

Th246

O'Neill, Brian@Coastal

From: Deb White <rileys8@aol.com>
Sent: Tuesday, April 28, 2015 8:46 PM
To: O'Neill, Brian@Coastal
Cc: setwave@msn.com; luyen@ericmillerarchitects.com
Subject: Application number 3-141172

California Coastal Commission
Attn: Brian O'Neill

We have read and understand the Coastal Development Permit Application and we accept and agree to all conditions listed in the report. We request that the application be moved to the consent calendar.

Sincerely,
Randal and Deborah White

RECEIVED
APR 28 2015

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



Th24b

Filed: 7/21/2014
Staff: Brian O'Neill - SC
Staff Report: 4/23/2015
Hearing Date: 5/14/2015

STAFF REPORT: CDP HEARING

Application Number: 3-14-1172, White SFD

Applicants: Deborah and Randal White

Project Location: 1771 Sunset Drive, in the Asilomar Dunes neighborhood of Pacific Grove, Monterey County (APN 007-071-007)

Project Description: Remodel of and 281-square-foot addition to existing 974-square-foot single-family residence and accessory structure, removal of concrete walkways and wood decking, installation of new stone patios, and onsite native dune restoration.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The Applicants request a coastal development permit (CDP) for a remodel and various additions to an existing, one-story, 974-square-foot single-family residence and accessory structure on a 22,564-square-foot lot in the Asilomar Dunes neighborhood of the City of Pacific Grove. The proposed development also includes removal of various decks and walkways and installation of a stone patio, along with native dune restoration on over 80 percent of the lot.

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.

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 Applicants' parcel is comprised of this dune habitat, albeit in a highly degraded condition.

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 15 percent of the lot area for lots of the size at issue here (i.e., over 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 recordation of 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 proposed 281-square-foot addition would be located within areas that are currently developed with a concrete patio and walkways. Other patio/walkway development on the site would be removed. All told, the Applicants propose to decrease aggregate lot coverage from 24.4 percent to 19.4 percent of the lot, and they have incorporated into the project a dune restoration plan for the remainder of the site.

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 overall coverage limits (i.e. pervious coverage and outdoor living space) and will not result in development in any dune areas that are not already covered by the existing residence. Although the project is above the allowable limit for impervious coverage, this particular lot is constrained in buildable area due to increased front yard setbacks necessary for the protection of public views and the presence of an access easement across the property that prevents the Applicants from reconfiguring the long driveway. Coupled with the restoration of the remainder of the site, restoration of adjacent dune habitat and/or payment of an in-lieu fee, protection of existing native plants, 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 for a small-scale addition to 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.

TABLE OF CONTENTS

| | |
|--|-----------|
| I. MOTION AND RESOLUTION | 4 |
| II. STANDARD CONDITIONS..... | 4 |
| III.SPECIAL CONDITIONS | 5 |
| IV.FINDINGS AND DECLARATIONS | 10 |
| A. PROJECT DESCRIPTION..... | 10 |
| B. STANDARD OF REVIEW | 11 |
| C. ENVIRONMENTALLY SENSITIVE HABITAT AREAS | 12 |
| D. VISUAL RESOURCES..... | 23 |
| E. ARCHAEOLOGICAL RESOURCES | 25 |
| F. WATER QUALITY/MARINE RESOURCES | 26 |
| G. LOCAL COASTAL PROGRAMS..... | 27 |
| H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) | 28 |

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 AP14-218 (Mitigation and Monitoring Plan)

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 3-14-1172 pursuant to the staff recommendation, and I recommend a yes vote.

Resolution to Approve CDP: *The Commission hereby approves Coastal Development Permit Number 3-14-1172 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 and Additional Required Project Plans.** 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 Eric Miller Architect Inc., dated April 6, 2015 and received in the Coastal Commission's Central District Office April 14, 2015) that limit site coverage to no more than 19.4% impervious coverage of the 22,564-square-foot lot (i.e., a maximum of 4,370 square-feet) and a maximum of 0% "outdoor living space" (i.e., a maximum of 0 square-feet). The area within this maximum 19.4% area shall be considered the building envelope, and all development, other than habitat enhancement development, 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). **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PROJECT,** the Applicants shall supplement the project plans referenced above 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 Permittees 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 (which shall consist of a drip or micro-spray system), 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 Permittees; all plant material shall be continuously maintained in a litter-free, weed-free, and healthy growing condition.
- (d) **Building Height.** The main residence shall be no higher than 17 feet above the finished floor elevation, and the accessory dwelling unit shall be no higher than 15 feet 11 inches. The plans shall provide detail necessary to ensure that this is the case.

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

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

- 2. Dune Restoration Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the Applicants 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 22, 2014, and dated received in the Coastal Commission's Central Coast District Office on July 11, 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 Permittees 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 Permittees or their 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 Permittees, or their 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 Permittees 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 Applicants shall submit for review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction, 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.

5. **Environmental Monitoring During Construction.** The Permittees 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. **Incorporation of City's Mitigation Requirements.** The Mitigation and Monitoring Plan (Plan) adopted by the City of Pacific Grove for its final Mitigated Negative Declaration and for Architectural Permit AP14-218 for this project is attached as **Exhibit 7** to this permit. Conditions 10 (biological) and 11 (archeological), which address the protection of archaeological resources, sensitive species, and black legless lizards during construction, are hereby incorporated as conditions of this permit. Any of the incorporated mitigations requiring materials to be submitted to the City and/or otherwise requiring City approval (such as Development Director 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 as specified in the Mitigation Monitoring Program. For future condition compliance tracking purposes, the incorporated mitigations in **Exhibit 7** shall be considered subsections of this Special Condition 7. To the extent any such incorporated mitigations conflict with these conditions (i.e., standard conditions 1 through 5, and special conditions 1 through 6 and 8), the conditions of this CDP shall apply.

- 8. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the Applicants shall submit to the Executive Director for review and approval documentation demonstrating that the Applicants have 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 Applicants’ 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.
- 9. Offsite Dune Habitat Restoration Requirement. PRIOR TO COMMENCEMENT OF CONSTRUCTION**, the Permittees shall submit to the Executive Director for review and approval an offsite dune habitat restoration plan that provides for restoration of 993 square-feet of dune habitat within the Asilomar Dunes system at the ratio of 2:1 mitigation, or 1,986 square-feet. The 267-square-foot City road right-of-way adjacent to the site is the preferred offsite mitigation area; however, the size of the adjacent right-of-way cannot completely meet the mitigation requirement. In addition to, or 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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

Project Location

The proposed project is located at 1771 Sunset Drive 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 Applicants' parcel is located in an area zoned by the City as R-1-B-4, Single Family Low Density Residential.¹ 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 just over one half acre (22,564 square-feet) and is currently developed with a 974-square-foot one-story house and accessory structure that includes a garage and guest house (see **Exhibit 4** for site photos). In terms of site coverage, the existing residence and garage combined with other impervious coverage (walkways, decks, and driveway) covers 5,458 square-feet, or 24% of the lot. The existing residential development footprint leaves 76% 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.

Project Description

The existing residence is 974 square-feet and the accessory structure (which includes a small below grade garage and guest house) is 443 square-feet. The project includes 281-square-feet of additions to the existing house, with no additions proposed for the accessory structure. The total floor area of the existing residence would thus be 1,255 square-feet, a 29 percent increase over existing conditions.^{2 3}

¹ The City's zoning has not been certified as part of the LCP by the Commission.

² California Coastal Commission Regulations (CCR) Section 13252 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 requiring a coastal development permit." This regulation section 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 represents a 29 percent increase in square footage over existing conditions, and thus the proposed project does not constitute new development under the Coastal Act.

Beyond the additions to the existing residence listed above, the proposed project also includes a remodel of the kitchen and bathroom in the main house, remodel of the bathroom in the guest house, removal of existing walkways and decks, and a new stone patio in the area between the house and guest house. Existing stairs and retaining walls around the site will be either removed or replaced. The dirt driveway will be reduced slightly by replacing a retaining wall a few feet in on the south side of the driveway (see project plans attached as **Exhibit 5**).

In terms of site coverage, the removal of existing concrete coverage and other reductions would decrease impervious coverage from 5,496 to 4,370 square-feet, a decrease of 1,126 square-feet (not counting a 240-square-foot portion of the driveway within the 20-foot front yard setback).⁴ Thus, the proposed project would reduce impervious lot coverage from 24.4 percent to 19.4 percent.⁵ No outdoor living space is proposed (the project includes an outdoor stone patio, which is included in the coverage calculations). Thus, the total site coverage would be 19.4 percent. All of the proposed development would be located in areas that are already developed with impervious coverage, i.e. none of the proposed development extends into undeveloped dune areas.

The project also includes restoration of the portion of the property not committed to residential use to its native dune condition. Finally, the Applicants have incorporated various mitigations required by the City through the CEQA process 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

³ 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 floor area threshold, which states that “[t]he demolition and reconstruction of 25 percent or less of the floor area 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 . . . shall be permitted only if a use permit is first obtained.”

⁴ 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, which is the case here.

⁵ The Applicants originally proposed a similar project with additional coverage and development in new dune areas. After discussions with Commission staff, the Applicants agreed to submit a new design that reduced site coverage further and stays within the existing development footprint. The Applicants submitted a revised project plan (**Exhibit 5**), which is the project that is being analyzed in this report.

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.

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.⁶

The Asilomar Dunes extend inland from the shoreline dunes and bluffs through a series of dune ridges and inter-dune swales to the edge of more urban development in some cases and the edge of the native Monterey pine forest in others. The unusually pure, white quartz sand in this area was formerly stabilized by a unique indigenous dune flora. However, only a few acres of the original habitat area, which spans almost five miles of shoreline and includes the Asilomar residential neighborhood in Pacific Grove, remain in a natural state. The balance of the original habitat has been lost or severely damaged by sand mining, residential development, golf course development, trampling by pedestrians, and the encroachment of non-indigenous introduced vegetation. While a number of preservation and restoration efforts have been undertaken (most notably at the Spanish Bay Resort, Asilomar State Beach, and in connection with previously approved residential developments on private lots), much of the Asilomar Dunes complex remains 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 plant species and one animal species of special concern that have evolved and adapted to the desiccating, salt-laden winds and nutrient poor soils of the Asilomar Dunes area. The best known of these native dune plants are the Menzie's

⁶ 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.

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 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 Applicants' parcel was identified and characterized as "sand dune" with high to extreme sensitivity (see **Exhibit 6**). A botanical survey report prepared by coastal biologist Thomas K. Moss on April 18, 2014 states that the property can best be described as highly degraded sand dune habitat. Non-native plants are interspersed with native vegetation throughout the site. Aggressive invasive species such as ice plant are also found on the site. A total of 93 special status plants, all Tidestrom's lupine, were found in two areas of the project site. The report noted that the black legless lizard likely occurs 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 some 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 an environmentally sensitive area as defined by Section 30107.5 of the Coastal Act and ESHA as defined by Section 30240.

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 conditions to stay within the current development footprint, the project can be found consistent with Coastal Act Section 30240.

Extension of Residential Use in ESHA

The existing home on the Applicants' 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 slightly modified structure in the same 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 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 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 4,370 square-feet, or approximately 19.4 percent of the 22,564-square-foot site. The proposed residence and accessory structure would cover 1,662 square-feet of the site. Another 551 square-feet of impervious surface, including patios, walkways, and retaining walls, would be placed in various locations around the residence.

Currently, 5,496 square-feet, or 24.4 percent of the property, is covered by building and non-building (impervious) coverage. This proposal would reduce total impervious coverage by 1,126 square-feet, accomplished mostly through removal of various concrete walkways and portions of the driveway. In total, the project would result in direct displacement of 19.4 percent of the site (including impervious coverage and outdoor living area) or 4,370 square-feet of dune habitat, a 5 percent reduction compared to existing conditions and within the total allowable lot coverage for parcels of this size. Although the project is above the allowable limit for impervious coverage, this particular lot is constrained in buildable area due to increased front yard setbacks that are necessary for the protection of public views and the presence of an access easement that prevents the Applicants from reconfiguring the existing long dirt driveway across the property. All of the impervious coverage 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 accessory unit) | 1,381 sq. ft. (6.1%) | 1,662 sq. ft. (7.4%) | |
| Other Coverage (driveways, sidewalks, etc.) | 4,077 sq. ft. (18%) | 2,708 sq. ft. (12%) | |
| Total Impervious Coverage | 5,458 sq. ft. (24.4%) | 4,370 sq. ft. (19.4%) | 3,384.6 sq. ft. (15%) |
| Outdoor Living Area (backyard, landscaped, and pervious areas) | 0 sq. ft. (0%) | 0 sq. ft. (0%) | 1,128.2 sq. ft. (5%). |
| Total Lot Coverage | 5,458 sq. ft. (24.4%) | 4,370 sq. ft. (19.4%) | 4,512.8 sq. ft. (20%) |

The other significant onsite impacts to ESHA are due to the location of the residential use immediately in and adjacent to the remaining habitat, without any buffers. To implement Coastal Act Section 30240, the Commission usually requires not only avoidance of ESHA but also the use of buffering to minimize the disruption of habitats from non-compatible uses. Such impacts

include light and noise; shading of dune habitat; the potential introduction on non-native plants and invasive species; direct disturbance of habitat from residentially-related activities; and potential impacts on flora and fauna from domestic animals. In the case of dune habitat, the presence of residential development also results in a general impact to the ecological functioning of the dune system, including fragmentation of habitat and the prevention of sand movement that is an ongoing feature of dune habitat systems.

In this case, one protected plant species, Tidestrom's Lupine, is growing near the affected area of the proposed development. Thus, project-related construction activities may result in damage and/or loss of sensitive plant species.

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. The revised project plans reduce the total development footprint by 1,126 square feet. However, the overall impacts of the existing residential use on the dune system cannot be eliminated.

Expanded Residential Use of Site

The residential use and new development will not directly displace any area of previously undeveloped dune habitat, but the project will slightly expand residential use of the site. As detailed above, the project is sited in the same location as the existing residential use. The new residence does include 281-square-feet of additions, resulting in a larger master bedroom and new dining room. These additions will be located in areas currently occupied by a concrete walkway and patio. The modest expansion of the existing house will not result in a significantly larger residential disturbance to dune ESHA as already exists at the site.

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. Related, 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.

Cumulative Impacts to Asilomar Dunes System

The Applicants' project is located near the southern end of the Asilomar Dunes dune-residential area of Pacific Grove, an area now consisting 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 guiding Pacific Grove LUP policies that strike 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, such as the subject parcel). As defined in the LUP, this coverage includes buildings, driveways, patios, decks that do not allow for the passage of water and light to the dune surface, and any other features that eliminate native plant habitat. The LUP also allows an additional maximum of 5 percent of the lot area for “immediate outdoor living area” that can be landscaped and within which residential activities are allowed. Per the LUP, the remainder of any site (i.e., 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 redevelopment project is sited in the same footprint as the existing residence, with an overall 5 percent reduction in aggregate lot coverage compared to existing conditions, which is accomplished through the removal of existing paved walkways and decks. The proposed plans contemplate 19.4 percent total lot coverage (i.e., 19.4 percent impervious coverage and no outdoor living space). This figure is beyond the LUP maximum for impervious coverage, but below the total allowable coverage for lots of this size. The proposed residence otherwise avoids direct impacts to individual occurrences of endangered plant species (i.e., Tidestrom’s lupine).⁷ In addition, the Applicants have incorporated into the project a dune restoration plan for the remaining 80.6 percent of the site.

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

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

*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 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); 3-14-1591 (Grines)). These actions were 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 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 7 percent of existing exterior walls, demolishes 10 percent of the roof, and does not alter the building foundation. The project also includes a 29 percent increase in floor area over existing conditions. Thus the proposed project does not constitute a new structure under the Coastal Act because the project is below both the 50 percent alteration threshold and the 50 percent increase in floor area threshold. The Applicants are aware that any proposed future renovations would be added to the alterations from this project, and thus future renovations may cause the residence to be deemed a new structure that must adhere to the established LUP maximums.

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 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 1999,⁸ there has been increased attention on the need to more strictly apply the resource-dependent requirement of Section 30240. Although the practical effect may have been similar, earlier decisions in Asilomar 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 and thus the Commission is not obliged to approve the proposed remodel for reasons of avoiding a taking of private property. There is currently an approximately 974-square-foot residence and 443-square foot accessory structure on the Applicants' site that provides a reasonable economic use of the property. However, the Commission acknowledges that it has also approved redevelopment depending on the unique circumstances of each case. Here, the existing residential development pre-dates CDP requirements and the Commission recognizes a legal nonconforming residential use of the site. This particular lot is constrained in buildable area due to a long dirt driveway that serves multiple properties. An access easement prevents the Applicants from making major alterations to the 2,157-square-foot dirt driveway, which accounts for almost half of the impervious coverage allowed on the site. Even if the Applicants eliminated the 281-square-feet of additions and 551-square feet of patio, the project would still be beyond the 15 percent LUP coverage maximum. The Applicants would thus be forced to demolish portions of the existing residence in order to comply with the coverage rules.

Recognizing the unique circumstances of dune protection in the Asilomar system, 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. In this case, the proposed project will occur in the same development footprint as the existing house, thereby causing no additional impacts to ESHA. The project reduces overall site coverage by 5 percent, bringing overall coverage (impervious and outdoor living space) below the maximum total coverage for lots of this size. However, the proposed impervious coverage is 19.4%, which is 4.4% over the LUP maximum. The redevelopment will necessarily involve impacts to areas immediately surrounding the existing envelope, but such impacts will be minimal and temporary. Required Best Management Practices (BMPs) 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. The project will also restore 80.6 percent of the lot back to native dune habitat, which is consistent with the desired goal of the LUP standard, and will preserve this area exclusively as dune habitat through an open-space restriction.

Special conditions have been attached to this permit that require the Applicants to implement the revised site plans (prepared by Eric Miller Architects, Inc., dated April 6, 2015 and received in the Coastal Commission's Central Coast District Office April 14, 2015) that limit lot coverage to no more than 19.4 percent impervious coverage (4,370 square feet) with no "outdoor living space" (see **Special Condition 1**).

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

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, avoid contamination of the local native plant community gene pool, and require irrigation to be a drip or micro-spray system.

