

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE
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Filed: 02/09/96
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Staff: J. Sheele/cm
Staff Report: 02/22/96 1739P
Hearing Date: 03/12-15/96
Commission Action:

STAFF REPORT: PERMIT AMENDMENT*Th12a*

APPLICATION NO.: 3-87-258-A3

APPLICANT: CALIFORNIA DEPARTMENT OF PARKS AND RECREATION

AGENT: Thomas K. Moss, State Park Ecologist

PROJECT LOCATION: Asilomar State Beach (Rocky Shores Lot 7 addition), City of
Pacific Grove, Monterey County.
APN 007-021-007.

DESCRIPTION OF PROJECTS PREVIOUSLY APPROVED: Dune restoration, including eradication of exotic plants, rebuilding of damaged dunes, revegetation with native plants, installation of trails, boardwalks and fencing, restoration of existing gazebo, and removal and revegetation of existing driveway, on inland and seaward sides of Sunset Drive.

DESCRIPTION OF AMENDMENT: Continuation of the Asilomar Dunes Restoration Project including eradication of exotic species, revegetation with indigenous plants, and extension of existing trails and fencing on the Rocky Shores Lot 7 addition to Rocky Shores, Asilomar State Beach.

LOCAL APPROVALS RECEIVED: None required. CEQA - categorically exempt.

SUBSTANTIVE FILE DOCUMENTS:

- o Lot 7 (Rocky Shores) Dunes Restoration Project Asilomar State Beach by Thomas K. Moss, September 25, 1995.
- o Rocky Shores Dunes Restoration Project Asilomar State Beach (including archaeology report) by Thomas K. Moss, January 26, 1993.
- o Addendum to Asilomar State Beach Dunes Restoration Plan by Thomas K. Moss, June 28, 1989.
- o Asilomar State Beach Dunes Restoration Plan by Thomas K. Moss, April, 1987.
- o 3-87-258 and 3-87-258-A1 California Department of Parks and Recreation.
- o Pacific Grove Local Coastal Program Land Use Plan.

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission determine that the proposed amendment to the coastal development permit, subject to the conditions below, is consistent with the requirements of the Coastal Act.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby approves the amendment to the coastal development permit, subject to the conditions below, on the grounds that the development with the proposed amendment is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, is located between the sea and the first public road nearest the shoreline and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions: See Exhibit A.

III. Special Conditions.

1. Rocky Shores Dunes Restoration Project Plan Addendum. All conditions attached to the previously approved permit and amendments remain in effect (See Exhibits B, C and D). The "(Lot 7 Rocky Shores) Dunes Restoration Project Asilomar State Beach" by Thomas K. Moss, dated September 25, 1995, details this portion of the project, and shall be considered the third addendum to the "Asilomar State Beach Dunes Restoration Plan" (first Addendum 6/28/89, second Addendum 1/26/94). This project and subsequent maintenance shall be conducted in accordance with the approved Asilomar State Beach Dunes Restoration Plan, as amended.

2. Submittal of Operational Plan. PRIOR TO COMMENCEMENT OF TRAIL EXCAVATION OR ANY GROUND WORK, permittee shall provide an operational plan for review and approval by the Executive Director. Such plan shall provide as follows:

- A. Strict observance of the "Special Precautions" regarding archaeological sites and endangered plant species, listed in Section 6 of the Rocky Shores Dunes Restoration Plan (see Findings, attached);
- B. Identification of staging and construction material storage areas;
- C. To protect sensitive dune and archaeological features during the trail excavation and grading, installation of field fence to exclude construction equipment from areas to be preserved, or in the alternative, full-time on-site supervision by qualified State Park Resource Ecologist during operation of the earthmoving equipment;

- D. Maintenance of automobile access along Sunset Drive and assurance that any necessary disruptions occur at times other than the peak periods of visitor use (e.g., weekends, holidays); and,
- E. Provision of public information, including explanatory sign(s) on-site and press release(s) to local news media prior to commencement of operations.
- F. Evidence of review by the California Department of Fish and Game and the U.S. Fish and Wildlife Service.

The above provisions of the operational plan shall be implemented concurrently as the restoration project proceeds.

