

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
MARIETTA, CA 95060  
427-4863

C.F.Z.  
10/14/99



W19b

Staff Report:  
Amendment

Filed:	10/08/99
49 <sup>th</sup> Day:	11/26/99
180 <sup>th</sup> Day:	04/05/00
Staff:	SG
Staff Report:	10/14/99
Hearing Date:	11/03/99
Commission Action:	

Application Number: .....3-93-064-A1

Applicant: .....Ehab Youssef

Project Description: .....Proposal to modify Special Condition 1.E to allow for an increase in the footprint of the house from 4082 square feet to a maximum of 5400 square feet (not including driveway area).

Lot Area: .....65,340 square feet

Coverage: .....Approved: 11.3%; Proposed: 12.4 %

Project Location: .....450 Asilomar Avenue (Asilomar Dunes area), Pacific Grove, Monterey County, APN 007-072-22.

Approvals Received: .....City of Pacific Grove Architectural approval, 7/27/93; Variance (for deletion of curbs, gutters and sidewalks) 8/6/87; Negative Declaration, 9/8/87; Coastal Commission CDP 3-93-064

File Documents: .....City of Pacific Grove certified Land Use Plan; Coastal Development Permit 3-93-064 file

Staff Recommendation: .....Approval

Executive Summary:

The site of the proposed amendment is on the lee, or landward, side of sand dunes at the interface between the sand dunes and native Monterey pine forest in the Asilomar Dunes area of the City of Pacific Grove. The Coastal Commission approved a permit for a single family dwelling on this site in 1991. That permit expired. In 1994 the Commission approved another permit for essentially the same development. That permit has been extended three times and assigned once. The current permittee, Mr. Ehab Youssef, has been proceeding with various steps in condition compliance required prior to issuance of the permit.

Mr. Youssef has now proposed to increase the total square footage of the footprint of the proposed house (which includes the attached garage) from 4082 square feet to a maximum of 5400 square

feet. Although the original permit limited the footprint of the house to 4082 square feet, after reviewing an updated biological report, staff recommends that the Commission approve the amendment request because it would not have any adverse effects on the sensitive habitat.

Specifically, the maximum amount of lot coverage allowed by the City's certified Land Use Plan (1991) for the Asilomar Dunes neighborhood, including buildings and driveway, is 15 percent of the lot area. This relatively small maximum amount of lot coverage is necessary to protect the native vegetation and sensitive habitat of the Asilomar Dunes area and still allow reasonable use of private property. The subject lot is 1.5 acres in size and the currently approved house and driveway would cover about 11.3 percent of the lot area. With the proposed house footprint increase the house and driveway would cover about 8100 square feet, or 12.4 percent of the lot, still under the 15 percent maximum (the driveway and turn-arounds are proposed to be reduced in width, thus with the proposed additions to the house, the increase in total coverage or footprint is less than the approximately 1300 square foot increase in house coverage). The proposed additions would be in an area just below the landward side of the dune crest and at the landward base of the dunes. According to a botanical report prepared to assess the impact of the proposed additions on the habitat, three additional Monterey pines will be impacted. However, all of the trees appear to be infected with pine pitch canker and likely will not survive for more than two to five years. No other sensitive vegetation would be affected. Although the house with the additions would appear slightly larger as viewed from Asilomar Avenue, the additional visual impact would not significantly degrade scenic resources in this area. That is, the amended project would not exacerbate what is already permitted. Accordingly, as conditioned to insure no further increase in footprint and to harmonize the landscape restoration plan with the revised building plan, staff is recommending **approval** of the amendment.

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**I. Staff Recommendation**

Staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below. Staff recommends a **YES** vote on the following motion:

*Motion: I move that the Commission approve amendment A1 to Coastal Development Permit Number 3-93-064 subject to the conditions below and that the Commission adopt the following resolution:*

*Approval with Conditions: The Commission hereby grants a permit for the proposed development, as conditioned, on the grounds that the development as conditioned is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976 (Coastal Act), and will not prejudice the ability of the City of Pacific Grove to prepare a certified local coastal program conforming to Chapter 3 of the Coastal Act. The project is not located between the sea and the first public road nearest the shoreline and the amendment will not result in any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA).*

A yes vote would result in approval of the project as conditioned below. The motion passes only by affirmative vote of a majority of the Commissioners present.