As noted above, LUP Policy 3.4.5.2 limits impervious coverage to 15 percent for lots greater than one-half acre in size. In this case, although the Applicants are reducing the coverage from 24.4% to 19.4%, the proposed project still exceeds the LUP's impervious coverage limit by 4.4 percent. In such situations, LUP policy 3.4.5.2 allows for an offsetting area of native dune habitat to be restored adjacent to the site for parcels fronting Sunset Drive where front setbacks are maximized to preserve public views, such as the subject parcel. In this case, an offsite restoration area of 993 square feet (or 4.4% of the site) is required. 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 9** requires that, prior to construction, the Applicants submit an offsite dune habitat restoration plan that provides for restoration of 1,986 square feet of dune habitat within the Asilomar Dunes system (mitigation for 993 square feet at the ratio of 2:1).⁹

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 267-square-foot City right-of-way along Sunset Drive that is the preferred location for a portion of the offsite restoration. Because the Applicants do not own this right-of-way property, there is no guarantee that they will be able to restore this area. In addition, the size of the adjacent right-of-way is only 267 square feet and thus this offsite restoration could not fully meet the mitigation requirements of 1,986 square feet of offsite dune restoration. If the Applicants are unable to restore this right-of-way area, or for the remaining mitigation requirement if they are able to restore this right-of-way, **Special Condition 9** allows the Applicants to submit to the Executive Director evidence that a dune restoration payment of \$0.92/square-foot¹⁰ 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

⁹ The extra area of restoration provides a contingency buffer in the event the entire offsite restoration is not successful.

¹⁰ 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).

habitat. As described above, 1,986 square feet (993 x 2) of off-site dune mitigation or a corresponding dune mitigation payment of \$1827.12 (1,986 x \$0.92 = \$1827.12) would be required under this scenario.

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 Applicants' 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 8**). The remainder of the site outside of the approved building envelope, and subject to the above-described dune restoration plan, equals more than 80 percent of the site as required by the LUP.

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

activities, **Special Condition 7** incorporates the City's mitigation measures for the protection of the black legless lizard.

In addition, **Special Condition 1b** requires implementation of construction 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 19.4 percent of the one-half acre lot with a maximum of 19.4 percent impervious coverage; require implementation of a native dune restoration plan; record a deed restriction clearly identifying the requirements for restoration and maintenance of natural dune habitat equivalent to at least roughly 80.6 percent of the lot area; require offsite restoration for 4.4% of the lot area at a 2:1 ratio; 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 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 2.5.5.4. New development on parcels fronting Sunset Drive shall compliment the open space character of the area. Design review of all new development shall be required. The following standards shall apply;

- a) *Minimum building setbacks of 75 feet from Sunset Driveshall be maintained.
Larger setbacks encouraged if consistent with habitat protection.*
- b) *Residential structures shall be single story in height and shall maintain a low profile complimenting natural dune topography. In no case shall the maximum height exceed 18 ft. above natural grade within the foundation perimeter prior to grading.*
- c) *Structures shall be sited to minimize alteration of natural dune topography.
Restoration of disturbed dunes is mandatory as an element in the siting, design and construction of a proposed structure.*
- d) *Earth tone color schemes shall be utilized, and other design features incorporated that assist in subordinating the structure to the natural setting.*

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

The existing residence is a 974 square-foot, one-story dwelling located on the inland side of Sunset Drive. The proposed project will add 281 square-feet of additions to the back of the existing residence, which will not cause additional view obstructions. The one-story residence does not extend above the horizon and will 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. The proposed residence is consistent with the low-density residential character of this established dune-residential neighborhood.

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 proposed residential remodel and addition conforms to the LUP’s height requirements and is within the same footprint as the existing residence. The modifications will have a negligible impact over existing conditions and no public views will be blocked. The mass and scale at this location fits in with, and is generally subordinate to, the dune-residential character of the area, similar to the existing residential profile. Accordingly, the proposed design is consistent with Section 30251 of the Coastal Act and the visual protection provisions of the LUP. **Special Condition 1d** recognizes and formalizes the Applicants’ proposal and limits the height of the residence to 17 feet above existing grade elevation, with a

maximum elevation of 15 feet 11 inches for the accessory structure. **Special Condition 6** requires all utilities to be placed within a single corridor underlying the building envelope.

The proposed residential addition has otherwise been sited to avoid adverse impacts to known populations of sensitive species and to minimize adverse impacts to potential habitat areas present on site. See the ESHA finding above for a complete discussion of siting impacts. 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 June 24, 2014 (see **Exhibit 7**).

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 noted above, no future additions will be allowed that would increase the total aggregate site coverage or create additional view impacts. Again, this is also necessary to find visual consistency as additional development outside the development envelope would lead to inappropriate viewshed impacts as well. Thus, these conditions are also required for viewshed protection.

Visual Resources Conclusion

The proposed project will not create any additional view disturbances as seen from the primary scenic shoreline roadway, i.e. Sunset Drive, or from Asilomar State Beach and Conference Grounds. 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. The project is conditioned to limit the overall height of the primary residence to 17 feet, 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 Mary Doane and Trudy Haversat on September 16, 2003. Site records indicate that the project is located within a one-mile radius of twenty previously recorded archaeological sites, but none have been identified on or immediately adjacent to the subject parcel. The site survey stated that no materials associated with prehistoric cultural resources were found. 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 7**. 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 to ocean waters.

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.

On May 23, 2014 the City of Pacific Grove, acting as the lead CEQA agency, completed a mitigated negative declaration for the project that concluded that with the addition of mitigation measures the project would not have significant environmental impacts. The City incorporated said mitigation measures into its June 24, 2014 approval of the project.

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. *White Residence Botanical Survey Report*, Thomas K. Moss. April 18, 2014.
2. *White Residence Landscape Restoration Plan*, Thomas K. Moss. April 22, 2014.
3. *Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number 007-071-007, in the City of Pacific Grove, Monterey County, California*. Mary Doane, B.A. and Trudy Haversat, RPA. September 16, 2003.
4. *Mitigated Negative Declaration for 1771 Sunset Drive*. City of Pacific Grove. May 23, 2014.
5. *Architectural Permit AP14-218 for a property located at 1771 Sunset Drive*. City of Pacific Grove Community Development Department – Planning Division. June 24, 2014.

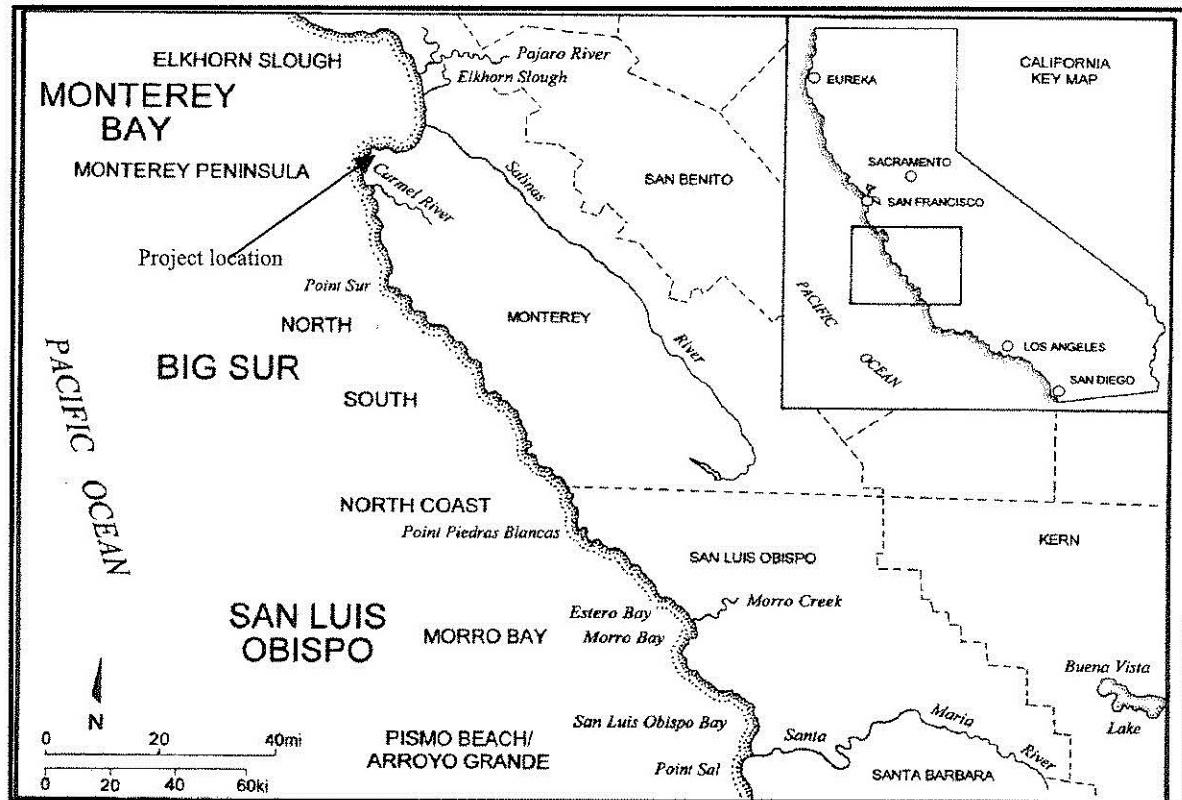
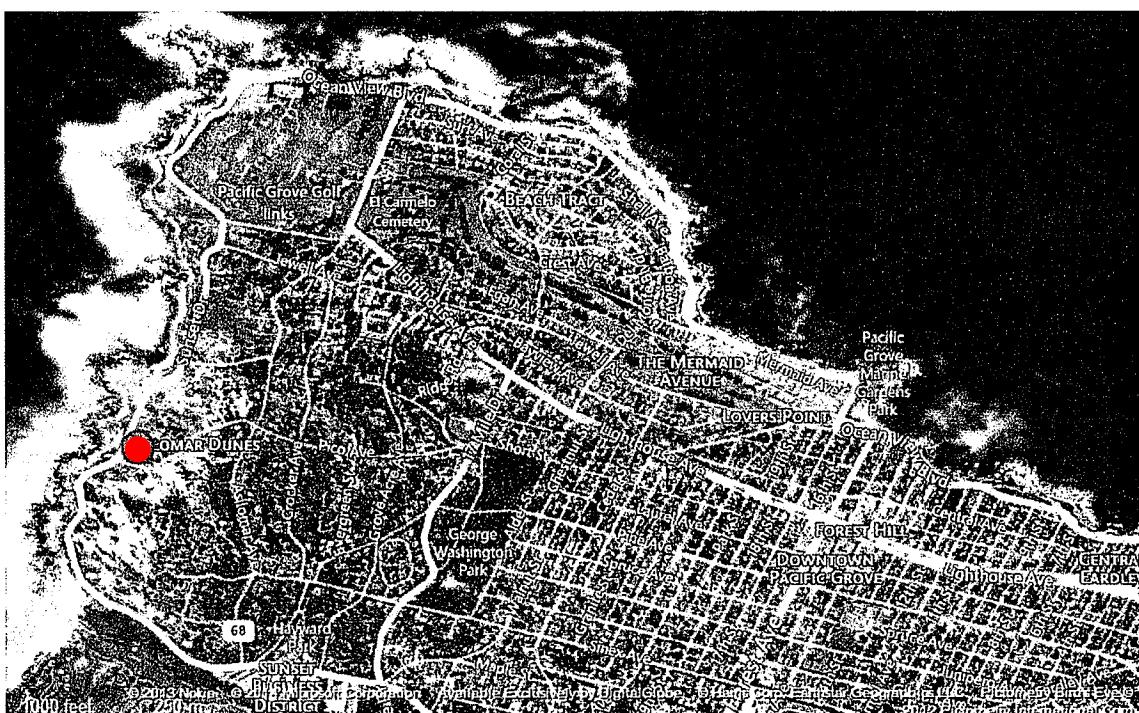
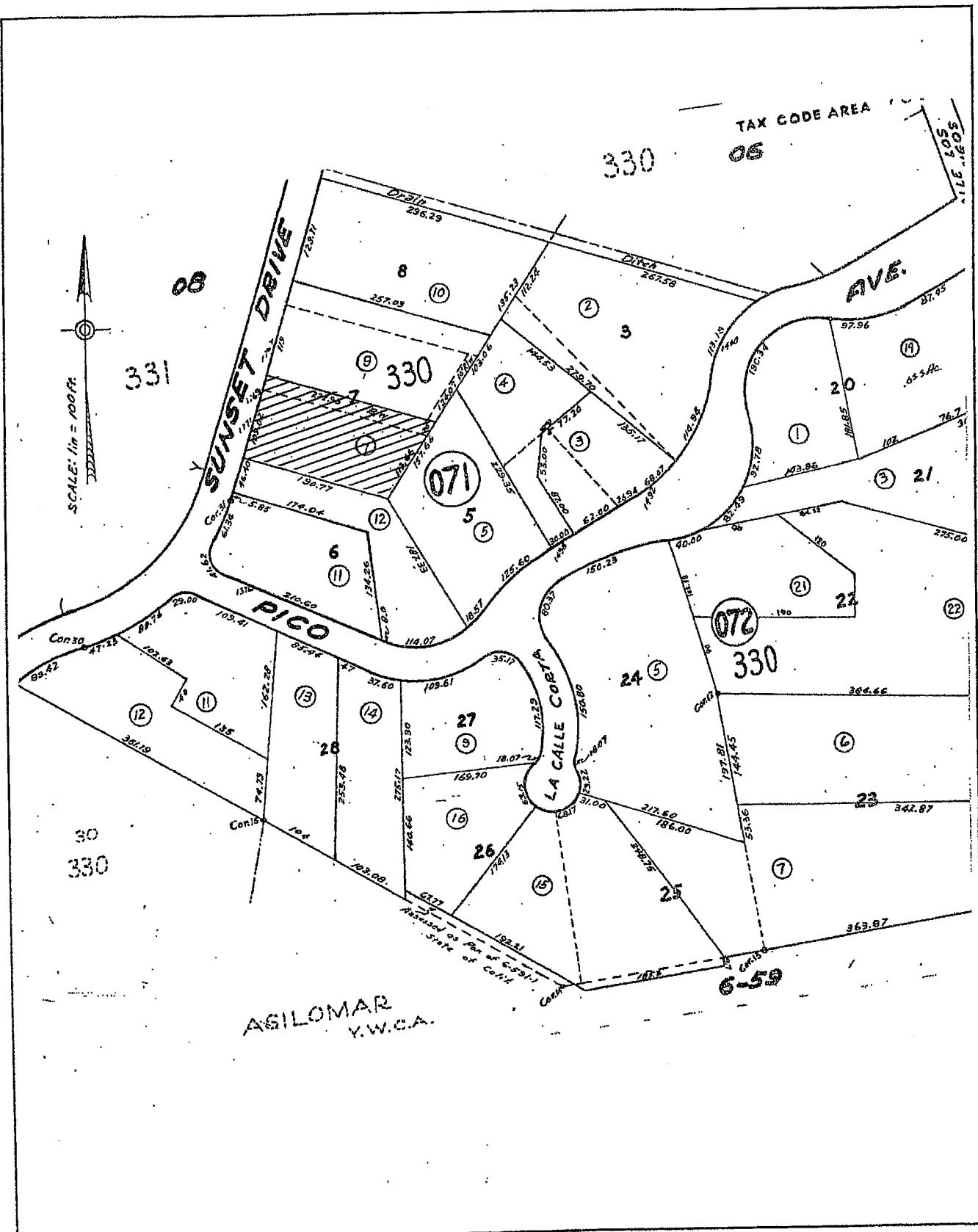


Figure 1: Regional Location Map for the City of Pacific Grove, California

Figure 1, Location Map





Map 2. Project Location.

