structure shall be considered ordinary maintenance and repair. The demolition and reconstruction of more than 25 percent of the floor area of a nonconforming building or structure and/or the demolition and reconstruction of more than 25 percent of the total lateral length of the exterior walls shall be permitted only if a use permit is first obtained.”

<sup>6</sup> Coastal Act Section 30610(g)(2)(B) defines “bulk” as “[the] total interior cubic volume as measured from the exterior surface of the structure.”

<sup>7</sup>LUP Policy 3.4.5.3 is a similar provision, based on Coastal Act Section 30610(g)(1), which states that “[i]n the event a dwelling is destroyed by fire or other natural causes, the dwelling would be allowed to be rebuilt as it existed prior to the destruction if less than 75% were destroyed.” The Commission interprets the phrase “as it existed” to include the floor area, height, bulk, and siting of the existing residence, which reflects the language of Coastal Act Section 30610(g)(1). Thus LUP Policy 3.4.5.3 is not applicable to this project for the same reasons that Coastal Act 30610(g)(1) is inapplicable, as explained above.

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 in 1999,<sup>8</sup> 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 focus 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.

The case at hand does not involve a vacant lot, although the residential use has been abandoned due to extensive fire damage to the existing development. Thus a relevant factor to consider is the long-standing 20 percent maximum coverage guidance in the LUP for residential development on lots less than one-half acre in size in the Asilomar Dunes area. The existence of this LUP standard is a unique situation that distinguishes the Asilomar cases from other protected ESHA systems along the coast that may not have such a standard already in place to account for non-resource dependent development in ESHA. This standard has been certified by the Commission as appropriate under the unique circumstances presented in this particular area. 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 coverage allowed by the certified LUP.

In this case, there is already an existing non-resource dependent residential use on the site that pre-dates the Coastal Act. No prior CDP requirements limiting future development affect the property.<sup>9</sup> The proposed redevelopment of the residence will occur in the same general development footprint as the existing house, thereby limiting impacts to surrounding ESHA. The redevelopment will necessarily involve impacts to areas immediately surrounding the existing envelope, but such impacts will be minimal and temporary. The restoration and coverage limit requirements will ensure that the project will not result in a significant new 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 and offsite restoration of dune habitat is also necessary.

Special conditions have been attached to this permit that require the Applicant to implement the

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

<sup>9</sup> A CDP for the demolition and rebuild of the existing residence, which permitted total site coverage beyond the established LUP maximum, was issued for the subject property in 1997 (3-97-001 (Johnson)). The current Applicant purchased the property in 1998 and did not exercise CDP 3-97-001, allowing it to expire in 1999. The 1997 CDP does not reflect current Commission decision-making on demolition and redevelopment in the Asilomar Dunes. The 1997 staff report did not analyze CCR section 13252 regarding replacement structures and also noted that the LUP is “not specific about demolition and replacement construction.” Because the City was attempting to develop an IP with the goal of final LCP certification during that time, Commission staff did not take a firm position on this issue so as “not to prejudice the City’s ability to implement the LUP’s site coverage standards.” Thus the previous CDP has minimal precedential value or effect on the applicant’s reasonable investment backed expectations compared to more recent Commission decisions regarding demolition and rebuilds, such as 3-09-012 (White) and 3-14-1186 (Griffith), as discussed above.

revised site plans (prepared by James Volceka, Architect, dated March 30, 2015 and received in the Coastal Commission's Central Coast District Office April 1, 2015) that limit lot coverage to no more than 20 percent impervious coverage (4,044 square feet) plus 4.9 percent "outdoor living space" (997 square-feet)) (see **Special Condition 1**).

To best protect remaining dune habitat, special conditions are also attached to ensure that outdoor living areas immediately abutting native dune restoration areas are planted with native species from local stock appropriate to the Asilomar Dunes area. Specifically, **Special Condition 1c** requires the submittal of final landscaping plans that, among other things, prohibit the planting of non-native, invasive species, require all plant materials to be complementary to the native habitats in the project vicinity (Central Coast Dune Scrub and Monterey Pine Forest), prevent the spread of exotic invasive plant species, and avoid contamination of the local native plant community gene pool.

**Special Condition 1e** prohibits permanent fencing on the site, so as to ensure the maximum natural exchange of sand and seed stock and wildlife corridor continuity, thereby helping to facilitate continuous dune resource values. Although short-term fencing consistent with protecting habitat preservation areas may be appropriate for a short time during construction, any other existing fencing for this site is not appropriate and must be removed. Any future permanent fencing contemplated for this site will require an amendment to this coastal development permit. Temporary exclusionary fences to protect the endangered Tidestrom's lupine and other sensitive 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 1b**).

Because the project will adversely impact sensitive dune habitat areas in the manner described above, mitigation is required to offset these impacts. Specifically, dune habitat areas must be enhanced and protected over the long term to offset impacts to these areas from a non-resource dependent residential use, including its extended lifetime, and for the temporary impacts associated with the construction of the residence. The Applicant's proposed dune restoration plan can form the basis for such long-term enhancement and protection, provided it is modified to ensure its maximum effectiveness. Accordingly, this approval requires a qualified biologist to prepare and implement a native dune 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. In addition, the restoration area must be made off-limits to other than habitat related development and uses; thus this approval prohibits development outside of the approved development envelope, other than restoration and utilities, and it requires protection and restoration of all of these areas (see **Special Condition 3**). Defining 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.

In order to ensure that future owners are aware of these prohibitions and to ensure the protection of these areas, the Commission also requires that a deed restriction be recorded against this property that will include all of the conditions of approval, including the habitat restoration plan and prohibition on development outside of the building envelope, as restrictions on the use of this property (see **Special Condition 9**).

The remainder of the site outside of the approved building envelope, and subject to the above-



described dune restoration plan, equals 75 percent of the site. LUP policy 3.4.5.2 requires that for lots of this size, an offsetting area of native dune habitat be restored adjacent to the site, such that the total area that will be preserved, restored, and permanently maintained is equal to at least 80 percent of the total area of the lot. In this case, an offsite restoration area of 1,011 square feet would bring the total restoration to 80 percent of the lot size. The Commission has found that offsite restoration is frequently not entirely successful, however, so that mitigation at a 1:1 ratio is not sufficient to fully mitigate the impacts from lost habitat. Thus, **Special Condition 7** requires that prior to construction the Applicant submit an offsite dune habitat restoration plan that provides for restoration of 2,022 square feet of dune habitat within the Asilomar Dunes system (mitigation for 1,011 square feet at the ratio of 2:1).<sup>10</sup>

Typically, the Commission has required that offsite restoration be done on the road right-of-way area directly adjacent to an Applicant's property. In this case, the property is adjacent to a 2,491-square-foot city right-of-way along Lighthouse Avenue that is the preferred location for the offsite restoration. Because the Applicant does not own this right-of-way property, there is no guarantee that she will be able to restore this area. If the Applicant is unable to restore this right-of-way area, **Special Condition 7** allows the Applicant to submit to the Executive Director evidence that a dune restoration payment of \$0.92/square-foot<sup>11</sup> for the required 2:1 dune mitigation has been deposited into an interest-bearing account to be established and managed by one of the following entities as approved by the Executive Director: the City of Pacific Grove, Monterey County, or the California Department of Parks and Recreation, for the sole purpose of financing dune habitat restoration and maintenance within the Asilomar Dunes system. All of the funds and any accrued interest shall be used for the above-stated purpose, in consultation with the Executive Director, within ten years of the funds being deposited into the account. Any portion of the funds that remains after ten years shall be donated to one or more of the State Parks units located in the vicinity of the Monterey Peninsula, or other organization acceptable to the Executive Director, for the purpose of restoring and maintaining sensitive dune habitat. As described above, 2,022 square feet (1,011 x 2) of off-site dune mitigation or a corresponding dune mitigation payment of \$1860.24 (2,022 x \$0.92 = \$1860.24) would be required under this scenario.

To assure compliance with the native dune restoration plan, an environmental monitor must observe the site on a weekly basis during construction. Experience has shown that weekly monitoring helps ensure that workpeople and materials stay out of sensitive natural habitat areas. Weekly monitoring during construction is required as a condition of this permit, consistent with LUP Policy 2.3.5.1(c) regarding compliance inspections during the construction phase (**Special Condition 5**).

Although none were found during project surveys, the site contains potential habitat for the black legless lizard. To assure no adverse impacts to the black legless lizard during construction

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<sup>10</sup> The extra area of restoration provides a contingency buffer in the event the entire offsite restoration is not successful.

<sup>11</sup> The dollar amount of \$40,000 per restoration acre or 92 cents/sq. ft. is based on the Commission's understanding of the current cost of restoration in the Asilomar Dunes based on recent examples (e.g., the dune restoration recently undertaken at the margins of the Pacific Grove municipal golf course).

activities, **Special Condition 4** requires a pre-construction survey and monitoring during demolition activities.

In addition, **Special Condition 1b** requires implementation of construction best management practices (BMPs) 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, consistent with LUP Policy 2.3.5.1.g.

