

California Coastal Commission
Central Coast
725 Front St., Ste. 300
Santa Cruz, CA 95060-4508

RECORD PACKET COPY

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Staff: LO/JS/cm
Staff Report: 08/22/96 1819P
Hearing Date: 09/12/96
Commission Action:

STAFF REPORT: CONSENT CALENDAR

Th5a

APPLICATION NO.: 3-96-74

APPLICANT: WILLIAM and MARY ANNE OFFENBERG
AGENT: Paul W. Davis

PROJECT LOCATION: 130 Tide Avenue, Del Monte Beach Tract #1, City of Monterey, APN 011-456-003

PROJECT DESCRIPTION: Construct two-story single family dwelling with an attached garage, driveway and grading on a vacant 40 by 90 foot lot.

Lot area: 3600 sq. ft.
Building coverage: 844 sq. ft.
Pavement coverage: 772 sq. ft.
Landscape coverage: 1088 sq. ft.
Parking spaces: 2
Zoning: Residential - Low Density, 2 to 8 units/acre
Project density: 12 units/acre
Ht abv fin grade: 25 feet

LOCAL APPROVALS RECEIVED: Architectural Review Committee approval. CEQA - Categorically exempt.

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants, subject to the conditions below, a permit for the proposed development on the grounds that the development, as conditioned, will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the local government's 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. None.
- IV. Findings and Declarations.

The Commission hereby finds and declares:

1. PROJECT AND LOCAL AREA DESCRIPTION

The proposed development consists of the construction of a two-story, single-family residence with an attached garage, driveway and 109 cubic yards of grading. The subject site is a vacant 40 by 90 foot lot located at 130 Tide Avenue, Del Monte Beach Tract #1, in the City of Monterey. The Del Monte Beach Tract #1 subdivision is almost fully developed. It comprises about 25 acres. The proposed project consists of infill within this existing residential subdivision.

Downcoast (west) of this residential subdivision is Del Monte Beach Tract #2. This tract is likewise subdivided into small 40 x 90 ft. residential lots. However, in contrast to Tract #1, it is characterized by a substantial number of undeveloped "paper streets" and an approx. 7 1/2 acre block of open dunes partly preserved through purchase of lots as public open space. The undeveloped balance of this antiquated subdivision is currently under study by the City. Unlike Tract #2, there are few vacant lots in Tract #1, all utilities and streets are in place, and there is no potential for alternative development patterns. To the west of these subdivisions is the abandoned Monterey Water Pollution Control District facilities on the Naval Postgraduate School property. The City's Del Monte (public) Beach Park lies seaward of these subdivisions. See Exhibit 2, attached, for illustration.

2. ENVIRONMENTALLY SENSITIVE HABITAT

Section 30240 of the Coastal Act states:

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such 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 such areas, and shall be compatible with the continuance of such habitat areas.

Section 30250 of the Coastal Act states:

(a) New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have a significant adverse effect, either individually or cumulatively, on coastal resources...

a. Dune Habitat Ecosystem: The applicant's site is located in the Monterey Bay dunes (also known as the Seaside dune system). All substantial undeveloped areas within this strand of high dunes represent environmentally sensitive habitat, in various stages of disruption or recovery. Because the dune habitat ecosystem is a rapidly diminishing resource and is so easily disturbed, it is an acknowledged environmentally sensitive area. To properly recover and preserve viable dune habitat requires large contiguous tracts of dune for the establishment of a diverse native dune habitat.

The dunes beginning at the Salinas River and reaching to the Monterey Harbor cross several governmental jurisdictions: Monterey County, the City of Marina, California State Parks, U.S. Army (former Fort Ord), City of Sand City, City of Seaside, the City of Monterey and the U.S. Naval Postgraduate School. The Coastal Zone boundary through this region primarily follows Highway 1 which in part comprises the first public road paralleling the sea. The remnant high dunes inland of Highway 1 have suffered severe excavation impacts and are frequently already developed; those along the shoreline are largely undeveloped. The issue of coastal dune development throughout the region is a significant issue. Del Monte Beach lies near the southern end of the dune field, in the City of Monterey.

b. Applicants' Site Characteristics: The subject parcel is one of the extremely scarce remaining vacant lots within the nearby completely-developed Del Monte Beach Tract No. 1. Nonetheless, because the site is comprised of a remnant fragment of dune surface, and is close by the environmentally sensitive dune habitat documented in Tract No. 2, a botanic survey was requested. The results of this survey, by noted Coastal Biologist Tom Moss, are reported in his letter of Aug. 4, 1996 (Exhibit 5 attached).