RECEIVED

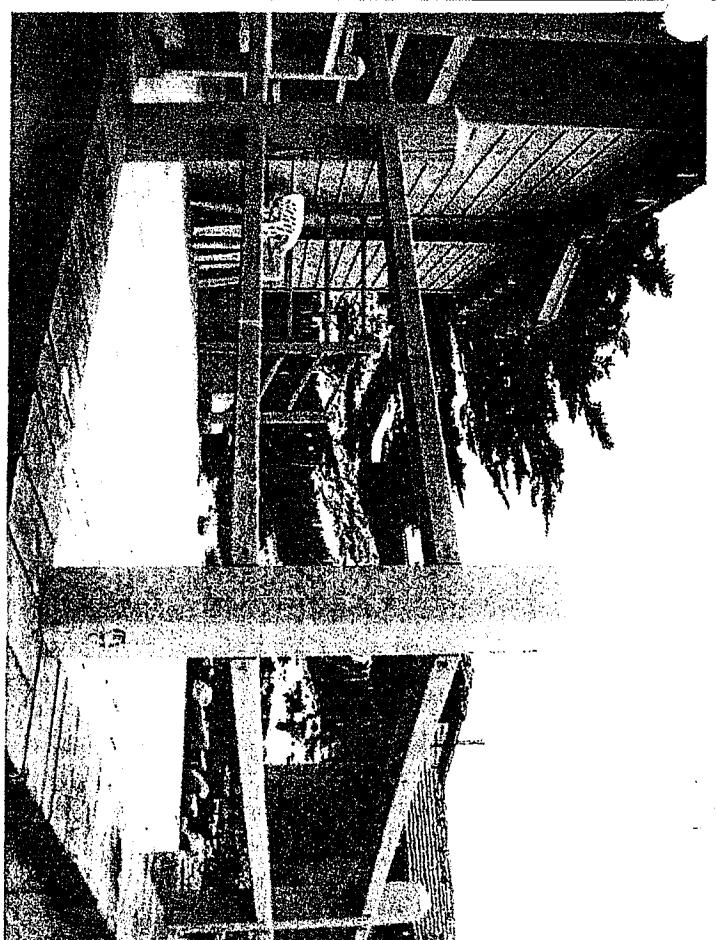
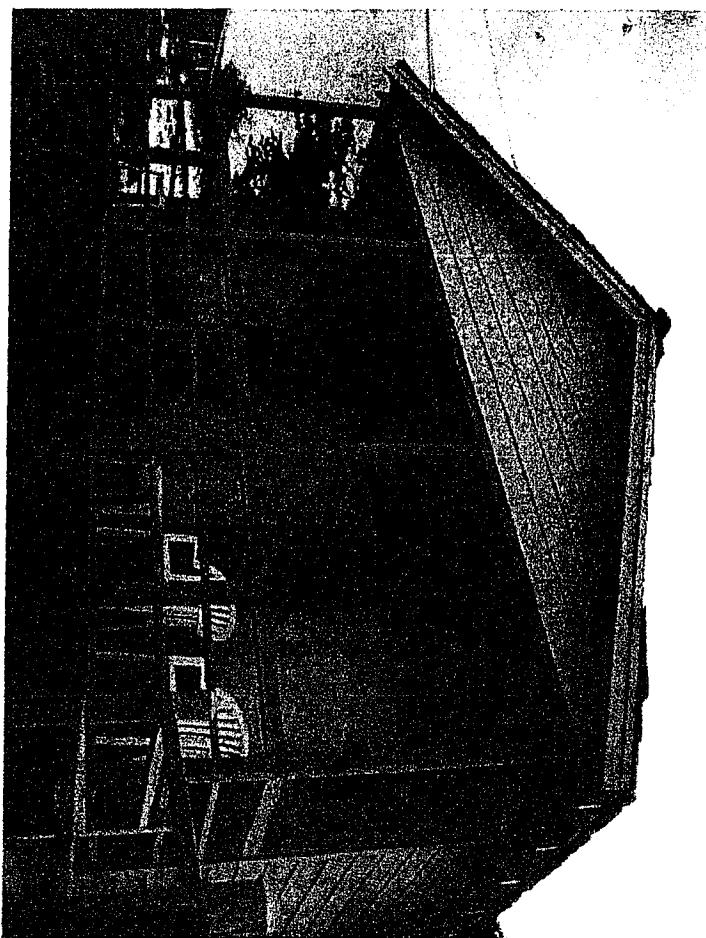
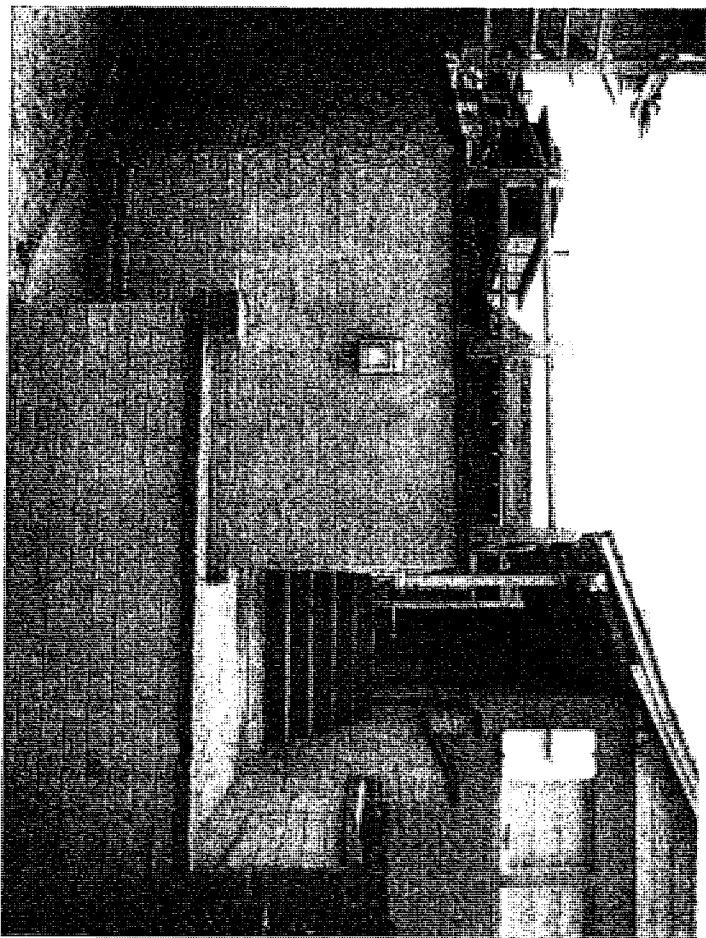
FEB 26 2008

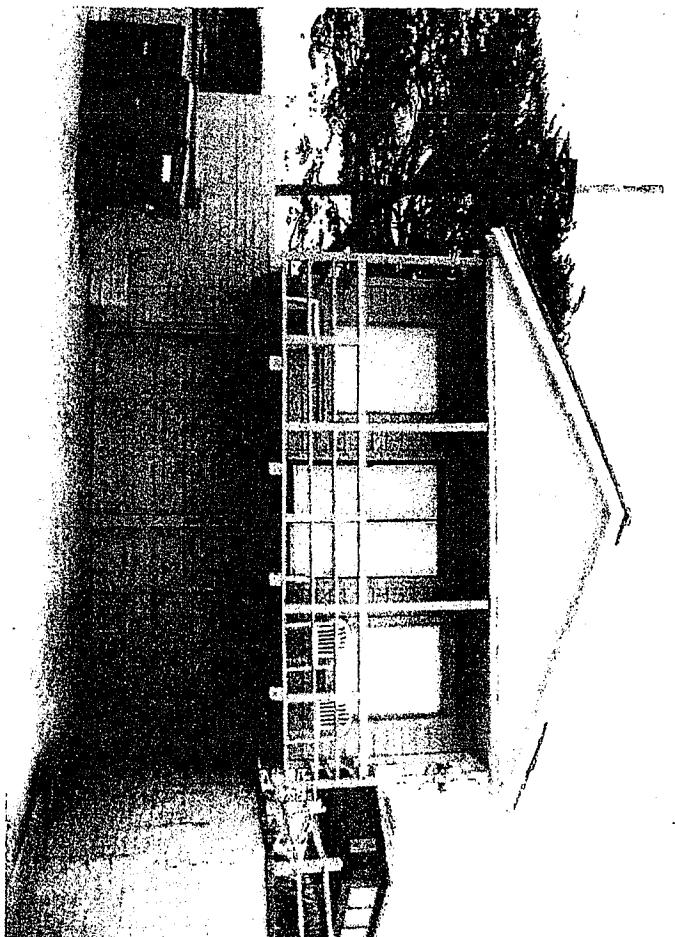
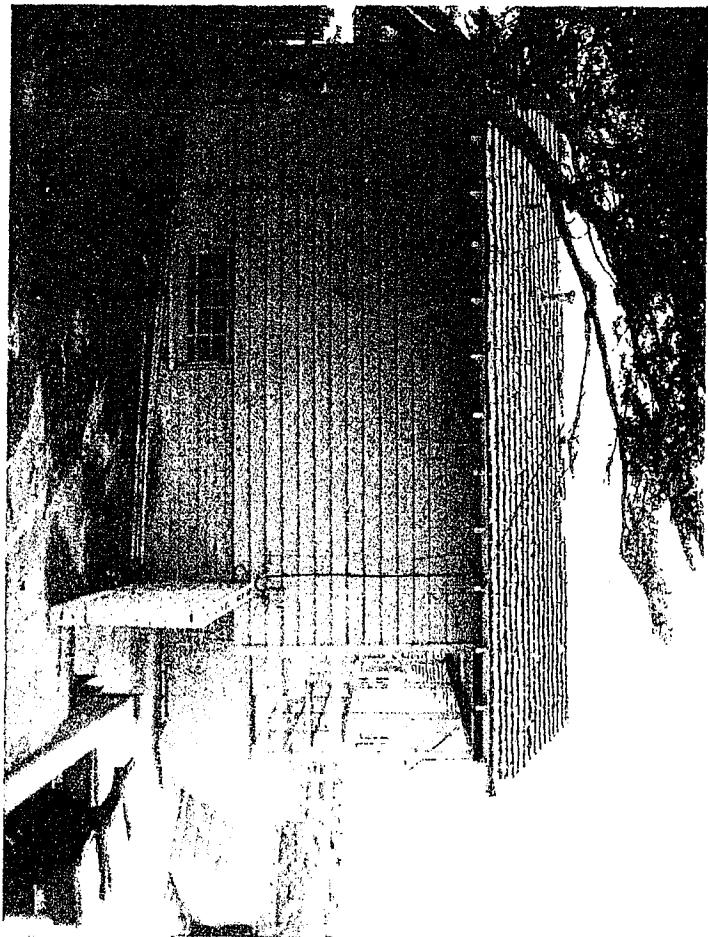
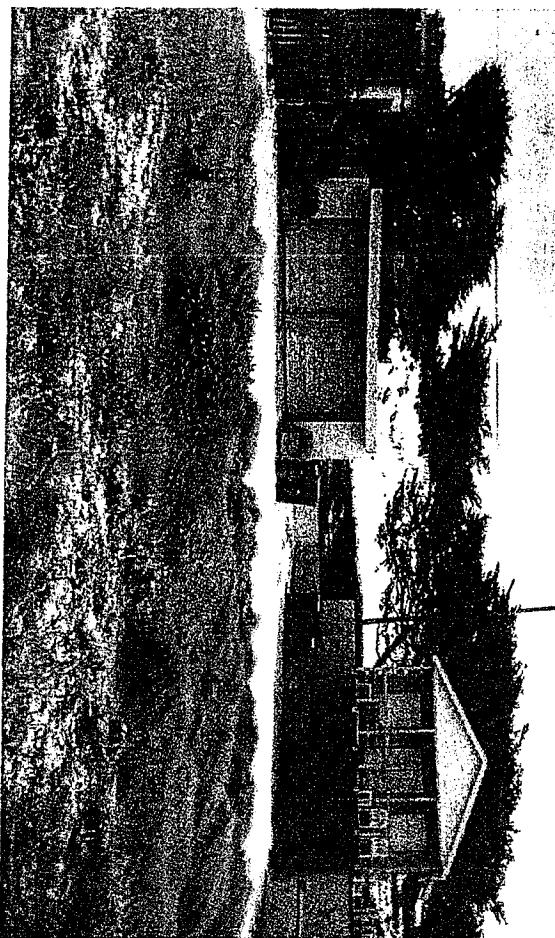
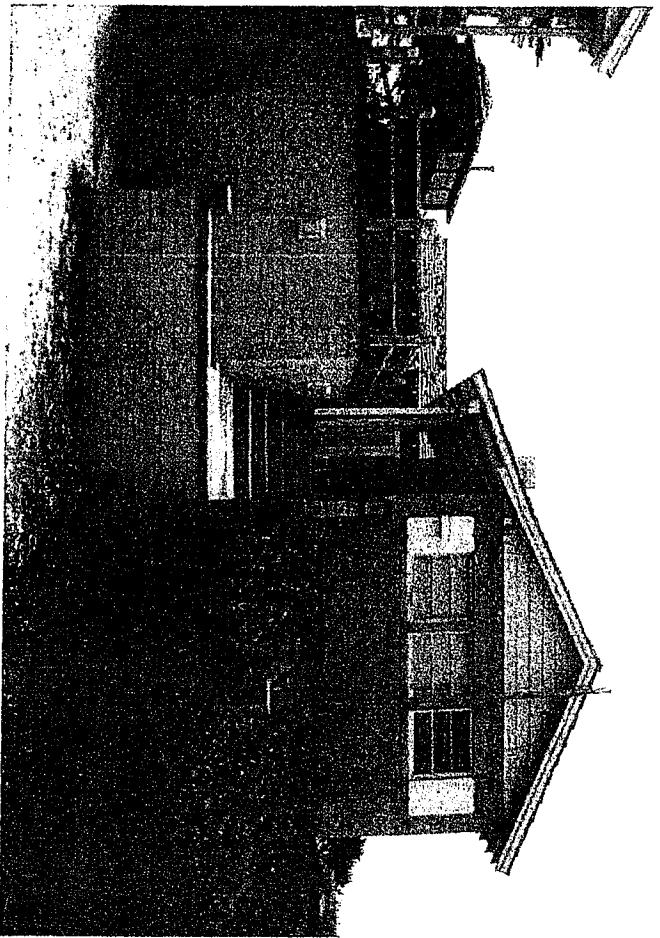
COMMUNITY DEV. DEPT.

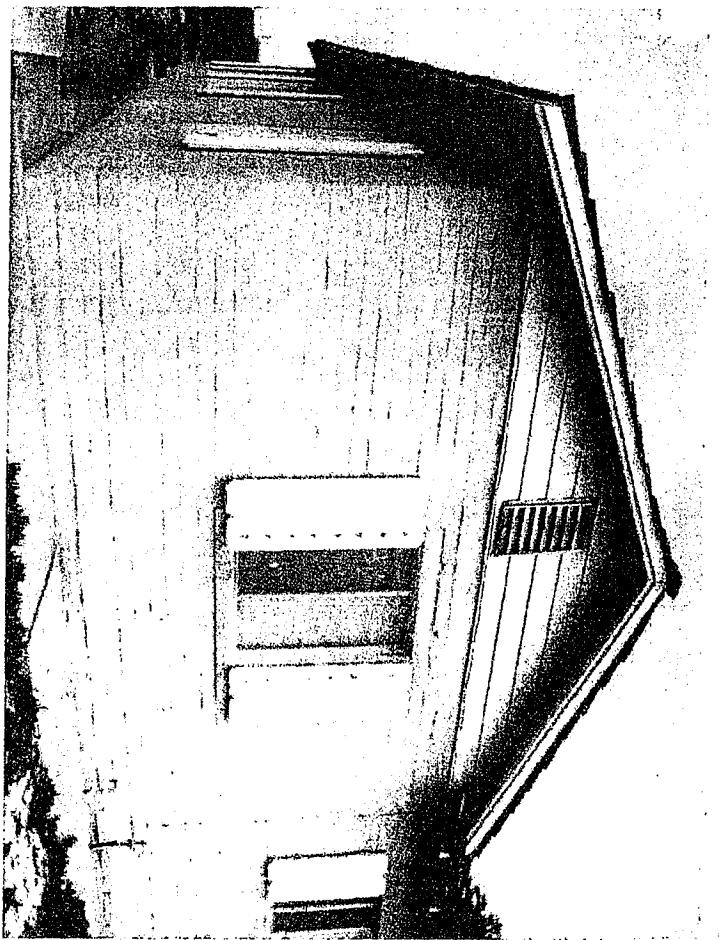
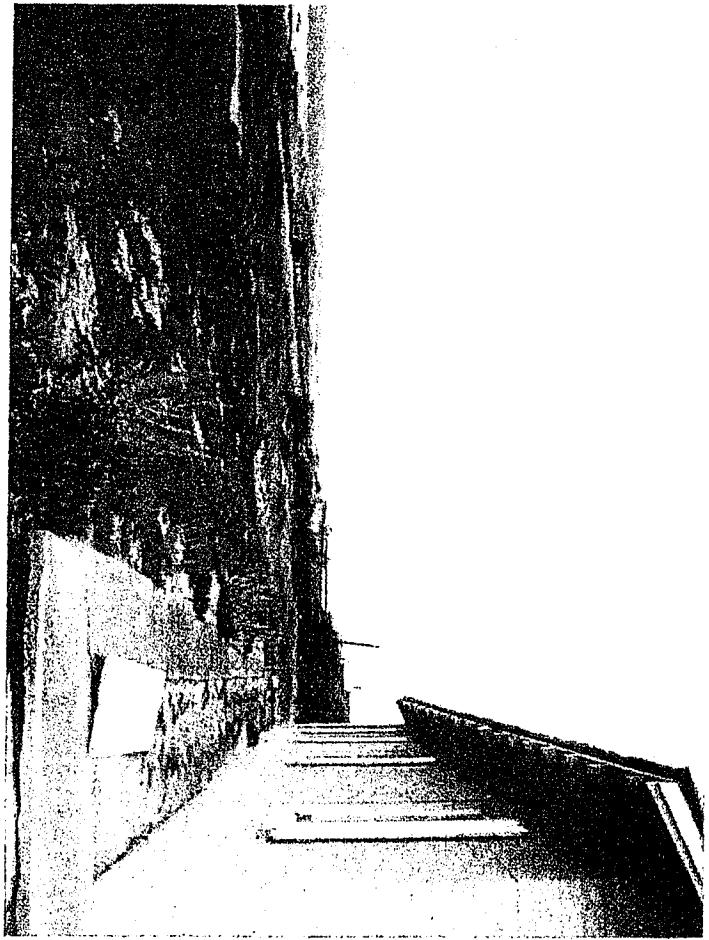
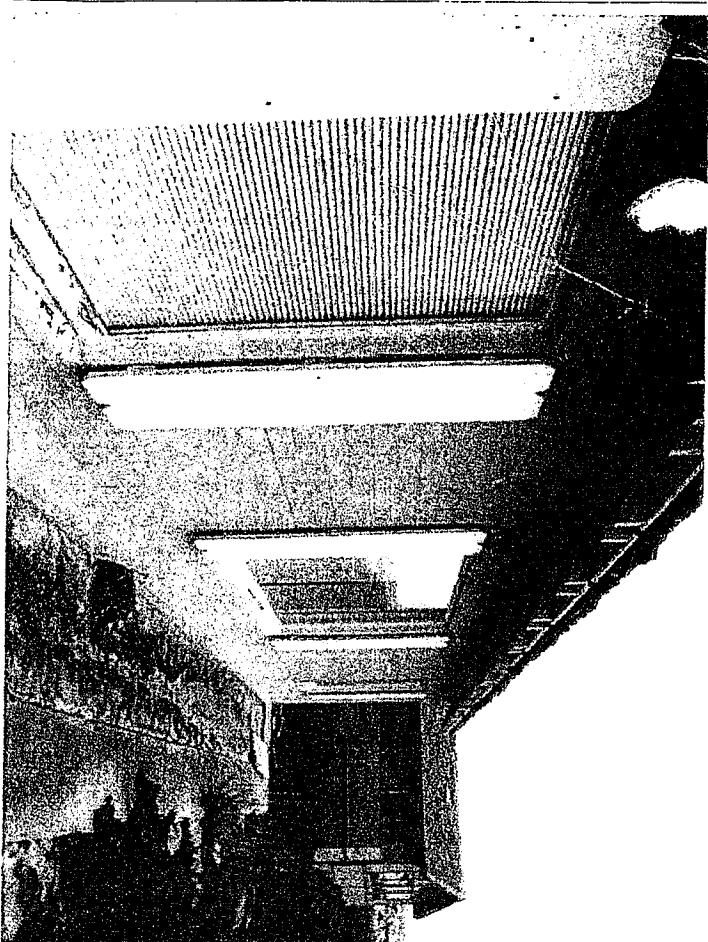
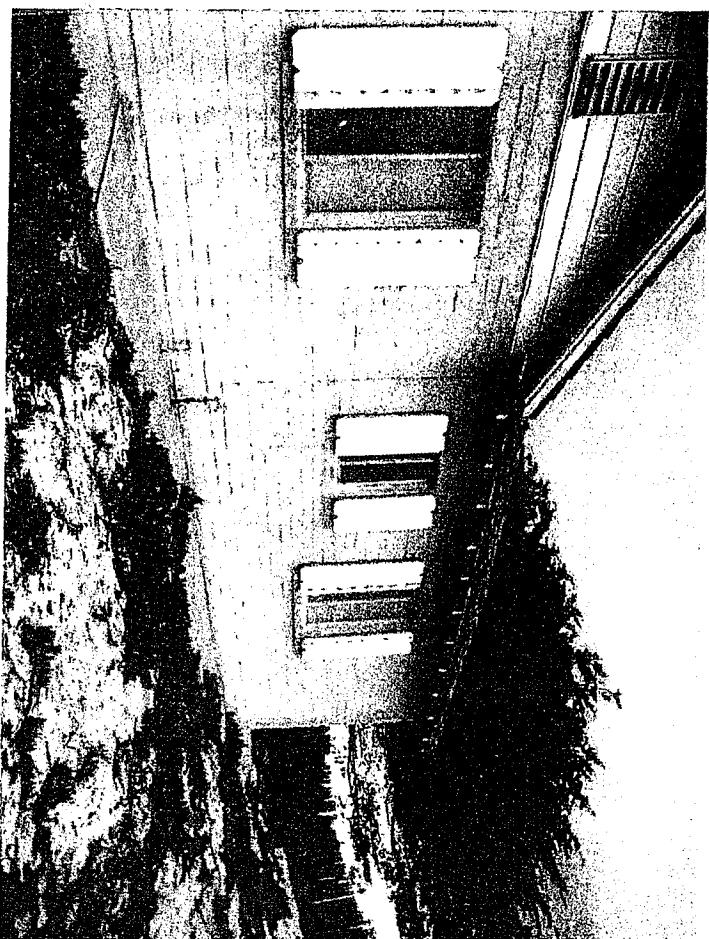
08.11.2014 13:23