### **ESHA Conclusion**

As conditioned to: limit the development footprint to 25 percent of the under one-half acre lot with a maximum of 20 percent impervious coverage; require implementation of a native dune restoration plan; require additional offsite dune habitat restoration that provides for restoration of 2,022 square-feet of dune habitat within the Asilomar Dunes system; record a deed restriction clearly identifying the requirements for restoration and maintenance of natural dune habitat equivalent to at least roughly 75 percent of the lot area; require construction BMPs; prohibit all permanent fencing; and prohibit any future development in the restored area outside of the coverage area, the proposed development is consistent with the certified LUP. Given the unique context of development within the Asilomar Dunes area, in which the Commission's certification of the LUP included an assessment of Coastal Act ESHA policies and established long-term planning policies that protect the dune ecosystem as a whole in this area, taking into account development potential of existing residentially designated legal lots, the project can also be found consistent with the Coastal Act's sensitive habitat policies. With the special conditions to protect dune habitat and provide restoration of same, the Commission finds that the project is consistent with Section 30240.

## **D. VISUAL RESOURCES**

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 serves as guidance 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 2.5.5.5.** 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 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.*

### **Consistency Analysis**

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. This viewshed is to be protected as a “resource of public importance.” The LUP provides guidance in this respect, including by limiting overall height to 18 feet for single-story residences along Sunset Drive, 25 feet elsewhere, and by requiring that development maintain a low-profile that complements the dune topography in all cases.

The existing residence is a 2,803 square-foot, one-story dwelling located one lot inland from the corner of Lighthouse Avenue and Sunset Drive. The proposed project will add a 2,300 square-foot second story beyond the existing residence. Because it does not front Sunset Drive and its proximity to surrounding residential development, a two-story residence on this lot would be compatible with its surroundings and would generally fit into the dune-residential landscape (see **Exhibit 4**). As proposed, the residence would not block views of the ocean from public viewing areas defined in the LUP’s Shoreline Access Map.

As required by LUP Policy 2.5.5.4, final architectural approval was granted for the design and the Mitigation Monitoring Plan (MMP) by the Architectural Review Board (ARB) on May 13, 2014 (see **Exhibit 7**). However, the proposed residence does not conform to the LUP’s height requirement for development in the Asilomar Dunes neighborhood. The proposed chimney reaches 28 feet, three feet beyond the 25-foot height limit for lots that do not front Sunset Drive. The LUP provides no exceptions to the established height limits for development within the Coastal Zone.<sup>12</sup> Accordingly, the proposed design is inconsistent with Section 30251 of the Coastal Act and the visual protection provisions of the LUP. **Special Condition 1d** limits overall height of the project to 25 feet above existing grade elevation. **Special Condition 6** requires all utilities to be placed within a single corridor underlying the building envelope.

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 by ensuring that it is subordinate to the dune setting. As conditioned for habitat purposes, the project results in the maximum allowable site coverage for this site, 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

---

<sup>12</sup> The City approved this height exceedance based upon provisions in its municipal code, which allows the City to issue staff-level approvals for chimneys that exceed established height limits. The City’s municipal code has not been certified as part of the LCP by the Commission.

envelope would lead to inappropriate viewshed impacts as well. Thus, these conditions are also required for viewshed protection.

### **Visual Resources Conclusion**

The Applicant's property does not block any views of the ocean from the public viewing areas identified in the LUP. The proposed project should blend effectively within the dune aesthetic, including through restoration of the remainder of the site to help subordinate the residential development to the dune landscape in which it is located. Given its size and setting, the approved project will be compatible with its surroundings and will generally fit into the dune-residential landscape. Special Conditions limit overall height to 25 feet, require the undergrounding of utility connections, and the required habitat conditions limit the total development area of the site, protecting visual resources as well. Accordingly, the project can be found consistent with Section 30251 of the Coastal Act and the LUP's visual resource policies.

## **E. ARCHAEOLOGICAL RESOURCES**

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.*

### **Consistency Analysis and Conclusion**

The site is located within an archaeologically sensitive area, where potentially significant archaeological resources and artifacts have been discovered in the past. An archaeological survey was conducted for the subject parcel and a report prepared by Anna Rummings and Trudy Haversat on March 21, 1996. Site records indicate that the parcel is located within a ¼-mile radius of ten previously recorded archaeological sites. The site survey resulted in the discovery of two isolated archeological artifacts, but the report concluded that the surface reconnaissance results suggest the project is not located on an archeological site. Nonetheless, the report determined that the project may impact *archeological* resources due to its close proximity to

multiple recorded sites. To ensure that archeological resources are protected, the report recommends that a qualified archeologist monitor all earth disturbing activities, and that construction work be suspended and a mitigation plan developed, to include data recovery and analysis, if archaeological materials are found. The City incorporated the report recommendations into the permit conditions, which are incorporated into this permit through **Special Condition 8**. As conditioned, the proposed development is consistent with Section 30244 of the Coastal Act and the LUP's archaeological resource policies.

## F. WATER QUALITY/MARINE RESOURCES

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.*

### Consistency 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 Resources Control Board. The project site is across the street from these marine habitats. Drainage and stormwater runoff from the site, both during and after construction, have the potential to degrade coastal water quality and diminish biological productivity by contributing sediments and pollutants.

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 that retain, filter, and treat stormwater runoff on site to the maximum degree feasible (**Special Conditions 1a and 1b**). Only with these conditions is the project consistent with Coastal Act Sections 30230 and 30231 and LUP Policy 2.2.5.2.

## **G. LOCAL COASTAL PROGRAMS**

Section 30604(a) of the Coastal Act 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 working on both an LUP update and associated 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 LCP.

## **H. 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 that 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 that 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).

**APPENDIX A – SUBSTANTIVE FILE DOCUMENTS**

1. *Grines Residence Botanical Survey Report*, Thomas K. Moss. April 29, 2012.
2. *Grines Residence Landscape Restoration Plan*, Thomas K. Moss. April 21, 2014.
3. *Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number 007-031-010, in the City of Pacific Grove, Monterey County, California*. Anna Rummings, M.A., and Trudy Haversat SOPA. March 21, 1996.
4. *Architectural Permit AP12-0312 for a property located at 1359 Lighthouse Ave*. City of Pacific Grove Community Development Department – Planning Division. May 13, 2014.



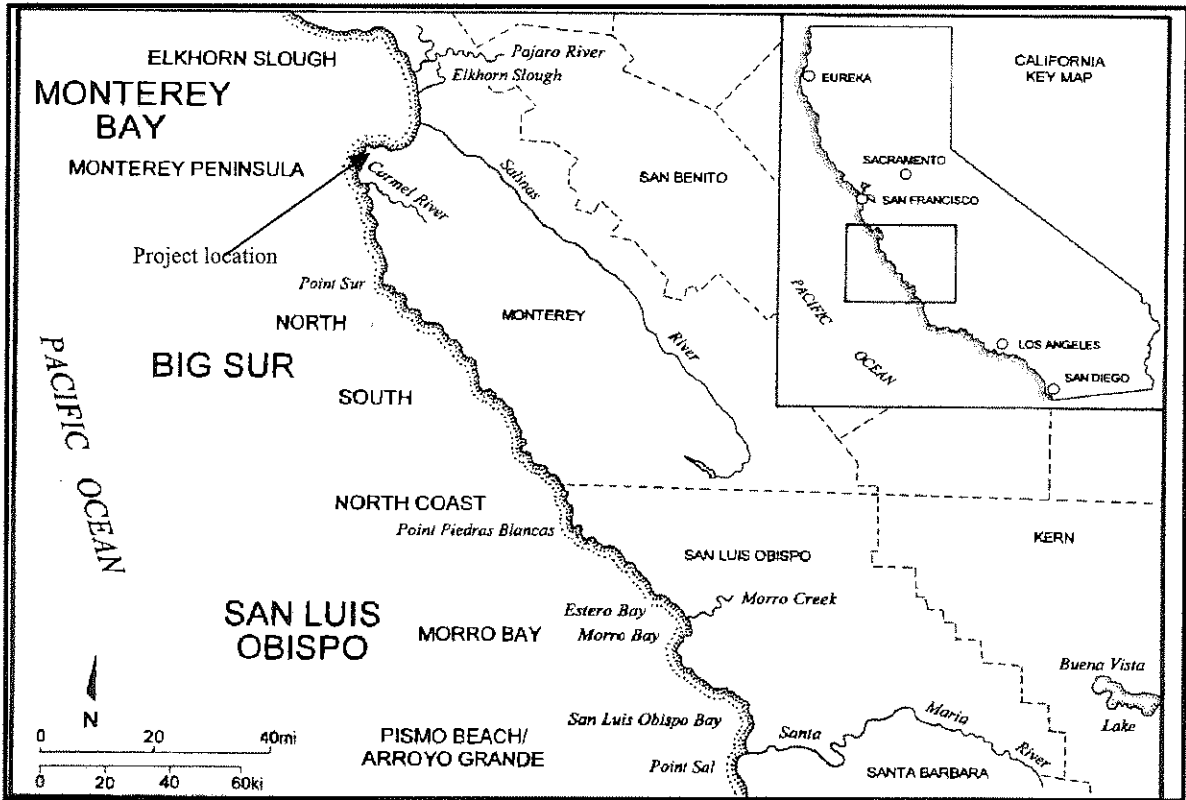


Figure 1: Regional Location Map for the City of Pacific Grove, California

RECEIVED

SEP 04 2014

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

LEGEND

STATE HIGHWAY NUMBER

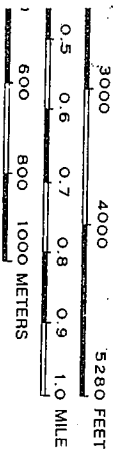
COUNTY ROAD NUMBER

BLOCK NUMBER

ONE WAY STREET

SCENIC HIGHWAY

SCALE



METER 1/8 MILE

HIC DEPARTMENT

GHT 1992 BY

UTOMOBILE ASSOCIATION

SAN FRANCISCO, CA 94102

C2-92

A MONTEREY TOUR MAP  
IS ALSO AVAILABLE TO MEMBERS  
AT ALL C.S.A.A. OFFICES

*Subject Property*



Properties within 100 feet

RECEIVED

SEP 04 2014

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

OCEAN VIEW  
BLVD.