**II. Conditions of Approval****A. Standard Conditions**

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. 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 project during its development, 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.

**B. *Special Conditions***

**1. Revised Plans**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** permittee shall submit to the Executive Director for review and approval two sets of revised plans showing the building extensions, with a total building footprint covering not more than 5400 square feet. The plans shall include site, grading, elevation, and floor plans and shall be accompanied by evidence of approval from the City of Pacific Grove.

**2. Revised Landscape Restoration Plan**

**PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** permittee shall submit to the Executive Director for review and approval two copies of a revised landscape restoration plan prepared by the project biologist addressing any additional restoration measures necessitated by the building extensions, or a letter from the project biologist stating that no revisions are necessary. If a revised plan is submitted, it shall be accompanied by evidence of approval from the City of Pacific Grove.

**3. Other Conditions of Coastal Development Permit 3-93-064**

This amendment approval affects only Special Condition No. 1E of Coastal Development Permit 3-93-064. All other conditions of that permit remain in full force and effect.

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**III. Findings and Declarations**

**A. *Project Location and Description***

The project site is located at 450 Asilomar Avenue in the City of Pacific Grove, where the Asilomar Dunes meet the native Monterey pine forest. The proposed development is entirely landward of the



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dune crest. Seaward of the dune crest the dunes are vegetated with various low-growing species. From the dune crest landward Monterey pines dominate the vegetation.

The Commission-approved project includes a three-level single-family dwelling with attached garage on a pier and beam foundation system, covering 4082 square feet of dune surface, a 190 foot driveway, with turnouts and a 16 foot width to accommodate fire trucks (subsequently the fire department determined that a 12 foot wide driveway would be acceptable), removal of a 22-inch diameter Monterey pine and dwarfed oaks at the house site.

The approximately 1.5 acre site encompassed two distinct land forms. The seaward portion of the parcel has been inundated by the active Asilomar dune field, which culminates in the high dune crest running through the center of the property. This drops off abruptly to the east, giving way to the gently sloping terrain typical of the area immediately landward from the leading (inland) edge of the Asilomar dune field. On this portion of the lot vegetation consists of native Monterey pine forest, with various native and exotic understory species. Surrounding land use is low density residential development in the Asilomar Dunes neighborhood and along the densely forested Asilomar Avenue scenic corridor.

The City of Pacific Grove has a certified coastal Land Use Plan (LUP), and is currently preparing the implementation portion of its Local Coastal Program (LCP). Until the LCP is completed, the standard of review remains the Coastal Act.

## **B. Biological Resources**

### **1. Applicable Policies**

The following Coastal Act sections are pertinent to this amendment application:

*Coastal Act Section 30240(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.*

*Coastal Act Section 30107.5. "Environmentally sensitive area" means 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.*

### **2. Site Resources**

The project site is within the Asilomar Dunes formation at the seaward extremity of the Monterey Peninsula. A unique indigenous dune flora formerly stabilized the dunes. However, only a few acres of the original approximately 480 acre habitat area 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, pedestrian trampling, and the encroachment of non-indigenous introduced vegetation. 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.

Seaward of the dune crest, the shifting sands and strong prevailing winds favor the low-profile native dune plants. Notable among the native species occurring on the seaward side of the dune crest are the Menzies' wallflower and the Tidestrom's lupine, both listed as endangered species. The inland margin of the dune field is stabilized by an indigenous mixed forest of Monterey pine and Coast live oak. Neither of those are listed as threatened, rare, or endangered, although there are efforts currently underway exploring the possibility and effects of listing the Monterey pine, in part because of the widespread Monterey pine mortality from pine pitch canker. Even though neither the pine nor the oak currently have any special status as species, because of its special role in maintaining the dune formation and providing refuge for deer, birds and other native dune wildlife, this "forest-Front" zone is considered environmentally sensitive.