Moss reports that over 50% of the lot is covered by exotic (non-native) plant species such as Hottentot fig ice plant and ripgut grass. He observes that the site is hemmed in by surrounding residential development and, on the seaward side, a city street. No species of special concern, such as the rare black legless lizard, endangered Smith's blue butterfly, Monterey spineflower, or sand gilia, were noted. Moss concludes that native plant restoration "would contribute little, if any, environmental benefits."

c. Conclusion: Because this lot has no potential to function as part of the Monterey Bay dune ecosystem, it can not be considered environmentally sensitive habitat within the meaning of Coastal Act Sec. 30240. Therefore, in contrast to the undeveloped dune areas of nearby Del Monte Beach Tract #2, Coastal Act Section 30240 does not apply to this site. And, in terms of natural habitat protection, development of this parcel would be consistent with Coastal Act Section 30250(a) because it represents residential development within an existing developed area and "will not have a significant adverse effect ... on coastal resources."

5. PUBLIC ACCESS AND RECREATION

The applicant's site lies between the first public road and the sea. It is separated from the City beach by Tide Avenue.

Section 30604(c) of the Coastal Act requires that the Commission make specific findings of consistency of such development with the public access and recreation policies of the Coastal Act. Section 30001.5 of the Coastal Act states in part, that one of the basic goals of the state for the coastal zone is to:

(c) Maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

Section 30222 of the Coastal Act gives priority to visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation over private residential, general industrial, or general commercial development; and Section 30223 reserves upland areas necessary to support coastal recreational uses where feasible.

In this case, there is no evidence of existing public use on the site. Public access and recreational needs are accommodated by the City's public beach, immediately seaward across Tide Avenue. There is no apparent need or demand for recreational development on this site. Existing on-street parking appears adequate to support the public beach park, so this parcel need not be reserved for parking needs.

Accordingly, residential development of this parcel will not conflict with any of the above-cited Coastal Act sections. Therefore, the proposal is consistent with the Coastal Act's public access and recreation policies.

4. SCENIC 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 subject parcel is located in Del Monte Beach Tract #1, almost fully developed with one and two story residences on small, 3600 sq. ft. parcels. See Exhibit 2 for development pattern.

As viewed from Tide Ave. and the City's public beach park, the proposed residence will appear as yet another two-story home in a long row of similar close-set structures. Because it lies on the inland side of the street, the project will have no impact on public views of Monterey Bay. The residence has been approved by the City's architectural review process, and is designed for compatibility with the character of its neighborhood. Accordingly, the project raises no issues with respect to Coastal Act Section 30251.

5. LCP/CEQA

The Monterey City Local Coastal Program has been segmented. Of the five segments the Cannery Row and Skyline Land Use Plans have been certified by the Commission and adopted by the City. The Del Monte Beach and Roberts Lake/Laguna Grande segments were previously reviewed and approved with modifications by the Commission but were not adopted by the City.

The (non-certified) Del Monte Beach Land Use Plan (LUP) identified this neighborhood as an area that would be maintained in its existing residential configuration. The Commission accepted this land use designation without comment. There are no changed conditions or circumstances that would alter this determination.

The site, located on a former dune, is part of an already-developed neighborhood and can be readily distinguished from the de facto open space dune environment in the adjacent Del Monte Beach Tract #2. No special conditions are attached to this permit, as it appears that there are no significant impacts which require mitigation. The City determined that the proposed project is categorically exempt from CEQA requirements; the project will not create any significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

Accordingly, 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 to prepare and implement their Local Coastal Program.

EXHIBITS


- A. Standard Conditions.
 - 1. Location Map.
 - 2. Del Monte Beach LUP Map.
 - 3. Site Plan.
 - 4. Elevations.
 - 5. Botanical Survey by Thomas Moss, August 4, 1996.

