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COASTAL DEVELOPMENT PERMIT STAFF REPORT

Application number 3-01-013

Applicant Paul & Betty Baldacci

Project location 1687 Sunset Drive, in the Asilomar Dunes neighborhood of Pacific Grove, Monterey County (APN 007-041-028).

Project description Construct a new one-story 5,855 square foot single family dwelling with footprint of 4,519 square feet, 1,336 square foot basement garage; and grading of 1,244 cy of cut, and 16.4 cy of fill.

Project Site =	46,440 square feet
Building Coverage =	4,519 square feet (10%)
Impervious Area (less 900 sf of driveway in setback) =	2,443 square feet (5%)
Immediate Outdoor Living Area (deck & boardwalks) =	<u>1,285 square feet (3%)</u>
Total Lot Coverage =	8,247 square feet (18%)

Approvals Received City of Pacific Grove: Mitigated Negative Declaration (prepared 11/22/99) adopted 1/11/00 by Architectural Review Board (ARB); final architectural approval (AA # 2600-99) with approval of landscape restoration plan (prepared by Tom Moss, dated 4/10/00) approved by ARB 6/27/00.

File documents Botanical Survey Report by Thomas Moss (09/19/99); Mitigation Monitoring Program by City of Pacific Grove (adopted 6/26/00); Archaeological Investigation by Archaeological Consulting (9/21/99); Coastal Development Permit files 3-01-013; City of Pacific Grove certified Land Use Plan.

Staff recommendation ... **Approval with Conditions**



California Coastal Commission
May 7, 2001 Meeting in Monterey

Staff: K Cuffe, Approved by:

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- A. Regional Location Map
- B. Project Vicinity Map
- C. Assessors Parcel Map
- D. Asilomar Dunes Parcel Map
- E. Pacific Grove Coastal Zone Land Use Plan
- F. Pacific Grove Land Habitat Sensitivity Map
- G. Pacific Grove Archaeological Sensitivity Map
- H. Pacific Grove Shoreline Access Map
- I. Project Site Plan, Elevations, and Botanical Survey Maps
- J. Water Assignment from Monterey Peninsula Water Management District
- K. Landscape Restoration Plan
- L. City-Approved Mitigations and Mitigation Monitoring Program

I. Summary

The applicants propose to construct a new one-story 4,519 square foot single family dwelling with a 1,336 square foot basement garage on a 1.066 acre lot in the Asilomar Dunes neighborhood of the City of Pacific Grove (See Exhibit A, B, C, D, and J). The City has a certified Land Use Plan (LUP), but the Implementation Plan has not yet been certified. Therefore, a coastal development permit for the project must be obtained from the Coastal Commission and the proposal is subject to the policies of Chapter 3 of the Coastal Act, as well as the policies of the LUP, although the LUP policies are advisory only. The subject parcel is completely comprised of dune habitat, which is considered by the LUP as an environmentally sensitive habitat area (ESHA). Although non-resource dependant development in ESHA is not consistent with the policies of Chapter 3 of the

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Coastal Act, some development of the site must be allowed in order to avoid a taking of the property without just compensation, as provided under Coastal Act Section 30010. As the subject parcel is small in size (only 1.066 acres) and is located adjacent to existing residential development, the proposed project, as conditioned to limit coverage and implement mitigation measures necessary to minimize the impacts of development on environmentally sensitive habitat avoids a taking and provides a reasonable economic use of the parcel

The Asilomar Dunes area has a number of unique biological and geological resources, including at least ten plant and one animal species of special concern, and dune landforms that are comprised almost entirely of quartz sand. In order to preserve the unique, environmentally sensitive dune habitat that characterizes this area, the total maximum aggregate lot coverage under the City's LUP is limited to 15 percent of the lot area. As defined in the LUP, calculation of the maximum aggregate lot 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 maximum aggregate lot coverage for the 1.066-acre project site is 6,966 square feet. As designed, the project includes the residence site, paved driveway and backup area, retaining walls, planter space, a rear deck, and side and entry boardwalks. With a building footprint of 4,519 sf (10% lot coverage), and impermeable surface coverage of 3,728 sf (2,443 sf of retaining walls, planters and paving – not including the 900 sf of driveway in the setback - and 1,285 sf of decking/boardwalk), the total aggregate coverage as proposed is 8,247 square feet, or 18%. Therefore, as designed, the project does not conform to the maximum 15 percent coverage allowed. Special conditions of this permit therefore require the project plans to be revised so that the project will conform to the 15% lot coverage requirement. The project may propose up to 5%, or 2,322 square feet, of immediate outdoor living area, which is to be left in a natural condition, or landscaped so as to avoid impervious surfaces. However, as proposed, the rear deck, side and entry boardwalk areas are considered impervious surfaces and so can not be considered as part of the immediate outdoor living areas unless they can be designed in a way that does not eliminate native plant habitat.

In order to preserve the remaining ESHA, the undeveloped portion of the lot (80% of the site) will be protected by a deed restriction to permanently protect the environmentally sensitive dune habitat on site. A landscape restoration plan is required to restore dune habitat on site, and to protect and enhance the native vegetation which includes the endangered Tidestrom's lupine (*Lupinus tidestromii* var. *tidestromii*) that exists on site, and Menzies' wallflower (*Erysimum menziesii* ssp. *Menziesii*) which has been previously found on site.

Therefore, as conditioned by this permit, the project will be consistent with Coastal Act Section 30010 and will adequately mitigate for unavoidable impacts to environmentally sensitive habitat. The project is also consistent with Coastal Act policies protecting scenic and archaeological resources.

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II. Staff Recommendation on Coastal Development Permit

The 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 motion below. A yes vote results in approval of the project as modified by the conditions below. 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 3-01-013 subject to the conditions below and that the Commission adopt the following resolution:

Staff recommends a **YES** vote.

Approval with Conditions. The Commission hereby grants a permit for the proposed development 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), will not prejudice the ability of the City of Pacific Grove to prepare a local coastal program conforming to Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA).

III. 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. Interpretation.** Any questions of intent or 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.

B. Special Conditions

1. **Incorporation of City's Mitigation Requirements.** The Mitigations and Mitigation Monitoring Program adopted by the City of Pacific Grove for its final Negative Declaration for this project are attached as Exhibit L to this permit; these mitigations are hereby incorporated as conditions of this permit.

Any revision or amendment of these adopted conditions and mitigation measures or the project plans as approved pursuant to the City's architectural review procedures shall not be effective until reviewed by the Executive Director for determination of materiality, and if found material, approved by the Commission as an amendment to this coastal development permit.

2. **Deed Restriction.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide:

- A. For the protection of the scenic and natural habitat values on all portions of the environmentally sensitive native dune habitat areas on the site, except for a building envelope area not to exceed 15 percent of the area of the lot; and a semi-permeable residential driveway as shown on approved final plans, and an immediate outdoor living area to be left in natural condition or landscaped so as to avoid impervious surfaces (i.e., surfaces which do not allow water or light to penetrate into the soil) not to exceed 5 percent of the area of the lot.

Such restriction shall include provisions to prohibit development outside of the approved building envelope except for fencing and that part of the driveway that is not counted in the percent of coverage; to prohibit any future additions to the structures allowed by this permit, to prevent disturbance of native groundcover and wildlife (including the permanent fencing identified in Special Condition 4 and 5); to provide for maintenance and restoration needs in accordance with approved native plant maintenance and restoration plans; to provide for approved drainage improvements; and to specify conditions under which non-native species may be planted or removed, trespass prevented, entry for monitoring of restored area secured, and homeowner access accommodated within the restored area. Provisions for necessary utility corridors may be included in accord with Condition No. 9.

- B. For measures to implement the approved final native plant maintenance and landscape restoration plan prepared for the subject property.
- C. For fencing restrictions to protect public views and allow free passage of native wildlife, as provided by Local Coastal Program Land Use Plan Policy 2.3.5.1(e).
- D. For a monitoring program as set forth in the approved mitigated negative declaration; and provide that, following construction, annual monitoring reports shall be submitted to the Executive Director and the City of Pacific Grove for review and approval for a period of five years.

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The recorded document shall include legal descriptions of both the applicant's entire parcel and the deed restricted area. The recorded document shall also reflect that development in the deed restricted area is restricted as set forth in this permit condition.

The deed restriction shall be recorded free of prior liens and encumbrances which the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding all successors and assignees.

3. Final Project Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit the following for the Executive Director's review and approval:

A. Final project plans including site plan, floor plans, elevations and grading plans. The site plan shall designate a building envelope area not to exceed 15 percent (6,966 square feet) of the 46,440 square foot lot area. The building envelope shall include the approved house coverage, garage, driveway, any decks or walkways 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 plans shall indicate that part of the driveway that is excluded from the 15 percent coverage requirement (900 square foot area, i.e., an area 12 feet wide by 75 feet, the length of the front setback). The plans shall also show any additional "immediate outdoor living area", not to exceed a total of 2,322 square feet (5% of lot coverage). The immediate outdoor living area is that portion of the yard closest to the residence, which shall be left in a natural condition or landscaped without impervious surface. The submittal shall include evidence of review and approval by the City of Pacific Grove.

B. Final landscape restoration plan for the all areas outside of building envelope and immediate outdoor living areas, as provided for in Condition 2 above, and as required by the City's Mitigation Measures (See Special Condition 1 and Exhibit L). The submittal shall include evidence of review and approval by the City of Pacific Grove Architectural Review Board.

C. Final landscaping plan covering the building envelope area and immediate outdoor living areas. The plan shall include native plantings to the greatest extent feasible. Invasive non-native plants shall not be used. All plant materials shall be installed prior to occupancy and shall be prepared in coordination with the recommendations of the botanical report prepared by Tom Moss (June 19, 1999). Evidence of review and approval by the project biologist and City of Pacific Grove Architectural Review Board shall accompany the submittal.

Within 30 days of completion of the landscaping installation, the permittee shall submit a letter from the project biologist indicating that plant installation has taken place in accord with the approved landscaping plans and describing long-term maintenance requirements for the landscaping.

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4. Fencing. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall satisfy the following requirements:

- A. Plans for temporary exclusionary fences to protect sensitive areas from disturbance during construction. Vehicle parking, storage or disposal of materials, shall not be allowed within the exclusionary fences. Fences shall be installed prior to the start of construction and shall remain in place and in good condition until construction is completed.

The exact placement of the temporary exclusionary fencing shall be identified on site by the project biologist. Evidence of inspection of the installed construction fence location by the project biologist shall be submitted to the Executive Director prior to commencement of construction. Fences shall be 4 feet high and secured by metal T-posts, spaced 8 to 10 feet apart. Either field fence or snow-drift fence, or comparable barrier, shall be used.

- B. Plans for any permanent split rail fencing or similar landscaping fence, that may be necessary to discourage trampling of the area to be restored and/or rehabilitated outside of the building envelope and the immediate outdoor living area. Fencing design shall be consistent with Condition 2C and submittal shall include evidence of review and approval by the City of Pacific Grove. If such fencing is used, it shall be installed prior to occupancy (or, prior to commencement of construction if used in lieu of temporary fencing required for habitat protection for that portion of the project site).

5. Grading and Spoils Disposal. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit to the Executive Director for review and approval two sets of grading plans that shall identify the disposal site for excess excavated spoils. Disposal site and methods employed shall be subject to review and approval by the City of Pacific Grove, the project biologist and the Executive Director. Any excess excavated sand may be utilized for restoration purposes on-site or at Asilomar State Beach, as directed by the Department of Parks and Recreation. While off-site beneficial re-use of excess sand is strongly encouraged, Asilomar sand may not be exported outside the Asilomar Dunes – Spanish Bay area.

6. Archaeological Mitigation. Should archaeological resources be discovered at the project site during any phase of construction, the permittee shall stop work until a mitigation plan, prepared by a qualified professional archaeologist and using accepted scientific techniques, is completed and implemented. Prior to implementation, the mitigation plan shall be submitted for review and approval by the State Historical Preservation Office and for review and approval by the Executive Director of the Commission. The plan shall provide for reasonable mitigation of the archaeological impacts resulting from the development of the site, and shall be fully implemented. A report verifying compliance with this condition shall be submitted to the Executive Director for review and approval, upon completion of the approved mitigation.