The Commission's approval of the house was conditioned to require a habitat restoration and maintenance plan, consistent with botanical reports and minimization of impacts to the native vegetation.

### 3. Amendment Analysis

The original permit that the Commission granted for the house implemented LUP Policy 3.4.5.2, which states that "[m]aximum aggregate coverage for new development shall be 15% of the total lot area." According to that policy, "residential buildings, driveways, patios, decks, . . . and any other features which eliminate potential native plant habitat will be counted."

This LUP policy was developed over a period of 17 years preceding certification of the City's LUP. During this time, the Coastal Commission considered several dozen coastal development requests in the Asilomar Dunes area. This partially developed residential area had already been subdivided prior to the effective date of the Coastal Act, and later annexation by the City in 1980. Because of the existing pattern of use, it was not feasible to exclude residential development from existing vacant parcels. Therefore, the Commission emphasized preservation and restoration of remaining habitat rather than strict prohibition of non-resource dependent development. Generally, this meant that building and driveway coverage were limited to 15 percent or less of the parcel area, with the balance of the lot being offered for dedication as a conservation easement, or otherwise restricted with an obligation to restore and maintain the remaining native dune plant habitat. The 15 percent coverage figure was carried over into the certified LUP, along with the requirement for a conservation easement or other instrument with the obligation to restore and maintain the native dune plant habitat.

Here, the applicant is proposing an increase in the square footage of the house footprint from 4082 square feet to a maximum of 5400 square feet. Because Section 13166(a)(3) of the Commission's regulations requires the Executive Director to refer an amendment request to the Commission if it is



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determined to be material "or if the proposed amendment affects conditions required for the purposes of protecting a coastal resource. . . ." the Executive Director determined that the amendment request was material because it would modify a specific condition limiting the footprint of the house to 4082 feet.

The current amendment request, if approved, would allow additions to two areas of the approved (but not yet built) house. The subject lot is 1.5 acres in size and the currently approved house and driveway would cover about 11.3 percent of the lot area. With the proposed house footprint increase the house and driveway would cover about 8100 square feet, or 12.4 percent of the lot, still under the 15 percent maximum specified in the LUP (the driveway and turn-arounds are proposed to be reduced in width, thus with the proposed additions to the house, the increase in total coverage or footprint is less than the approximately 1300 square foot increase in house coverage).

One addition would be on the northwest side of the house nearest the dune crest. The other addition would be on the northeast side of the house. Both additions would be on the landward side of the dune crest. Neither would extend into the area of plants listed as threatened, rare, or endangered. However, the addition on the northwest side of the house would place development closer to the pine trees.

There was no specific rationale for the 4082 square footage limit for the house in the original Commission approval, although it is not uncommon for permits to be conditioned to reflect a specific design submitted to the Commission. It may also be that one reason for the 4082 square foot footprint limit was to limit impacts to the pines. However, it does not appear that that footprint limitation is needed for habitat protection now. The information provided by the project biologist, a respected and reputable biologist with extensive experience in preservation and restoration of the Asilomar dune habitats, has concluded that the proposed additions to the house do not pose "an issue of significant environmental concern." According to the botanical report, that proposed addition would

encroach further into the forest-front zone and impact three additional trees. However, all of the Monterey pines in the forest-front zone appear to be infected with pine pitch canker and are likely to die in the next two to five years. Therefore, the impact that the revised project may have on the trees of the forest-front zone is no longer an issue of significant environmental concern.

The proposed building extensions will have no adverse effect on the identified plants of special concern.