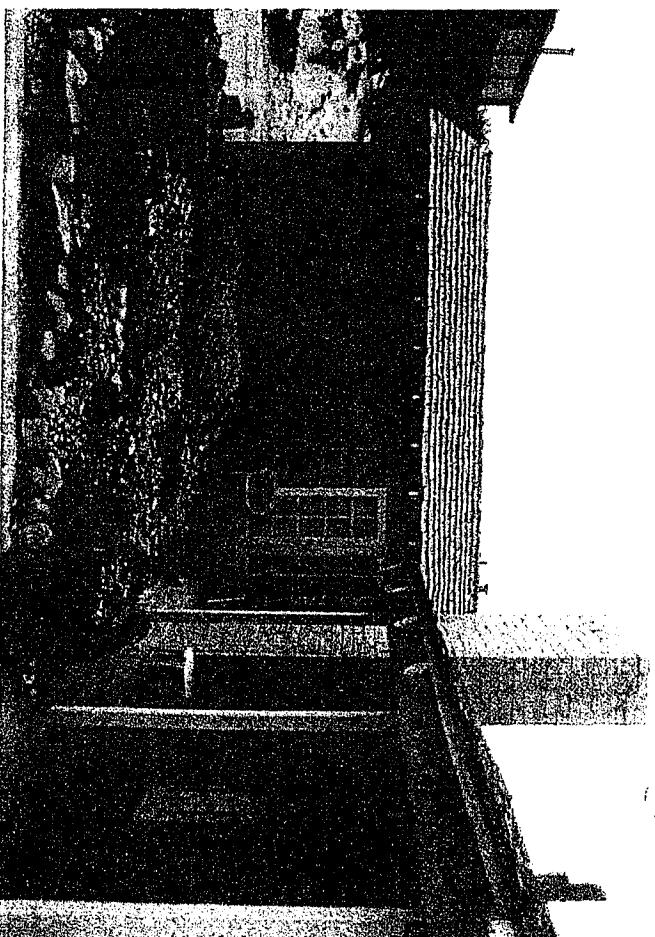
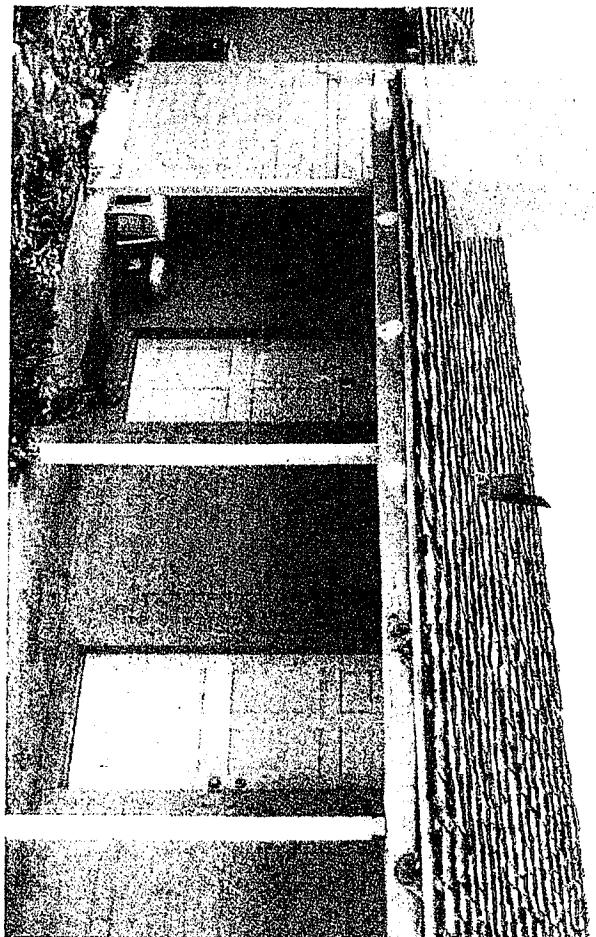
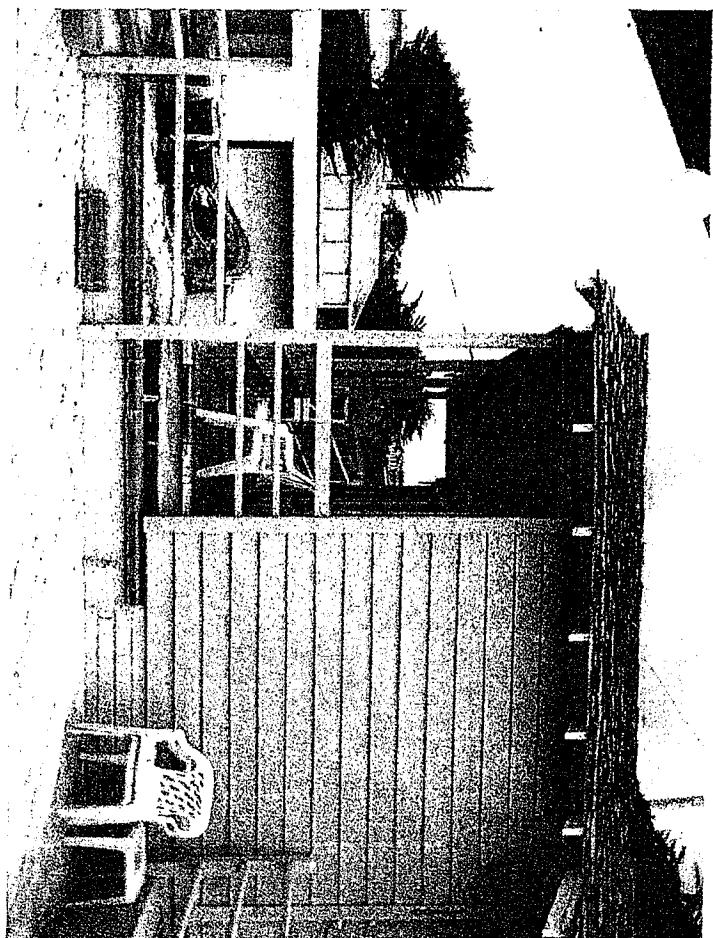
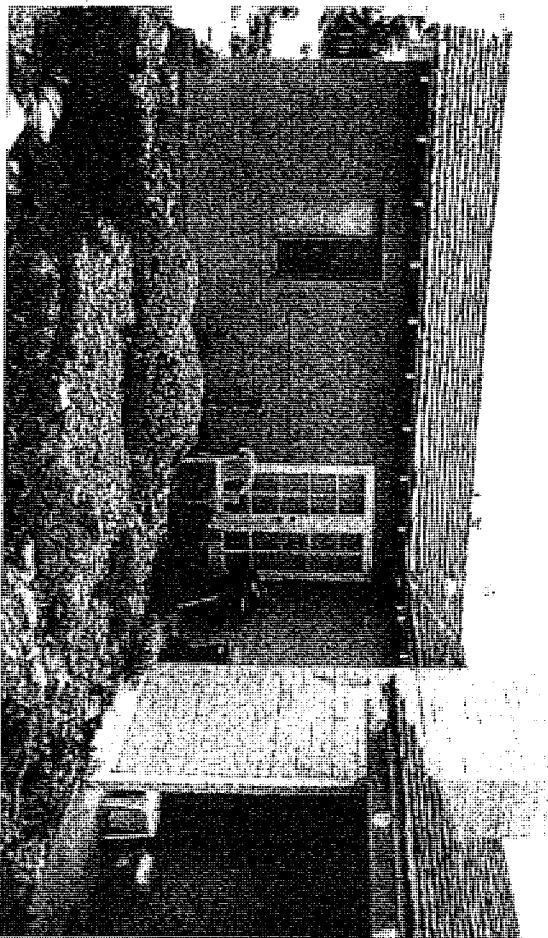


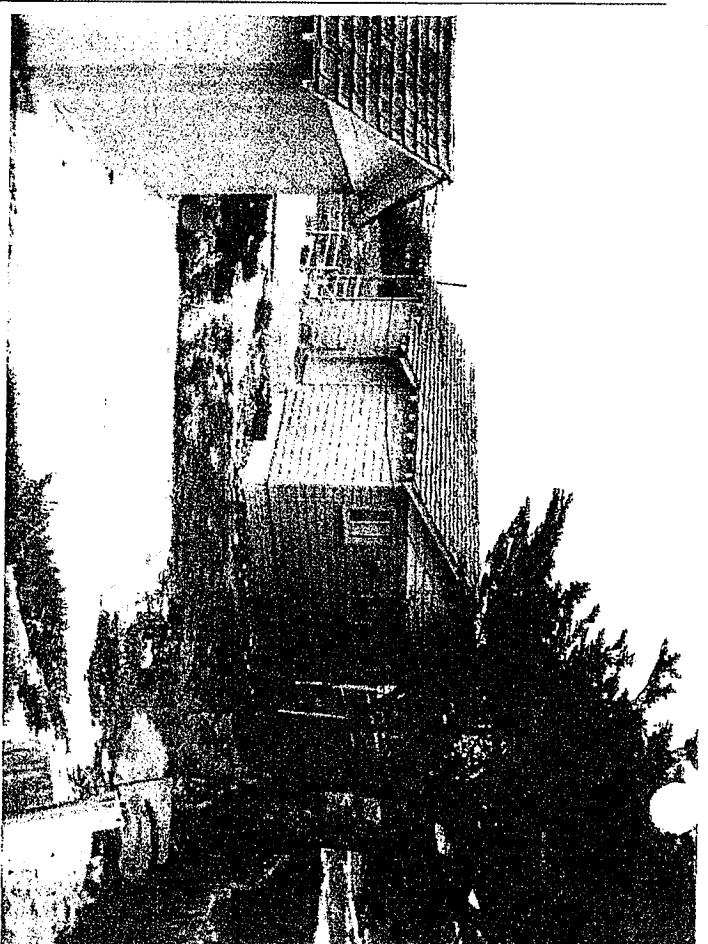
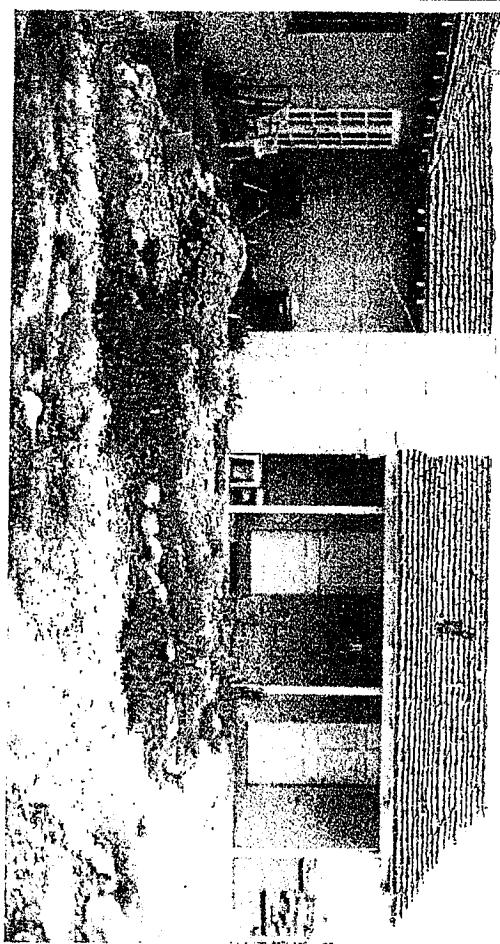
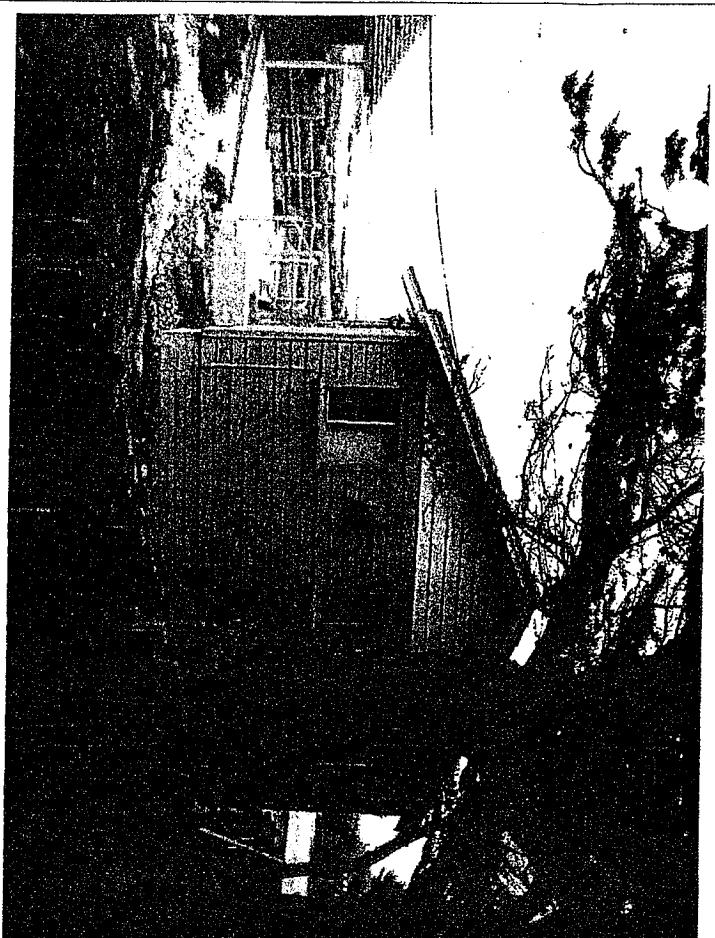
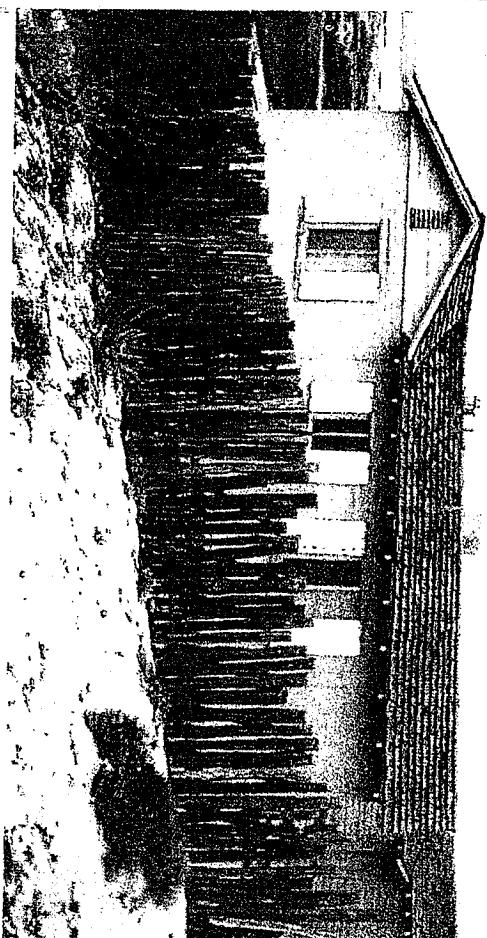
CDP 3-14 1172(White SFD)1771 Sunset Drive,Pacific Grove