7. Environmental Monitoring During Construction. Permittee shall employ an environmental monitor to ensure compliance with all mitigation requirements during the construction phase.

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The project's environmental monitor (Thomas Moss, Consulting Coastal Biologist, or other consultant approved by the Executive Director and the City of Pacific Grove Community Development Director) or the City's Community Development Department shall monitor construction activities on a weekly basis until project completion to assure compliance with the mitigation measures adopted by the City (Exhibit L). Evidence of compliance with this condition by the project monitor shall be submitted to the Executive Director each month while construction is proceeding and upon completion of construction. In the event of non-compliance with the adopted mitigation measures, the Executive Director shall be notified immediately. The environmental consultant or the City shall make recommendations, if necessary, for compliance with the adopted mitigation measures. These recommendations shall be carried out immediately to protect the natural habitat areas of the site.

8. **Exterior Finish.** All exterior finishes and window frames shall be of wood or earthen-tone colors as proposed by the applicant on the elevations sheet A-4 and A-5 dated 3/6/2000 and date stamped received in the Coastal Commission office February 8, 2001 (Exhibit I). Any changes shall require prior review and approval by the Executive Director.
9. **Utility Connections.** All utility connections shall be installed underground as proposed. When installing the necessary utility connections, care shall be taken to minimize surface disturbance of the deed-restricted revegetation in accordance with Special Conditions 2 and 3.
10. **Evidence of Water Availability.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, permittee shall submit written evidence to the Executive Director for review and approval that adequate water, *which shall be provided only by and through the municipal water distribution system regulated by the California American Water Company in the City of Pacific Grove according to the allocation procedures of the City and the Monterey Peninsula Water Management District*, is available for the project. All relevant agency approvals, including approval from the Monterey County Public Health Department if required shall be provided.

IV. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Location and Description

The site of the proposed house is a rectangular, \pm 46,440 square foot vacant lot at 1687 Sunset Drive (between Jewell Avenue and Arena Avenue) in the Asilomar Dunes neighborhood of the City of Pacific Grove. The Asilomar Dunes neighborhood is mapped as the area bounded by Lighthouse Avenue, Asilomar Avenue, and the northern boundary of Asilomar State Park to the south. West of the site, across Sunset Drive, is a narrow, low, coastal bluff that is part of the Asilomar State Beach. (See Exhibits A-H.)

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The roughly 144-foot wide by 322-foot long lot extends east from Sunset Drive and consists of a gently sloping sand dune that rises a total of 35-feet in elevation from Sunset Drive to the eastern property boundary. According to the 1999 biological report prepared for the site by Tom Moss, the site has a generally even topographic character and lack of dune landforms due to grading activities performed by a previous owner in the 1950's. No granitic rock outcroppings have been described as occurring on the parcel.

As shown in the botanical surveys conducted on site, the property contains a mixture of native and exotic vegetation (Exhibit I), which includes coyote brush, mock heather, dune sedge, and iceplant. However, the site also contains several areas of relatively undisturbed native vegetation, including up to six areas which combined contain a significant number of Tidestrom's lupine (*Lupinus tidestromii* var. *tidestromii*), a state and federal listed Endangered Species. The western portion of the property contains a relatively undisturbed area of native plants that extends approximately 125 feet into the property east of Sunset Drive. Biological surveys conducted on the site for previous owners have indicated that a second protected plant species, Menzies' wallflowers (*Erysimum menziesii* ssp. *Menziesii*) has also been found in this area on site previously.

Wildlife expected to occur on the site include those species that have adapted to coexist in the an urban setting (eg., black-tailed deer, raccoon, opossum, and various bird species). According to the biological survey, only one animal species of special concern, the black legless lizard (*Anniella pulchra nigra*) could potentially occur on the site, however, surveys were not conducted for this species during previous biological surveys, although high quality habitat does exist for it on site.

The applicants propose to build a 5,855 square foot single-family dwelling with a 4,519 square foot footprint, and a 1,36 square foot basement garage (Exhibit I). As designed, the project includes the residence site, paved driveway and backup area, retaining walls, planter space, a rear deck, and side and entry boardwalks. Construction of the new residence will require the excavation of 1,244 cubic yards of material, and 16.4 cubic yards of fill. The applicant has not requested any permanent fencing as part of this project. The building site has been located approximately 111 feet from Sunset Drive, 113.5 feet form the rear property boundary, 10 feet from the southern property boundary and 30 feet from the northern property boundary. The proposed placement of the residence and driveway has therefore been sited to avoid known populations of sensitive plant species on site.

The maximum aggregate lot coverage for the 1.066-acre project site is 6,966 square feet. As designed, the project includes the residence site, paved driveway and backup area, retaining walls, planter space, a rear deck, and side and entry boardwalks. With a building footprint of 4,519 sf (10% lot coverage), and impermeable surface coverage of 3,728 sf (2,443 sf of retaining walls, planters and paving – not including the 900 sf of driveway in the setback - and 1,285 sf of decking/boardwalk), the total aggregate coverage as proposed is 8,247 square feet, or 18%. Therefore, as designed, the project does not conform to the maximum 15 percent coverage allowed. Special conditions of this permit therefore require the project plans to be revised so that the project will conform to the 15% lot coverage requirement. The project may propose up to 5%, or 2,322 square feet, of immediate outdoor living area, which is to be left in a natural condition, or landscaped so as to avoid impervious surfaces. However, as proposed, the rear deck, side and entry boardwalk areas are considered impervious surfaces and so can not be considered as part of

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the immediate outdoor living areas unless they can be designed in a way that does not eliminate native plant habitat.

The applicants have agreed to a deed restriction protecting the remaining 80% of the parcel and have proposed to conduct dune restoration/rehabilitation on the remaining portion of the lot.

As described in the adopted Initial Study/Mitigated Negative Declaration prepared for the project by the City of Pacific Grove, the subject parcel is located in an area zoned R-1-B-4, Low Density Residential, 1-2 dwelling units per acre. According to the Initial Study/Mitigated Negative Declaration prepared for this project, development within the surrounding neighborhood is characterized by single-family dwellings on lots that are larger than those typically found in Pacific Grove (see Exhibit D). This low-density zoning on relatively large lots gives this area an open-space character consistent with the zoning and low-density residential Land Use Plan designation.

The subject site is located within an archaeologically sensitive area (see Exhibit G). Therefore, an archaeological survey was conducted for the subject parcel and a report prepared by Mary Doane and Trudy Haversat for Archaeological Consulting (June 21, 1999). The survey results indicated that twenty-five sensitive archaeological sites are located within one kilometer of the project site, and two sites are located within 100 feet of the subject parcel. While field reconnaissance of the site, conducted June 18, 1999, resulted in sparse surface evidence of archaeological resources (mixed shell fragments, a few fire affected granitic rocks and an end-battered granitic hammerstone), the report concludes that there is no apparent intact archaeological deposit on the parcel. However, as construction activities may unearth previously undisturbed materials, the project has been conditioned to prepare and implement an archaeological mitigation plan if archaeological resources are encountered.

B. Standard of Review

The Asilomar Dunes portion of the City of Pacific Grove is within the coastal zone (Exhibit E), but the City does not have a certified total LCP. The City's Land Use Plan (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 working to complete the IP with funding provided by a grant from the Coastal Commission. Because the City does not yet have a certified total LCP, the Coastal Commission must issue coastal development permits, with the standard of review being the Coastal Act. The certified LUP may serve as an advisory document for specific areas within the Pacific Grove area.

C. Basis of Decision

When the City of Pacific Grove completes the implementation portion of its Local Coastal Program (LCP), the LCP will become the standard of review for coastal development permits. In the meanwhile, the standard of review is conformance with the policies of the California Coastal Act. These policies include Section 30240, which prohibits any significant disruption of environmentally sensitive habitat areas, and bans those uses that are not dependent on such resources.

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In this case, the entire buildable area of the 1.066-acre parcel comprises environmentally sensitive coastal dune habitat (see finding D below for details). Accordingly, because the proposed single family residence is not a resource-dependent use and would result in a significant habitat disruption, there is no place on this parcel where any reasonably-sized residential development could be found consistent with Section 30240. Therefore, absent other considerations, this project would have to be recommended for denial.

On the other hand, Coastal Act Section 30010 provides:

The Legislature hereby finds and declares that this division is not intended, and shall not be construed as authorizing the commission, port governing body, or local government acting pursuant to this division to exercise their power to grant or deny a permit in a manner which will take or damage private property for public use, without the payment of just compensation therefor. This section is not intended to increase or decrease the rights of any owner of property under the Constitution of the State of California or the United States.

The Coastal Commission is not organized or authorized to compensate landowners denied reasonable economic use of their otherwise developable residential property. Therefore, in order to preclude a claim of taking and to assure conformance with California and United States Constitutional requirements, as provided by Coastal Act Section 30010, this permit allows the development of a single family residence by way of providing for reasonable economic use of this property. This determination is based on the Commission's finding in Section D2 of this staff report, below, that the property was purchased with the expectation of residential use, that such expectation is reasonable, that the investment was substantial, and that the proposed development is commensurate with such investment-backed expectations for the site. Although the project is not consistent with the ESHA protection policy of Coastal Act Section 30240, this approval is conditioned to be consistent with this policy to the maximum extent feasible without denying all economic use which, as discussed, could result in a taking.

D. Issues Discussion

When the City of Pacific Grove completes the implementation portion of its Local Coastal Program (LCP), the LCP will become the standard of review for coastal development permits. In the meanwhile, the standard of review is conformance with the policies of the California Coastal Act. These policies include Section 30240, which prohibits any significant disruption of environmentally sensitive habitat areas, and bans those uses which are not dependent on such resources, Section 30251, which requires protection of scenic and visual resources, and that, among other things, development be visually compatible with the character of surrounding areas; and Section 30244, which requires mitigation measures when development would adversely impact archaeological resources.

1. Environmentally Sensitive Habitat Areas

The Coastal Act, in Section 30240, 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.

The Coastal Act in Section 30107.5, defines an environmentally sensitive area as

"... 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."

1. Description of Environmentally Sensitive Habitat

The proposed single-family dwelling is located in the Asilomar Dunes, at the seaward extremity of the Monterey Peninsula. As described in the Initial Study / Negative Declaration (IS/ND) prepared by the City of Pacific Grove (dated 11/22/99), the Asilomar Dunes area is a sand dune complex located west of Asilomar Avenue between Lighthouse Avenue and the shoreline south of Asilomar State Park. The Asilomar Dunes area extends inland from the shoreline dunes and bluffs through a series of dune ridges and interdune swales to the edge of Monterey pine forest. 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 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, 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, certain plants, characteristic of this environmentally sensitive habitat, have become rare or endangered. The Asilomar Dune ecosystem includes up to ten plant species and one animal species of special concern that have evolved and adapted to the harsh conditions of the Asilomar Dunes area (see Exhibit G), conditions that include desiccating, salt-laden winds and nutrient poor soils. The best known of these native dune plants are the Menzies wallflower and the Tidestrom's lupine, both of which have been reduced to very low population levels through habitat loss and are now Federally-listed endangered species. Additionally, the native dune vegetation also includes more common species that play a special role in the ecosystem; for example, the bush lupine which provides shelter for the rare Black legless lizard, and in nearby areas, the coast buckwheat, which hosts the endangered Smith's blue butterfly.

Because of these unique biological and geological characteristics of the Asilomar Dunes, all properties in the Asilomar Dunes area are located within environmentally sensitive habitat areas (Exhibit F).

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Biological surveys of the site were conducted by the consulting coastal biologist, Thomas Moss, in May of 1998 and 1999. Survey results, impact assessment and mitigation measures were included in the report prepared for the site by Tom Moss, dated June 19, 1999. Moss compared the results of his recent surveys to similar plant surveys conducted on site in the early 1980's by Bruce Cowan (1981 and 1982) and David Shonman (1985). These earlier surveys were part of earlier proposals for developing the subject site and an adjacent parcel (APN 007-041-027). The Moss report indicates that one protected plant species, the Tidestrom's lupine, was identified on the property, occurring in six different locations and totaling 114 individual plants. Additionally, while not observed in the recent surveys, relatively high quality habitat still exists for a second protected plant species, the Menzies' wallflower, which was observed during the earlier surveys conducted in the early 1980s. The report also concludes that while the project site was not searched for black legless lizards, an endangered wildlife species, high quality habitat does exist on site for black legless lizards.