Therefore, even though the amendment affects a condition that had been required for the protection of a coastal resource, approval of the request to increase the footprint of the house will not adversely affect the sensitive habitats found in the Asilomar Dunes neighborhood. The project would also remain consistent with LUP policy 3.4.5.2. This permit amendment is conditioned to require submittal of revised project plans and either a revised landscape restoration plan, or, if the project biologist deems such a revised plan unnecessary, then a letter from the project biologist stating that a revised plan is not necessary. All other conditions of the original permit, including the



requirement to offer to dedicate a conservation easement and record a deed restriction to ensure habitat protection remain in place.

**D. California Environmental Quality Act (CEQA)**

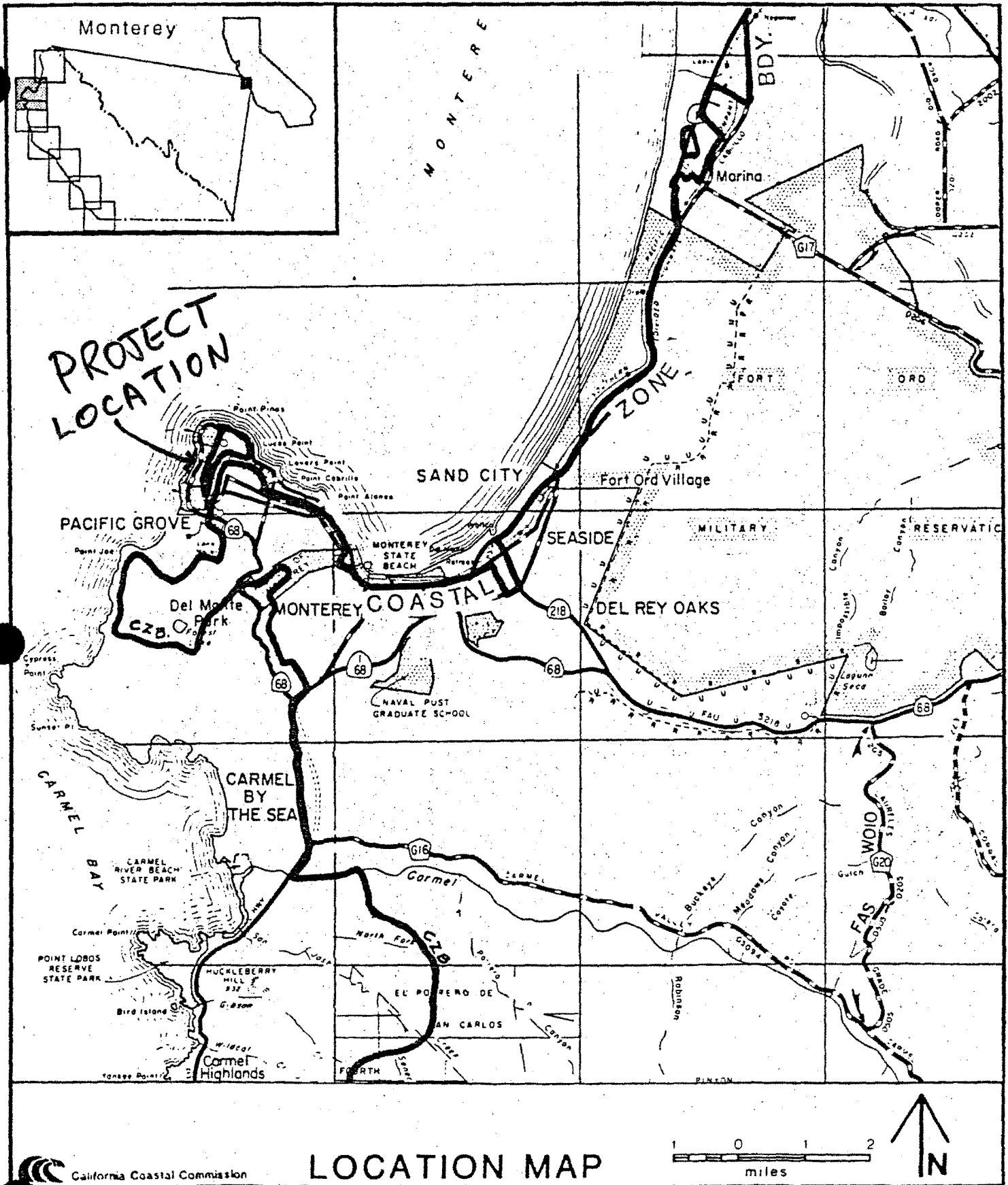
Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development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