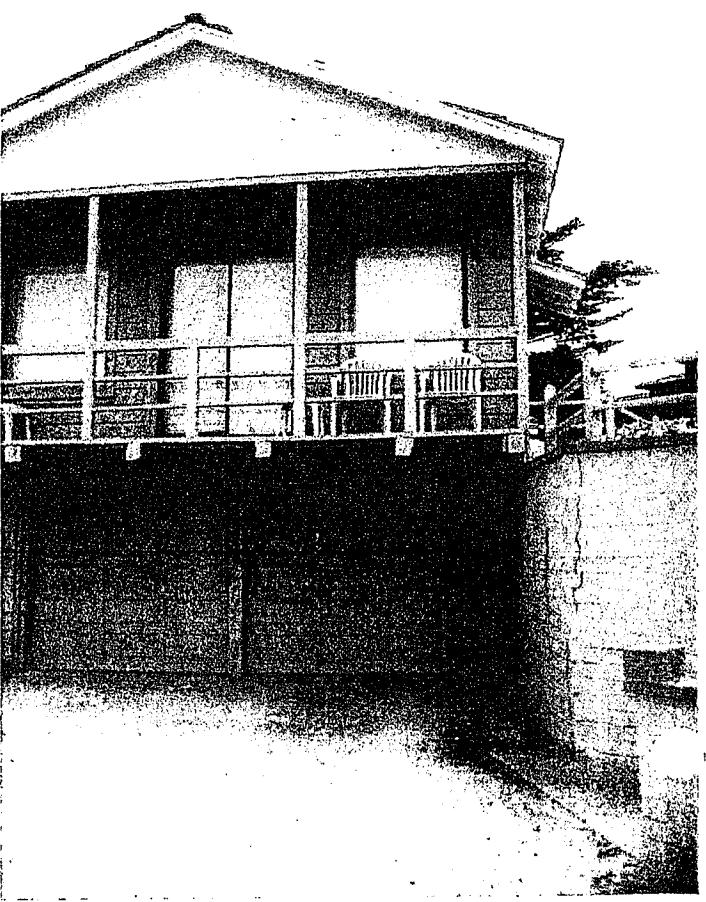
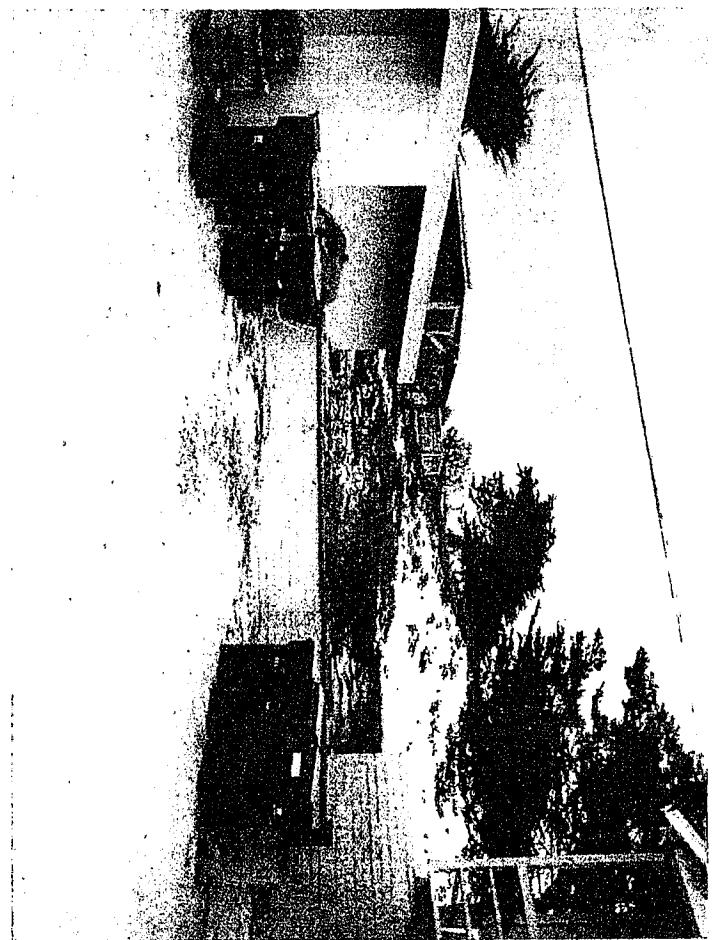
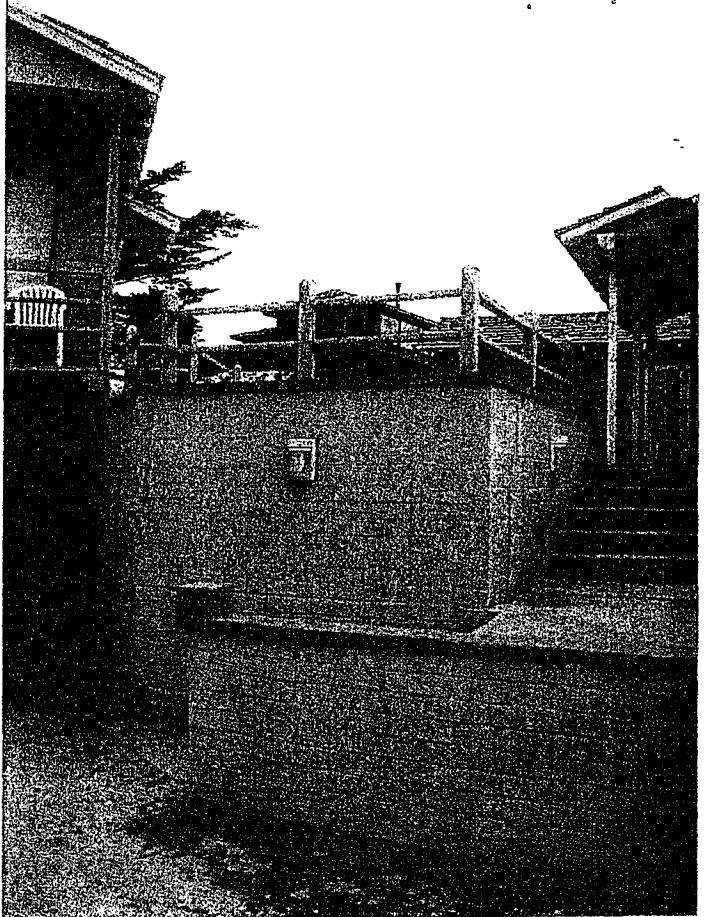
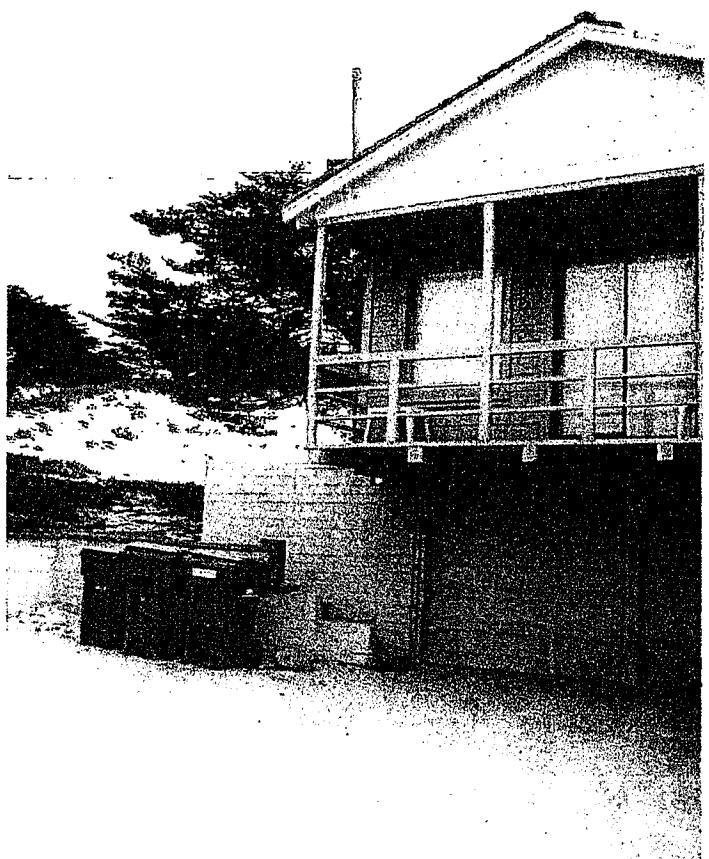


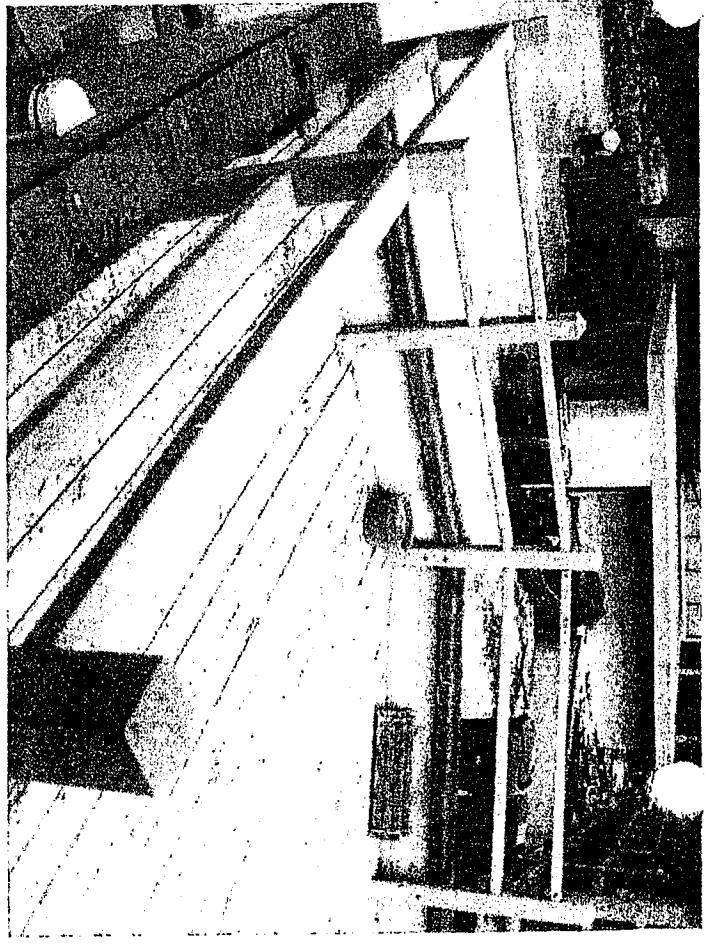
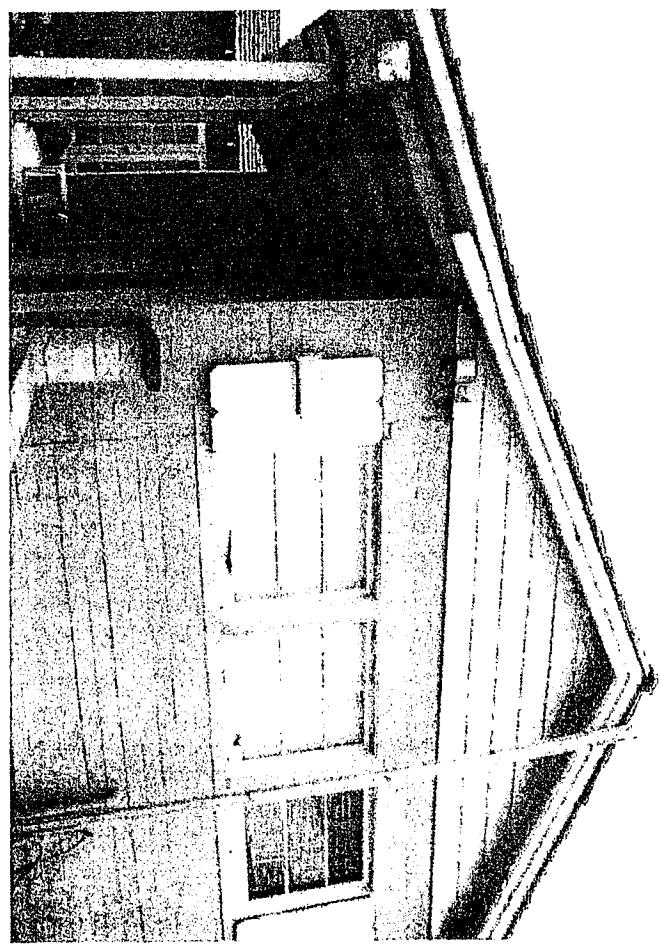
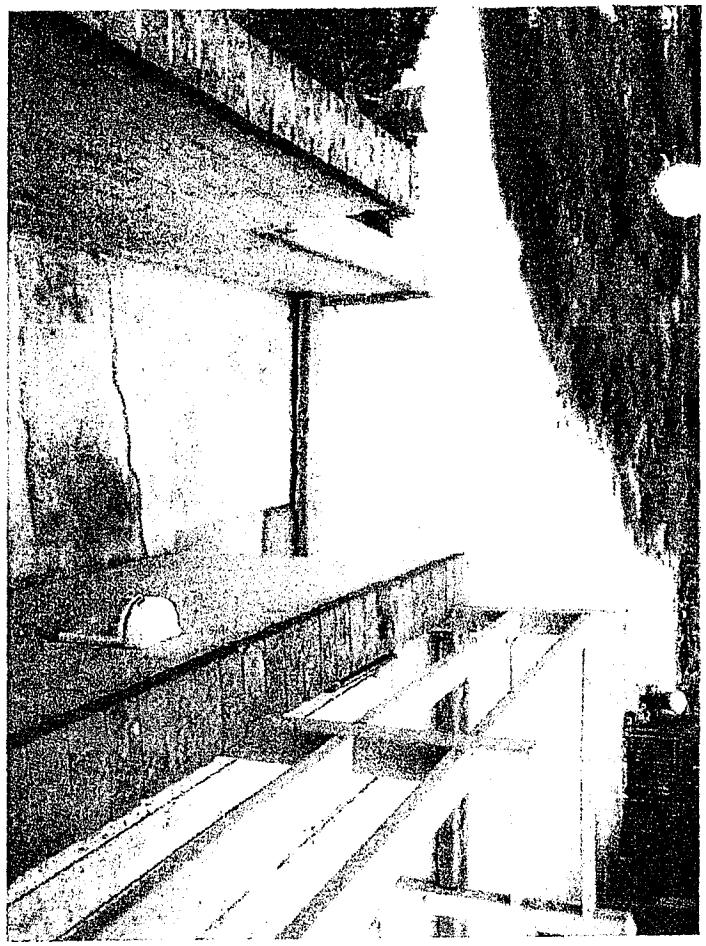
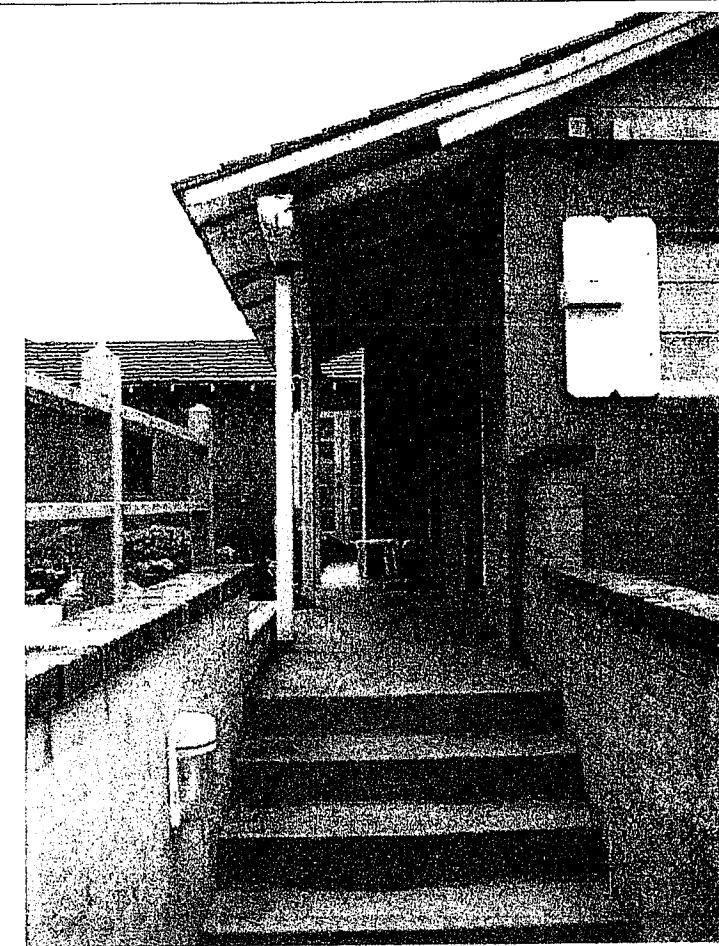


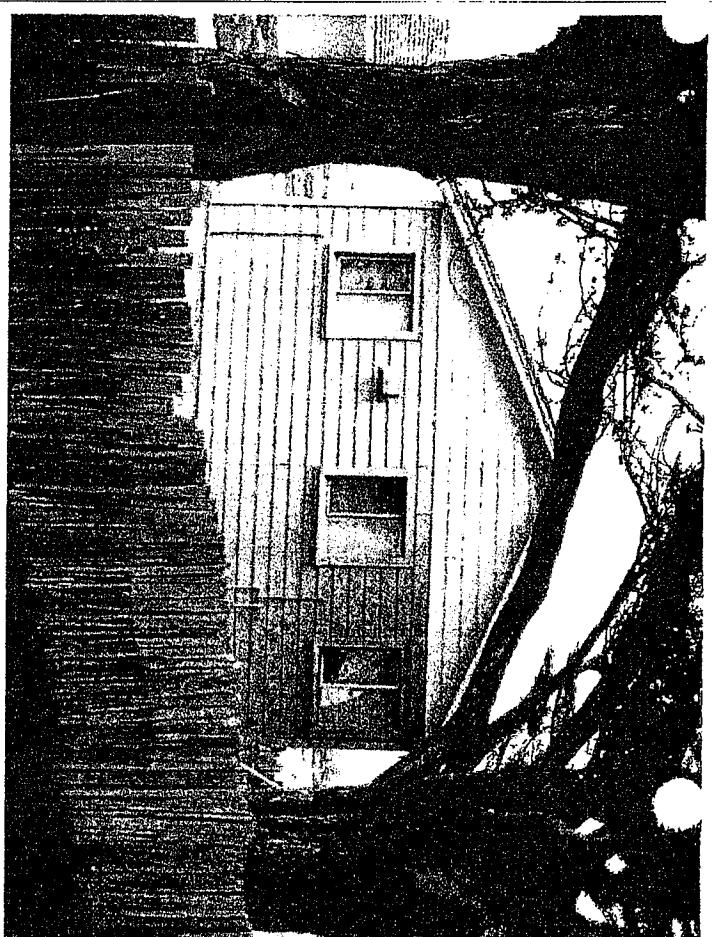
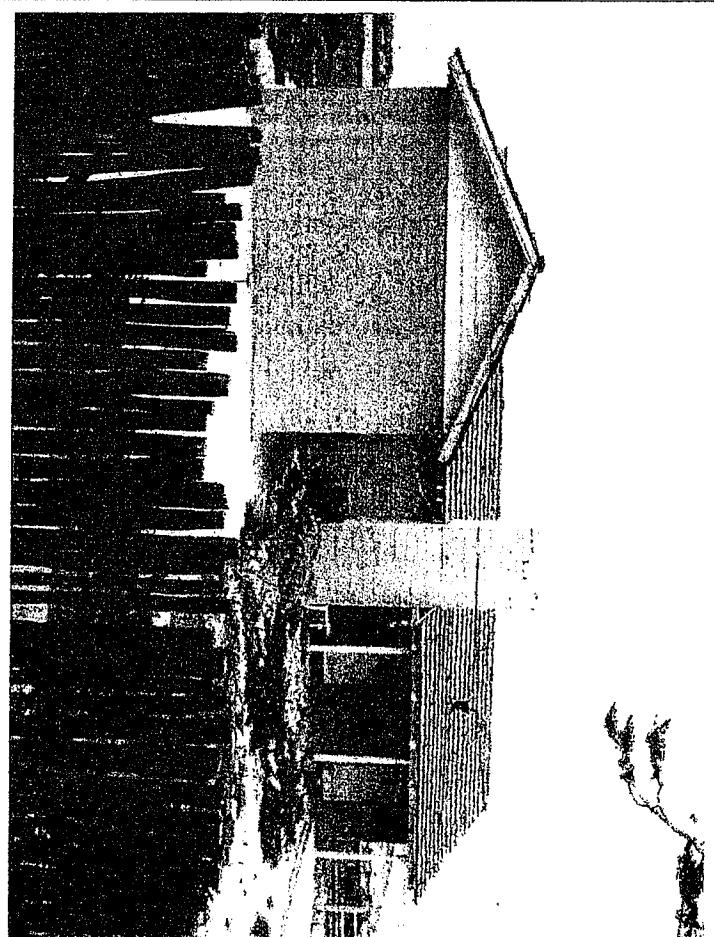
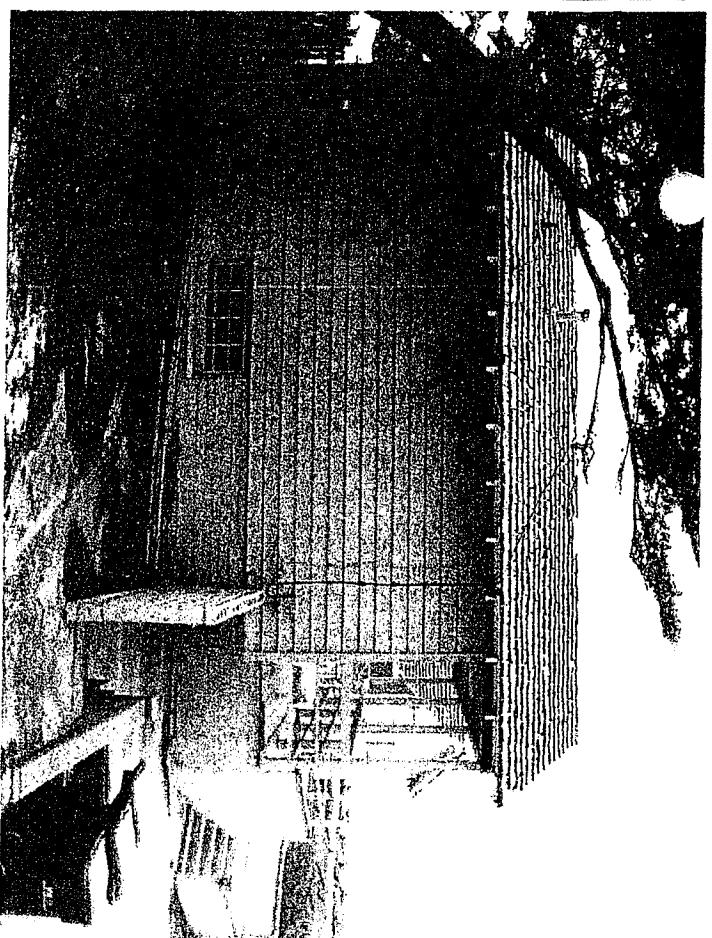