The Moss Botanical/Biological Survey indicates that an array of common dune plants is located in some areas of the site as well. These more common native dune plant species each play an important role in the ecosystem and; while not endangered, they each contribute to the maintenance of the natural habitat and serve to stabilize the dunes. Therefore, not only the locations of the Tidestrom's lupines and Menzies wallflowers, but also adjacent areas that support or potentially support native dune flora must be considered environmentally sensitive habitat areas. In other words, 100% of the lot comprises environmentally sensitive habitat.

Based upon these reports, testimony received at the local hearing, prior Commission actions on other proposed development in the dunes, and on staff observations, the Commission finds that the site is located within environmentally sensitive habitat consistent with the definition found in Section 30107.5 of the Coastal Act.

2. Implementing Section 30010 and 30240 of the Coastal Act

The entire area of the applicant's 46,440 square foot (1.066-acre) parcel is an environmentally sensitive dune habitat. The proposed development as submitted includes a single-family dwelling with basement garage, driveway, and possible immediate outdoor living area. This project will require a net grading of 1228 cubic yards of material and will result in a permanent loss (i.e., aggregate lot coverage) of approximately 8,048 square feet of environmentally sensitive habitat (4,519 square foot building coverage + 2,244 square feet of impervious surfacing + 1285 square feet of decking and boardwalks).

Additional disruptions will result from residential development and subsequent use of the site, but these uses are generally amenable to native plant restoration and maintenance measures. Such activities may include: installation of a storm drain system, utility trenching and, over the long run, ordinary residential activities on the premises. None of these development activities are of a type that is dependent on a location within the sensitive resource area. And it is reasonable to expect that these development activities, individually and collectively, will result in a significant disruption of the environmentally sensitive dune and forest habitat area on site. Therefore, this project can not be found consistent with Coastal Act Section 30240.

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However, as detailed in Finding C above, Coastal Act Section 30240 must be applied in the context of the other Coastal Act requirements, particularly Section 30010. This section provides that the policies of the Coastal Act "shall not be construed as authorizing the commission . . . to exercise [its] power to grant or deny a permit in a manner which will take or damage private property for public use, without payment of just compensation." Thus, if strict construction of the restrictions in Section 30240 would cause a taking of property the section must not be so applied and instead must be implemented in a manner that will avoid this result.

Once an applicant has obtained a final and authoritative decision from a public agency, and a taking claim is "ripe" for review, a court is in a position to determine whether the permit decision constitutes a taking. The court first must determine whether the permit decision constitutes a categorical or "per se" taking under *Lucas v. South Carolina Coastal Council* (1992) 505 U. S. 1005. According to *Lucas*, if a permit decision denies all economically viable use of property by rendering it "valueless," the decision constitutes a taking unless the denial of all economic use was permitted by a "background principle" of state real property law. Background principles are those state law rules that inhere in the title to the property sought to be developed and that would preclude the proposed use, such as the common law nuisance doctrine.

Second, if the permit decision does not constitute a taking under *Lucas*, a court may consider whether the permit decision would constitute a taking under the ad hoc inquiry stated in cases such as *Penn Central Transp. Co. v. New York City* (1978) 438 U.S. 104, 123-125. This inquiry generally requires an examination into factors such as the character of the government action, its economic impact, and its interference with reasonable, investment-backed expectations. The absence of reasonable, investment-backed expectations is a complete defense to a taking claim under the ad hoc inquiry (e.g., *Ruckelshaus v. Monsanto Co.* (1984) 467 U.S. 986, 1005, 1008-1009), in addition to any background principles of property law identified in *Lucas* that would allow prohibition of the proposed use.

Because permit decisions rarely render property "valueless," courts seldom find that permit decisions constitute takings under the *Lucas* criteria. In this case, there is insufficient evidence to evaluate whether the denial of non-resource dependent uses would constitute a taking under *Lucas* because there is no evidence regarding whether such a decision would render the property "valueless" or whether the use being proposed by the applicant would constitute a nuisance or otherwise be precluded by some background principle of California property law. For the reasons that follow, however, the Commission finds that there is sufficient evidence that a court might find that the denial of a non-resource dependent use on this property would constitute a taking under the ad hoc takings analysis, and that the Coastal Act, therefore, allows the approval of a non-resource dependent use.

In this situation, the Asilomar Dunes area has already been subdivided into residential lots, and has over the years been partially developed. Indeed, residences are located directly adjacent to the project site and other residences are in the immediate vicinity (Exhibit D). In view of the location of the applicant's parcel and, in particular, its small lot size, the Commission is unaware of any use that would be both dependent on the environmentally significant resources of the site as otherwise required by Section 30240 and capable of providing an economically viable use. The Commission

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is also unaware of any intent by any public agency to purchase this or other similarly situated and zoned lots in the Asilomar Dunes. Therefore, it is reasonable to conclude that permanently restricting the use of the property to non-resource dependant uses would have a very drastic impact on the value of the property.

Additionally, it has been determined that the applicants purchased the property on October 23, 1987. According to the applicants, at that point in time they felt it was reasonable to expect that residential use would be allowed on this property based on a number of factors. For instance, the parcel was and is designated for residential use in the City of Pacific Grove's Land Use Plan and in the City's zoning ordinances, although as the applicants recognize, the City's LUP allows only 15% site coverage in the Asilomar Dunes. Further, the parcel is located adjacent to Asilomar Avenue between Lighthouse Avenue and Jewell Avenue, among other residential properties that have been developed with houses of a similar size to that proposed in this application, and where public utility service is currently available. As noted above, a substantial number of parcels in the Asilomar Dunes area are already developed and have been for some time.

As a further basis of an expectation of residential use, the Commission has approved a number of new homes similar in size to this along Sunset Drive that also provided for development in an area with environmentally sensitive habitat (Miller, Coastal Development Permit No. 3-96-81). That approval was for a house with approximately 12 percent lot coverage. More recently, the Commission has approved a house on the Knight site in May of 2000 (Knight, Coastal Development Permit No. 3-99-071) fronting Sunset Drive, with 15 percent coverage. The current applicants note that no hazardous conditions exist on the site and that there are no other potential clouds on legal title to the property.

After reviewing these factors (LUP provisions allowing 15% site coverage, zoning, existence of similar homes approved by both the City and the Commission), the Commission finds that an applicant would have had reasonable basis for expecting that the Commission would approve a residential use of the property, subject to conditions that would mitigate the adverse impacts that likely would result from development in this sensitive resource area.

Finally, the applicants have submitted detailed information to demonstrate that their expectations were backed by substantial investments. The property was purchased for \$250,000, which was the fair market value for residential property in this area at the time of purchase. Since this purchase the property has generated no income but has been taxed based on its current zoning designation as residential land. Accordingly, the Commission finds that the applicants had an investment-backed expectation that this property could be used for residential use, although the purchase price does not guarantee any particular size of development and is only one factor in the overall analysis.

In view of the findings that (1) none of the resource dependent uses provided for in Section 30240 would provide an economic use, (2) residential use of the property would provide an economic use, and (3) the applicants had a reasonable investment backed expectation that such a properly mitigated residential use would be allowed on their property, there is a reasonable possibility that a court might determine that the final denial of a residential use based on the inconsistency of this use with Section 30240 could constitute a taking. Therefore, consistent with Coastal Act Section 30010 and the Constitutions of California and the United States, the Commission determines that

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implementation of Section 30240 in a manner that would permanently prohibit residential use of the subject property is not authorized in this case.

Having reached this conclusion, however, the Commission also finds that Section 30010 only instructs the Commission to construe the policies of the Coastal Act, including Section 30240, in a manner that will avoid a taking of property. It does not authorize the Commission to otherwise suspend the operation of or ignore these policies in acting on permit applications. Moreover, while the applicants in this instance may have reasonably anticipated that residential use of the subject property might be allowed, the City Land Use Plan and Coastal Act also provided notice that such residential use would be contingent on the implementation of mitigation measures necessary to minimize the impacts of development on environmentally sensitive habitat. Thus, the Commission must still comply with the requirements of Section 30240 to the maximum extent feasible by protecting against the significant disruption of habitat values at the site, and avoiding impacts that would degrade these values, to the extent that this can be done consistent with the direction to avoid a taking of property.

In the present situation, there are several conditions that the Commission can adopt that implement Section 30240 to the maximum extent feasible, while still allowing a reasonable size house on the property. The applicants currently propose to cover over 8,048 square feet of the 1.066-acre parcel with building and paving. As a result, this area of dune habitat will be permanently lost, and additional area will also be disrupted by construction activities. However, the extent of this disruption and land alteration can be mitigated to the maximum extent feasible by the implementation of appropriate conditions.

Therefore, several additional conditions are necessary to offset these direct and indirect project impacts as discussed in these findings. Most importantly, Special Condition No. 2 requires that the area of the property that will not be developed shall be preserved in open space subject to a deed restriction. This recorded restriction shall prohibit uses that are inconsistent with habitat restoration and preservation, and is needed to ensure that future owners are aware of the constraints associated with this site.

3. Cumulative Impacts.

The applicant's project is located in the northeastern part of the Asilomar Dunes complex, an area now of approximately 60 acres where the dunes retain roughly their original contours. Although divided into about 95 lots and developed with some 75 existing dwellings (Exhibit D), the area still contains some of the best remaining examples of original Asilomar Dunes flora.

The cumulative impacts of additional residential development would 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 extremely scarce coastal resource. The adverse effects from the sum of past development impacts have progressed to the point that on existing lots of record in the nearby unincorporated portion of the Asilomar Dunes, all remnant coastal dune areas stabilized by natural vegetation must, under the County's certified Local Coastal Program (LCP), be preserved. (A very substantial effort to restore a natural dune habitat was required as a condition of resort development at Spanish Bay, but has proven to be

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much more successful on the remnants of the original dunes than on imported material). Notwithstanding the cumulative impacts of continuing residential development in the Asilomar Dunes, absent purchase of the remaining lots, some development must be allowed. The City's Land Use Plan contains rigorous policies designed to protect the native dune and shoreline pine forest habitat area and to minimize cumulative impacts. The Coastal Act's environmentally sensitive policies are very broad as they are meant to protect the large variety of environmentally sensitive habitats that are found along the entire length of the state's coast. The LUP Asilomar Dunes policies, on the other hand, are very narrow and specific to the environmentally sensitive habitat found in the Asilomar Dunes.

Coastal Act Section 30240 would disallow any development in the Asilomar Dunes and might result in a taking of private property. Yet Section 30010, prohibits taking of private property without just compensation. Because the Commission is not authorized to purchase land, some development must be allowed, but Section 30240 requires protection of sensitive habitats to the maximum extent feasible. Here, there is a certified LUP that provides guidance by indicating the amount of development that can be allowed. Although in this case, where the complete LCP has yet to be certified and therefore the certified LUP is advisory only, the LUP's environmentally sensitive habitat policies were developed to tailor the requirements of Coastal Act Section 30240 to the environmentally sensitive habitats found in the Asilomar Dunes. The LUP recognizes, as does Coastal Act Section 30010, that the Constitutions of the United States and the State of California prohibit governmental actions that result in the taking of private property without just compensation. Here, that means that some development must be allowed. The amount of development to be allowed was determined during the development of the LUP to be that which would result in a maximum of 15 percent lot coverage, with the vast majority of the lot to be preserved as open space habitat. According to the findings for certification of the LUP in 1988, the maximum coverage proposed by the City was 20 percent. Staff recommended a modification to limit the maximum coverage to 15 percent, a "standard which evolved through the coastal permit process" for previous residential development approvals by the Commission. The 1988 findings also state that

Over a period of 14 years, the Coastal Commission has considered several dozen coastal development requests in the Asilomar Dunes area. . . .