3. City Approval. PRIOR TO ANY WORK IN THE CITY RIGHT-OF-WAY, the permittee shall submit, for the Executive Director's review and approval, evidence of City approval.

IV. Findings and Declarations.

The Commission hereby finds and declares as follows:

1. Background and Project Description.

On November 20, 1987, the Commission approved coastal development permit No. 3-87-258 for dune restoration at Asilomar State Beach. The permit was necessary for implementation of the Asilomar State Beach Dunes Restoration Plan (California Department of Parks and Recreation, April, 1987). The permit applied to the entire dune area of the State Beach ownership, seaward of the Asilomar Conference Center facilities. On August 8, 1989, the Commission approved an amendment to the above-referenced permit, 3-87-258-A1, for dune restoration along the seaward side of Sunset Drive. On August 10, 1994, the Commission approved a second amendment for dune restoration on four of the seven parcels of the Rocky Shores property (lots 9, 10, 11 and 12 -- see Exhibit 2).

The current amendment request is for dune restoration on Lot 7 at Rocky Shores (west of Sunset Drive). Recently the California Department of Parks and Recreation (CDP&R) and the Monterey Peninsula Regional Park District (MPRPD) acquired Lot 7 of the Rocky Shores property. The Lot 7 (Rocky Shores) Dunes Restoration Project Asilomar State Beach Plan was prepared as a third addendum (9/25/95) to the original Asilomar State Beach Dunes Restoration Plan -- 4/87, (first Addendum -- 6/28/89, and second Addendum -- 1/26/94). Major elements of the proposed project include dune restoration, eradication of exotic

plants, revegetation with indigenous plants, extension of existing trails and fencing. Except for the trail's northern terminus at Sunset Drive, the project will be located entirely on State Park property. While no encroachment permits will be required for construction equipment access from the adjacent City-owned Sunset Drive right-of-way, City approval is required nonetheless for construction work and trail location within the right-of-way.

The .47 acre project site is bordered on the south by Asilomar State Beach, on the north by the two remaining privately held Rocky Shores parcels (including one residence (Miller/Wilde) and a vacant lot with approval for a residence (3-94-32 Page)), on the east by private residences across Sunset Drive and on the west by the ocean. Further to the north is a large expanse of dunes on the Lighthouse Reservation, which is managed by the City of Pacific Grove under lease from the U.S. Coast Guard.

2. Public Access.

The restoration projects substantially enhance public access along the entire shoreline frontage of Asilomar State Beach at Rocky Shores. The existing haphazard and inadequate maze of makeshift footpaths is being replaced with a rational network of improved trail surfaces. By providing defined routes, and by armoring the trail surfaces with decomposed granite and boardwalks, the capacity of the trail system to accommodate visitors without substantial resource damage will be greatly increased. Also, wheelchair access has been provided.

Therefore, as amended, the project will improve pedestrian access to and along the shoreline, including the establishment of an additional approximately 330 foot long segment of the Coast Trail. As conditioned to require an operational plan for continued traffic flow during the construction period, no significant disruption of existing automobile access along Sunset Drive will result. Accordingly, the amended permit is found consistent with Coastal Act Sections 30210, 30212, 30212.5, 30213, and 30221, regarding the provision of maximum public access and public recreational opportunities consistent with the need to protect natural resource areas from overuse.

3. Environmentally Sensitive Habitat Areas.

The entire project area comprises existing or potential environmentally sensitive habitat, being a part of the Asilomar dune complex. The amended permit will allow the dune restoration project to proceed on the seaward side of Sunset Drive on Lot 7 of Rocky Shores, complementing the highly successful dune restoration efforts on the inland and seaward sides of Sunset Drive and adjacent to the Asilomar Conference center. By eradicating exotics (primarily the "Hottentot fig" iceplant) and controlling indiscriminate trampling, the coastal foredunes will be stabilized and more favorable conditions established for rare plant and animal species. These include the Black legless lizard and the rare Tidestroms' lupine, an endemic species in the Asilomar dune complex.