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. 3-96-74
OFFENBERG
Standard Conditions
 California Coastal Commission

MONTEREY
BAY

BOUNDARY

Offenberg
130 Tide Ave.
Del Monte Beach
Tract # 1

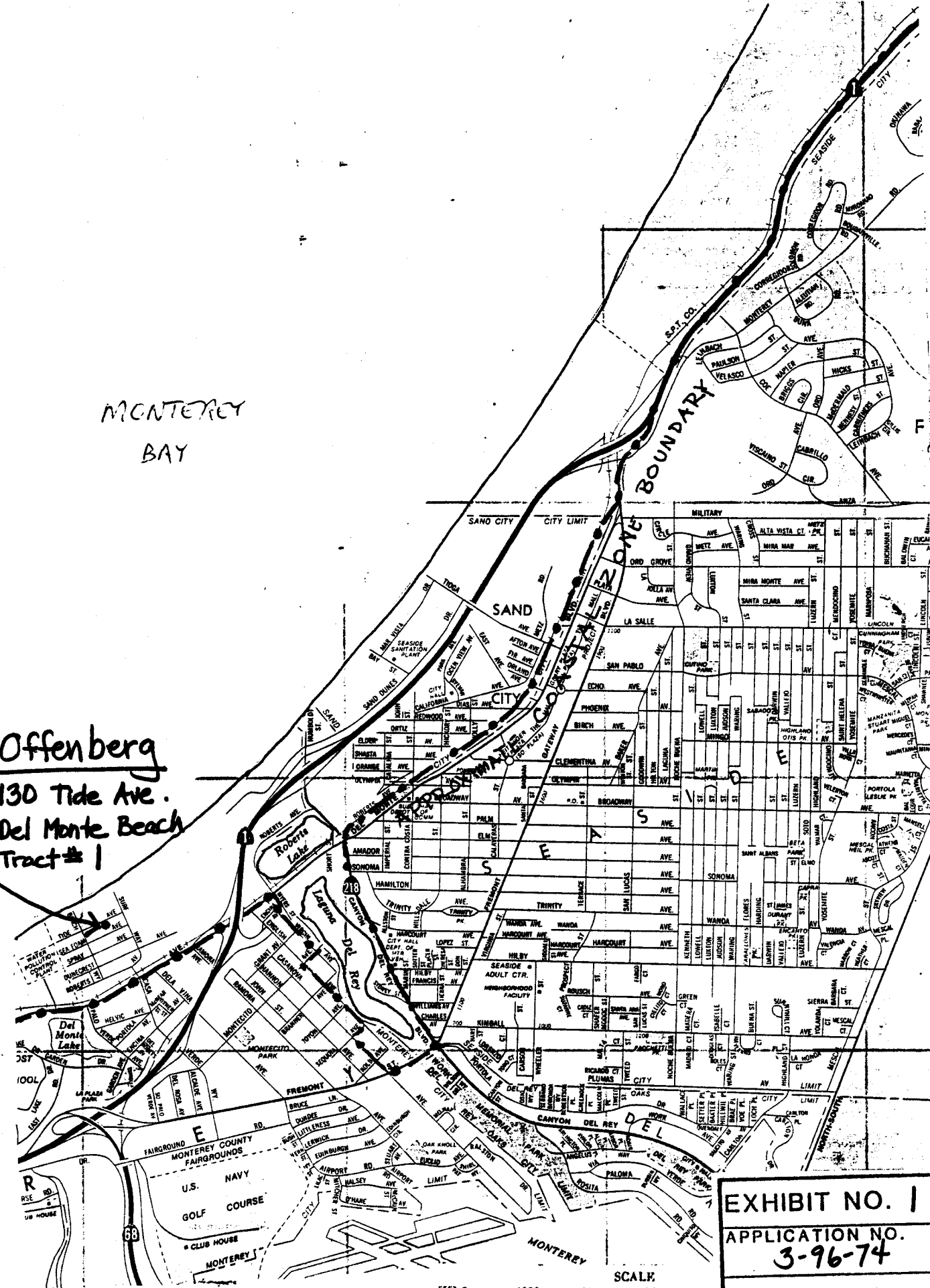
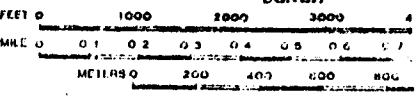