Because of this existing pattern of use, it wasn't feasible to exclude residential development from existing vacant parcels. Therefore, the Commission has emphasized preservation and restoration of remaining habitat rather than strict prohibition ...Generally, this has meant that building and driveway coverage have been limited to 15 % or less of the parcel area. . .

4. Land Use Plan Criteria.

As the applicants' site lies in the middle of the Asilomar Dunes complex, it falls within the area covered by the City of Pacific Grove's Local Coastal Program Land Use Plan (LUP). (The City of Pacific Grove annexed this portion of the dune formation in October 1980.) The City's LUP residential development criteria include the Coastal Act requirement of "no significant disruption" of environmentally sensitive habitat-areas, as provided by Section 30240. The City's LUP was

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approved with modifications by the Commission on January 10, 1991, and has subsequently been revised and adopted by the City.

While the Coastal Act policies are the standard of review for coastal development permits until the City completes its LCP, the City, in the interim, has adopted an ordinance that requires conformance with the certified LUP. Thus the City's LUP may provide guidance to the Commission as it considers proposals for development in the Asilomar Dune neighborhood. With regards to environmentally sensitive habitat areas, the LUP contains policies that require the following:

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.

LUP Policy 2.3.5.1.b. Where a botanical survey identifies populations of endangered species, all new development shall be sited and designed to cause the least possible disturbance to the endangered plants and their habitat; other stabilizing native dune plants shall also be protected.

LUP Policy 2.3.5.1.c. During construction of new development, habitat areas containing Menzie's wallflowers or Tidestrom's lupines or other rare and endangered species shall be protected from disturbance.

LUP Policy 2.3.5.1.d. The alteration of natural land forms and dune destabilization by development shall be minimized. Detailed grading plans shall be submitted to the City before approval of coastal development permits.

LUP Policy 2.3.5.1.e. If an approved development will disturb dune habitat supporting or potentially supporting Menzie's wallflowers or Tidestrom's lupines or other rare and endangered species... that portion of the property beyond the approved building site and outdoor living space... shall be protected by a written agreement, deed restriction or conservation easement... These shall include provisions which guarantee remaining dune habitat...provide for restoration of 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...

LUP Policy 2.3.5.1.f. For any site where development will disturb existing or potential native dune plant habitat, a landscaping restoration plan shall be prepared and submitted to the City for approval...Landscaping with exotic plants shall be limited to immediate outdoor living space.

LUP Policy 2.3.5.1.g. Require installation of utilities in a single corridor if possible, and should avoid surface disturbance of areas under conservation easement.

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LUP Policy 2.3.5.1.h. Sidewalks shall not be required as a condition of development permit approval in the Asilomar dunes unless the City makes a finding that sidewalks are necessary for public safety where heavy automobile traffic presents substantial hazards to pedestrians, no reasonable alternative exists and no significant loss of environmentally sensitive habitat would result.

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.

LUP Policy 3.4.4.2. The Asilomar Dunes neighborhood shall be maintained as a low density residential area...

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.

5. Project Analysis.

The proposed development is for a one-story, 5,855 square foot single family dwelling, with a 1,336 square foot basement garage, driveway and back-up area, retaining walls, planter space, a rear deck, and side and entry boardwalks (Exhibit I). Pursuant to the City's LUP Policy 3.4.5.2 described above, the City exempted a 900 square foot portion of the driveway (12 foot wide by front setback distance of 75 feet) from being considered as site coverage, as the driveway is to be built with pavers set in sand and thus somewhat permeable. Discounting this portion of the driveway, the project proposes a building footprint of 4,519 square feet with 2,443 square feet of paved areas (remaining driveway out of setback area, back-up area, retaining walls and planter area).

However, as designed, the project also proposes 1,285 square feet of redwood decking in the rear and for the entry and side boardwalk. The deck detail inset on the plans indicates that the decks would be constructed 8 inches above the ground, using 2" x 4" and 2" x 2" flooring boards with 1/4" spacing between. This design and narrow spacing will not provide adequate growing conditions

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(i.e., enough light and water) for dune plants to thrive, and so because it would eliminate native plant habitat, must be counted as additional lot coverage.

Thus the total aggregate lot coverage as designed is 8,247 square feet (18% site coverage), which is not consistent with the City's 15% allowable maximum aggregate lot coverage for the parcel. Special conditions of this permit therefore require the project plans be revised to conform to the 15% maximum lot coverage requirement. This may be accomplished by removing the areas occupied by redwood decking, or by reducing the size of the main residence. As allowed by the LUP, the applicants may also propose up to 5%, or 2,322 square feet, of immediate outdoor living area, however, as required by the LUP, this area must be left in a natural condition, or landscaped so as to avoid impervious surfaces. Therefore, as designed, the rear deck, side and entry boardwalk areas can not be considered as part of the immediate outdoor living areas. The applicant has indicated verbally that they are willing to redesign the deck and boardwalk areas to use permeable materials, consistent with the criteria outlined for "immediate outdoor living areas."

Although many areas of the site are covered with a mixture of native and invasive exotic plants (such as iceplant), the site also contains a large relatively undisturbed native plant community, and has the potential to contain sensitive animal species, which are considered rare, threatened or endangered (Exhibit G). The biological surveys indicate that in addition to an array of native dune plants, the site contains as many as 114 individual Tidestrom's lupines and has good habitat potential for both Menzies' wallflowers and black legless lizards. Although carefully sited on the lot, any development on the site would thus permanently eliminate environmentally sensitive habitat. According to the IS/ND, other potential impacts of the proposed project that could affect ESHA include impacts from construction activities, shading from the proposed dwelling and fence, foot traffic incidental to residential use, and the introduction of invasive plant species.

Therefore, because the project will adversely impact sensitive dune habitat areas, it has been conditioned, among other things, to provide a deed restriction for all areas outside of the approved building envelope, to retain a qualified biologist to prepare a landscape restoration plan that includes performance standards, long-term maintenance and monitoring of the undeveloped portions of the property, and only non-invasive ornamental plants within a designated outdoor living area.

In accordance with Coastal Act Section 30240, and with past Commission actions, it is appropriate to require deed restriction over that portion of the lot not counted as building envelope or immediate outdoor living area (80 percent of the lot) to protect the environmentally sensitive native dune habitat areas of the property as defined by the botanical survey submitted with the application. In order to ensure that the habitat values of the site will continue to be protected into the future, such a recorded document is necessary. The recordation of a deed restriction also provides notice to future property owners regarding the constraints and obligations associated with this site. The deed restrictions allow only those continued uses necessary for, and consistent with, its maintenance as a nature reserve area under private stewardship.

The botanical survey report, prepared by consulting coastal biologist Tom Moss (dated June 19, 1999), details the botanical and biological values of the site and recommends a series of mitigation measures to protect the sensitive habitat and endangered species. These measures, which are

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incorporated in the City's Conditions and, by reference, in this permit, provide for protection of native dune habitat.

A landscape restoration and management plan, also prepared by Tom Moss (dated April 10, 2000), was submitted with the application (Exhibit K). The plan includes provisions for reestablishing and maintaining a native coastal dune landscape on the undeveloped portion of the property. The plan includes criteria to carefully remove and prevent the invasion by ice plant and other non-native plant species within the undeveloped areas on site, and includes restoration procedures, monitoring standards and an implementation and monitoring schedule to meet the goals of the restoration plan. Continued maintenance beyond the initial five-year monitoring period is needed to ensure that ornamental plantings permitted in the "immediate outdoor living areas" are not allowed to spread into the portion of the site that will be restored. For this reason, the deed restriction requires continued maintenance of the restored area for the life of the project. It is also appropriate to require evidence of an enforceable legal agreement (deed restriction) for implementation of the final restoration and management plan and to define the maximum building envelope. Definition of 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.

Temporary exclusionary fences to protect the endangered Tidestrom's lupines and other 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. To assure compliance with the landscape restoration plan, the City or the environmental consultant should monitor the site on a weekly basis during construction. Experience has shown that exclusionary fencing helps to assure that workpeople and materials stay outside 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.

Additionally, while no permanent fencing has been proposed, if any permanent fencing is to be contemplated for the residence at some future time, split rail or similar landscape fencing may be used in order to discourage trampling of the area to be restored/rehabilitated outside of the building envelope and the immediate outdoor living area. Any fencing to be used onsite must be designed to protect public views and allow free passage of native wildlife, as required by LUP Policy 2.3.5.1(e) and should maintain the open space character of the neighborhood.

To ensure that the objectives of the Botanical Survey and landscape restoration plan are achieved over the long term, the applicant will be required to record a deed restriction to implement the restoration plan. Future owners of the property would thus have the same obligation for protecting, maintaining and perpetuating the native vegetation on the site. This is consistent with previous Coastal Commission approvals, LUP policies and conditions of the City's approval and is necessary to ensure the long-term protection of this habitat and avoid taking of property consistent with Coastal Act Section 30010.

Finally, as designed, the project lot coverage has been proposed for the maximum site coverage allowable. Therefore, no future additions to the residence will be allowed if they require additional

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lot coverage.

Therefore, as conditioned to require implementation of the recommendations of the Botanical/Biological Report and landscape restoration plans; incorporation of the City's mitigation measures; recordation of deed restrictions, including restoration and maintenance of natural habitat equivalent to at least 80 percent of the lot area; identification of temporary exclusionary fencing and monitoring, to assure no disturbance of the existing native plant habitat areas; and prohibition of any additions, the proposed development can be found consistent with the LUP sensitive habitat policies. Although the development is not consistent with Coastal Act Policy 30240, which does not allow *any* disruption of the habitat by uses not dependent on the habitat, Coastal Act Section 30010 prohibits the taking of property and, in this case, requires that some economic use must be allowed on the site. As conditioned, the project allows an economic use of the site and protects the environmentally sensitive habitat outside of the immediate building envelope.

2. Visual Resources and Community Character

Section 30251 of the Coastal Act requires that 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. . ." shall be subordinate to the character of its setting; the Asilomar area is one of those designated in the plan. The Coastal Act further provides that permitted development shall be sited and designed to protect views in such scenic coastal areas; and, in Section 30240(b), requires that development adjacent to parks and recreation areas shall be sited and designed to avoid degradation of those areas.

The City's certified Land Use Plan contains policies that require the following:

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 2.5.4.1. It is the policy of the City of Pacific Grove to consider and protect the visual quality of scenic areas as a resource of public importance. The portion of Pacific Grove's coastal zone designated scenic includes: all areas seaward of Ocean View Boulevard and Sunset Drive, Lighthouse Reservation Lands, Asilomar Conference Ground dune lands visible from Sunset Drive, lands fronting on the east side of Sunset Drive; and the forest front zone between Asilomar Avenue and the crest of the high dune (from the north side of the Pico Avenue intersection to Sinex Avenue)

LUP Policy 2.5.5.1. New development, to the maximum extent feasible, shall not interfere with public views of the ocean and bay.

LUP Policy 2.5.5.4. New development on parcels fronting on 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:

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a). Minimum building setbacks of 75 feet from Sunset Drive shall be maintained. Larger setbacks are 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 feet 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). Earthtone 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.

The LUP identifies the Asilomar Dunes area bounded by Lighthouse Avenue, Asilomar Avenue and the Asilomar State Beach and Conference Grounds as a highly scenic area of importance and policies of the LUP as described above serve to protect public views and scenic resources in the Asilomar dunes area. The LUP indicates that south of Lighthouse Avenue, the Asilomar Dunes area has been substantially developed with single family residential dwellings. However, parcels that have remained vacant have served to "soften the contrast between existing development and the expansive open space seaward of Sunset Drive."

As designed, the project will not detract from views of the ocean or inland face of the Asilomar Dune formation (Exhibit I). The project site is not visible from the inland public roadways of Asilomar Ave, and, as described in the IS/ND, existing topography of the site obscures public views of the Ocean from most of Arena Avenue. After construction, a portion of the residence may be visible from Arena Avenue, but the proposed development will not be located within the line of sight of the ocean from Arena Avenue and so will not affect public views of the ocean as shown on the LUP's shoreline access map (Exhibit I). As described above, the Commission has approved a number of new homes similar in size to this proposal, along Sunset Drive. (e.g., J. Miller, and Knight).