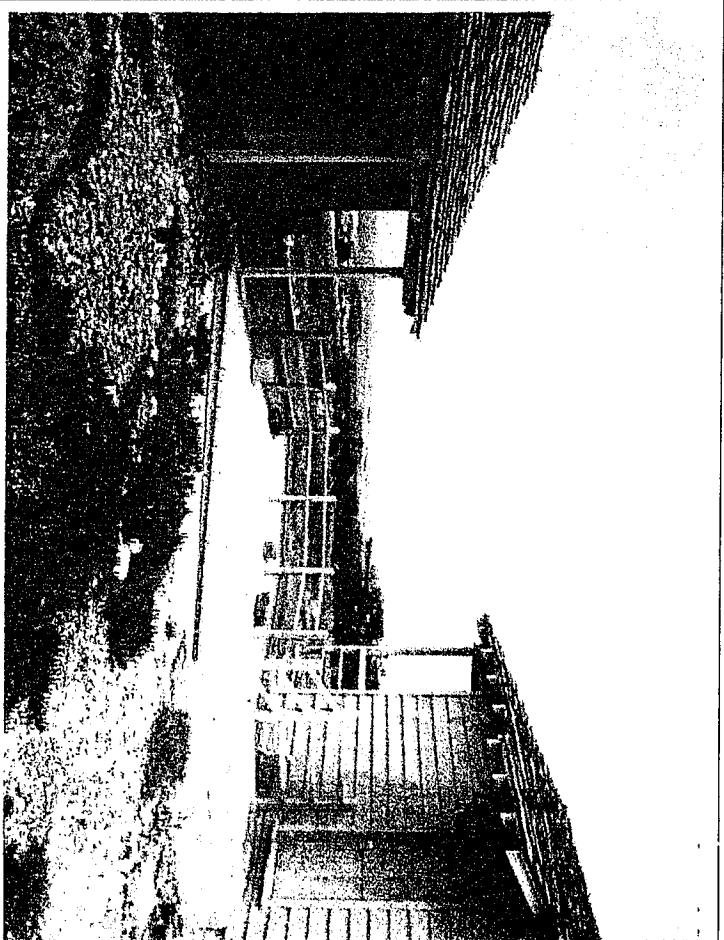
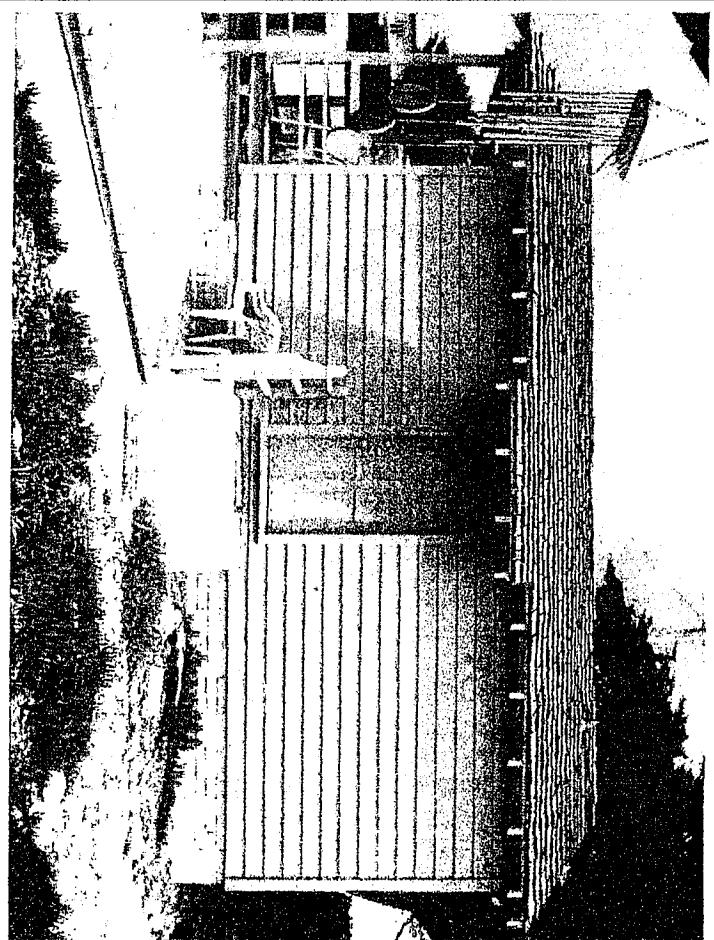
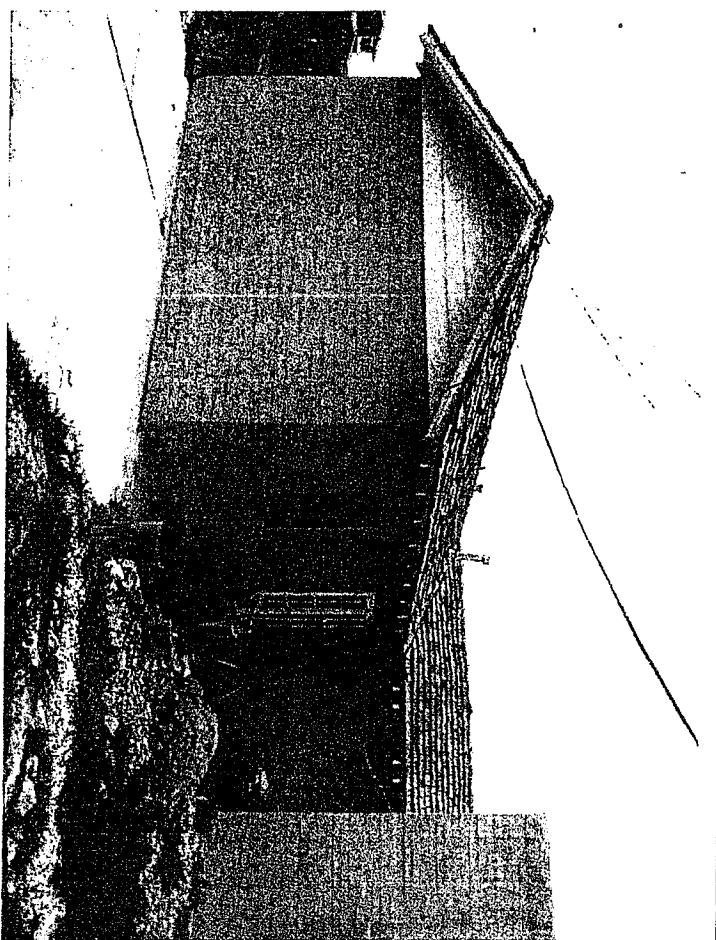
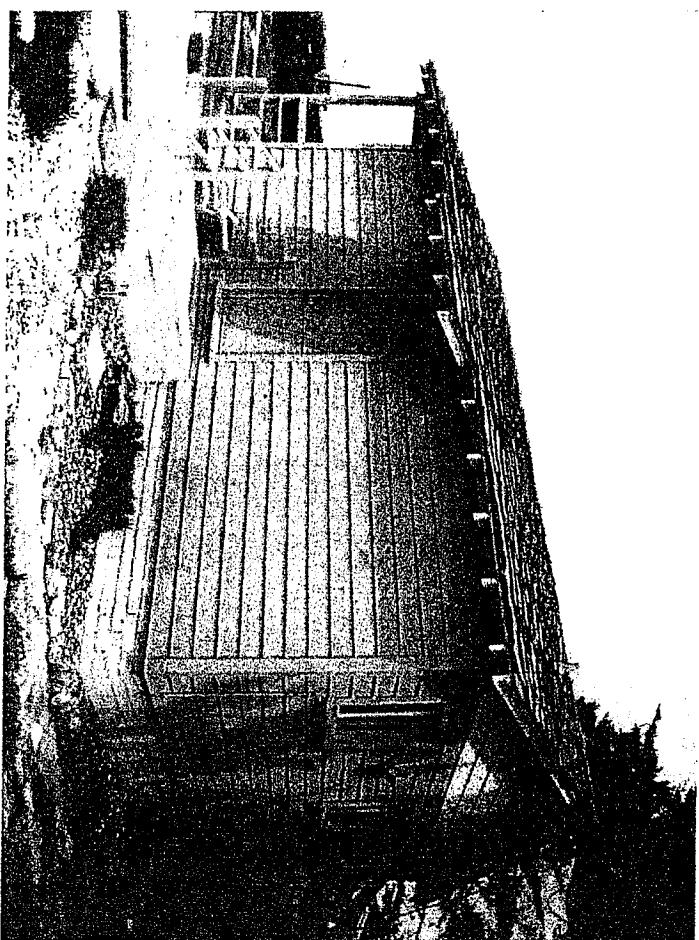


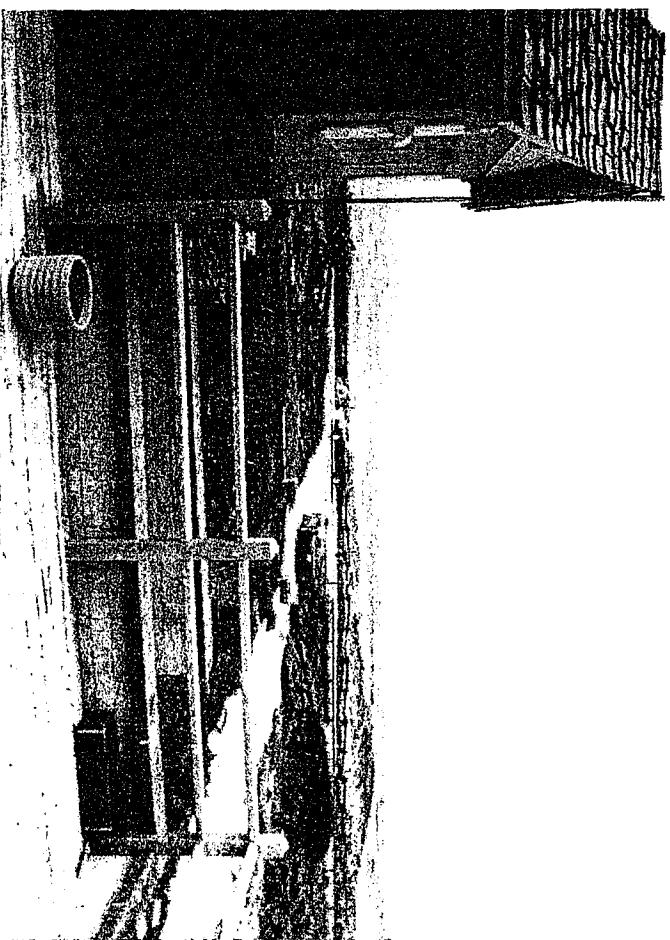
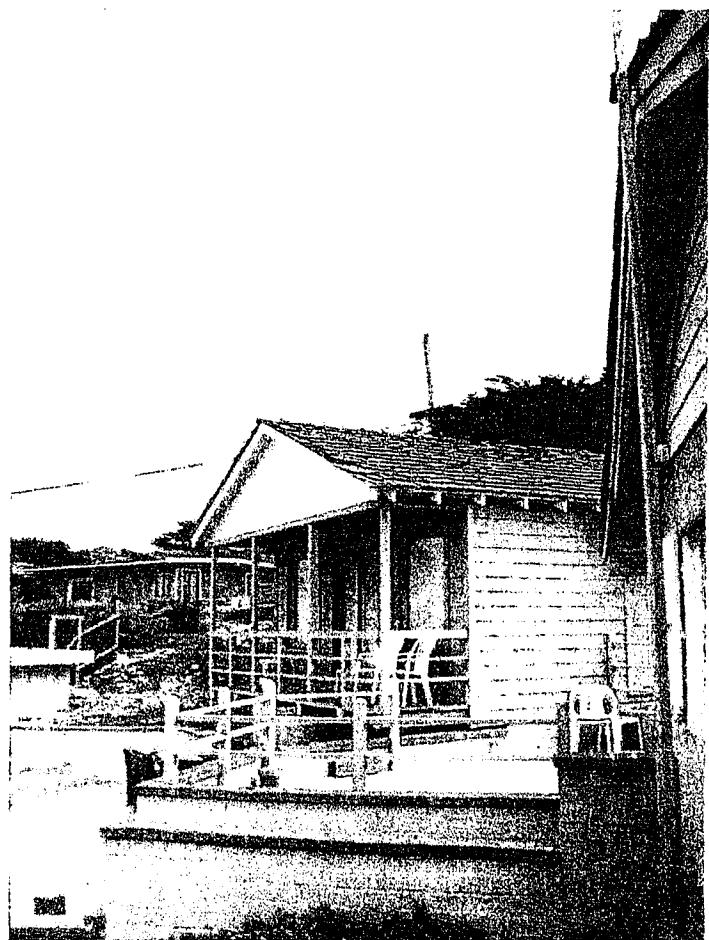
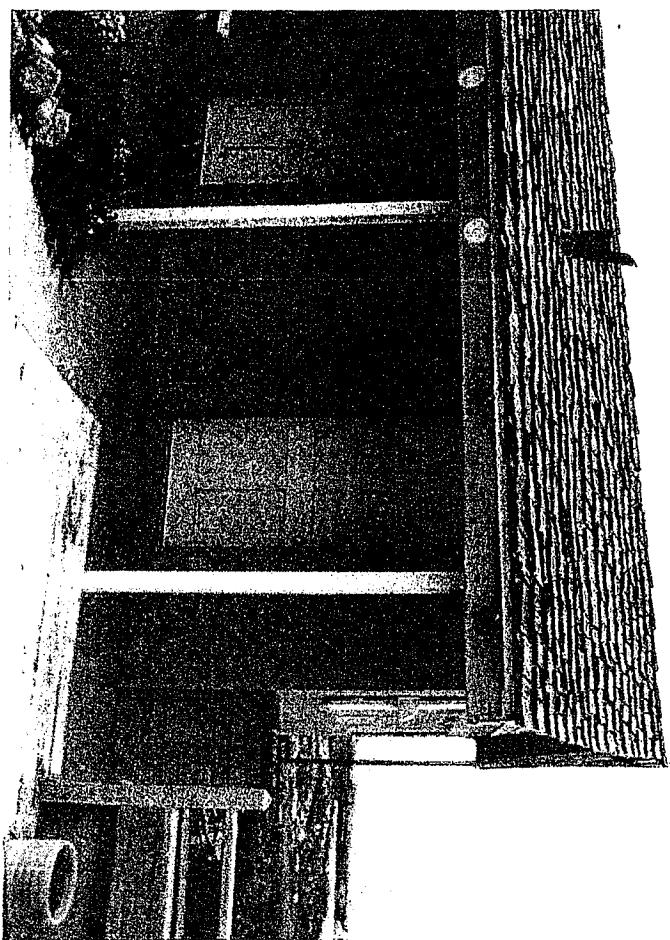
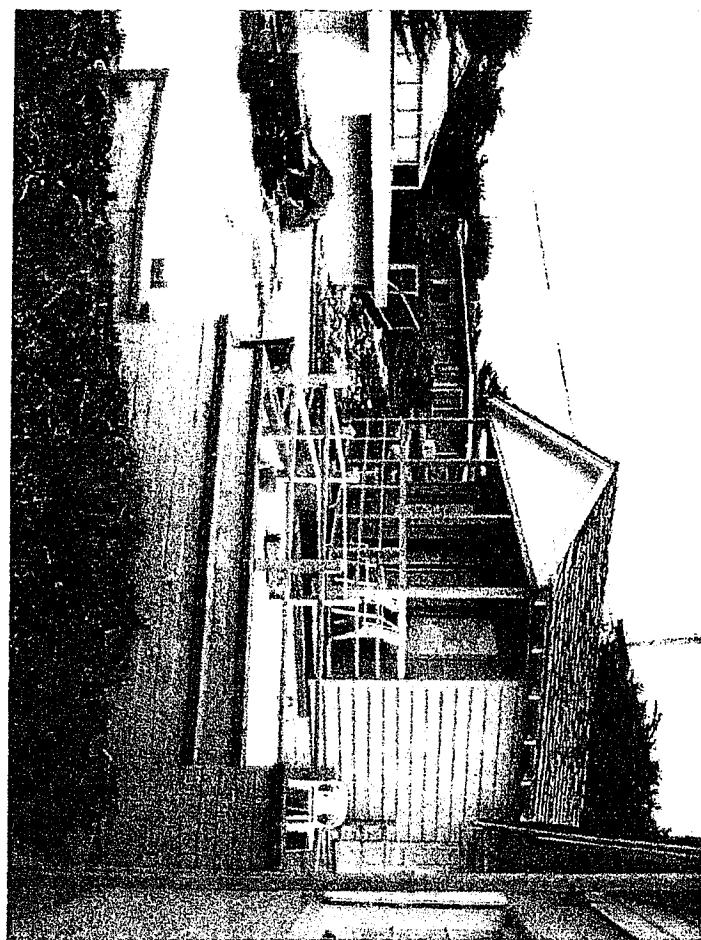