The installation of the trail and boardwalk system will be conducted in a manner that minimizes the disruption of the remnant dunes and rare plant habitat. Specifically, the finished width of the coastal trail will be limited to about 5 feet. Trail construction will be performed only by hand and by a very small "Bobcat" tractor; for this portion of the work, Section 6 of the Dune Restoration Plan lists the following "Special Precautions" to avoid damaging natural and cultural resources during construction of the trail and boardwalk:

- a. The tractor will be operated only where damage to sensitive natural and cultural resources can be avoided.
- b. The tractor will not be operated over the archaeological sites. Minor surface leveling will be necessary for accommodating the boardwalk. Levelling will be achieved by filling in low spots. A State Park Archaeologist will be present at all times when groundwork associated with construction of the boardwalk and DG [decomposed granite] trail is occurring.
- c. Prior to start of any work on the site, a biological survey will be conducted by a State Park Ecologist to determine the location of all plant and animal species of special concern. Sensitive areas will be fenced while construction of the trail is occurring.
- d. Prior to the start of any ground work, an archaeological survey will be performed on the project site by a State Park Archaeologist. The survey will determine the age, nature, extent and significance of the cultural resources. Based on the survey, additional measures (beyond those listed above) to enhance protection will be specified, if necessary.

The Lot 7 (Rocky Shores) Dunes Restoration Plan provides for grading, and fencing as needed to restore natural habitat and provide public access. It also provides for split-rail vehicle-exclusion fencing parallel to Sunset Drive, and continuous supervision of tractor operations by a State Park Resource Ecologist. This permit amendment is conditioned to incorporate the Lot 7 (Rocky Shores) Dune Restoration Plan as part of the previously-approved Asilomar State Beach Dunes Restoration Plan, including Addendums 1 and 2. To reinforce the habitat protection measures outlined in the Rocky Shores Dune Restoration Plan, the submittal of an operational plan, to specify the location of construction equipment parking, staging and material storage areas, is also required. As conditioned, the operational plan will require review by the California Department of Fish and Game and U.S. Fish and Wildlife Service, in order to ensure the protection of any sensitive species which may be present. Accordingly, the project will result in no significant disruption of environmentally sensitive habitat areas, and is found consistent with Coastal Act Sec. 30001.5(a) regarding enhancement and restoration of the coastal zone environment; Sec. 30212(a) regarding provision of public access consistent with the need to protect fragile coastal resources; and Sec. 30240(a) regarding the protection of environmentally sensitive habitat areas.

4. Visual Resources.

The shoreline of Asilomar State Beach, with its rocky shoreline, numerous pocket beaches, tidepools and gently rolling dune landforms, is widely noted as a scenic highlight of the Monterey Peninsula and is easily accessed by Sunset Drive. This location is also identified as "highly scenic" by virtue of its designation in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation.

The project will visually enhance the area seaward of Sunset Drive, Lot 7, at Rocky Shores by replacing the existing maze of makeshift trails with a consolidated network of defined access routes, and by revegetation of areas which have been trampled bare. The proposed split-rail fencing design is appropriate for this highly scenic State Park unit. Therefore, the amended permit is found consistent with Coastal Act Sec. 30251 regarding the protection of scenic and visual qualities of coastal areas.

5. Archaeologic Resources.

The shoreline area of Asilomar State Beach contains at least seven recorded archaeologic sites. These midden sites are particularly vulnerable to trampling, unauthorized collecting, erosion and construction impacts. The proposed restoration project will improve protection of these resources by reducing trampling and erosion impacts. And, upon regrowth of native vegetation, presently barren midden surfaces will be less exposed to illegal collecting. According to the project archaeology report, "No cultural resources were found on Lot 7."

Nonetheless, it is possible that a concealed archaeologic site could be revealed during the course project installation. Therefore, this permit amendment is conditioned to reinforce the Rocky Shores Dune Restoration Plan "Special Precautions". Therefore, as conditioned, the project as amended is consistent with Coastal Act Section 30244, which requires mitigation of archaeologic impacts.

6. LUP/CEQA.

The City of Pacific Grove has completed a Land Use Plan (LUP) for its coastal zone. The LUP has been approved by the Coastal Commission and has been adopted by the City.

The LUP designates the entire project site as "Open Space-Recreational" (LUP Sec. 3.3.4.3). The proposed dune restoration and trail improvement activities are consistent with, and will help to implement, the LUP's policies. In particular, the project as amended and conditioned, will conform with the following LUP sections:

- 2.3.5.3 (Environmentally Sensitive Habitats/Asilomar Conference Grounds and State Beach): calls for implementation of dune restoration program, restoration of native plants, installation of barriers to protect habitats, designation of trails.