EXHIBIT NO. 1
APPLICATION NO.
3-96-74

Location Map

California Coastal Commission

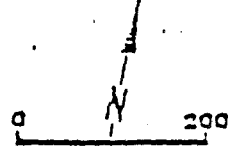


SEASIDE - SAND CITY

Monterey Bay

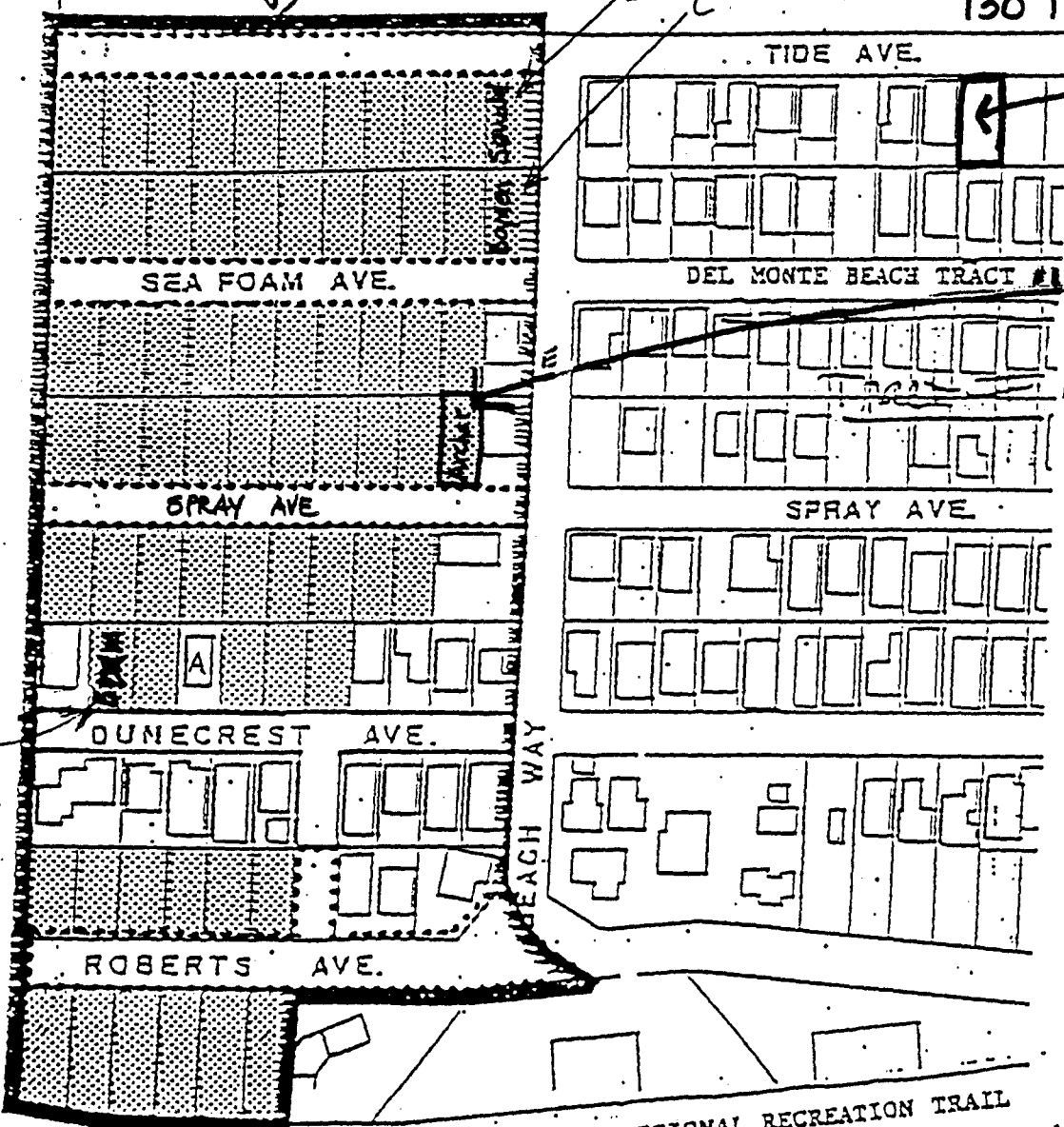
CITY BEACH

DEL MONTE BEACH TRACT #2



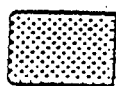
Offenberg
130 Tide Ave.