L I G H T

R E S E R V A T I O N

Subject Property of

L I G H T H O U S E  
A V E .

City of U.S. Lighthouse Reservation

SUNSET DR.

JEWEL AVE.

JEWEL AVE.

JEWEL AVE.

JEWEL AVE.

ASSESSOR'S MAP  
BOOK 7 PAGE 03

TAX CODE AREA  
4-006

THIS MAP IS INTENDED TO BE USED FOR  
PROPERTY TAX ASSESSMENT PURPOSES ONLY.

LIGHTHOUSE  
AVE.

BLVD.

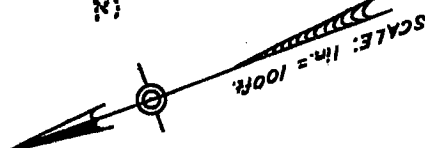
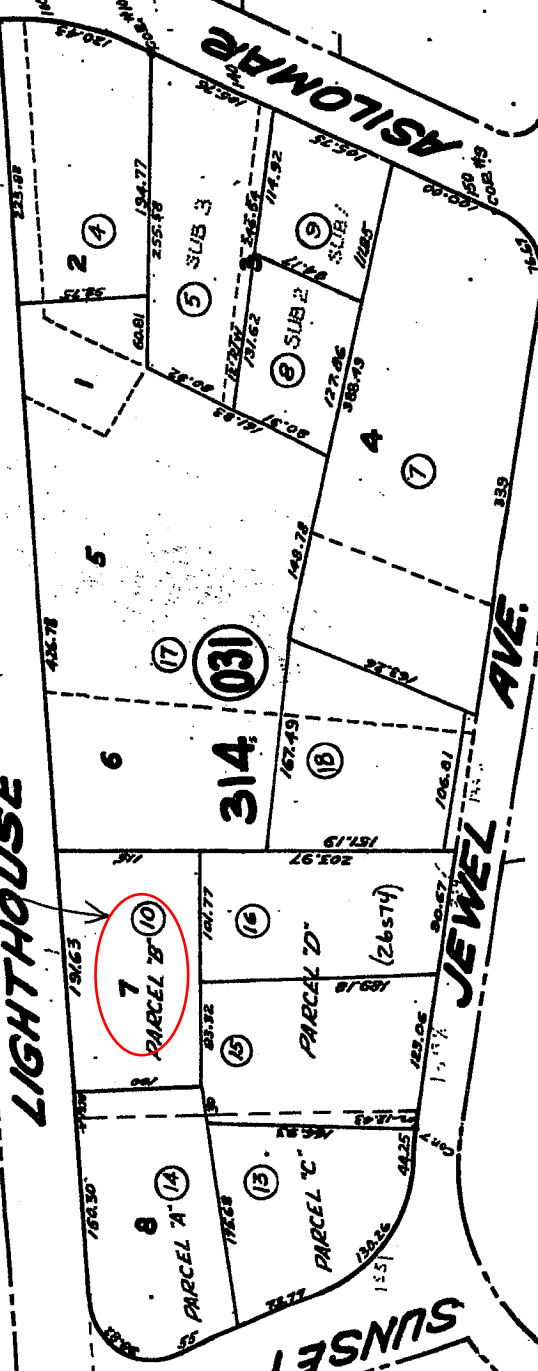
6-11  
316

02  
314  
9

ASILOMAR  
BLVD.

PACIFIC GROVE ACRES  
LOTS 1 TO 8 BLK. 314

04















NO TRESPASSING

NO TRESPASSING PROHIBIDO EL PASO

KEEP OUT

NO TRESPASSING

KEEP OUT

NO TRESPASSING PROHIBIDO EL PASO





KEEP OUT









NO  
PARKING  
PERMITTED  
EL. 1000



# Pertinent Data

AP Number - 007-031-010

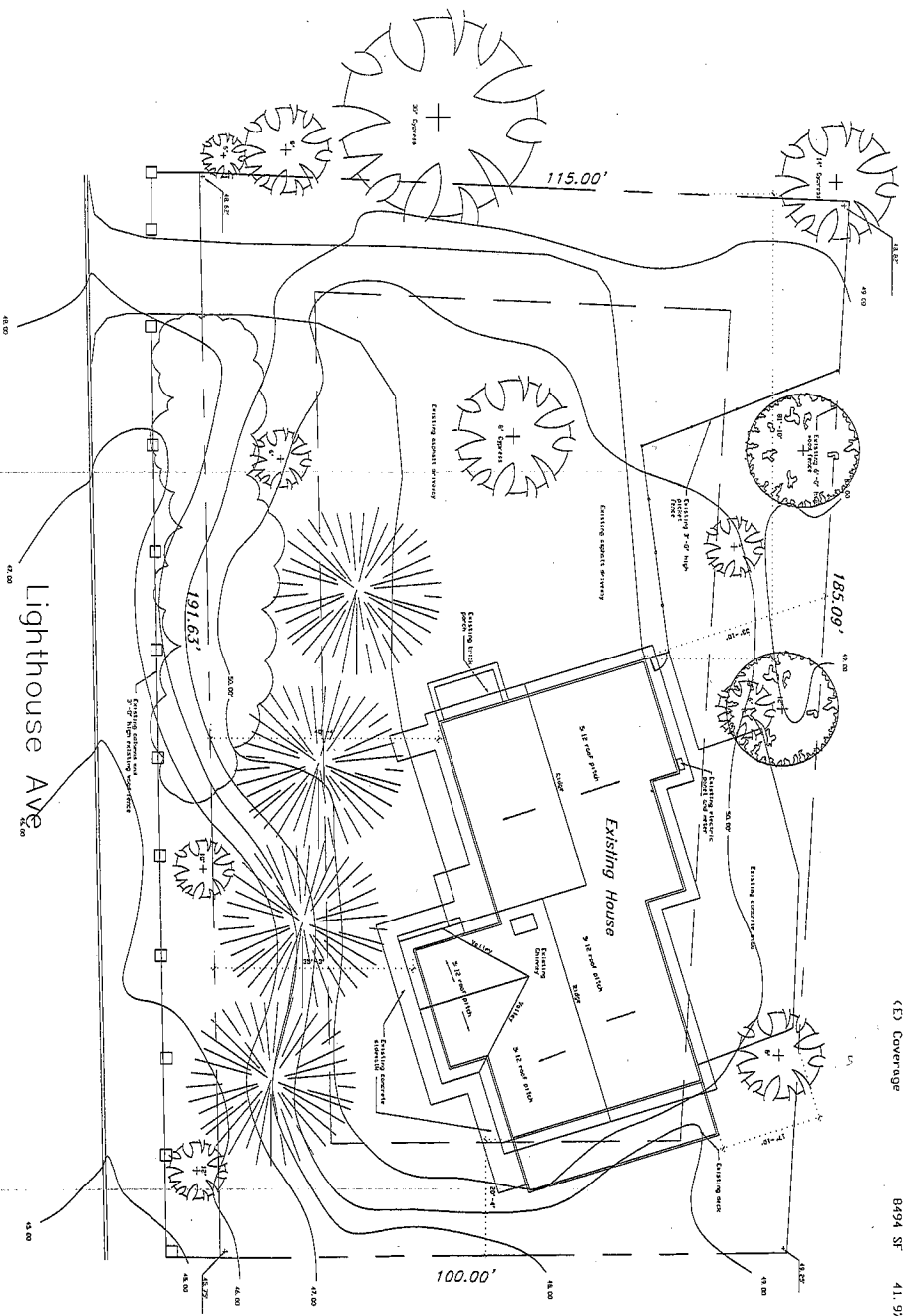
Zoning

Type of Construction: SN

Occupancy: R-3

LAND:

Lot Area	20,230 SF
Existing house footprint	2803 SF 13.8%
Existing deck/patio coverage	1561 SF 7.7%
Existing walkways	573 SF 2.8%
Existing driveway	3537 SF 17.5%
(E) Coverage	8494 SF 41.9%



EXISTING SITE PLAN

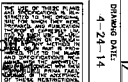
Lighthouse Ave

1"=10'