The Secretary for Resources has certified the Coastal Commission's review of projects as being the functional equivalent of CEQA. The biological information indicates that there will be no adverse effects to the sensitive habitats in the Asilomar dunes from the proposed amendment.

Accordingly, the amendment is subject to conditions that implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.



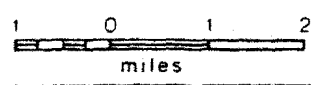




**PROJECT LOCATION**

**LOCATION MAP**

California Coastal Commission



County of Monterey

**EXHIBIT 1**

Sheet 2 of 7

3-93-064-A1

MONTEREY BAY

OCEAN

Point Pinos

Lucas Point

PROJECT LOCATION

PACIFIC

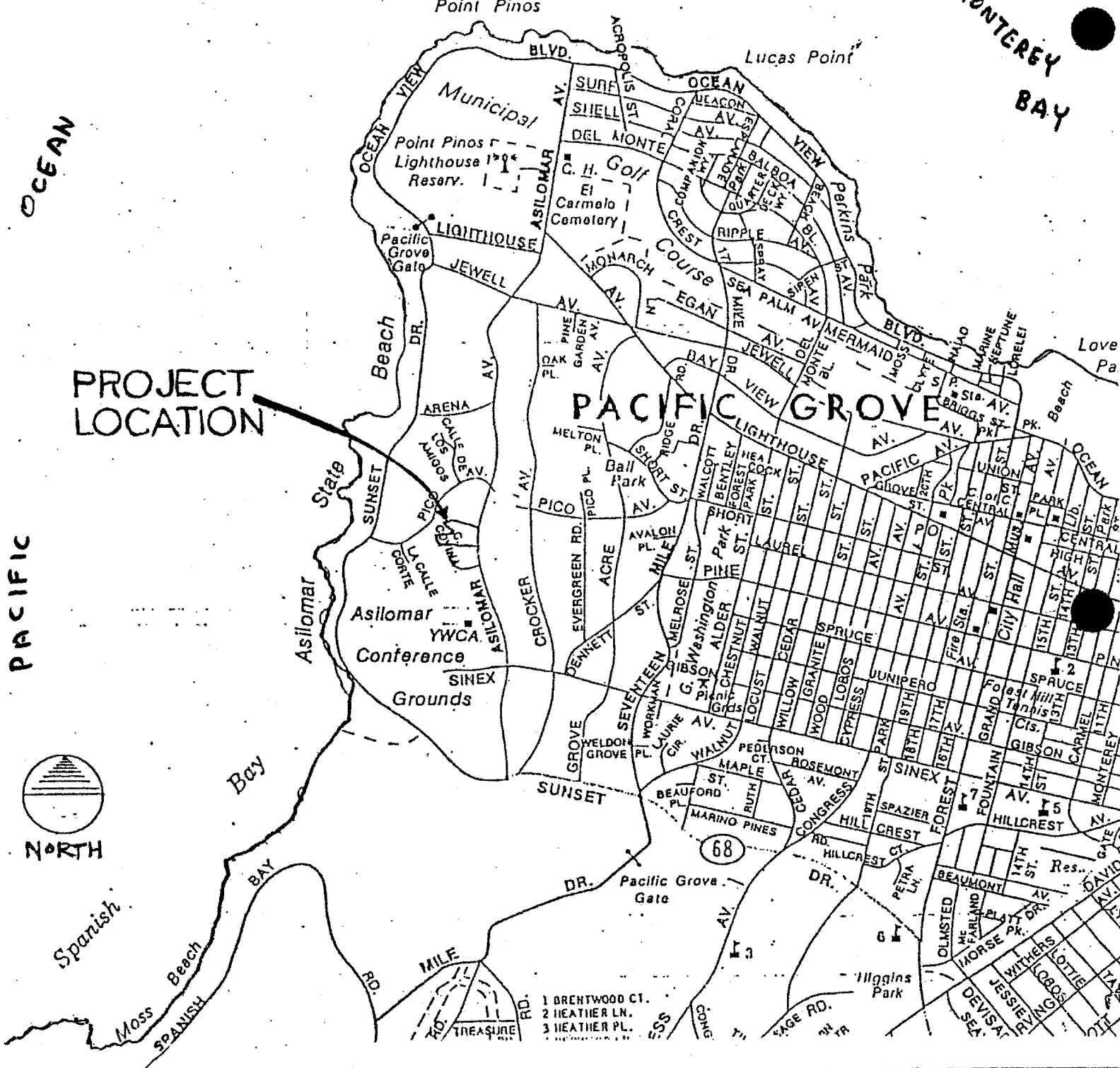
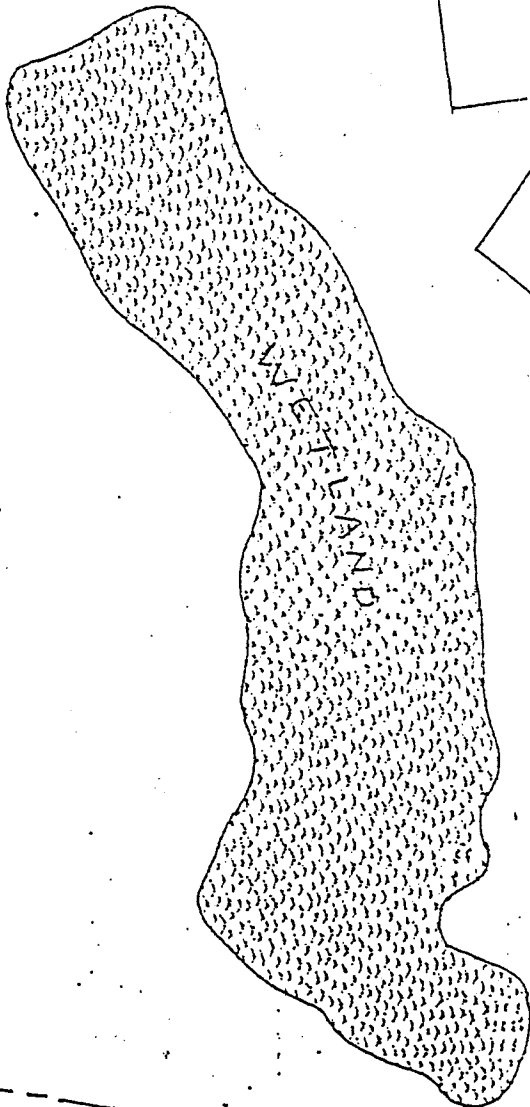


EXHIBIT 2

3-93-064-A1

PINE FOREST



PROPOSED RESIDENCE

PROPOSED DRIVEWAY

Asilomar

Ave.

EXHIBIT 3

3-93-064-A1

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# RARE PLANT AREAS AND FOREST-FRONT ZONE

PICO AVENUE

RARE PLANT AREA

(Tidestrom's lupine and Monterey spii)