NAVAL POST GRADUATE SCHOOL



- PRIOR COASTAL PERMITS:
- A - VARGA
 - B - SEWALD
 - C - BOYDEN
 - D - BRAM
 - E - ARCITER (pending)

MONTEREY PENINSULA REGIONAL RECREATION TRAIL



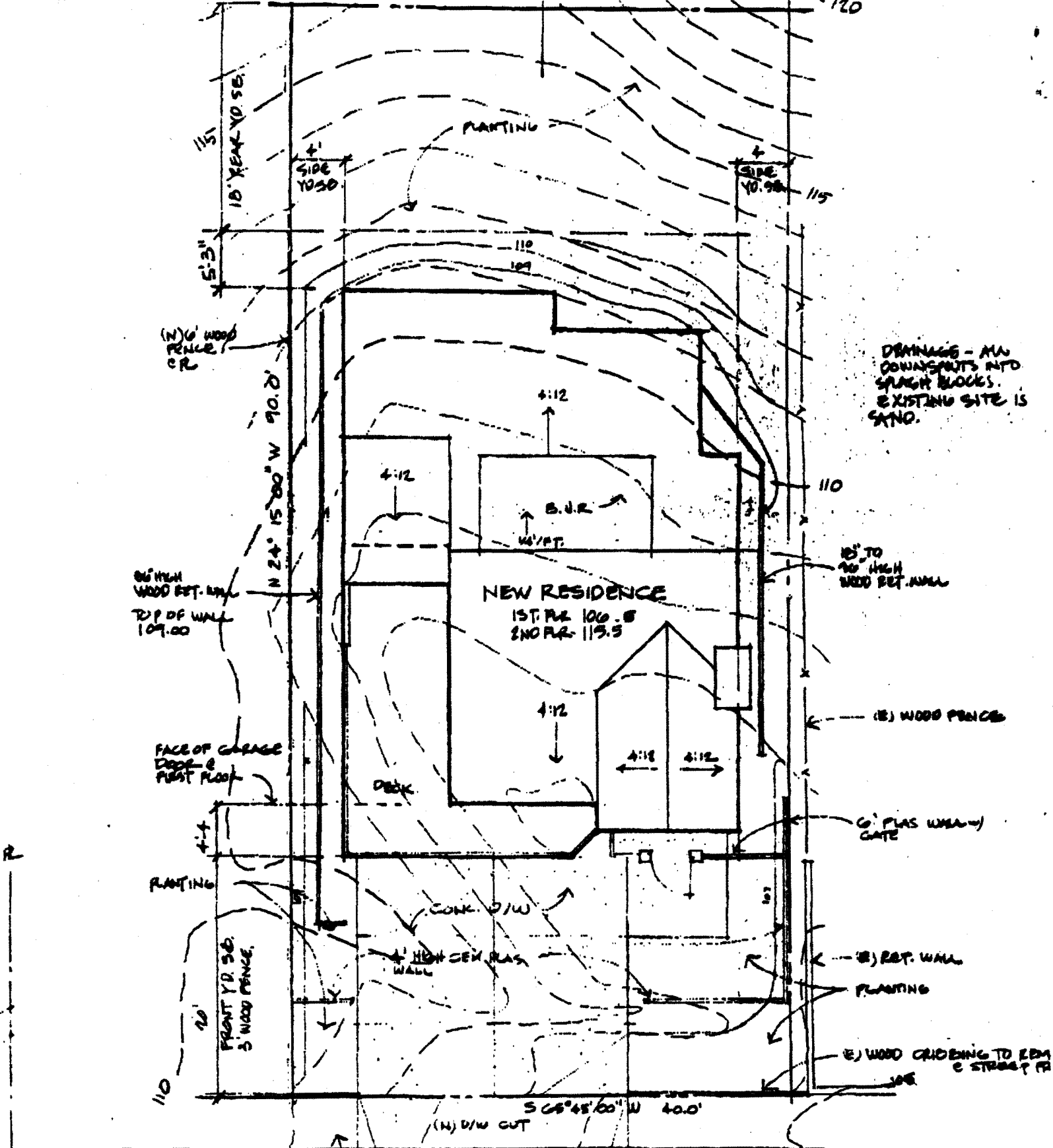
Undeveloped Residential Lots

..... Undeveloped Streets

CALIFORNIA COASTAL COMMISSION

EXHIBIT 2 3-96-74