The proposed development is consistent with the LUP policies described above. The single story residence has been designed to maintain a low profile complimenting the natural dune topography, and does not exceed the 18-foot height restriction (see Exhibit I). The residence has also been sited to avoid adverse impacts to known populations of botanical species and to minimize adverse

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impacts to potential habitat areas present on site. The residence has been setback 111 feet from Sunset Drive to protect the native dune plant habitat located on site, and includes a basement garage to minimize the footprint and permanent landform alteration that would occur on site. The side yard setbacks are 10 and 30 feet (from the southern and northern property boundaries, respectively) and the rear yard setback is 113.5 feet.

The project was reviewed by the Pacific Grove Architectural Review Board on January 11, January 25, February 22, and June 27, 2000. Minutes from these hearings note that the modulating roof design and shape of the roof "...mimic the contours of the dunes," making the residence suited to the site. The minutes also indicate that the design has been modified from that originally proposed in order to lower the building pad, reduce the mass of the structure, and bring continuity to the window design in the rear of the structure.

The applicant also submitted a final landscape restoration plan to reestablish and maintain the native coastal dune landscape on the undeveloped portion of the property (Exhibit K). As required by LUP Policy 2.5.5.5, final approval was granted for the design and landscape restoration plan by the ARB on June 27, 2000. As shown on the approved plans for the residence, the exterior walls shall be covered using concrete stucco with a veneer of Carmel stone along some of the walls. As required by 2.5.5.4.d, the permit has been conditioned to require earthtone color scheme to assist in subordinating the structure to the natural dune setting.

The applicant has agreed that all areas outside of the building envelope and immediate outdoor living area will be excluded from development by a deed restriction required to protect the environmentally sensitive habitat on the remaining undeveloped portion of the property, i.e., 80 percent of the property. As the project design is already proposed for the maximum allowable site coverage (15% plus the 5% outdoor living area), no future additions will be allowed that would increase the total aggregate site coverage or create additional view impacts. As the subject parcel lies between other existing development, it is not located in an area that would block existing public ocean views.

The project also proposes a net 1,227 cubic yards of grading for the basement area. The excavated material shall either be incorporated with landscape restoration efforts on-site or be provided to the State Parks for use in dune restoration efforts in the Asilomar State Beach area. As no grading plans were submitted with the application, the project has been conditioned so that if excavated materials are to be incorporated onsite, a final grading plan that ensures protection and preservation of dune habitat must be submitted for review and approval. No sand excavated from the site shall be exported outside of the Asilomar Dunes area.

As conditioned by this permit, no future additions are allowed, to ensure that no additional view impacts will occur. Additional required visual resource mitigation measures include the use of earthen-tone finishes and the undergrounding of utilities as proposed, and final grading plans as conditioned. Accordingly, the project can be found consistent with Section 30251 and 30240(b) of the Coastal Act and LUP visual resource policies.

3. Archaeology

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.*

The subject site is located within an archaeologically sensitive area (see Exhibit G). Therefore, an archaeological survey was conducted for the subject parcel and a report prepared by Mary Doane and Trudy Haversat for Archaeological Consulting (June 21, 1999). The survey results indicated that twenty-five sensitive archaeological sites are located within one kilometer of the project site, and two sites are located within 100 meters of the subject parcel. While field reconnaissance of the site, conducted June 18, 1999, resulted in sparse surface evidence of archaeological resources (mixed shell fragments, a few fire affected granitic rocks and an end-battered granitic hammerstone), the report concludes that there is no apparent intact archaeological deposit on the parcel. However, as construction activities may unearth previously undisturbed materials, the project has been conditioned to prepare and implement an archaeological mitigation plan if archaeological resources are encountered.

As conditioned to require suspension of work and development of a mitigation plan if archaeological materials are found, the proposed development is consistent with Section 30244 of the Coastal Act and approved LUP archaeological resource policies.

4. Water Supply

Coastal Act Section 30250 states in part that

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Baldacci Residence

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[n]ew residential. . . development 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 significant adverse effects, either individually or cumulatively, on coastal resources. .

The Monterey Peninsula Water Management District (MPWMD) allocates water to all of the municipalities on the Monterey Peninsula. The actual water purveyor is the California American Water Company (Cal Am). Each municipality allocates its share of the water to various categories of development, such as residential, commercial, industrial, etc. Currently, project proponents can only get water once they have applied for placement on the City's Water Waiting List. The City Council then evaluates this list twice each year for consideration of allocating available water to the projects on the list.

Coastal Act Section 30250 directs development to be located in or near an area with sufficient resources to accommodate it. The applicants did apply and were placed on the City's Water Waiting List. The City of Pacific Grove subsequently allowed a number of those on the waiting list, including the applicants, to purchase water transfer credits offered to the City by a commercial development. The Monterey Peninsula Water Management District has allocated 0.270 acre-feet to the applicant for the new development (Exhibit J). The Commission has since been informed that the City's water transfer for this and other residences is currently being litigated. Nonetheless, at this point the applicant has submitted evidence of water assignment as normally required. However, as litigation is pending regarding the legitimacy of the water transfer, the situation is still in flux. Therefore this permit retains a condition requiring evidence of water availability (Special Condition 10). With the inclusion of Special Condition 10, the project is consistent with Coastal Act Section 30250 regarding water supply.

G. Local Coastal Programs

The Commission can take no action which would prejudice the options available to the City in preparing a Local Coastal Program which conforms to the provisions of Chapter 3 of the Coastal Act (Section 30604 of the 'Coastal Act). Because this neighborhood contains unique features of scientific, educational, recreational and scenic value, the City in its Local Coastal Program will need to assure long-range protection of the undisturbed Asilomar Dunes.

While the northern Asilomar Dunes area was originally included in the work program for the 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. The City is currently formulating implementing - ordinances. In the interim, the City has adopted an ordinance that requires that new projects conform to LUP policies. (Of course, the standard of review for coastal development permits, pending LCP completion, is conformance with the policies of the Coastal Act.)

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Baldacci Residence

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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. Finding D above summarizes the applicable habitat protection policies; Finding E addresses the LUP's visual resource policies; and Finding F discusses archaeological resource policies. The City's action on the project also generally accounted for the proposed LUP policies. Where procedural standards are absent, the City's mitigations are augmented by the conditions of this permit, particularly with respect to native plant restoration and maintenance.

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 Local Coastal Program consistent with Coastal Act policies.

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 which would substantially lessen any significant adverse effects which the activity may have on the environment. The Commission incorporates its findings on conformity of the permit with the Coastal Act at this point as if set forth in full.

On January 11, 2000, the City of Pacific Grove granted a Negative Declaration, with mitigations, for the proposed development. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary for Resources as being the functional equivalent of environmental review under CEQA. Accordingly, the Commission finds that the Botanical/Biological Report submitted by the applicant, along with the City's required conditions and the conditions attached to this permit will together offset any adverse effects that the proposed development might have.



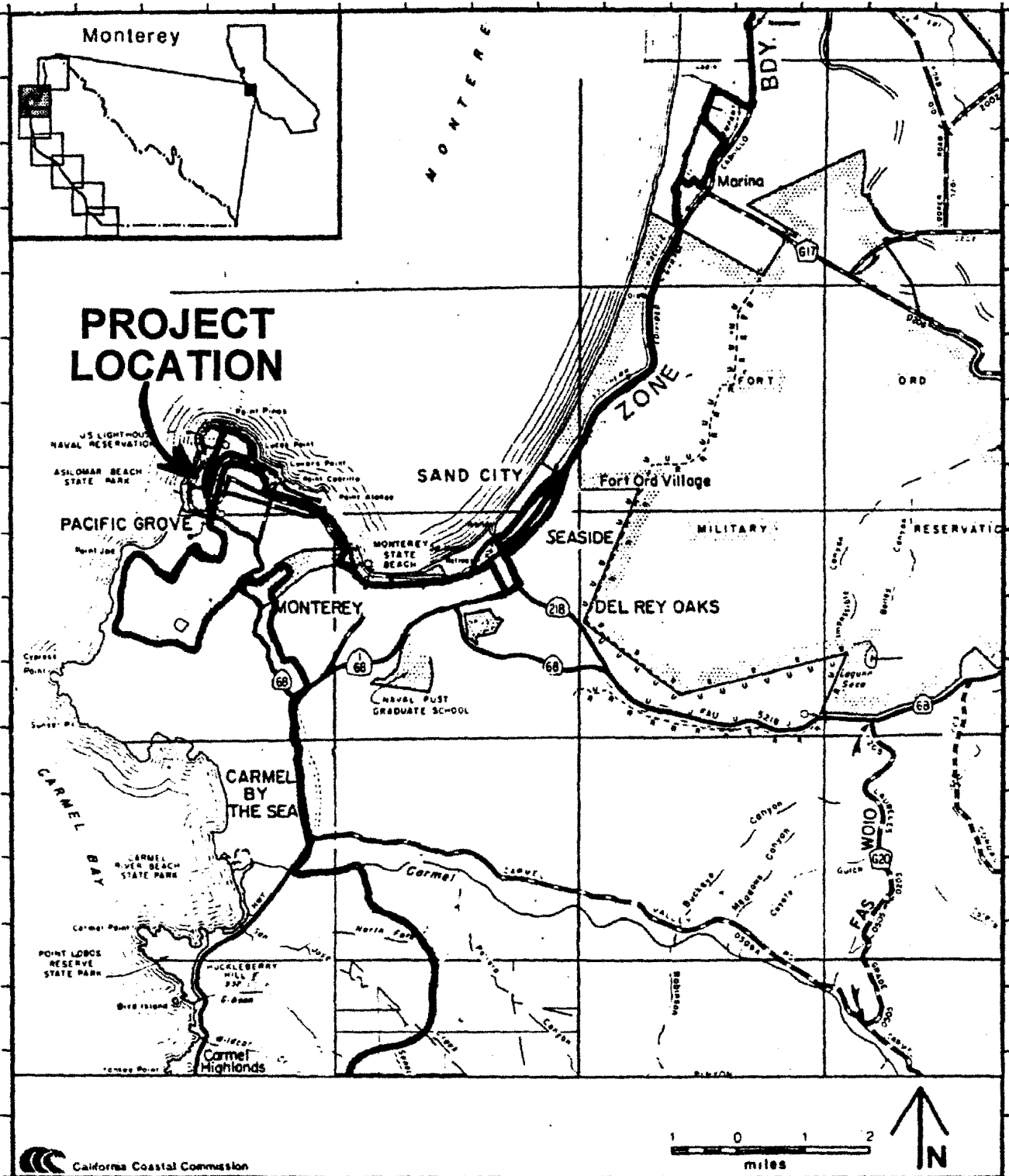
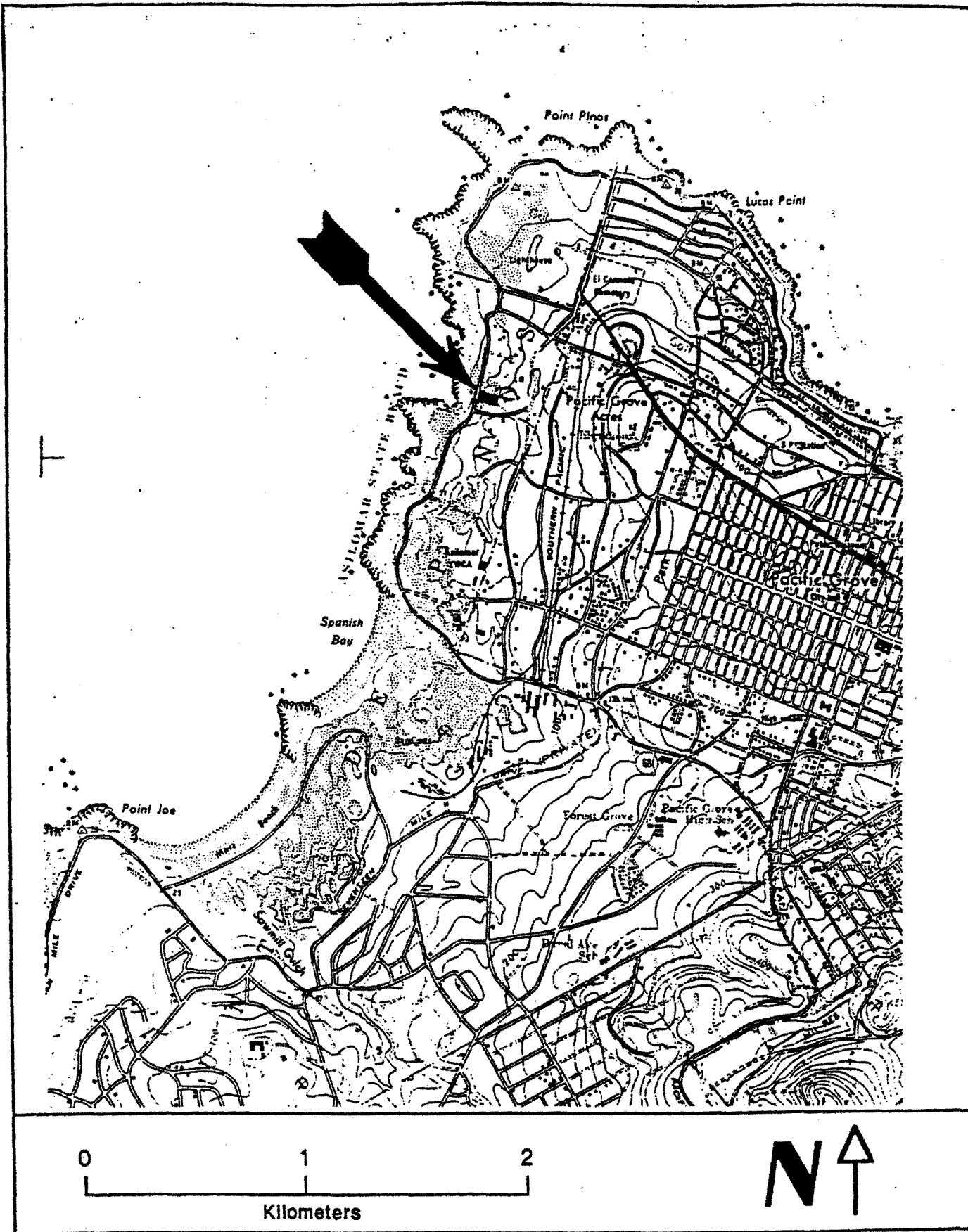