**SHEET TITLE**  
Existing Site Plan  
Notes  
Details

**JAMES "JIM" VOCELKA**  
ARCHITECT  
16220 KAREN DR.  
SALINAS, CALIFORNIA 93907  
PHONE: 831-63-6644  
FAX: 831-632-8640  
LICENSE NUMBER: C-16956

Exhibit  
**RES INC. 3-14-1**



**PROJECT**  
Proposed remodel of existing house for:  
Cindy Grines  
1359 Lighthouse  
Pacific Grove, CA  
A.P. # 007-031-010 PHONE: (248)-625-9405

**PROJECT**  
JOB # 08  
SCALE: AS NOTED  
BOOKING CARD  
SHEET 1A  
OF 6 SHEETS

**REVISION**  
DATE  
BY

# Consultants

Archaeological Consulting  
T.A. Blum  
P.O. Box 3377  
Salinas, CA 93912  
408-425-4912

Botanical:  
Thomas K. Moss  
508 Cocker Avenue  
Pacific Grove, CA 93950  
831-594-0948

Landscape:

# Architect

Architect:  
James "Jim" Voelka  
19020 Karen Drive  
Salinas, CA 93907  
831-663-6640

Structural:

# Sheet Index

Sheet Number	Title
1	Site Plan
1A	Existing Site Plan
1B	Demo Plan
2	First Floor Plan
3	Second Floor Plan
4	Exterior Elevations
4A	Existing Exterior Elevations
5	Exterior Elevations
6	Preliminary Roof Plan

# Pertinent Data

AP Number - 007-031-010  
Zoning:  
Type of Construction: 5N  
Occupancy: R-3

LAND:  
Lot Area: 20,220 SF  
(E) Coverage: 8494 SF 42%  
Proposed site coverage: 7090 SF 35.0%

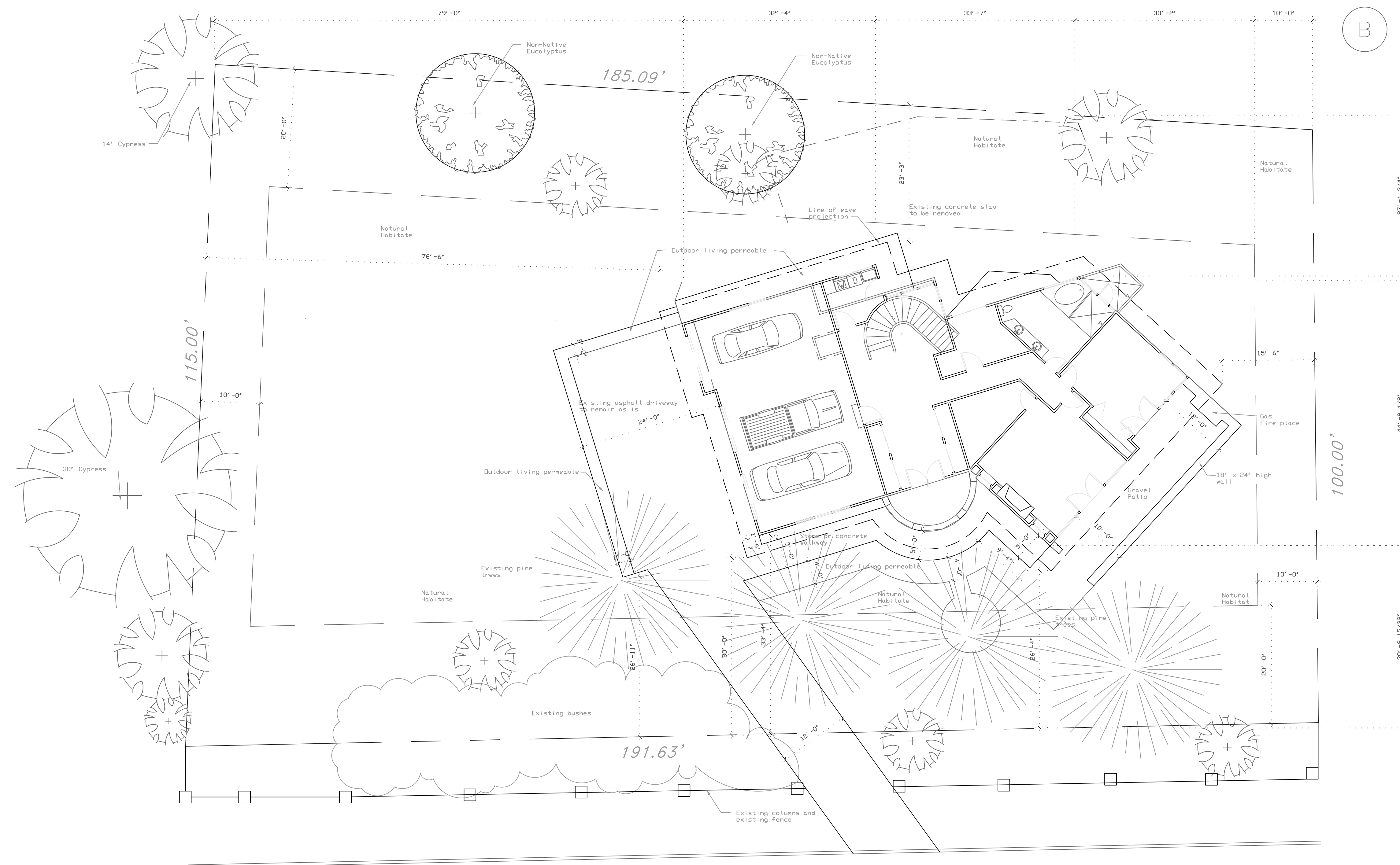
BUILDING:  
First Floor Living Area: 1682 SF  
Second Floor Living Area: 2307 SF  
Total Living Area: 3987 SF  
Garage: 858 SF  
Building Footprint:  
Existing: 2803 SF  
Proposed: 2540 SF

NOTE: Property lines determined by previous site plan on file with city.

Existing square footages			Proposed Square footages		
Description	Square Feet	Percentage of overall site	Description	Square Feet	Percentage of overall site
Land	20,220	—	Land	20,220	—
House Footprint	2803	13.8 %	House Footprint	2540	12.6 %
Decks and patios	1561	7.7 %	Columns, fireplace	92	.45
Walkways	573	2.8 %	Walkways	372	1.8 %
Driveway	3557	17.6 %	Driveway	930	4.6 %
Total	8494	42 %	Outside Living Permeable	997	4.9%
			Inpermeable	4044	20%
			Total Permeable	997	4.9%
			Total	5041	24.9%

# Vicinity Map

Lot: Parcel B  
Block: 314  
Tract: Asilomar Dunes



Lighthouse Ave

PG APPROVED SITE PLAN  
1"=10'

REVISION DATE	KEY
	▲
	▲
	▲
	▲

DRAWING DATE:  
3-30-15

THE USE OF THESE PLANS IS LIMITED TO THE PROJECT AND SITE SPECIFICALLY IDENTIFIED ON THESE PLANS. ANY OTHER USE OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT IS PROHIBITED. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE PLANS.

JAMES "JIM" VOELKA  
ARCHITECT  
19020 KAREN DR.  
SALINAS, CALIFORNIA 93907  
PHONE: 831-663-6644  
FAX: 831-663-6640  
LICENSE NUMBER: C-19956

**Ability**  
VENTURES INC.

SHEET TITLE  
Site Plan  
Notes  
Details

PROJECT  
Proposed remodel of existing house for:  
**Cindy Grines**  
1359 Lighthouse  
Pacific Grove, CA  
A.P. # 007-031-010 PHONE: (248)-625-9405