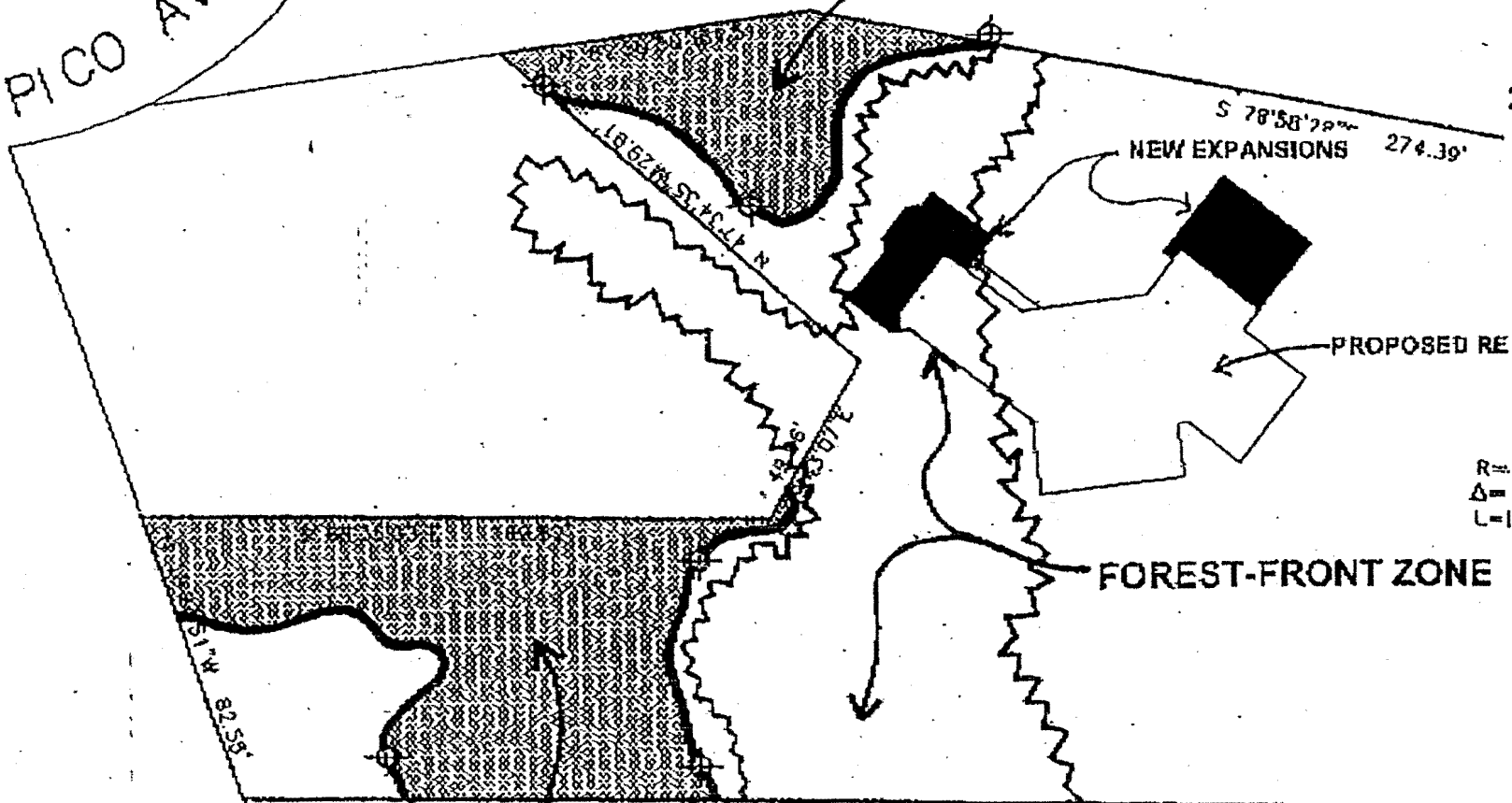


EXHIBIT 4

3-93-064-A1

PROPOSED RE

R=  
Δ=  
L=|

FOREST-FRONT ZONE

RARE PLANT AREA

(Tidestrom's lupine, Beach layla and Monterey spineflower)

YOUSSEF RESIDENCE  
450 ASILOMAR BOULEVARD  
PACIFIC GROVE, CA  
(APN 007-072-22)