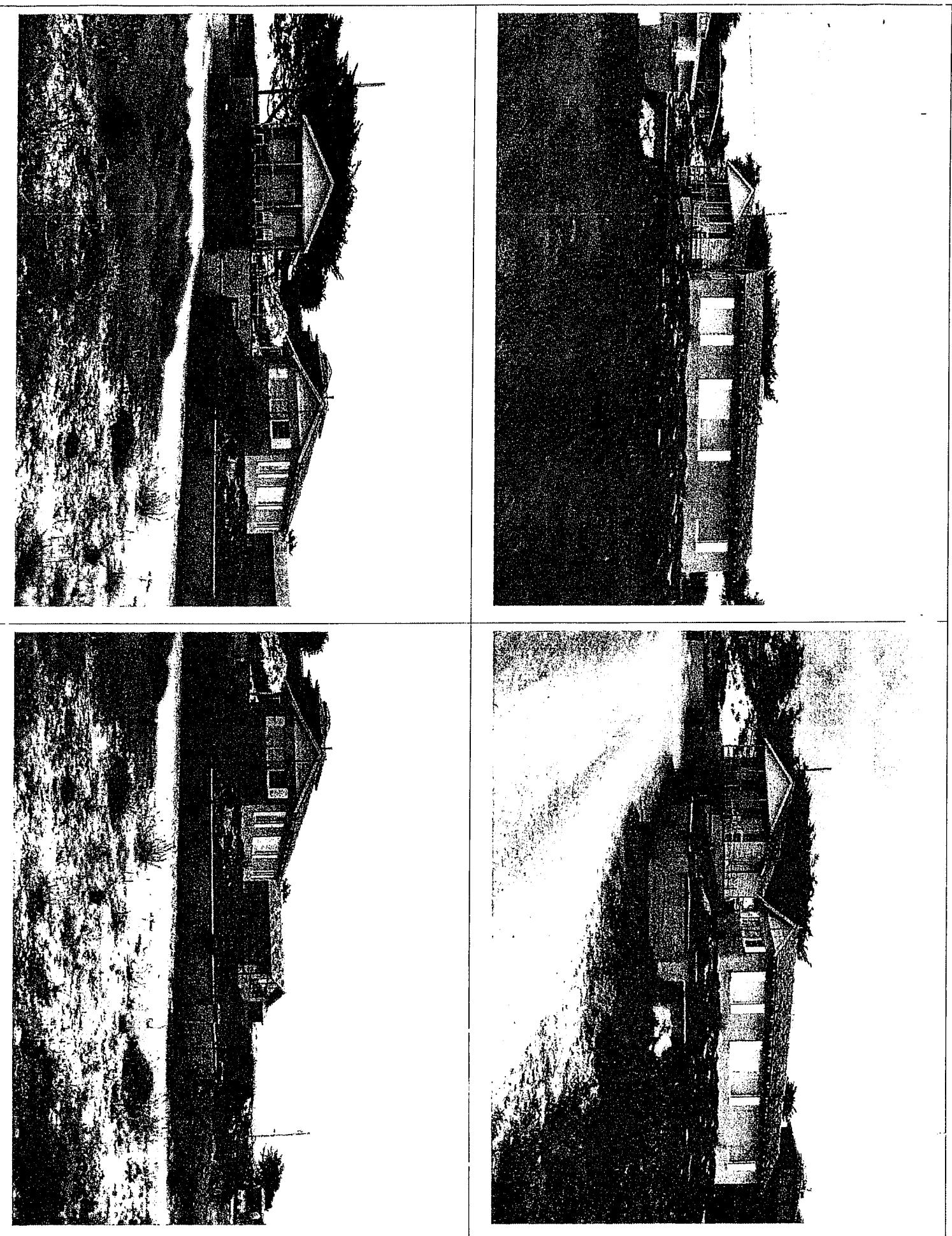












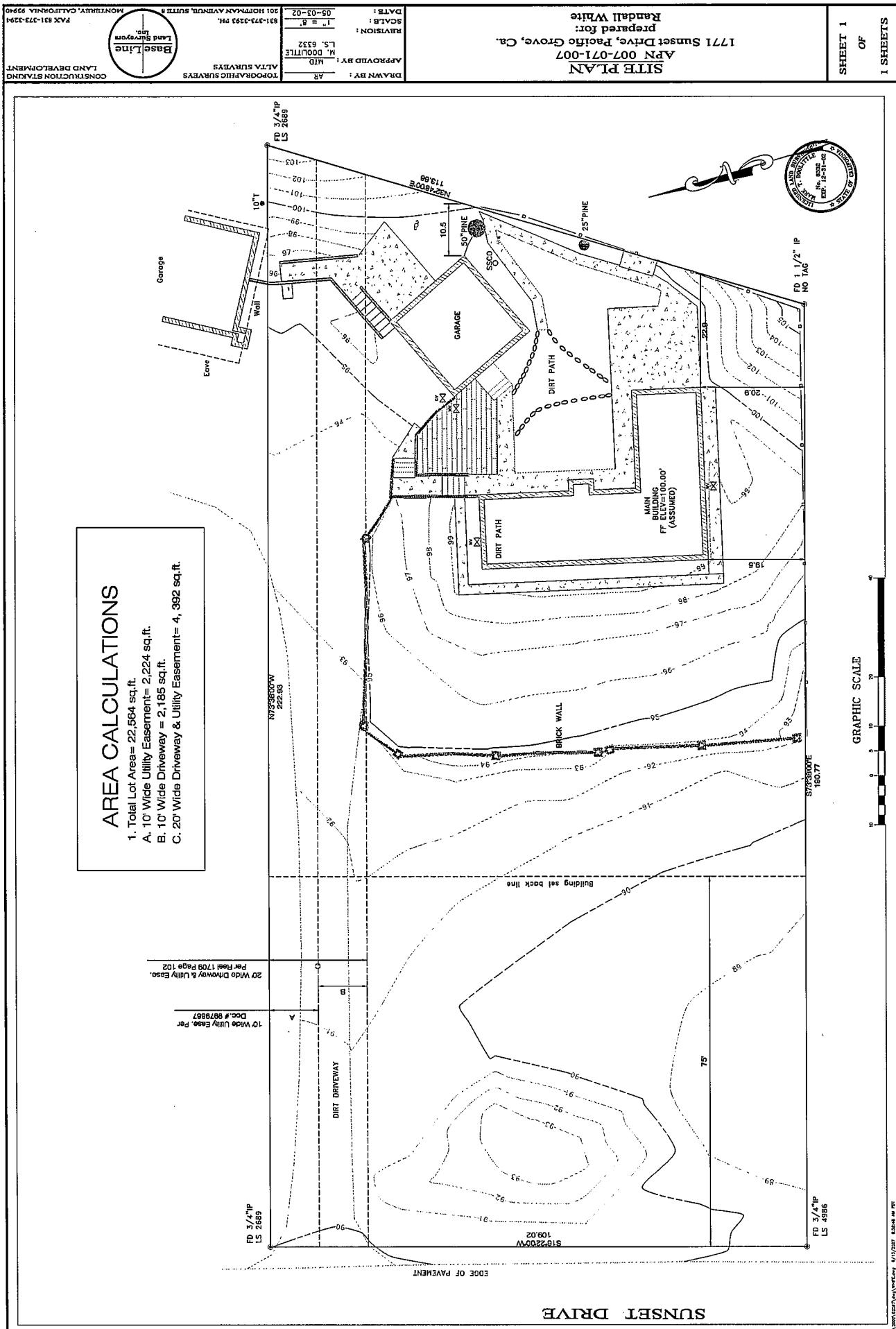
RECEIVED

APR 14 2015

CALIFORNIA
COASTAL COAST
STEAL COAST

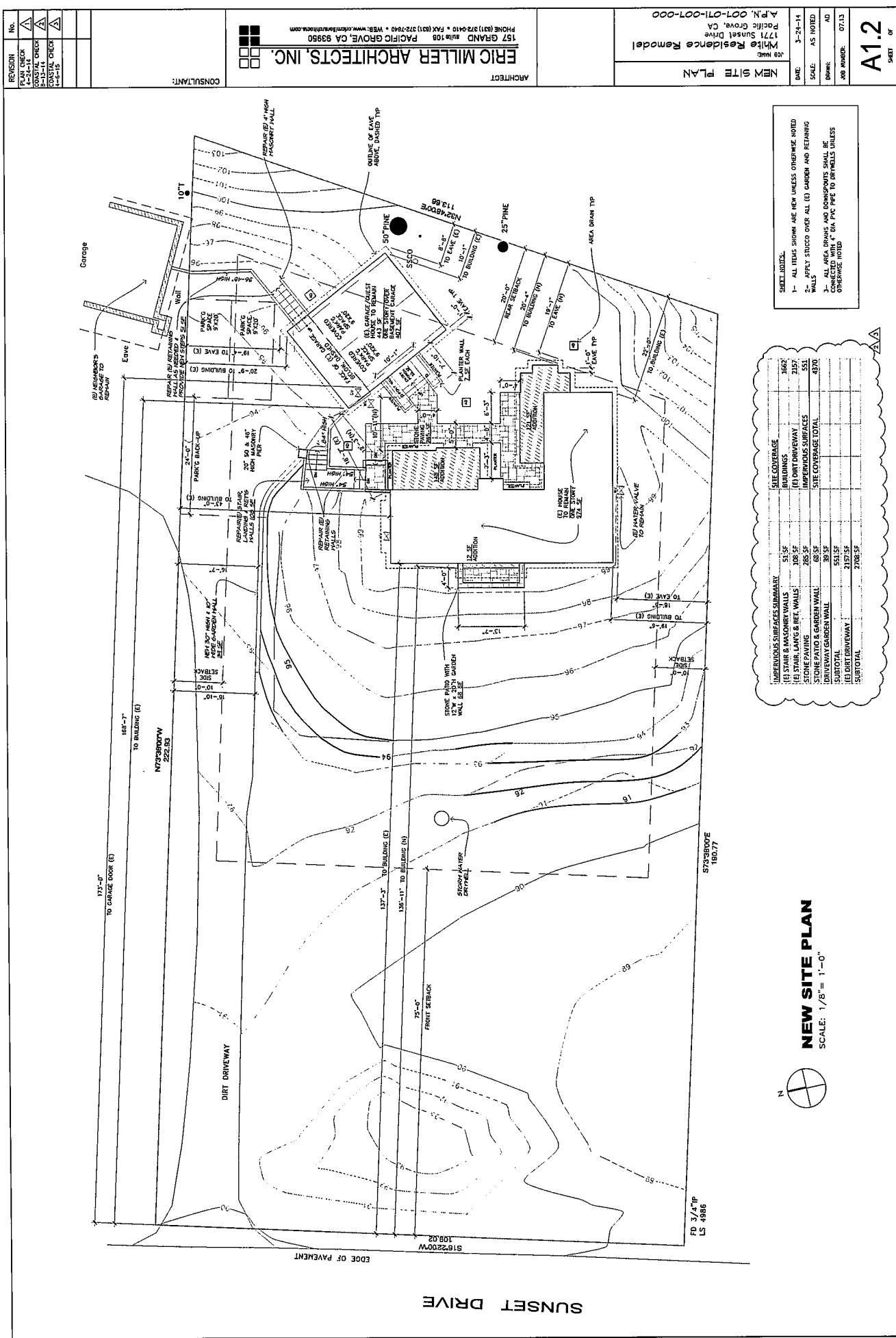
11771 SUNSET DRIVE, PACIFIC GROVE

RESIDENCE



J:\M3\Jobs\1317\White\DD1317A1-1.dwg, 4/8/2013 5:28:38 PM

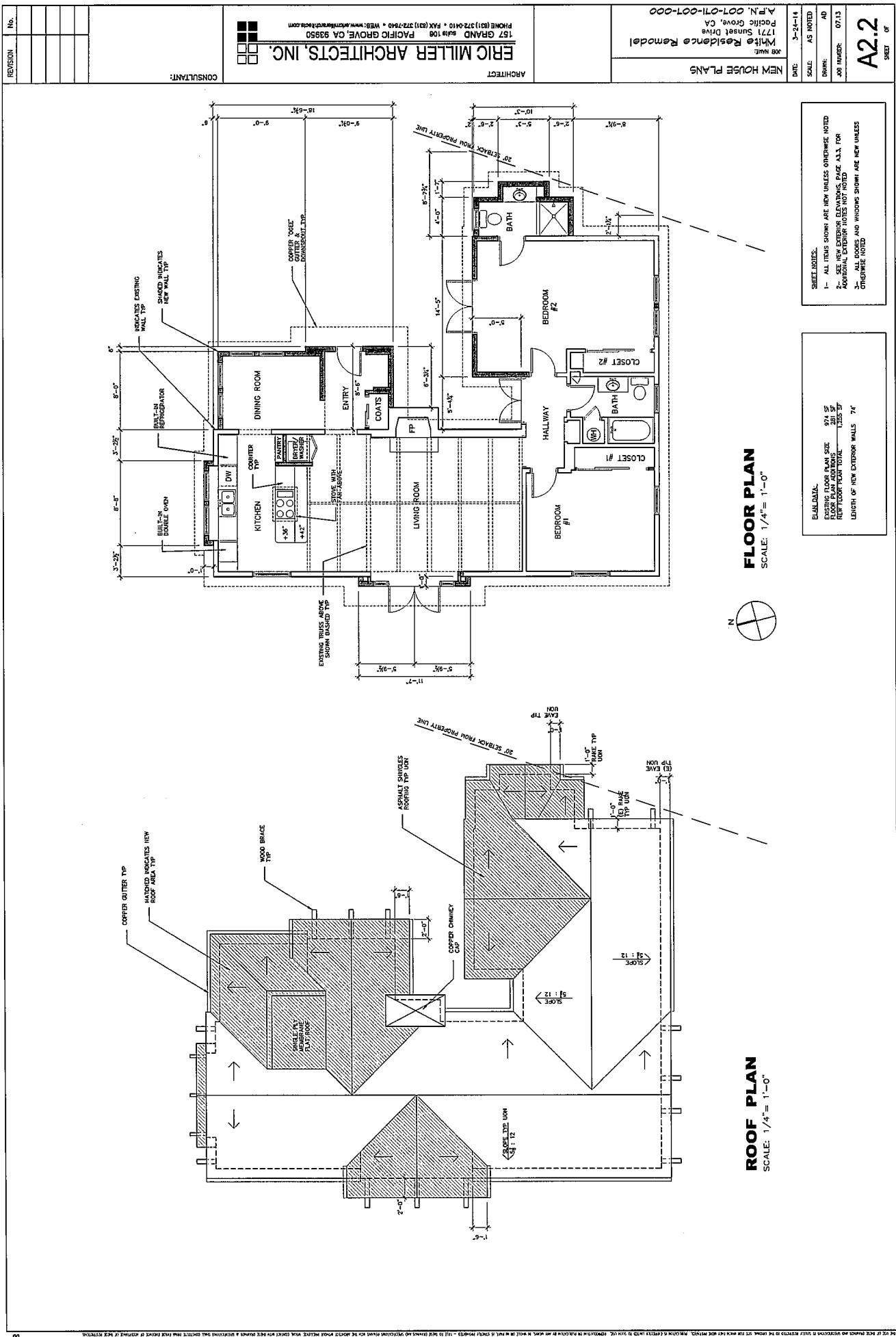
Exhibit 5
3-14-1172
3 of 12



Half-Size on 12x18

J:\113\Jobs\11317\White\DD1317A2-1.dwg, 3/24/2014 2:19:22 PM

Exhibit 5
3-14-1172
5 of 12



A2.2
SHEET

157 GEAND DR., SUITE 100, PACIFIC GROVE, CA 93950
PHONE (831) 232-0100, FAX (831) 232-7340 • WEB: WWW.MILLERARCHITECTS.COM
ERIC MILLER ARCHITECTS, INC.
1771 SWEET DR., SUITE 100, PALM SPRINGS, CA 92264
A.P.N. CO1-001-000-000

NEW HOME PLANS
Eric Miller Architects Remodel

Architect
Eric Miller

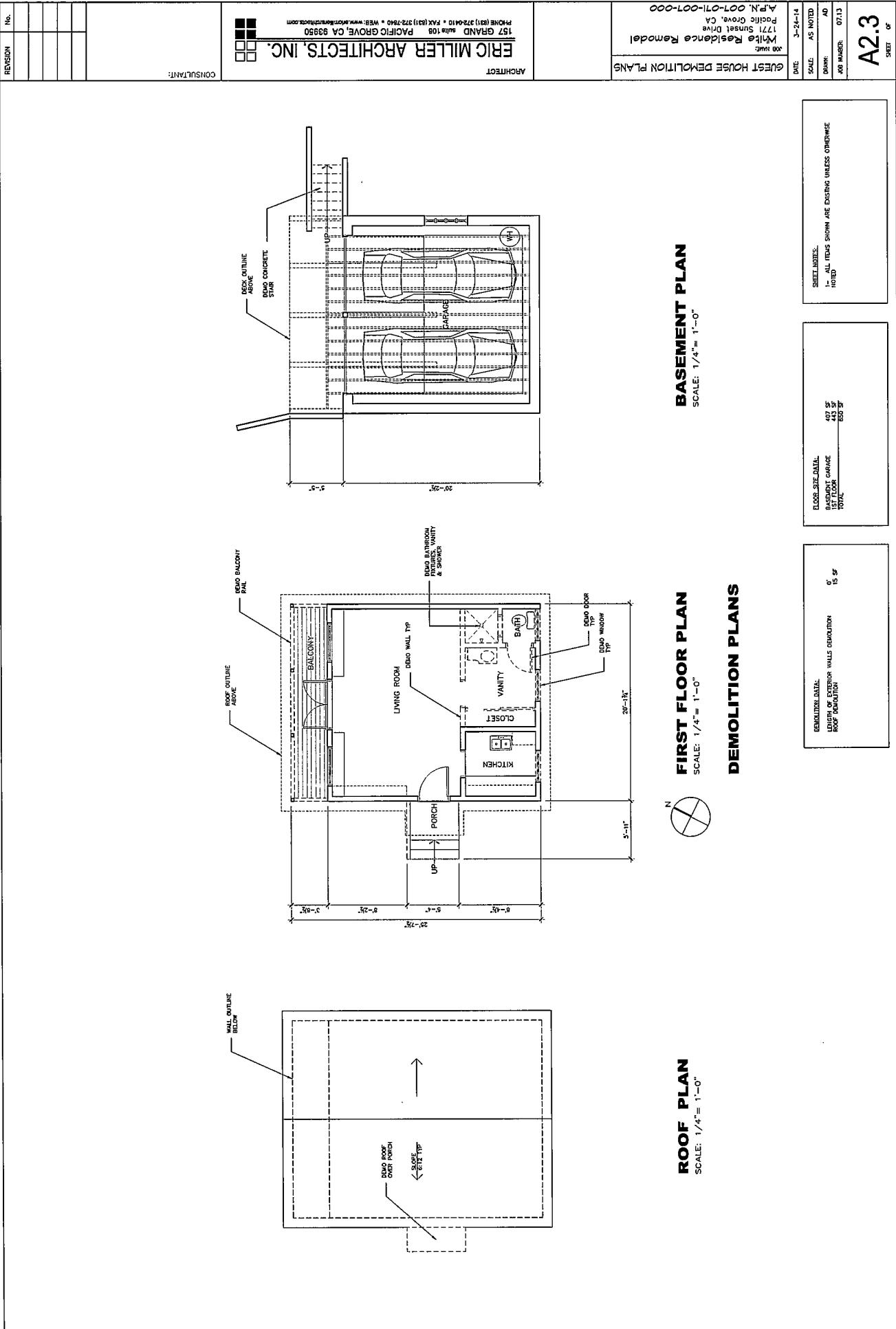
AS-BUILT

REMOVED

ADDED

CHANGED

REMOVED



Half-Size on 12x18

J413 jobs1317 White - DD317A2-3.dwg, 3/24/2014 2:40:59 PM

ERIC MILLER ARCHITECTS, INC.