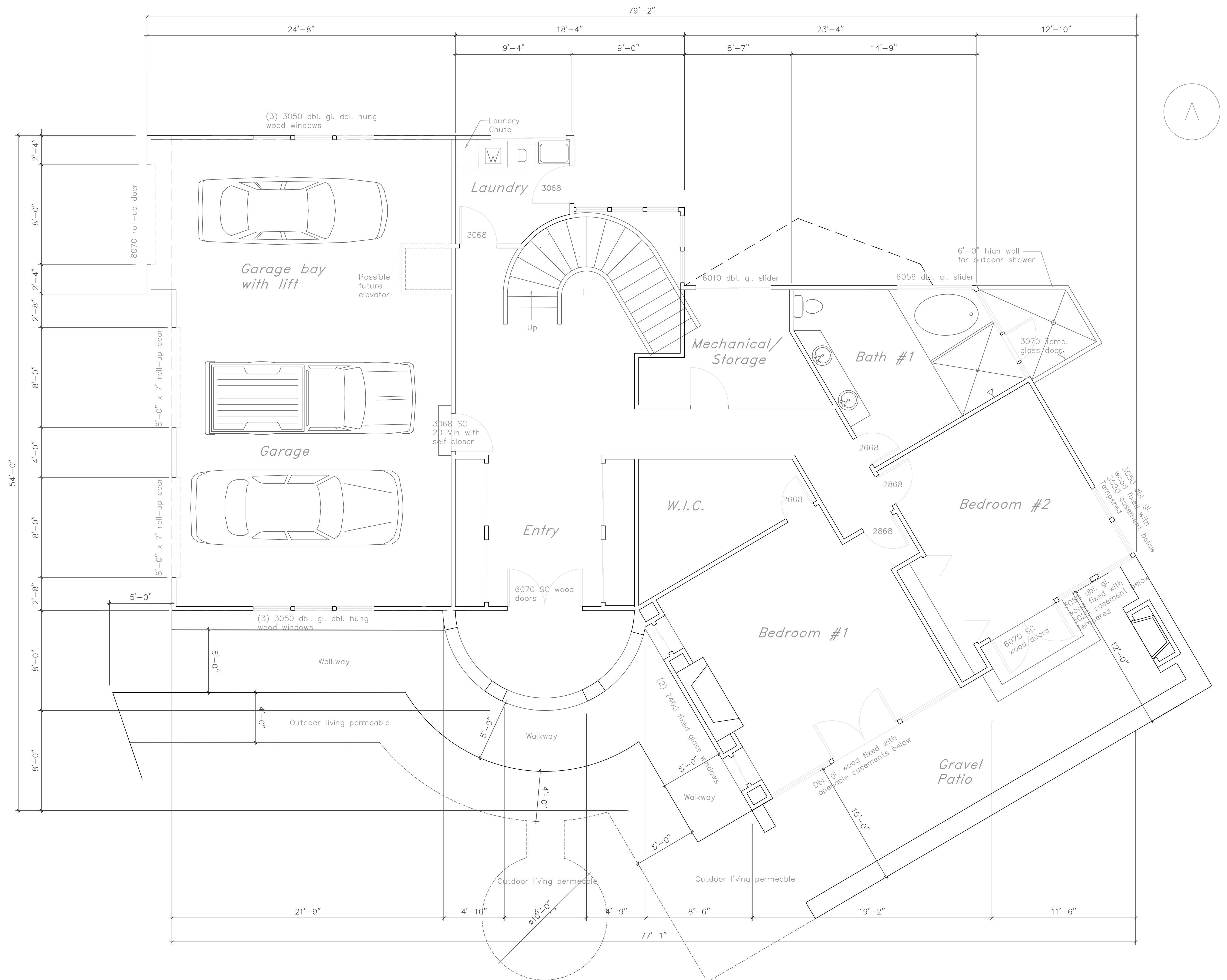
SCALE AS NOTED

DRAWN CADD

JOB -

SHEET 1

OF 9 SHEETS



# First Floor Plan

1/4" = 1'

0'

REVISION DATE	KEY
	▲
	▲
	▲
	▲
DRAWING DATE: 3-30-15	
<small>THE USE OF THESE PLANS IS LIMITED TO THE ORIGINAL PROJECT AND ANY CHANGES MADE TO THE ORIGINAL DESIGN ARE THE RESPONSIBILITY OF THE CLIENT. THE ARCHITECT ASSUMES NO LIABILITY FOR ANY DAMAGE OR INJURY TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL FEES RECEIVED BY THE ARCHITECT FOR THE DESIGN OF THESE PLANS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ARCHITECT'S LIABILITY IS LIMITED TO THE PROFESSIONAL FEES RECEIVED BY THE ARCHITECT FOR THE DESIGN OF THESE PLANS.</small>	
<b>JAMES "JIM" VOCELKA</b> <b>ARCHITECT</b> 19020 KAREN DR. SALINAS, CALIFORNIA 93907 PHONE: 831-683-6644 FAX: 831-683-6640 LICENSE NUMBER: C-19956	
<b>Ability</b> VENTURES INC.	
PROJECT: Proposed remodel of existing house for: <b>Cindy Grines</b> 1359 Lighthouse Pacific Grove, CA A.P. # 007-031-010 PHONE: (248)-625-9405	
SHEET TITLE: <b>First Floor Plan</b> <b>Notes</b> <b>Details</b>	
SCALE: AS NOTED DRAWN: CADD JOB: - SHEET: <b>2</b> OF 9 SHEETS	

REVISION DATE	KEY
	▲
	▲
	▲
	▲

DRAWING DATE:  
3-30-15

THIS SET OF DRAWINGS IS FOR THE PROPOSED REMODEL OF AN EXISTING HOUSE. THE ARCHITECT HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE EXISTING CONDITIONS AND HAS ASSUMED THAT THE EXISTING CONDITIONS ARE AS SHOWN ON THESE DRAWINGS. THE ARCHITECT HAS NOT CONDUCTED A STRUCTURAL ANALYSIS OF THE EXISTING HOUSE AND HAS ASSUMED THAT THE EXISTING STRUCTURE IS CAPABLE OF SUPPORTING THE PROPOSED REMODEL. THE ARCHITECT HAS NOT CONDUCTED A MECHANICAL, ELECTRICAL, OR PLUMBING ANALYSIS OF THE EXISTING HOUSE AND HAS ASSUMED THAT THE EXISTING MECHANICAL, ELECTRICAL, AND PLUMBING SYSTEMS ARE CAPABLE OF SUPPORTING THE PROPOSED REMODEL. THE ARCHITECT HAS NOT CONDUCTED A GEOTECHNICAL ANALYSIS OF THE EXISTING HOUSE AND HAS ASSUMED THAT THE EXISTING FOUNDATION IS CAPABLE OF SUPPORTING THE PROPOSED REMODEL. THE ARCHITECT HAS NOT CONDUCTED A HISTORIC PRESERVATION ANALYSIS OF THE EXISTING HOUSE AND HAS ASSUMED THAT THE EXISTING HOUSE IS NOT A HISTORIC STRUCTURE. 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 FAX: 831-663-6640  
 LICENSE NUMBER: C-19956



**SHEET TITLE**  
 Second Floor Plan  
**Notes**  
 - Details

**PROJECT**  
 Proposed remodel of existing house for:  
**Cindy Grines**  
 1359 Lighthouse  
 Pacific Grove, CA  
 A.P. # 007-031-010 PHONE: (248)-625-9405

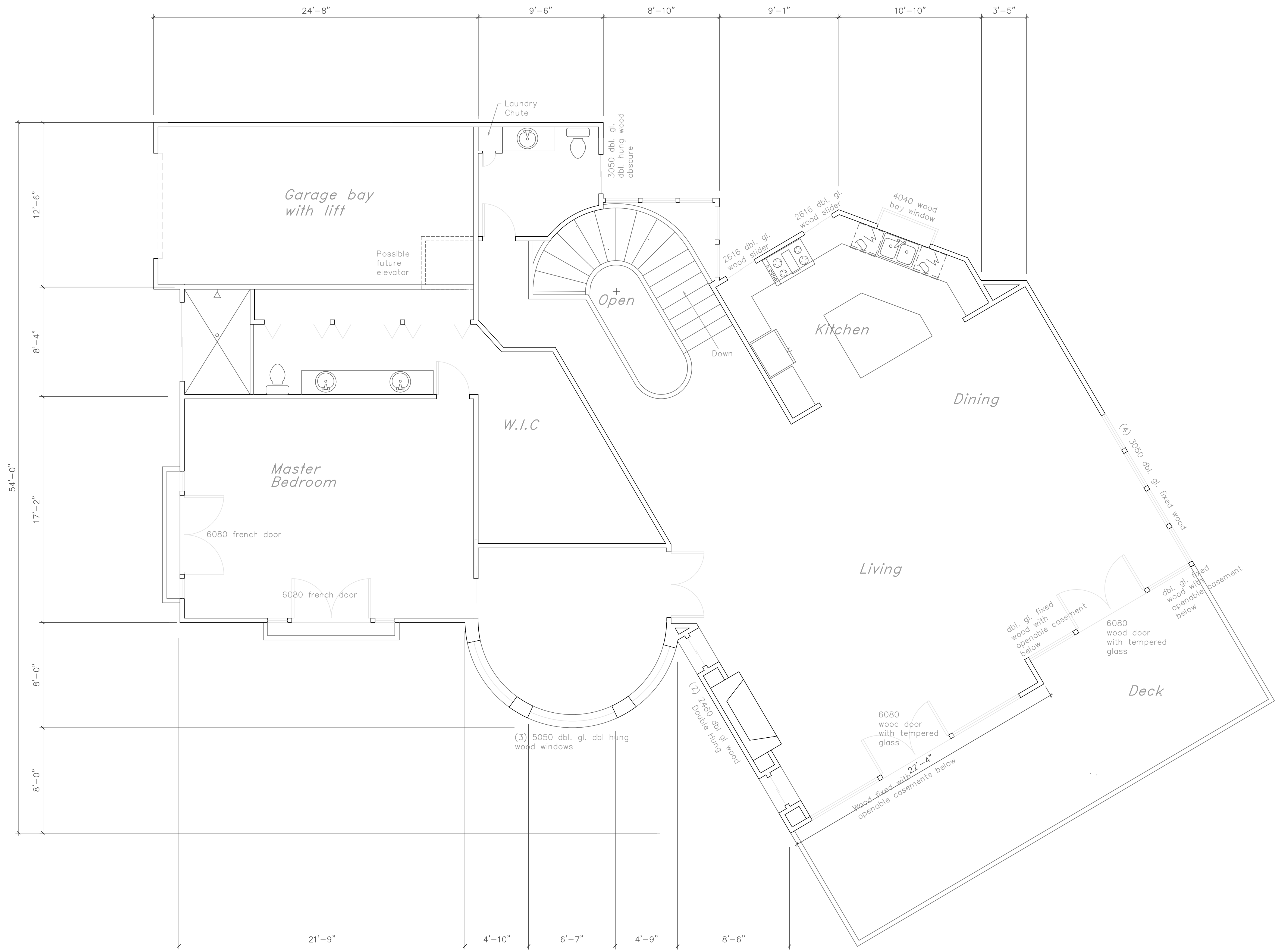
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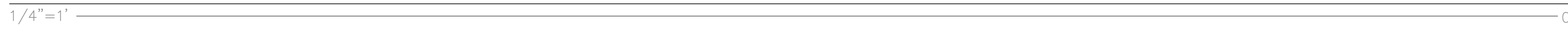
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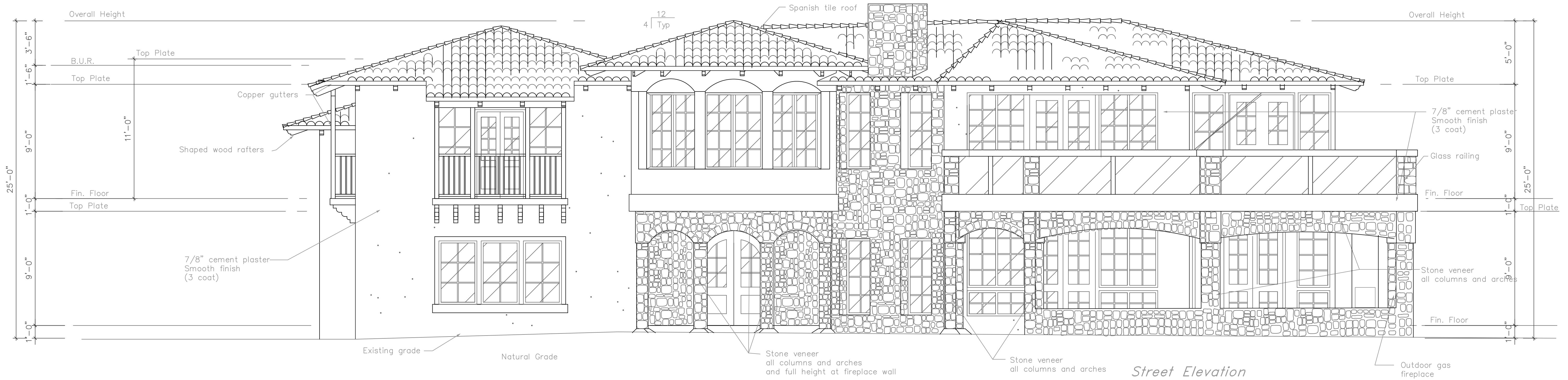
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**OF 5 SHEETS**