Rare F  
Survey

# PARTIAL SITE PLAN

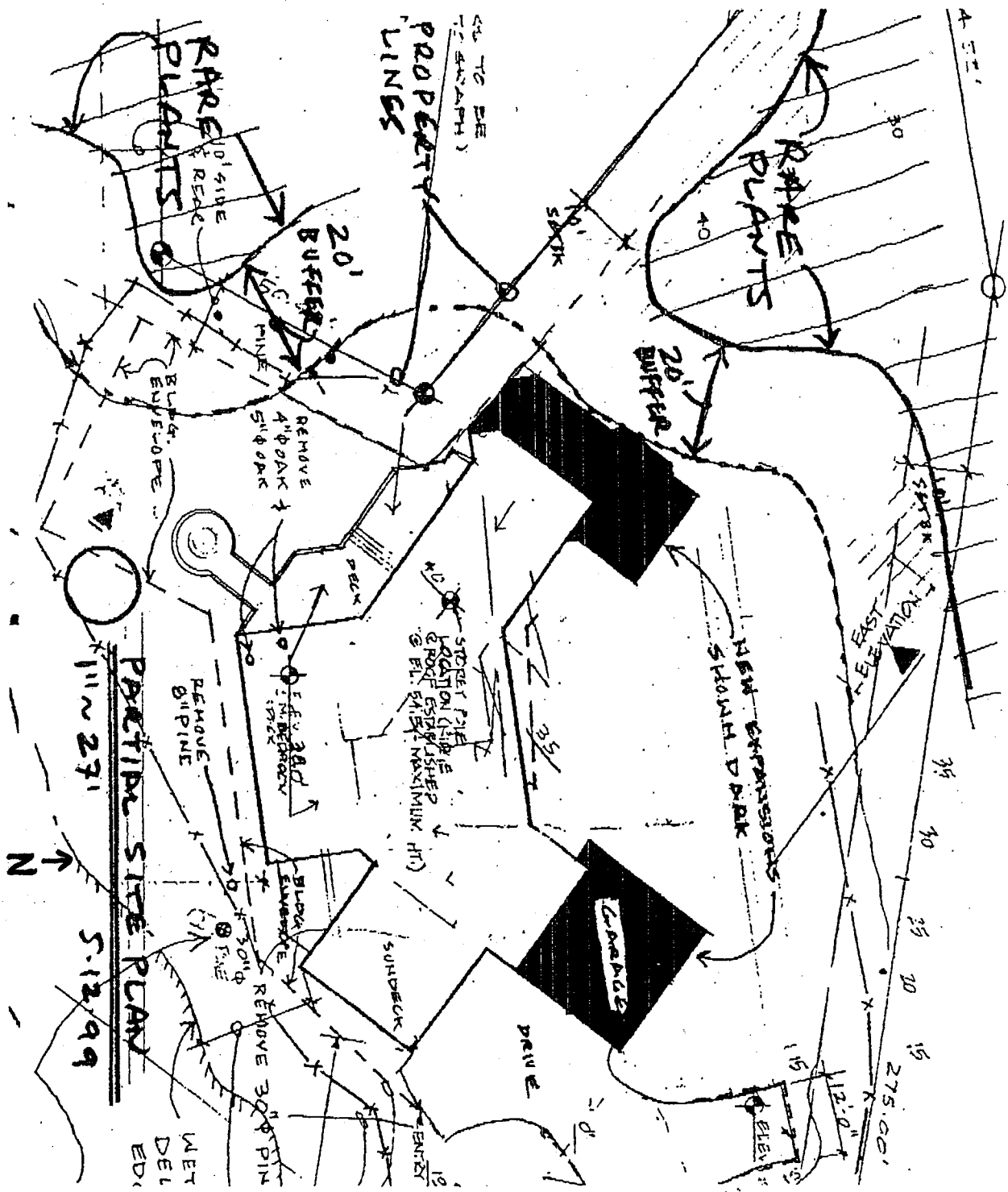


EXHIBIT 5

3-93-064-A1