Exhibit A
 Regional Location Map
 3-01-013
 (Baldacci)

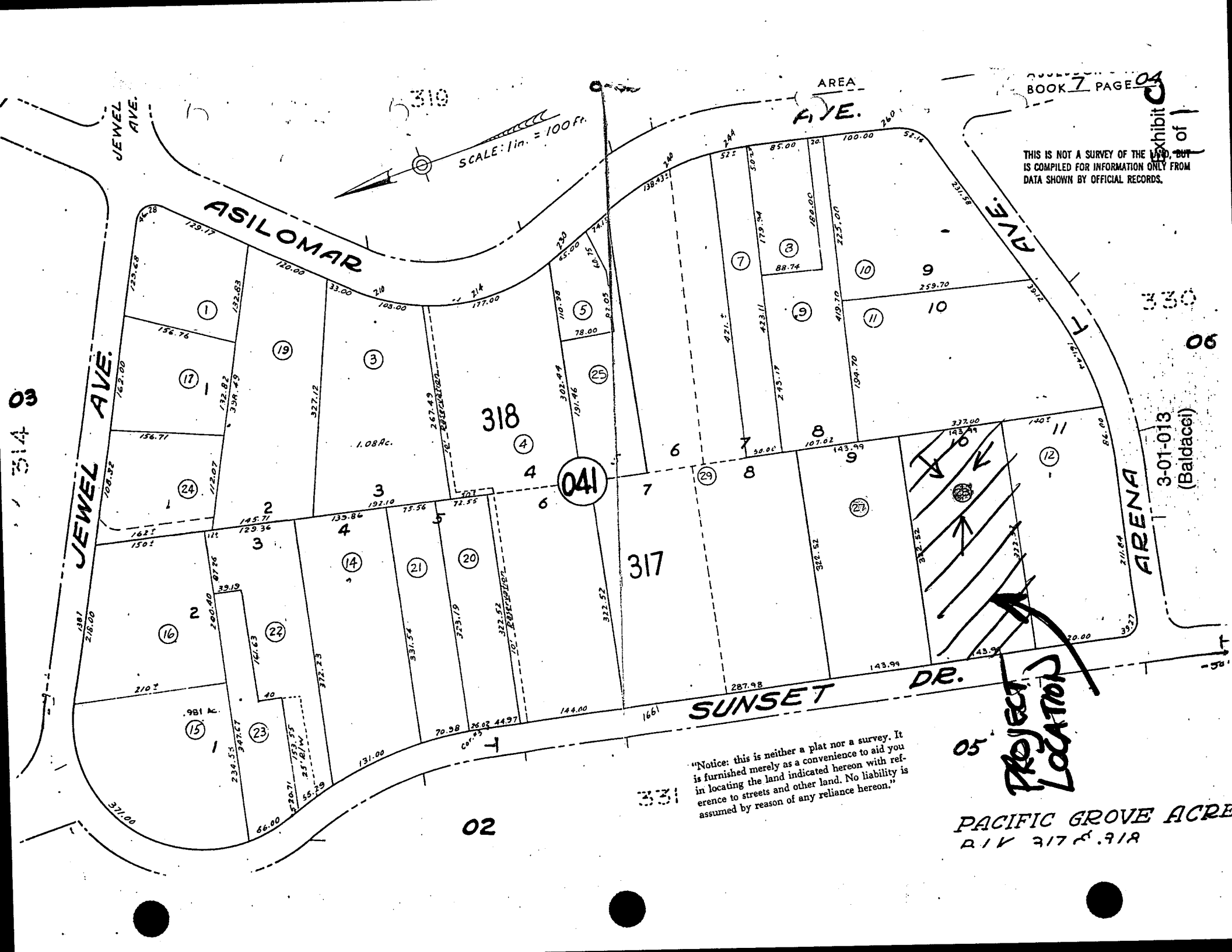
3-01-013
 (Baldacci)

Exhibit A
 / of /



Map 1. Project Location.

THIS IS NOT A SURVEY OF THE LAND, BUT IS COMPILED FOR INFORMATION ONLY FROM DATA SHOWN BY OFFICIAL RECORDS.



319

AREA FIVE.

SCALE: 1 in. = 100 Ft.

ASILOMAR

JEWEL AVE.

ARENA AVE.

ARENA

SUNSET DR.

318

317

041

3-01-013 (Baldacci)

"Notice: this is neither a plat nor a survey. It is furnished merely as a convenience to aid you in locating the land indicated hereon with reference to streets and other land. No liability is assumed by reason of any reliance hereon."

05
Project Location

PACIFIC GROVE ACRES
R1K 317 & 318

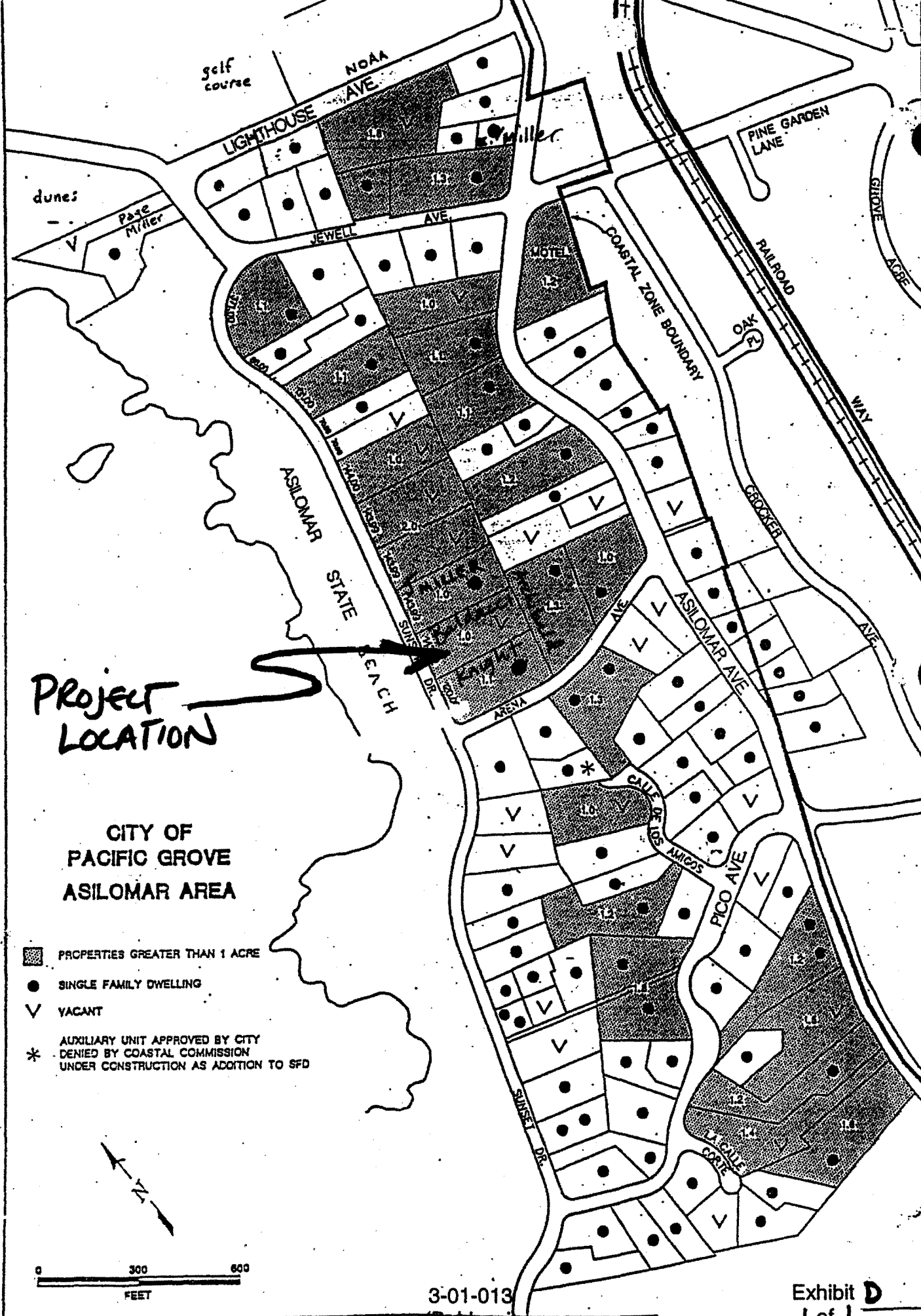
03

330

06

02

331



Project Location

**CITY OF
PACIFIC GROVE
ASILOMAR AREA**

- PROPERTIES GREATER THAN 1 ACRE
- SINGLE FAMILY DWELLING
- ∇ VACANT
- * AUXILIARY UNIT APPROVED BY CITY DENIED BY COASTAL COMMISSION UNDER CONSTRUCTION AS ADDITION TO SFD