- 2.4.5.1 (Archaeologic Resources): requires preparation and implementation of mitigation plan by qualified archaeologist.
- 2.5.5.1 (Scenic Resources): specifies that new development, to the maximum extent feasible, not interfere with seaward public views.
- 5.5.1 & 5.5.4 (Public Access): calls for continuous pedestrian coastal trail seaward of Sunset Drive, and provision of access to the shoreline in any new development project; allows reduction of trail width down to 4 ft. if wider trail would result in damage to fragile dune vegetation.
- 5.6.1 (Recommended Actions): encourages adoption of resource management plan for Asilomar State Beach, to include designated accessways which are non-disruptive of sensitive habitats.

Until a complete resource management plan is available, the Asilomar State Beach Dunes Restoration Plan, Addendum and Rocky Shores Dunes and Lot 7 Restoration Plans will serve the purpose for these portions of this State Park unit. Accordingly, the development allowed under this permit amendment will not prejudice the ability of the City of Pacific Grove to complete its Local Coastal Program in conformity with the provisions of Chapter 3 of the California Coastal Act.

On December 5, 1995, the California Department of Parks and Recreation determined that the Lot 7 Rocky Shores dunes restoration project is categorically exempt from the California Environmental Quality Act (CEQA). As conditioned, the project will not cause any significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

EXHIBITS

- A. Standard Conditions.
- B. Special Conditions - 3-87-258 (original permit).
- C. Special Conditions - 3-87-258-A1 (first amendment).
- D. Special Conditions - 3-87-258-A2 (second amendment).
- 1. Location Map.
- 2. Rocky Shores Parcel Map.
- 3. Site Plan.
- 4. Fence Plans.

EXHIBIT-A

RECOMMENDED CONDITIONS

STANDARD CONDITIONS:

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

EXHIBIT NO. A

APPLICATION NO.

3-87-258-A3

Standard Conditions



California Coastal Commission

SPECIAL CONDITIONS--COASTAL DEVELOPMENT PERMIT NO. 3-87-258:
(approved Nov.20, 1987)

1. The "Asilomar State Beach Dunes Restoration Plan" dated April, 1987, shall serve as a comprehensive long-term management plan for the approved project. Revisions to the plan shall be reviewed and approved by the Executive Director prior to implementation. The permittee shall submit annual progress reports for a minimum of five years from project commencement for the Executive Director's review and approval outlining the progress of all phases of the dune restoration plan.
2. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit the following for the Executive Director's review and approval:
 - A. Final project plans including grading and fencing/boardwalk plans. The grading plans shall specify the erection of barriers, and any other protective measures to be taken to insure that all construction equipment, other vehicles, storage of materials, work people and deposition of sand will be outside of the habitat areas of rare and endangered plant species and archaeological resources areas, and will be confined to the actual areas to be disturbed. A temporary construction fence shall be installed as shown on the approved grading plan prior to commencement of grading. Staff shall conduct a field inspection to verify fencing placement in accord with approved grading plans prior to commencement of grading. Staff shall be notified by the permittee within five working days of the required inspection.
 - B. Final plans for the irrigation system.
 - C. Revised project Implementation schedule.
 - D. Evidence of water service from the California-American Water Company.
 - E. Copy of the Memorandum of Understanding between State Parks and Fish & Game regarding the endangered plant program.
3. Any additional work (grading, fencing, etc.) not set forth in "Asilomar State Beach Dunes Restoration Plan" shall require prior review and approval by the Executive Director or an amendment to this permit. Grading or placement of imported sand seaward of Sunset Drive shall require prior approval by the Executive Director or an amendment to this permit: If sand is imported, it shall be of the same color, type and grain size as the sand which naturally occurs at the Asilomar site.

III. Special Conditions: Coastal Development Permit Amendment 3-87-258-A1
(approved August 8, 1989)

1. Incorporation of Addendum to Restoration Plan

All conditions attached to the previously approved permit remain in effect (see Exhibit D). The "Asilomar State Beach Dunes Restoration Plan" identified in the original Special Condition No. 1 shall be considered as incorporating the document "Addendum to Asilomar State Beach Dunes Restoration Plan," dated June 28, 1989. The project and subsequent maintenance shall be conducted in accordance with such addendum.