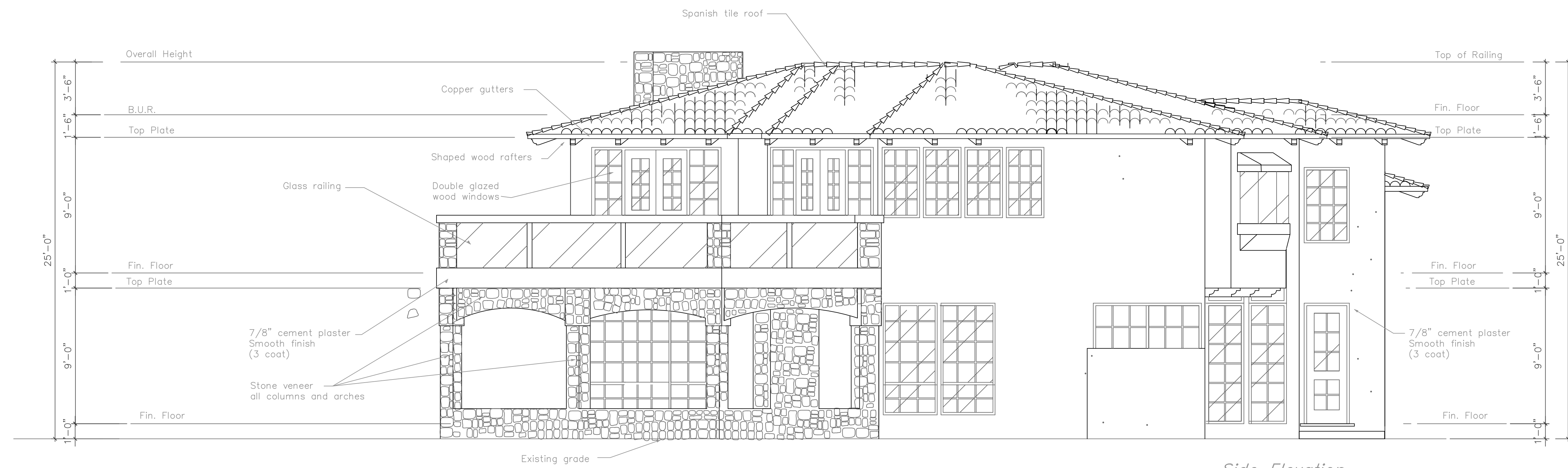


Second Floor Plan  
 1/4"=1'





Street Elevation



Side Elevation

# Exterior Elevations

1/4" = 1'

0"

REVISION DATE	KEY
	▲
	▲
	▲
	▲

DRAWING DATE:  
3-30-15

THIS SET OF DRAWINGS IS TO BE USED FOR THE PROPOSED REMODEL OF AN EXISTING HOUSE. THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR FOR THE RESULTS OF ANY INVESTIGATION OR ANALYSIS OF THE EXISTING STRUCTURE OR FOR THE PERFORMANCE OF THE PROPOSED WORK. THE ARCHITECT'S LIABILITY IS LIMITED TO THE DESIGN OF THE PROPOSED WORK AND TO THE EXTENT OF THE ARCHITECT'S NEGLIGENCE, MALPRACTICE, OR WILLFUL AND WANTON MISFEASANCE. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT OR FOR THE RESULTS OF ANY INVESTIGATION OR ANALYSIS OF THE EXISTING STRUCTURE OR FOR THE PERFORMANCE OF THE PROPOSED WORK.

**Ability**  
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SHEET TITLE  
Exterior Elevations  
Notes  
Details

PROJECT  
Proposed remodel of existing house for:  
**Cindy Grines**  
1359 Lighthouse  
Pacific Grove, CA  
A.P. # 007-031-010 PHONE: (248)-625-9405

SCALE AS NOTED

DRAWN CADD

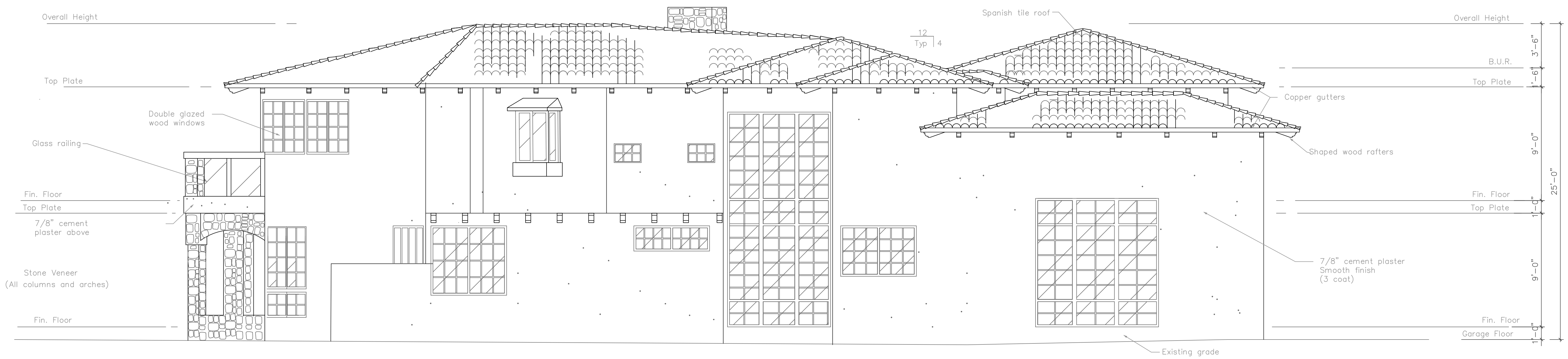
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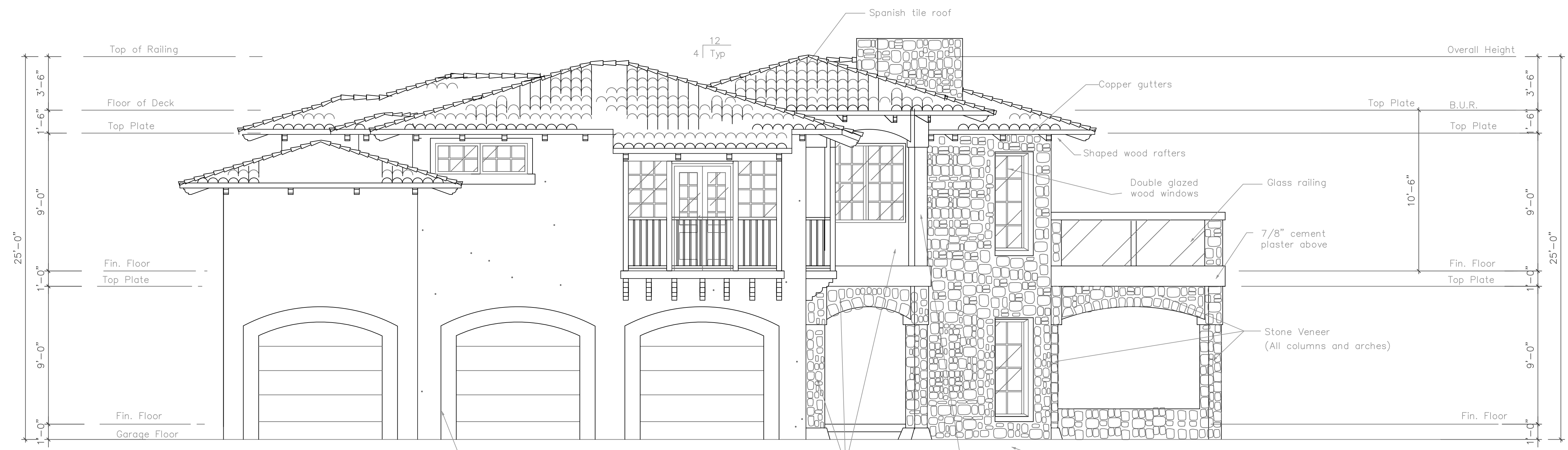
**4**