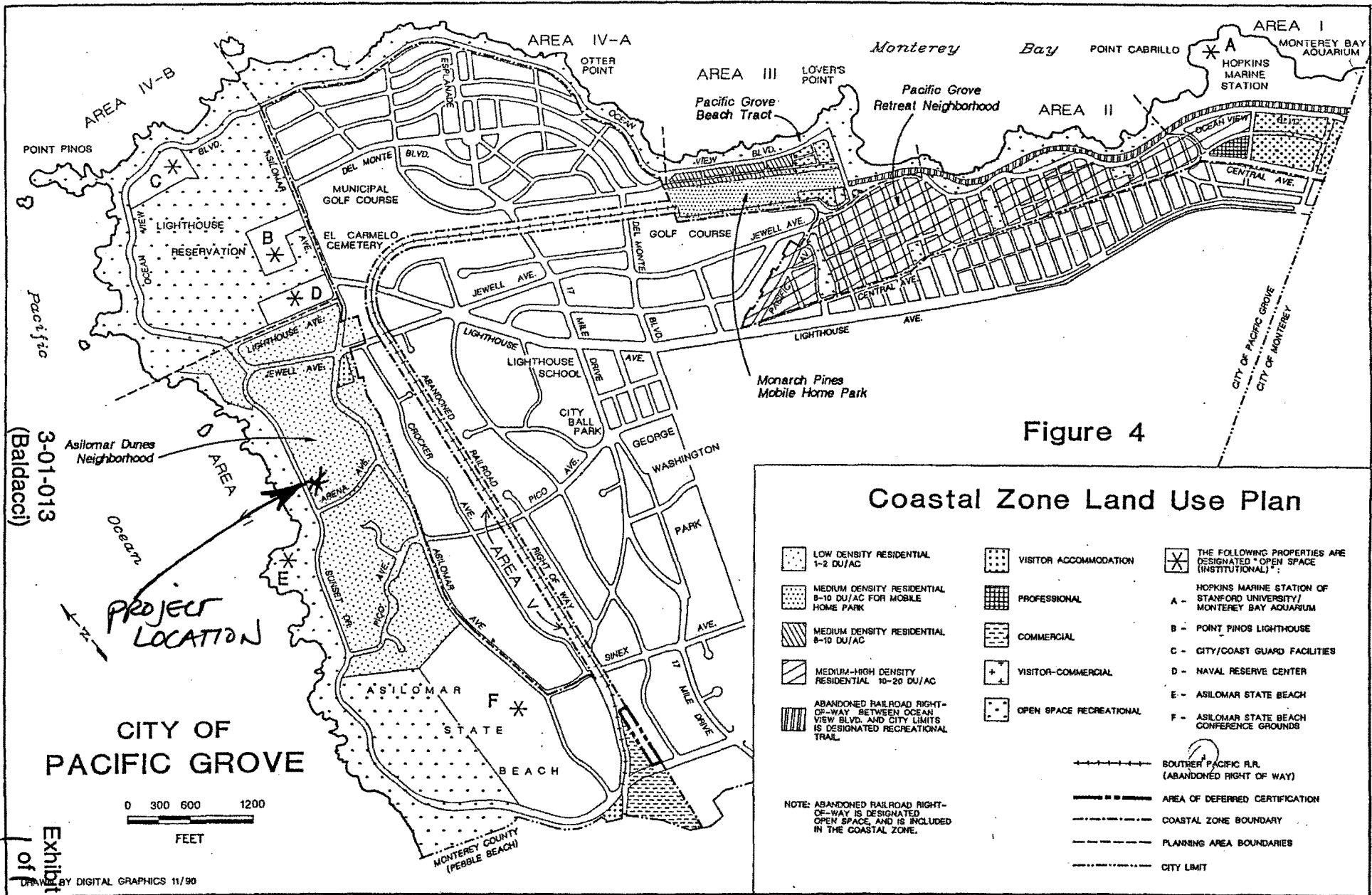


















Figure 4

Coastal Zone Land Use Plan

- | | | |
|--|---|--|
|  LOW DENSITY RESIDENTIAL
1-2 DU/AC |  VISITOR ACCOMMODATION |  THE FOLLOWING PROPERTIES ARE DESIGNATED *OPEN SPACE (INSTITUTIONAL): |
|  MEDIUM DENSITY RESIDENTIAL
8-10 DU/AC FOR MOBILE HOME PARK |  PROFESSIONAL | A - HOPKINS MARINE STATION OF STANFORD UNIVERSITY/ MONTEREY BAY AQUARIUM |
|  MEDIUM DENSITY RESIDENTIAL
8-10 DU/AC |  COMMERCIAL | B - POINT PINOS LIGHTHOUSE |
|  MEDIUM-HIGH DENSITY RESIDENTIAL
10-20 DU/AC |  VISITOR-COMMERCIAL | C - CITY/COAST GUARD FACILITIES |
|  ABANDONED RAILROAD RIGHT-OF-WAY BETWEEN OCEAN VIEW BLVD. AND CITY LIMITS IS DESIGNATED RECREATIONAL TRAIL. |  OPEN SPACE RECREATIONAL | D - NAVAL RESERVE CENTER |
| | | E - ASILOMAR STATE BEACH |
| | | F - ASILOMAR STATE BEACH CONFERENCE GROUNDS |
| | |  SOUTHERN PACIFIC R.R. (ABANDONED RIGHT OF WAY) |
| | |  AREA OF DEFERRED CERTIFICATION |
| | |  COASTAL ZONE BOUNDARY |
| | |  PLANNING AREA BOUNDARIES |
| | |  CITY LIMIT |

NOTE: ABANDONED RAILROAD RIGHT-OF-WAY IS DESIGNATED OPEN SPACE AND IS INCLUDED IN THE COASTAL ZONE.

3-01-013
(Baldacci)

PROJECT LOCATION

CITY OF PACIFIC GROVE

0 300 600 1200
FEET

Exhibit 1 of 1

DRAWN BY DIGITAL GRAPHICS 11/90

3-01-013
(Baldacci)

Exhibit F
1 of 1

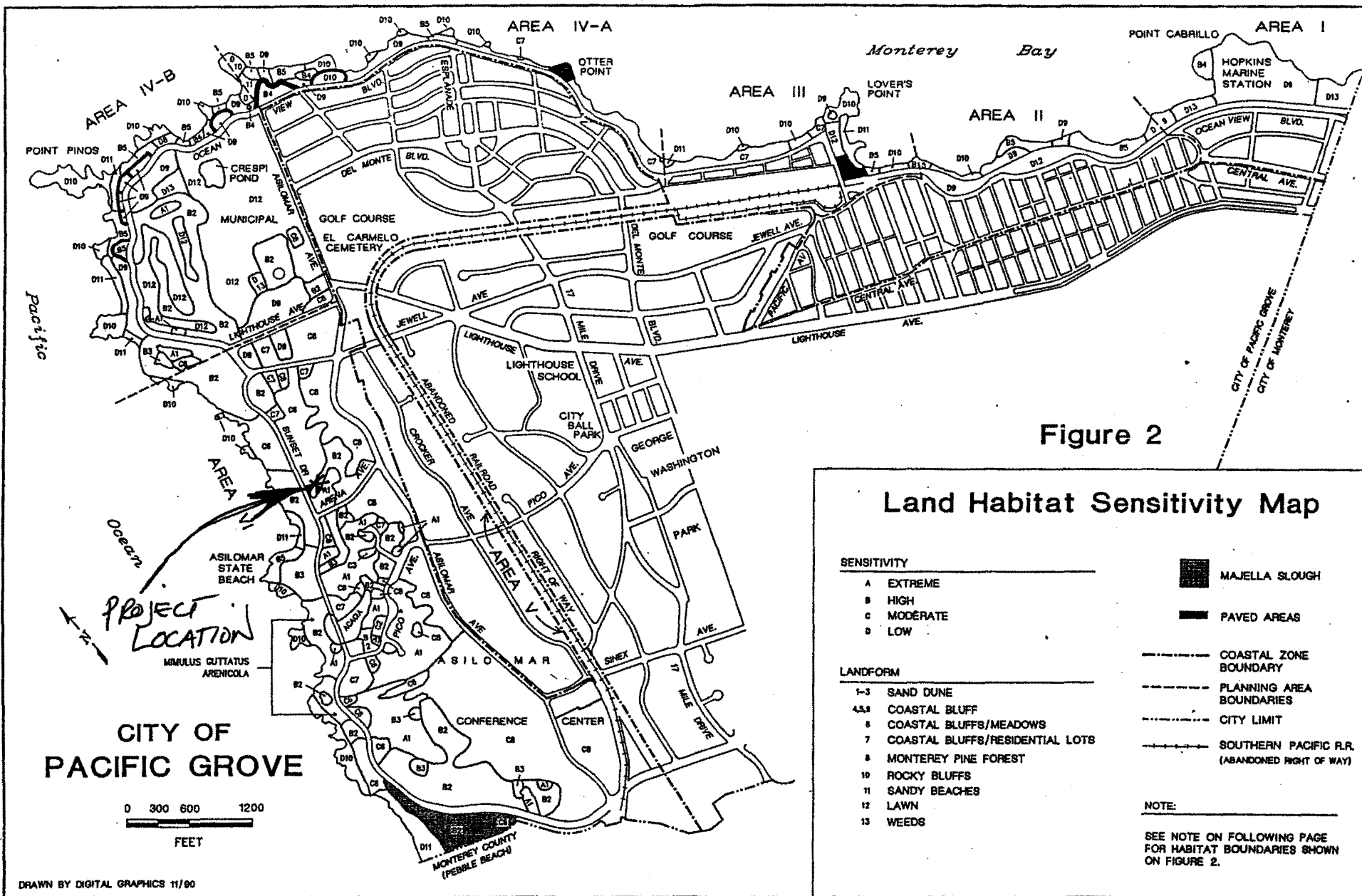


Figure 2

Land Habitat Sensitivity Map

SENSITIVITY		MAJELLA SLOUGH
A	EXTREME	PAVED AREAS
B	HIGH	COASTAL ZONE BOUNDARY
C	MODERATE	PLANNING AREA BOUNDARIES
D	LOW	CITY LIMIT
LANDFORM		SOUTHERN PACIFIC R.R. (ABANDONED RIGHT OF WAY)
1-3	SAND DUNE	
4,5,6	COASTAL BLUFF	
8	COASTAL BLUFFS/MEADOWS	
7	COASTAL BLUFFS/RESIDENTIAL LOTS	
9	MONTEREY PINE FOREST	
10	ROCKY BLUFFS	
11	SANDY BEACHES	
12	LAWN	
13	WEEDS	

NOTE:
SEE NOTE ON FOLLOWING PAGE FOR HABITAT BOUNDARIES SHOWN ON FIGURE 2.