2. Submittal of Operational Plan

PRIOR TO COMMENCEMENT OF TRAIL EXCAVATION AND DUNE RECONTOURING WORK, permittee shall provide an operational plan for review and approval by the Executive Director. Such plan shall provide as follows:

- a. Strict observance of the "Special Precautions" regarding archaeological sites and endangered plant species, listed in Section C of the Addendum to the dunes restoration plan (see Findings, attached);
- b. Identification of staging and construction material storage areas;
- c. No overnight parking of construction equipment within the project site nor on the adjoining segment of Sunset Drive;
- d. To protect sensitive dune, wetland and archaeological features during the rebuilding of the Asilomar Beach foredune, installation of field fence to exclude construction equipment from areas to be preserved, or in the alternative, full-time on-site supervision by qualified State Park Resource Ecologist during operation of the earthmoving equipment;
- e. Where the trail crosses archaeological sites, on-site monitoring by qualified State Archaeologist during any construction work where potential for ground disturbance exists;
- f. Maintenance of continual automobile access along Sunset Drive, such that traffic will never be subject to more than momentary interruption from the recontouring operations (i.e., delays not to exceed 5 minutes), and that any necessary disruptions occur at times other than the peak periods of visitor use (e.g., weekends, holidays); and,
- g. Provision of public information, including explanatory sign(s) on-site and press release(s) to local news media prior to commencement of operations.

The above provisions of the operational plan shall be implemented concurrently as the restoration project proceeds.

EXHIBIT C
Permit No. 3-87-258-A1
Amendment Conditions

III. Special Conditions.: Coastal Development Permit Amendment 3-87-258-A2
(approved August 10, 1994)

1. Rocky Shores Dunes Restoration Project Plan Addendum. All conditions attached to the previously approved permit and amendment remain in effect (See Exhibits B and C). The "Rocky Shores Dunes Restoration Project Asilomar State Beach" by Thomas K. Moss, dated January 26, 1994, shall be considered the second addendum to the "Asilomar State Beach Dunes Restoration Plan" (4/87) and first Addendum (6/28/89) and contains provisions for this portion of the project. This project and subsequent maintenance shall be conducted in accordance with the approved Rocky Shores Dunes Restoration Plan.

2. Submittal of Operational Plan. PRIOR TO COMMENCEMENT OF TRAIL EXCAVATION OR ANY GROUND WORK, permittee shall provide an operational plan for review and approval by the Executive Director. Such plan shall provide as follows:

- A. Strict observance of the "Special Precautions" regarding archaeologic sites and endangered plant species, listed in Section 6 of the Rocky Shores Dunes Restoration Plan (see Findings, attached);
- B. Identification of staging and construction material storage areas;
- C. To protect sensitive dune and archaeologic features during the trail excavation and grading, installation of field fence to exclude construction equipment from areas to be preserved, or in the alternative, full-time on-site supervision by qualified State Park Resource Ecologist during operation of the earthmoving equipment;
- D. Where the trail crosses archaeologic sites, on-site monitoring by qualified State Archaeologist during any construction work where potential for ground disturbance exists;
- E. Maintenance of automobile access along Sunset Drive and assurance that any necessary disruptions occur at times other than the peak periods of visitor use (e.g., weekends, holidays); and,
- F. Provision of public information, including explanatory sign(s) on-site and press release(s) to local news media prior to commencement of operations.
- G. Evidence of review by the California Department of Fish and Game and the U.S. Fish and Wildlife Service.

The above provisions of the operational plan shall be implemented concurrently as the restoration project proceeds.

3. Alternative Driveway Access. PRIOR TO ANY WORK WHICH WOULD CLOSE THE EXISTING DRIVEWAY ACCESS, permittee shall submit, for the Executive Director's review and approval, evidence that an alternative driveway access has been provided for the existing residence at 1500 Sunset Avenue.

4. City Approval. PRIOR TO ANY WORK IN THE CITY RIGHT-OF-WAY, the permittee shall submit, for the Executive Director's review and approval, evidence of City approval.