CONSULTANT: **WHITE RESIDENCE Remodel**

ARCHITECT: **NEW GUEST HOUSE PLANS**

157 GRAND ave 108 PACIFIC GROVE, CA 93950
PHONE (831) 372-0110 FAX (831) 372-7640 WEB: WWW.WHITERESIDENCEDESIGN.COM

A.P.N. 001-001-000-000
1777 SUNSET DRIVE
PACIFIC GROVE, CA
DATE: 3-24-14
SCALE: AS NOTED
DRAWN: AD
JOB NUMBER: 0713
SHEET NOTES:
1- ALL DIMS SHOWN ARE NEW UNLESS OTHERWISE NOTED

ROOF PLAN
SCALE: 1/4" = 1'-0"
HATCHED INDICATES NEW ROOF AREAS

FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"
N

BASEMENT PLAN
SCALE: 1/4" = 1'-0"

Half-Size on 12x18

J:\113\jobs\11317\Whitel\DD1317A2-4.dwg, 3/24/2014 2:44:35 PM

Exhibit 5
3-14-1172
8 of 12

REVISION No.

CONSULTANT

ERIC MILLER ARCHITECTS, INC.

**157 GRAND ave. 106 • PACIFIC GROVE, CA 93950
PHONE (831) 372-4110 • FAX (831) 372-7460 • WEB: www.ericmillerarchitects.com**

APN. 007-071-001-000

EXISTING EXTERIOR ELEVATIONS Remodel

DATE 3-24-14

SCALE AS NOTED

AD IRON: 07/15

000 NUMBER: 07/15

SECTION: I- SEE SOUTH AND NORTH ELEVATIONS FOR NOTES NOT NOTED

FRONT-WEST ELEVATION
SCALE = 1/4" = 1'-0"

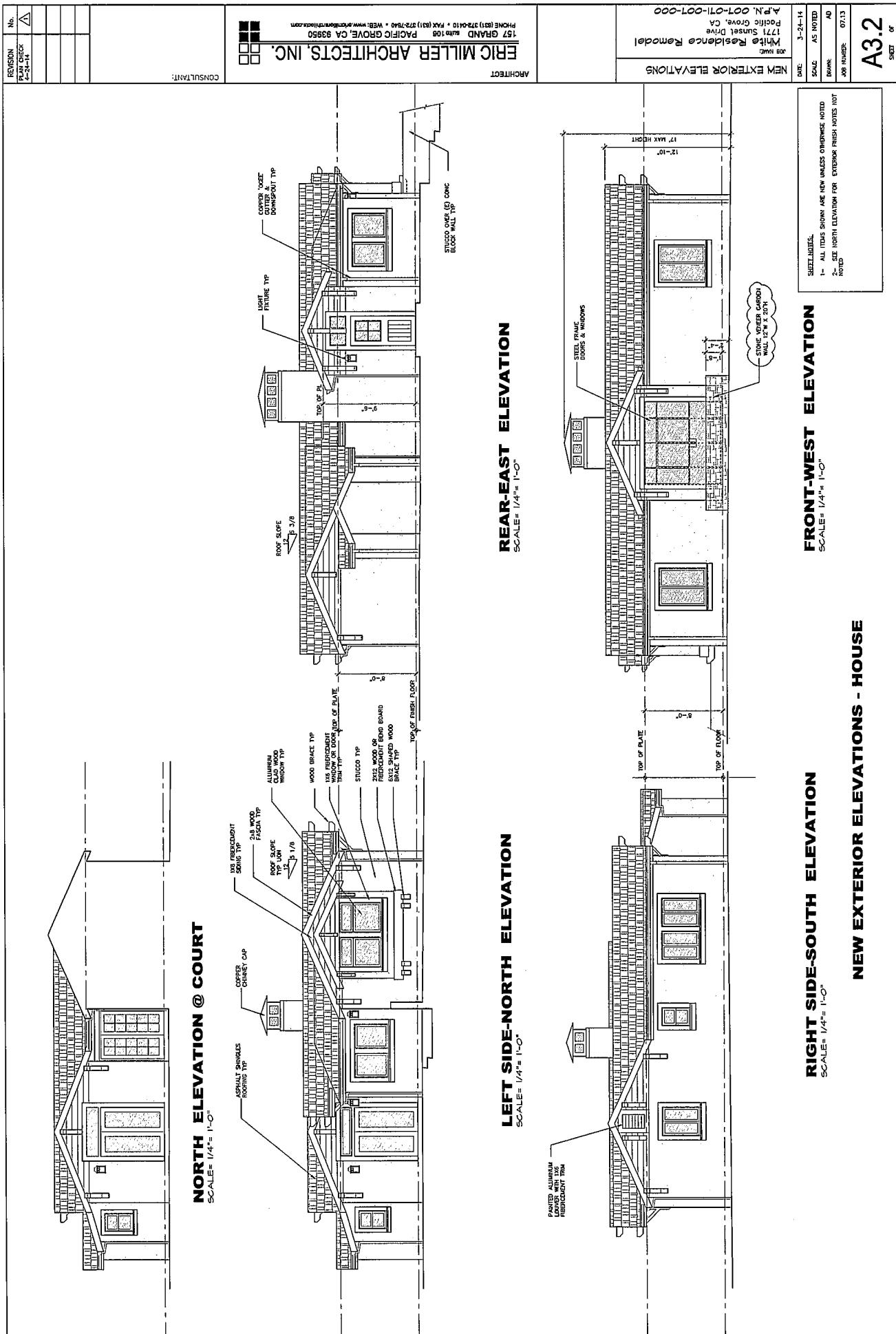
RIGHT SIDE-SOUTH ELEVATION
SCALE = 1/4" = 1'-0"

LEFT SIDE-NORTH ELEVATION
SCALE = 1/4" = 1'-0"

REAR-EAST ELEVATION
SCALE = 1/4" = 1'-0"

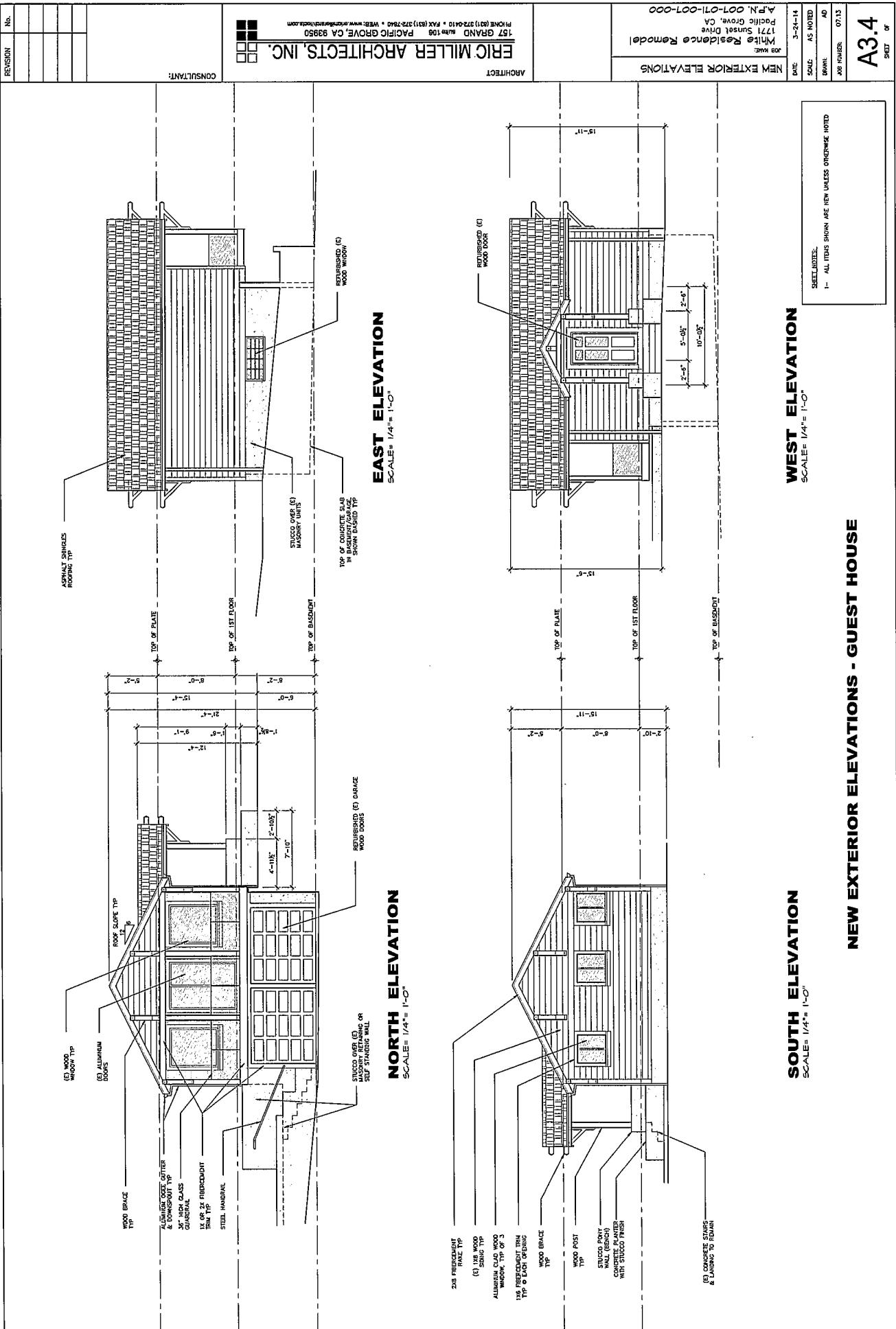
Half-Size on 12x18

J:\M3\Jobs\1317\White\DD1317A3-1.dwg, 3/24/2014 3:10:52 PM



Half-Size on 12x18

J:\13\jobs\1317 White\DD1317A-3.dwg, 3/24/2014 3:25:04 PM



Half-Size on 12x18

J13 job#1317 White_D1317A-4.dwg, 3/25/2014 9:28:27 AM

RECEIVED



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

JUL 1 1 2014
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

ARCHITECTURAL PERMIT #14-218

FOR A RENOVATION OF AN EXISTING PROPERTY LOCATED AT 1771 SUNSET DRIVE INCLUDING THE ADDITION OF 281 SQUARE FEET TO THE MAIN RESIDENCE AND EXTERIOR CHANGES TO BOTH THE MAIN HOUSE AND THE GUEST HOUSE IN THE COASTAL ZONE

FACTS

1. The subject site is located at 1771 Sunset Ave., Pacific Grove, 93950 APN 007-071-007
2. The subject site has a designation of Low Density (5.4 Dwelling Units per Acre) on the adopted City of Pacific Grove General Plan Land Use Map.
3. The project site is located in the R-1-B-4 zoning district.
4. The subject site is 22,564 square feet.
5. The subject site is developed with a single family dwelling and a detached garage and guest house.
6. The subject site is located within the Coastal Zone.
7. The subject site is located within the Archaeological Zone and an Archaeological Report was completed on February 19, 2008.
8. A Phase 1 Historic Assessment was completed by Kent L. Seavey on June 3, 2008.
9. An Initial Study and Mitigated Negative Declaration were prepared and circulated for this project.

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.
2. The Local Coastal Program Land Use Plan (LUP) allows a maximum site coverage of 40% for existing development per Policy 3.4.3 and the proposal conforms to the required site coverage. The site is required to restore the property landscape in accordance with the Landscape Restoration Plan, received October 30, 2013 by Regan Biological and Horticultural Consulting.
3. The proposal conforms to the regulations set forth in Section 2.5.5 of the Local Coastal Program LUP for existing development including complimenting the open space character of the area and maintaining neutral color tones. The project will not affect landforms and landscaping of the site.
4. 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 27, 28, 32, & 37;
5. 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
6. 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.

PERMIT

Architectural Permit (AAP) 14-218 to allow:

- 1) The renovation of an existing property located at 1771 Sunset Drive including the addition of 281 Square Feet to the main residence and exterior changes to both the main house and the guest house in the Coastal Zone.

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 plans entitled "White Residence Remodel" dated March 24, 2014, on file with the Community Development Department and to the Building Code, with the exception of any subsequently approved changes.
6. **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.
7. **Exterior Lighting.** Exterior lighting must be full cut off and in compliance with Architectural Review Guidelines Nos. 10, 11, 12.
8. **Coastal Development Permit.** An approval Coastal Development Permit from the Coastal Commission is required prior to the issuance of building permits.
9. **Second Unit Ordinance.** Prior to building permit approval, a deed restriction will be required for the guest house.
10. **Biological.**
 - a. Prior to the start of construction, temporary fencing shall be installed to delineate the construction zone for the purpose of protecting the surrounding dune habitat. The Project Biologist shall install the temporary fence. The fencing shall be installed to protect sensitive species and it shall remain in place until all construction on the site is completed and final building inspection approval has been received. After confirmation of final building approval, the Project Biologist shall remove the fencing.
 - b. All activities associated with construction, trenching, storage of materials, and disposal of construction waste and excavated soil shall not impact areas protected by fencing. The areas protected by the fence shall remain in a trash-free condition and not used for material stockpiling, storage or disposal, or vehicle parking. All construction personnel shall be prohibited from entering the areas protected by fencing.
 - c. Prior to the start of construction, the Project Biologist shall search the project area for black legless lizards. If any are found, they shall be relocated to a nearby suitable habitat.
 - d. No paint, cement, joint compound, cleaning solvents or residues from other chemicals or materials associated with construction shall be disposed of on-site. The General Contractor will be responsible

for complying with this requirement and shall clean up any spills or contaminated ground to the full satisfaction of the Project Biologist.

- e. In the case that excavation spoils are generated by the project, they will be used on site after consulting with the Project Biologist and receiving consent from the City of Pacific Grove and the California Coastal Commission.
- f. The Project biologist shall be notified in advance of any activity including heavy equipment, and shall monitor this activity on a daily basis while work continues.
- g. Landscaping shall be in accordance to the specifications of the Landscape Restoration Plan. Implementation of the project shall be completed prior to receiving final building inspection approval and granting of occupancy.
- h. No exotic plants or non-local native plants shall be planted on the property, either on the ground or in planters.

11. Archaeological

- a. A qualified archaeological monitor shall be present during project excavations. The monitor shall recover cultural materials that may be found in the excavated soil. If, at any time, potentially significant cultural features are encountered, work shall be halted until the monitor or principal archaeologist can evaluate the discovery. If the feature is determined to be significant, work will remain halted until an appropriate mitigation is developed, with the concurrence of the lead agency, and implemented. If, at any time, human remains are identified, work must be halted and the Monterey County Coroner must be notified immediately. If the Coroner determines that the remains are likely to be Native American, the Native American Heritage Commission will be notified as required by law. The designated Most Likely Descendant will provide recommendations for treatment of Native American human remains.
- b. If sufficient quantities of cultural materials are recovered during monitoring/data recovery, appropriate professional analysis of those materials shall be performed. This might include processes including, but not limited to, radiocarbon dating, faunal analysis, and lithic analysis. Following monitoring and data recovery, a report suitable for compliance documentation shall be prepared. This report shall document the field methodology and findings and make management recommendations. If analysis of cultural materials is undertaken, a Final Technical Report documenting the results of all scientific studies shall be completed within a year following completion of monitoring and data recovery field work.
- c. Cultural materials recovered during the project shall be processed and curated in the public domain at a suitable research facility. Artifacts shall not be turned over to Native American groups or other special interests unless specifically required under the provisions of the Public Resources Code.

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. Mitigation Monitoring Plan. This permit shall serve as a mitigation and monitoring plan.

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 AP 14-218 including the renovation of an existing property located at 1771 Sunset Drive including the addition of 241 Square Feet to the main residence and exterior changes to both the main house and the guest house.

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 24th day of June, 2014, by the following vote:

AYES: Becom, Boyle, Colling, Doocy, Groben, McCord

NOES: none

ABSENT: Steres

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.

Randall White, Owner

Date

Deborah White, Owner

Date

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 24th day of June, 2014, by the following vote:

AYES: Beconi, Boyle, Colling, Doocy, Groben, McCord

NOES: none

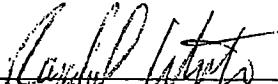
ABSENT: Steres

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.



Randall White, Owner

July, 2014

Date



Deborah White, Owner

July, 2014

Date