DMB LWF



DRAINAGE - MAIN DOWNSPOUTS INTO SPURCH BLOCKS. EXISTING SITE IS SAND.

NEW RESIDENCE

1ST. FLR 100.8
2ND FLR 115.5

CONC. D/W

HIGH CLEAR WALL

(E) WOOD FENCE

6' PLUS WHEELCH/ GATE

(E) RET. WALL

(E) WOOD CRIBBING TO EDN C STREET PD

(E) CONC. SIDEWALK & GUTTER

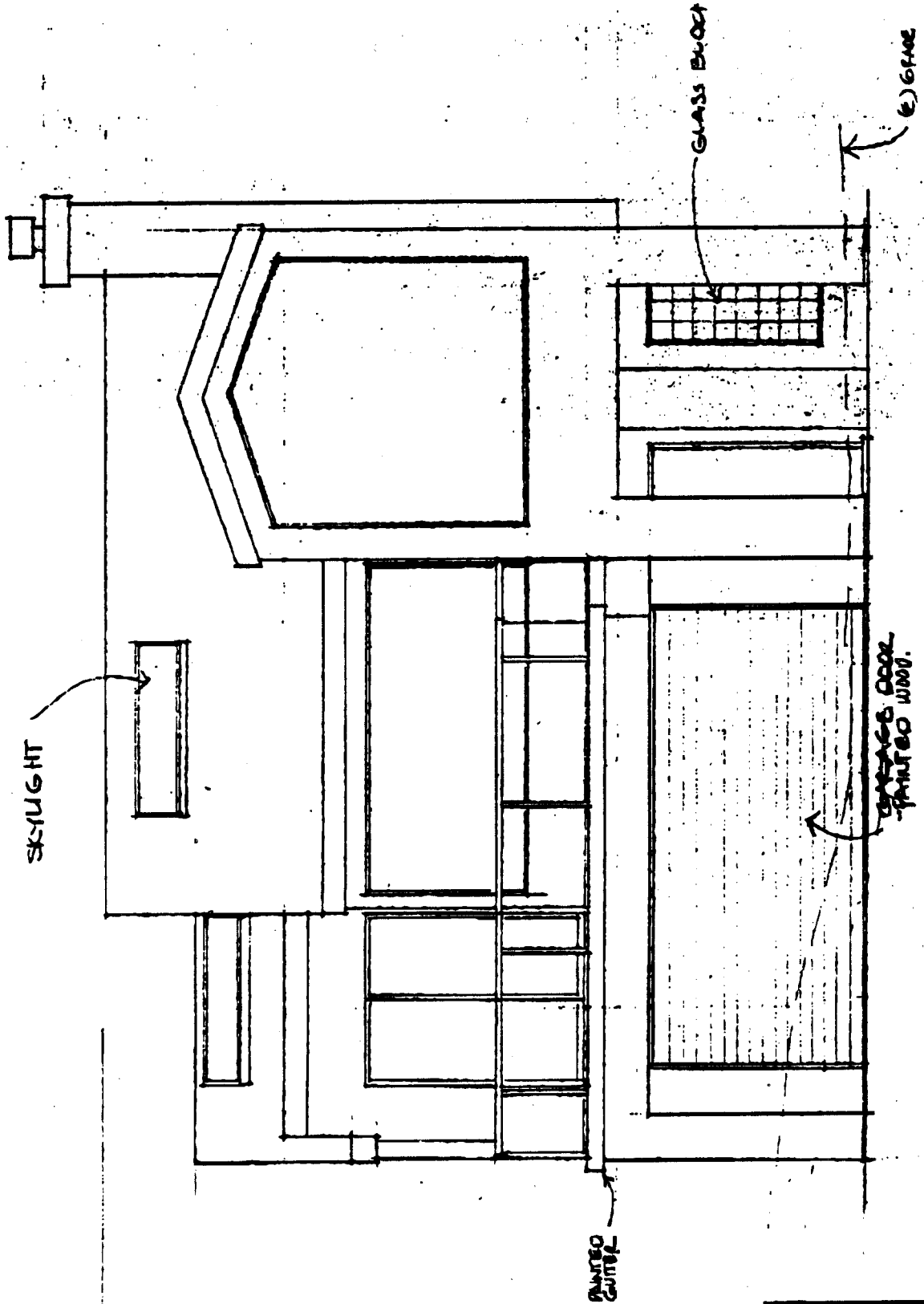
TIDE AVE.