FIGURE 2. PROJECT LOCATION MAP

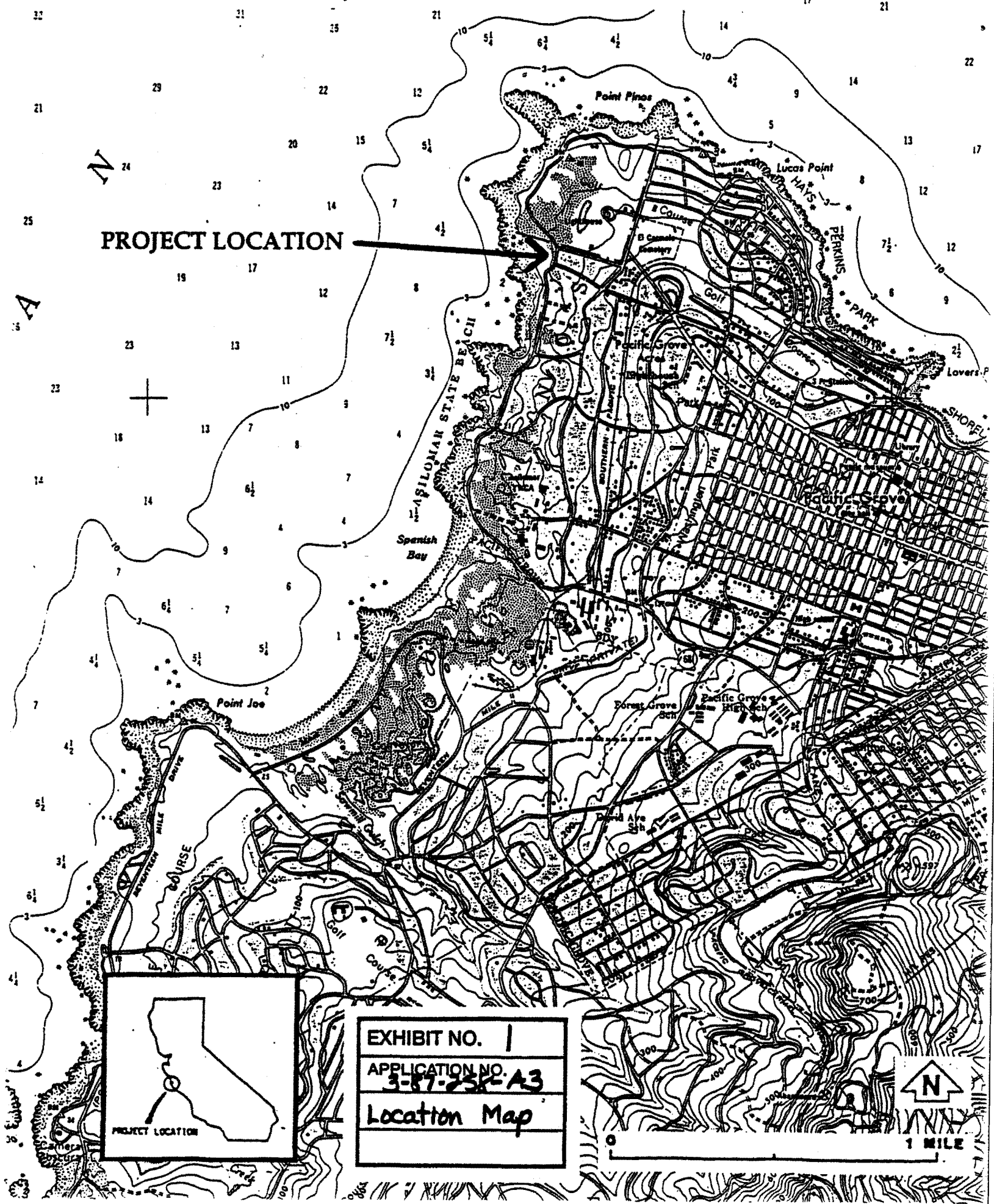