OF 6 SHEETS





Rear Elevation



Side Elevation

# Exterior Elevations

1/4"=1'

REVISION DATE	KEY
	▲
	▲
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	▲

DRAWING DATE:  
3-30-15

ANY USE OF THESE PLANS WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT IS STRICTLY PROHIBITED. THE ARCHITECT ASSUMES NO LIABILITY FOR CONSTRUCTION DEFECTS OR OMISSIONS. THE ARCHITECT'S RESPONSIBILITY IS LIMITED TO THE DESIGN AND CONSTRUCTION OF THE PROJECT AS SHOWN ON THESE PLANS.

**Ability** INTERIORS INC.

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FAX: 831-663-6640  
LICENSE NUMBER: C-19956

SHEET TITLE  
Exterior Elevations  
Notes  
- Details

PROJECT  
Proposed remodel of existing house for:  
**Cindy Grines**  
1359 Lighthouse  
Pacific Grove, CA  
A.P. # 007-031-010 PHONE: (248) - 625-9405

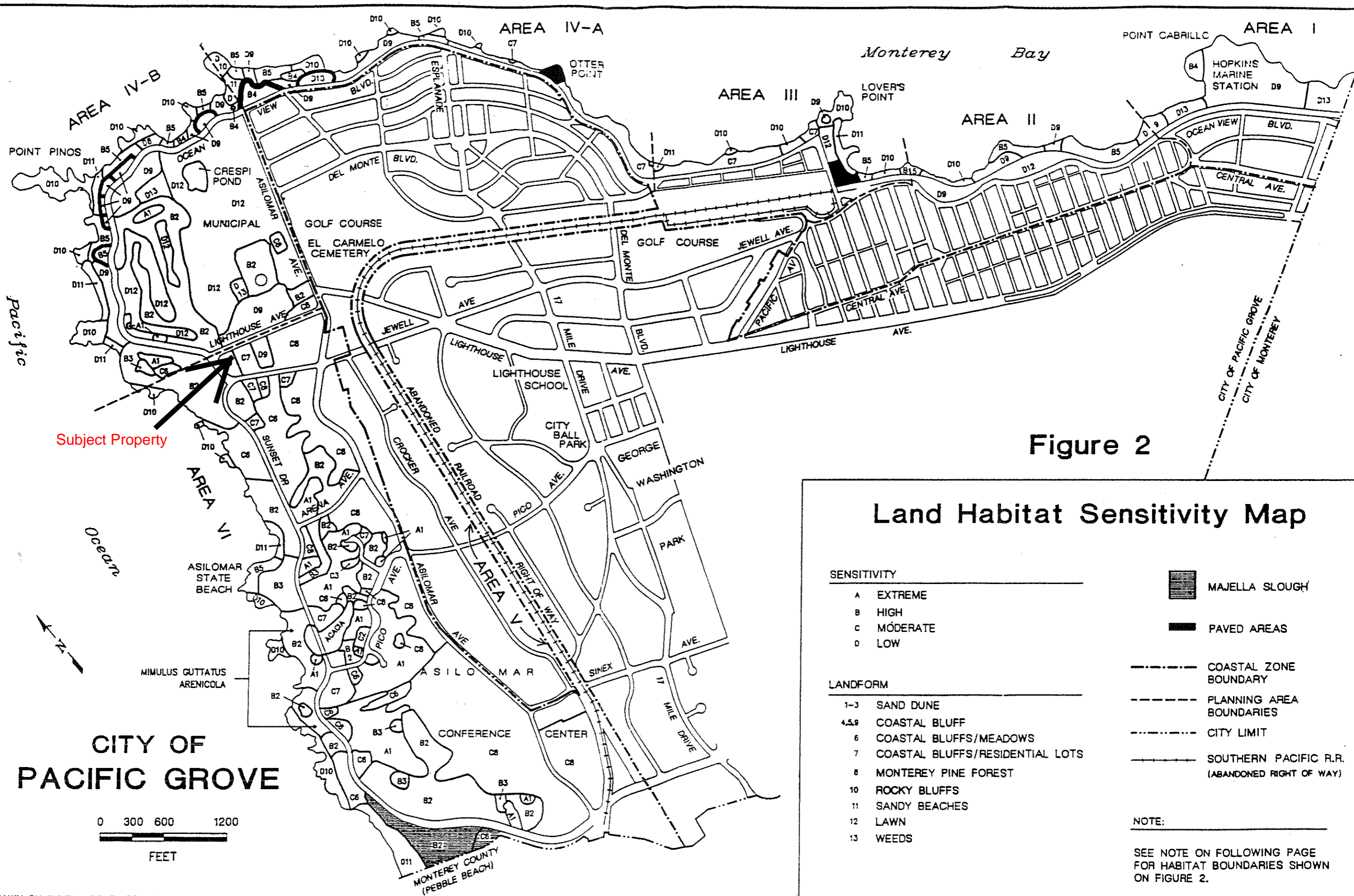
SCALE AS NOTED

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JOB -

SHEET

OF 6 SHEETS  
Exhibit 5  
3-14-1591  
6 of 6





SEP 04 2014



## CITY OF PACIFIC GROVE

Community Development Department – Planning Division

300 Forest Avenue, Pacific Grove, CA 93950

T : 831.648.3183 • F : 831.648.3184 • www.ci.pg.ca.us/cdd

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

### ARCHITECTURAL PERMIT AP12-0312

**FOR A PROPERTY LOCATED AT 1359 LIGHTHOUSE AVE, PACIFIC GROVE, CA 93950 TO ADD A 2,042 SQUARE FOOT FIRST AND SECOND STORY ADDITION TO AN EXISTING SINGLE STORY 2,803 SQUARE FOOT RESIDENCE FOR A TOTAL OF 4,845 SQUARE FEET, INCREASE THE HEIGHT FROM 18 FEET TO 25 FEET, AND A REDUCTION OF THE LEGAL NON-CONFORMING SITE COVERAGE FROM 41.9% TO 35.3%**

#### FACTS

1. The subject site is located at 1359 Lighthouse Ave, Pacific Grove, 93950 APN 007-031-010
2. The subject site is approximately 0.47 gross acres.
3. The subject site is developed with one single family residence that was constructed in 1963, prior to the Local Coastal Program Land Use Plan.
4. The existing residence was subject to a fire and has been uninhabited for over one year.
5. The property is serviced by a septic system.
6. The subject site has a designation of Low Density Residential 5.4 DU/AC on the adopted City of Pacific Grove General Plan Land Use Map.
7. The subject site is located in the R-1-B-4 zoning district.
8. The property is located in the Coastal Zone in Asilomar Dunes Environmentally Sensitive Habitat Area and subject to the Local Coastal Program Land Use Plan.
9. An Administrative Use Permit, AUP13-096, permitting a three foot height exceedance of the chimney and permitting more than 25% demolition linear wall (58% proposed) of an existing non-conforming structure was approved on April 10, 2013. A one year extension was approved on March 28, 2014.
10. An Archeology Report by Archeological Consulting dated March 21, 1996 concluded that the project area does not contain surface evidence of potentially significant cultural resources.
11. A Botanical Survey Report by Thomas Mass, dated April 29, 2012 concluded no rare or other sensitive species were found on the property.
12. A Landscape Restoration Plan by Thomas Moss dated March 20, 2014 was prepared for the project. All native trees are proposed for retention.
13. This project has been determined to be exempt under CEQA Guidelines 15301.e.2.