SITE PLAN + ROOF PL

EXHIBIT NO. 3
APPLICATION NO. 3-96-74
OFFENBERG
SITE PLAN

2

- WALLS: EXTERIOR WALLS - CEM. PLASTER
- ROOF - CONG. TILE.
- WINDOWS - WHITE VINYL
- RAILING - GLASS w/ POWDER-COATED ALUM POST & RAIL
- TRIM - PAINTED WOOD



NORTH
14'11"0"

EXHIBIT NO. 4
APPLICATION NO. 3-96-74
OFFENBERG
STREET ELEVATION

THOMAS K. MOSS
Coastal Biologist

RECEIVED
AUG 6 1996

August 4, 1996

Paul W. Davis
The Paul Davis Partnership
450 Pacific Street, Suite 360
Monterey, CA 93940

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

Re: Botanical Survey for 130 Tide Avenue, Monterey (APN 011-456-03)

Dear Paul:

At your request, on July 29, 1996, I conducted a botanical field survey of 130 Tide Avenue, Monterey, in conjunction with a proposal by the property owner to construct a single-family residence on the site. Given the property's location, existing condition and lack of potential for restoration or habitat enhancement, I feel that a botanical survey report, as described in the California Department of Fish and Game document - Guidelines for Assessing Effects of Proposed Development on Rare and Endangered Plants and Plant Communities - is not necessary for this project. Because a botanical assessment by a qualified botanist is required for all new development in the Del Monte Beach Dunes, this letter is intended to satisfy that requirement.

The project site consists of a 40 X 90 foot vacant lot on the seaward extremity of a high-density, residential area known as Del Monte Beach Tract #1. Vegetation on the property consists predominately of exotic (not native) species, including Hottentot fig ice plant and ripgut grass, and covers over 50 percent of the ground. A few native plants occur in the open sand, including beach primrose, beach morning glory and beach bur.


Preservation of biologically viable habitat in the Del Monte Beach Dunes is an important objective of the local community, the City of Monterey and the Coastal Commission. The native plant community of the Del Monte Beach Dunes is unique to this part of the greater Monterey Bay dunes system. Although restoration of the native plant community is possible on the property, doing this would contribute little, if any, environmental benefits. The property is not contiguous with any other preserved habitat areas. Although two more vacant lots occur to the immediate north, the project site is basically surrounded by residential development on the west, south, and east sides and a street, Tide Ave., on the north side. Across the street, a dune restoration project has been initiated to stabilize the foredunes and provide public access to the beach.

The main focus of the botanical field survey on July 29, 1996, was to identify whether any plant or animal species of special concern are present on the property. Although too late in the season to be alive and conspicuous, no evidence of Monterey spineflower and sand gilia exists on the property. Because suitable habitat is absent, Smith's blue butterfly and black legless lizard do not occur on the property, as well.

Sincerely,



248 Chestnut Street
Pacific Grove, CA 93950

EXHIBIT NO. 5
APPLICATION NO. 3-96-74
Botanical Survey
 California Coastal Commission