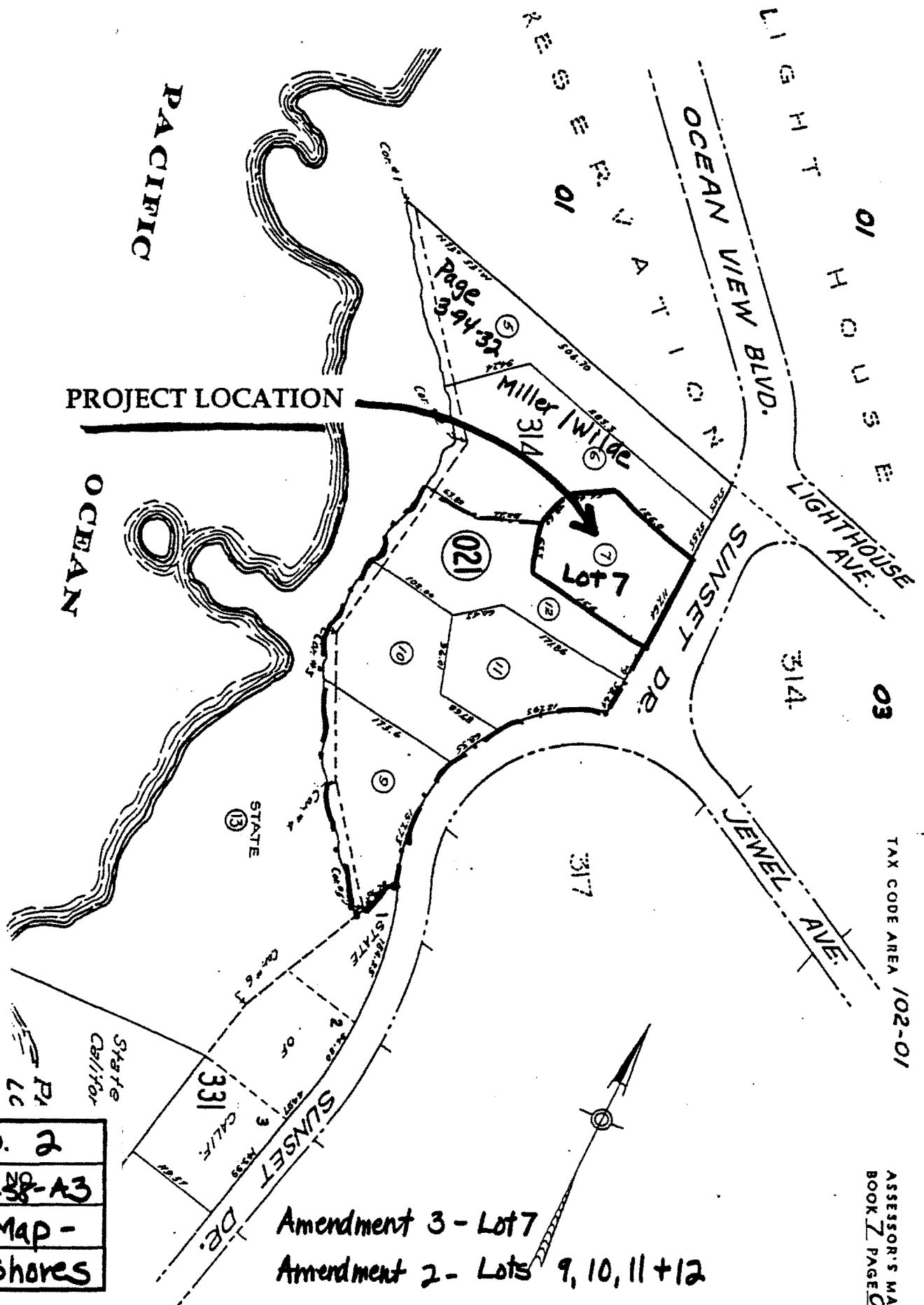