#### FINDINGS

1. The proposed development will meet the development regulations set forth in the R-1-B-4 zoning district, including but not limited to heights, parking and setbacks, with the exception of site coverage which is considered legal non-conforming.
2. The Local Coastal Program Land Use Plan (LUP) allows a maximum site coverage of 40% for existing development per Policy 3.4.3. The existing legal non-conforming site coverage is 41.9%. The proposal reduces the site coverage by 6.6% or 1,342 square feet to 35.3% by reducing both the footprint of the building and the driveway. The site is required to restore the property landscape in accordance with the Landscape Restoration Plan, dated March 20, 2014 by Thomas Moss. Reducing the legal non-conforming site coverage and restoring the landscape in conformance with the LUP furthers the goals of preserving native dune plant habitat and brings the property into conformance with the lot coverage.
3. The architecture and general appearance of the completed project are compatible with the neighborhood because the proposed exterior will be compatible with the size, scale and proportions of the existing residence and other residences in the neighborhood, in that the proposal is consistent with Architectural Review Guidelines Nos 4, 14, 21, 27 and 34;

4. The completed project will neither be detrimental to the orderly and harmonious development of the city nor impair the desirability of investment or occupation in the neighborhood because the project will be improving the subject property, and
5. The Board has been guided by and has made reference to applicable provisions of the Architectural Review Guidelines in making its determinations on single-family residences.
6. The property is currently serviced by a septic system and will be required to connect to the sanitary sewer system. Connecting to the sanitary sewer and abandonment and/or removal of the septic system will improve water quality and remove a potential water quality hazard.

#### **PERMIT**

Architectural Permit AP12-0312 to allow:

- 1) a 2,042 square foot first and second story addition to an existing single story 2,803 square foot residence for a total of 4,845 square feet, an increase in height from 18 feet to 25 feet, and a reduction of the legal non-conforming site coverage from 41.9% to 35.3%.

#### **CONDITIONS OF APPROVAL**

1. **Permit Expiration.** This permit shall expire and be null and void if a building permit has not been applied for within one (1) year from and after the date of approval. Application for extension of this approval must be made prior to the expiration date.
2. **Construction Compliance.** All construction must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff, and may require Architectural Review Board approval.
3. **Terms and Conditions.** These terms and conditions shall run with the land, and it is the intention of the CDD Director and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions, unless amended. Amendments to this permit may be achieved only if an application is made and approved, pursuant to the Zoning Code.
4. **Public Works, Fire and Building.** Review and approval by the Public Works, Fire and Building Departments are required prior to issuance of a building permit. Work taking place in the public right-of-way shall require an encroachment permit prior to issuance of the building permit.
5. **Conformance to Plans.** Development of the site shall conform to approved Architectural Permit plans entitled "Proposed Remodel of existing house for: Cindy Grines" dated April 24, 2014, on file with the Community Development Department and to the Building Code, with the exception of any subsequently approved changes.
6. **Tree Removal and Replacement:** All native trees shall be retained. All non-native trees shall be removed and non-native trees greater than 12" in diameter base height shall be replaced at a 1:1 ratio with native trees.
7. **Tree Protection Standards During Construction:** Pursuant to Municipal Code Chapters 12.20 and 12.30, and the *Urban Forestry Standards*, all trees that are otherwise protected and will be impacted as a result of Development, both proposed for pruning or removal and where the development will impact the critical root zone of the tree are protected. Prior to issuance of the building permit, the Project Arborist shall review grading, drainage, utility, building and landscape plans to determine impacts to individual Trees, to determine required minimum Tree protection standards during construction and submit a report to the City Arborist for review and approval.

8. **Archeology.** If archaeological resources or human remains are discovered during construction, work shall be halted within 50 meters of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated, with the concurrence of the City of Pacific Grove staff, and implemented.
9. **Coastal Development Permit.** A Coastal Development Permit from the Coastal Commission is required prior to the issuance of building permits.
10. **Sanitary Sewer Connection.** Prior to issuance of final building permit, the property is required to connect to the sanitary sewer and pay any related fees, including any reimbursement fee. Abandonment of the septic system must be coordinated with the County Health Department.
11. **Exterior Lighting.** Exterior lighting must be full cut off and conform to Architectural Review Guidelines Nos. 10, 11, 12.
12. **Construction Period**
  - a. Pre-construction meeting to review project permits and all environmental compliance requirements.
  - b. All activities associated with construction, trenching, storage of materials and disposal of construction wastes and excavated soil will not impact areas protected by fencing. The areas protected by the fence will remain in a trash free condition and not used for material stockpiling, storage or disposal, or vehicle parking. All construction personnel will be prohibited from entering areas protected by fencing.
  - c. No construction materials, including but not limited to wood, nails, glass, tile, gravel, paint, cement, joint compound, cleaning solvents or residues from other chemicals, etc will be disposed of on-site. The General Contractor will be responsible for complying with this requirement and will clean up any spills or contaminated ground.
  - d. If any excavation spoils (sand only) are generated by the project, they will be disposed of off-site (preferably within the Asilomar Dunes), but not in a way that will negatively affect any existing native vegetation. The proposed location(s) for disposing of excess sand will be reviewed and approved by the City of Pacific Grove and the California Coastal Commission prior to the start of construction.
  - e. The Project Biologist will inspect the site daily during any excavation or other ground disturbing activities and no less than one time each week for the duration of the project, to ensure compliance with all provisions for protecting the natural environment. Any activity or condition not in compliance will be brought to the attention of the owner, their representative, the General Contractor, and the City of Pacific Grove, Community Development Department.
  - f. A qualified biologist will be retained by the property owner to implement the project's Landscape Restoration Plan, including overseeing and supervising each step of the restoration process.
13. **Post-Construction Period**
  - a. Staff of the California Coastal Commission will inspect the project and verify that it conforms to the original permit requirements prior to the City of Pacific Grove proving final building inspection approval and granting of building occupancy.
  - b. At the conclusion of all construction and project-related work, and with the concurrence of the Project Biologist, the temporary fence will be removed.
  - c. Landscaping will be installed according to the specifications described in the Landscape Restoration Plan and completed within one year of the project receiving final building inspection approval.
  - d. No exotic plants or non-local native plants will be planted on the property. Only plants that are listed in the Landscape Restoration Plan will be used on the property.

- e. No exotic plants or non-local native plants will be used in any area that is designated as Immediate Outdoor Living Area (IOLA). The IOLA will remain defined with distinct structural borders that provide a clear boundary between it and the natural habitat.
- f. When installation of the landscape has been satisfactorily completed, the Project Biologist will submit a letter to notify the City of Pacific Grove and the California Coastal Commission, at which time a 5-year monitoring and maintenance program will begin, as described in the Landscape Restoration Plan.
- g. A qualified biologist will be retained by the property owner to monitor the landscape restoration project on an annual basis for at least five years and provide an annual status report to the City of Pacific Grove Community Development Department and the California Coastal Commission.
- h. The native landscape will be maintained as specified in the Landscape Restoration Plan, including removing exotic plants and plating and caring for additional plants if needed.
- i. If the property should change ownership, future owners of the property will have the same obligation for preserving, maintaining and perpetuating the native landscape on the property. To ensure that this objective is achieved over the long-term, the property owner will record an agreement as a deed restriction that all the provisions for restoring and maintain the native landscape on the site will run with and burden title to the property in perpetuity and will bind the property owners and their successors.

14. **Permeable Paving for Driveway:** In the event the driveway is replaced, a permeable material shall be considered.

15. **Revised Plans:** Within 30 days of approval, revised plans must be submitted to reflect the following, or the permit will be null and void:

- a. Remove the second floor deck from setback areas and revise site plan and elevations and any other plan accordingly.

**NOW, THEREFORE, BE IT RESOLVED BY THE ARCHITECTURAL REVIEW BOARD OF THE CITY OF PACIFIC GROVE:**

- 1. The Board determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Permit.
- 2. The Board authorizes APPROVAL of an Architectural Permit AP 12-0312 to allow a 2,042 square foot first and second story addition to an existing single story 2,803 square foot residence for a total of 4,845 square feet, an increase in height from 18 feet to 25 feet, and reduce the legal non-conforming site coverage from 41.9% to 35.3%.
- 3. This permit shall become effective upon the expiration of the 10-day appeal period.
- 4. This permit shall not take effect until the owner acknowledges and agrees to all terms and conditions and agrees to conform to and comply with those terms and conditions.

Passed and adopted at a regular meeting of the Architectural Review Board of the City of Pacific Grove on the 13<sup>th</sup> day of May 2014, by the following vote:

AYES: Steres, Boyle, Groben, Doocy

NOES: McCord

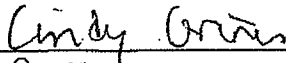
ABSENT: Becom, Collins

APPROVED:



Jim McCord, Chair

The undersigned hereby acknowledge and agree to the approved terms and conditions, and agree to fully conform to, and comply with, said terms and conditions.



Cindy Grines, Owner

6-10-14

Date