FIGURE 3. ROCKY SHORES PARCEL MAP



| | |
|-----------------|------------|
| EXHIBIT NO. | 2 |
| APPLICATION NO. | 3-87238-A3 |
| Parcel Map - | |
| Rocky Shores | |

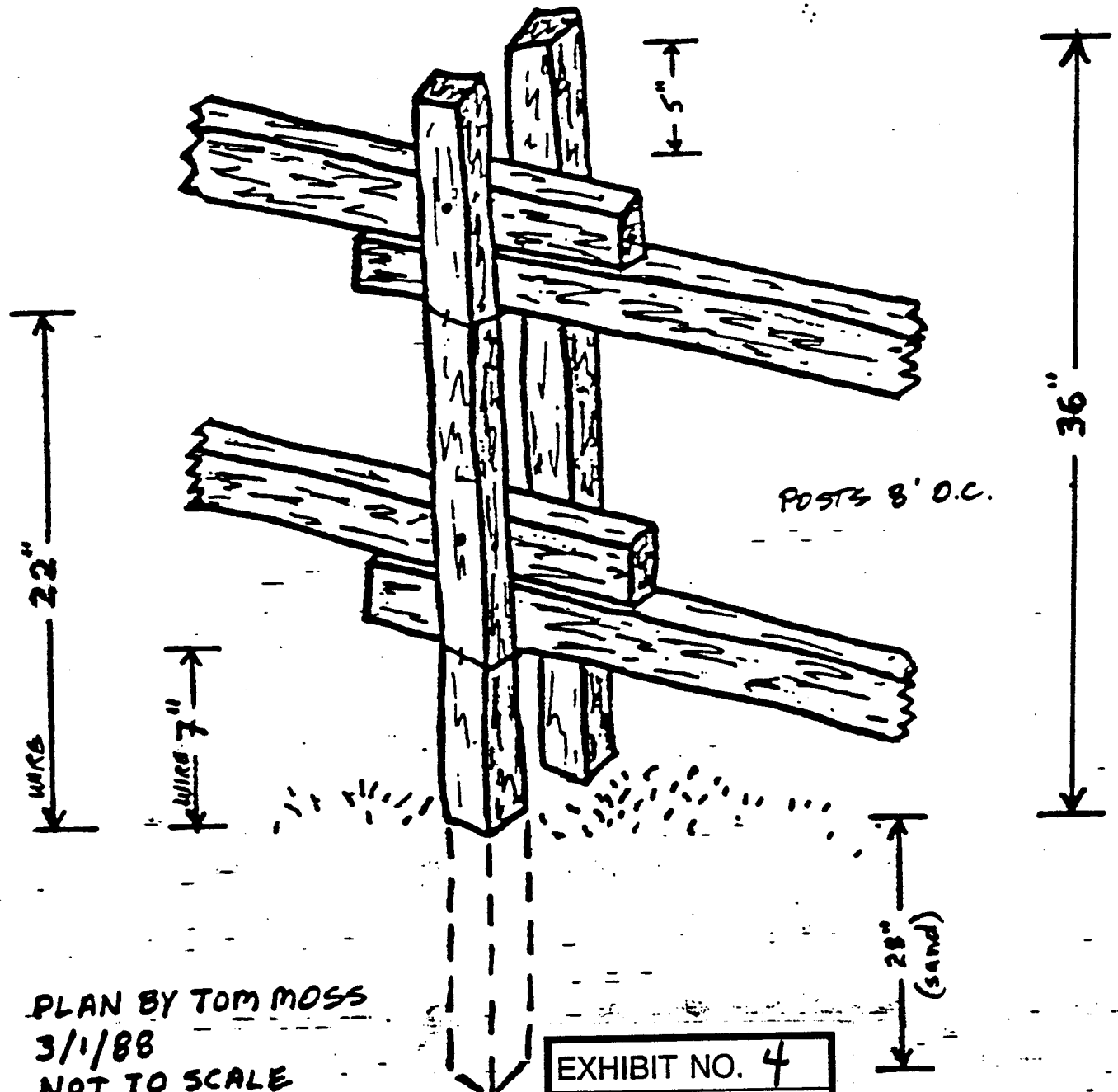
Amendment 3 - Lot 7
Amendment 2 - Lots 9, 10, 11 + 12

FIGURE 1. LOT 7 PROJECT SITE PLAN




SPLIT-RAIL FENCE

POSTS - 4"x5"x6'
RAILS - 3"x4"x10'
WIRE - 9 GAUGE GALV
SPIKES - 7"x 5/16 GALV
STAPLES - 1" GALV



PLAN BY TOM MOSS
3/1/88
NOT TO SCALE
REVISED 2/5/96

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| EXHIBIT NO. 4 |
| APPLICATION NO. 3-87-258-A3 |
| Fence Plans. |
|  California Coastal Commission |