DRAWN BY DIGITAL GRAPHICS 11/90

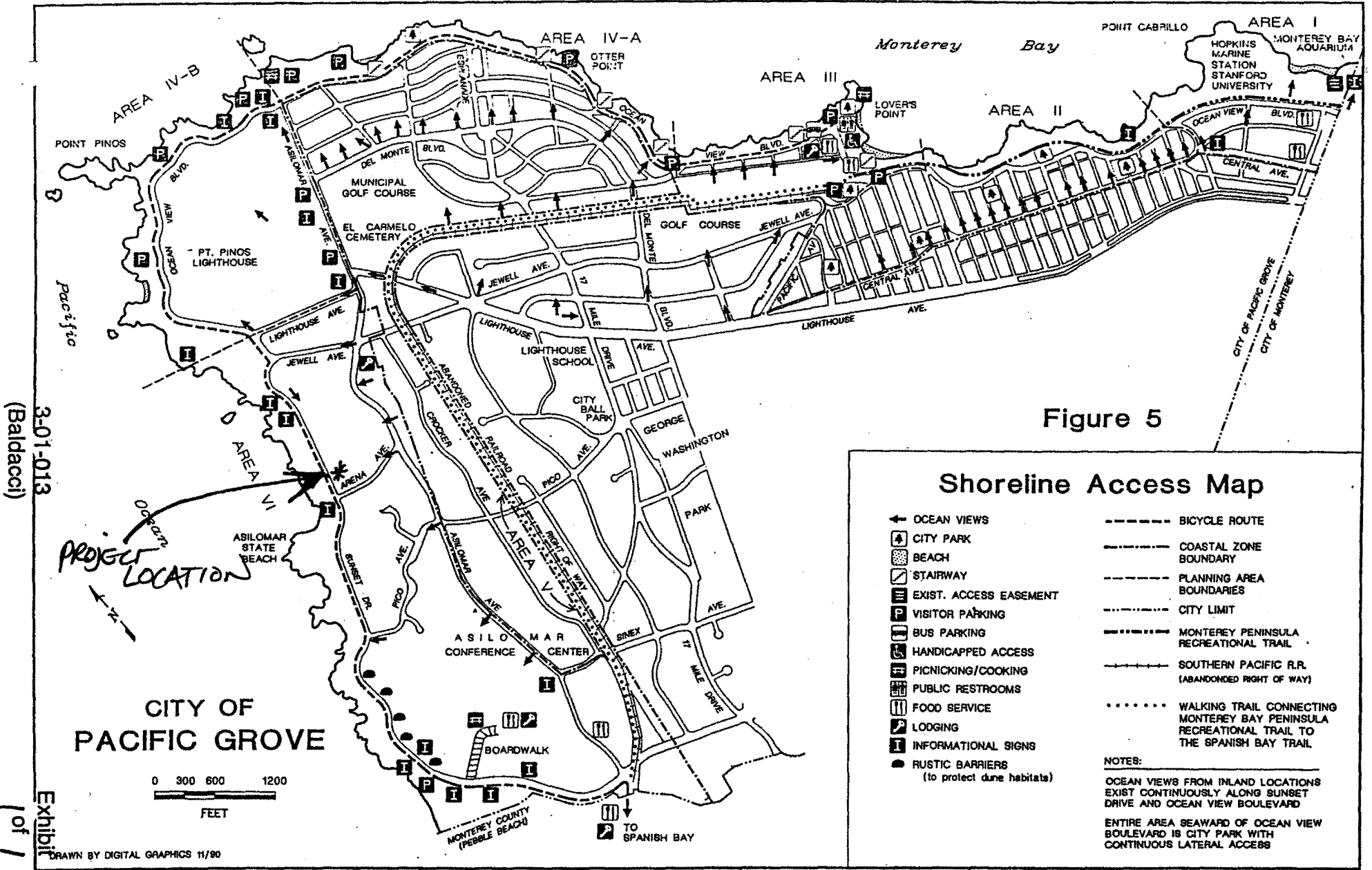


Figure 5

Shoreline Access Map

- ← OCEAN VIEWS
- 🏞️ CITY PARK
- 🏖️ BEACH
- 🪜 STAIRWAY
- 🚶 EXIST. ACCESS EASEMENT
- 🅅 VISITOR PARKING
- 🅇 BUS PARKING
- ♿ HANDICAPPED ACCESS
- 🍷 PICNIC/COOKING
- 🚻 PUBLIC RESTROOMS
- 🍽️ FOOD SERVICE
- 🏠 LODGING
- 📍 INFORMATIONAL SIGNS
- 🌿 RUSTIC BARRIERS (to protect dune habitats)
- BICYCLE ROUTE
- COASTAL ZONE BOUNDARY
- PLANNING AREA BOUNDARIES
- CITY LIMIT
- MONTEREY PENINSULA RECREATIONAL TRAIL
- SOUTHERN PACIFIC R.R. (ABANDONED RIGHT OF WAY)
- WALKING TRAIL CONNECTING MONTEREY BAY PENINSULA RECREATIONAL TRAIL TO THE SPANISH BAY TRAIL

NOTES:
 OCEAN VIEWS FROM INLAND LOCATIONS EXIST CONTINUOUSLY ALONG SUNSET DRIVE AND OCEAN VIEW BOULEVARD
 ENTIRE AREA SEAWARD OF OCEAN VIEW BOULEVARD IS CITY PARK WITH CONTINUOUS LATERAL ACCESS

3-01-013 (Baldacci)

PROJECT LOCATION

CITY OF PACIFIC GROVE

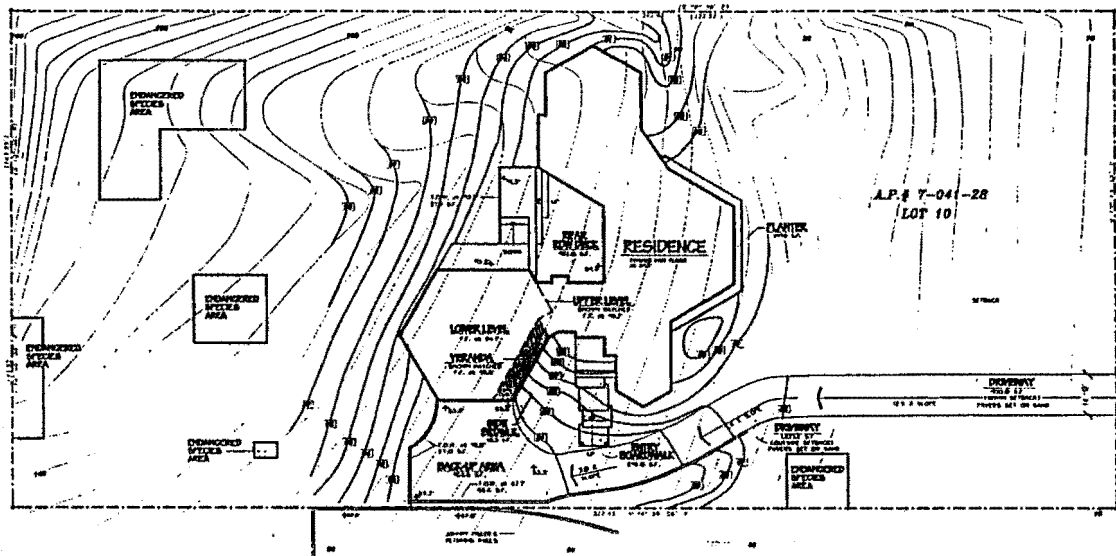
0 300 600 1200
 FEET

DRAWN BY DIGITAL GRAPHICS 11/90

Exhibit # 1 of 1

RESIDENCE

1887 SUNSET DRIVE PACIFIC GROVE CALIF.

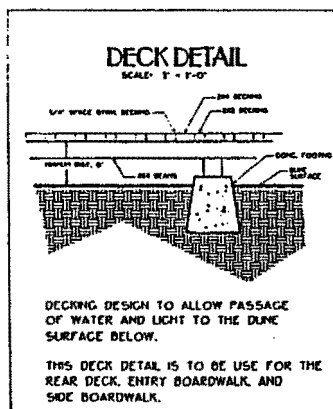


SUNSET DRIVE

SITE PLAN NOTES

1. Ensure that all surface water drainage will be directed away from the building for a distance of 5 feet with a minimum grade of 2%.
2. From four feet up a minimum of 5' above the surface of the street, or greater alternate method of drainage.
3. The contractor shall locate and install all property markers and flag the site and provide them prior to the start of excavation and grading operations.
4. The contractor shall ensure that the lot location line is a minimum clearing width from the street. It is understood that if no gas lines are observed, no excavation will take place. A set of building plans submitted to the City of Pacific Grove shall be kept on the job site at all times.
5. Existing trees shall be protected from construction activities but not located on the front slope of any finished site level, refer to City, County, or Federal Government regulations.

3-01-013
(Baldacci)



PROJECT INFORMATION

A.P.N.: 007-041-028
 SITE AREA: (1.066 AC) 46,439.7 S.F.
 ZONING: LDR 1.0
 ADDRESS: A PORTION OF BLK. 317, PACIFIC GROVE ACRES.

GRADING INFORMATION

CUT: 1,245.6 C.Y.
 FILL: 16.4 C.Y.
 EXPORT: 1,224.9 C.Y.

SITE COVERAGE

COVERAGE ALLOWED	15.0%	6,966.0 S.F.
BUILDING FOOTPRINT		4,519.0 S.F.
BACK-UP AREA		409.6 S.F.
DRIVEWAY*		1,221.2 S.F.
RETAINING WALLS		113.1 S.F.
PLANTER		193.0 S.F.
TOTAL	14.99%	6,961.9 S.F.

NOTE: PROTECTIVE FENCE ALL DANGERED SPECIES AREAS DURING ALL PHASES OF CONSTRUCTIONS.

(10%)
 2442.9 (5%)

SITE PLAN

SCALE: 1/16" = 1'-0"

AREAS NOT INCLUDED IN THE SITE COVERAGE.

DRIVEWAY WITHIN SETBACK	900.0 S.F.
REAR REDWOOD DECK	961.0 S.F.
SIDE BOARDWALK	28.3 S.F.
ENTRY BOARDWALK	296.0 S.F.

1285.3 (3%)

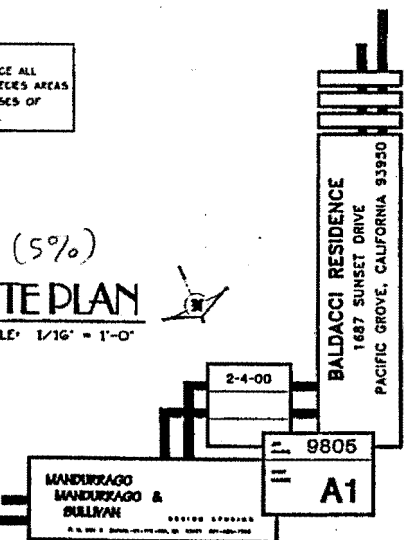


Exhibit I
 of 8

PLUMBING NOTES

1. See all pipe lines in detail accordance with the latest edition of the Uniform Plumbing Code, 1994 12-1.
2. On valves and valves that shall be installed and labeled by hand utility or, if not, by cover.
3. All soil lines have been sized as per the latest edition of the Uniform Plumbing Code, 1994 4-3.
4. All water lines have been sized as per the latest edition of the Uniform Plumbing Code, 1994 4-2 and 4-5.
5. All plumbing lines shown diagrammatically plumbing contractor to install all the so not to interfere with other trades.
6. Provide shut-off valve for cold water supply to building.
7. All horizontal drain lines over 3 feet in length shall be provided with clean out if required by Plumbing Code.
8. Plumbing contractor to take out and pay for all permits and inspection fees as required by Plumbing Code.
9. Hot water supply and return piping shall be insulated according to State of California Title 24 requirements. Insulate all hot water lines.
10. All hot water tanks shall be equipped with approved-type pressure limiters. (CFC 1991 Edition)
11. Approved backflow type water closets are required. Tanks must be at 1.5 gallon flush min., shower heads 2.5 gallon per minute and all fixtures 2.0 gallons per minute.
12. All plumbing work to comply with the U.P.C. 1994 Edition.
13. All plumbing work with 2" piping to use 2 x 6 stud framing etc.

FIREPLACE CLEARANCES

1. WHEN OUTSIDE BUILDING:
1" TO WOOD FRAME OR 1/2" TO CMU BRK.
- WHEN EXTERNALLY WIRE BUILDING:
2" CLEARANCE TO WOOD FRAME.
- FROM FIREPLACE OPENING:
12" MIN. TO COMBUSTIBLE MATERIAL OR PROJECTING MORE THAN 1/8" FOR EACH ADDITIONAL 1" FROM OPENING.
- HEARINGS WITH (EACH SIDE OF OPENING)
8" FOR FIREPLACE OPENING 4 x 4 FT
12" FOR FIREPLACE OPENING 4 x 6 FT
HEARINGS WITH (FROM FRONT OF OPENING)
16" FOR FIREPLACE OPENING 4 x 4 FT
12" FOR FIREPLACE OPENING 4 x 6 FT.
- CHIMNEYS SHALL EXTEND AT LEAST 1' ABOVE THE HIGHEST ELEVATION OF ANY PART OF THE BUILDING WITHIN 10' OF CHIMNEY.
3. SECURE LAST SECTION OF METAL FLUE TO PREVENT LATERAL DISPLACEMENT.
4. SPARK ARRESTER REQUIRED ON FIREPLACE CHIMNEY WITHIN 4 FEET OF THE NET FINE AREA OF CHIMNEY BRICKS.
5. SLATS OR METAL DOORS REQUIRED ON FIREPLACE.
6. FIREPLACE GAS OUTLET CONTROL VALVE SHALL BE LOCATED IN THE SAME ROOM AS THE OUTLET, OUTSIDE THE HEARTH, BUT NOT MORE THAN 4'-0" FROM SUCH OUTLET.
7. NON-STRUCTURAL WOODEN ANCHORAGE NON-STRUCTURAL MATERIAL, WHEN AS WOODEN SHALL BE ANCHORED TO THE SUPPORTING WALL. 22 GA. GALVANIZED SHEET METAL ANCHOR PEGS 1/8" DIA. TO BE USED ON EXTENDED LEGS. ANCHORS TO BE 4 GA. COIL WIRE JOINTS NONCOMBUSTIBLE. SPACES AT 24" O.C. MAX. HORIZ. AND 18" O.C. MAX. VERT. UP TO THE ANCHOR PEGS MAX. 2 1/2 FT.

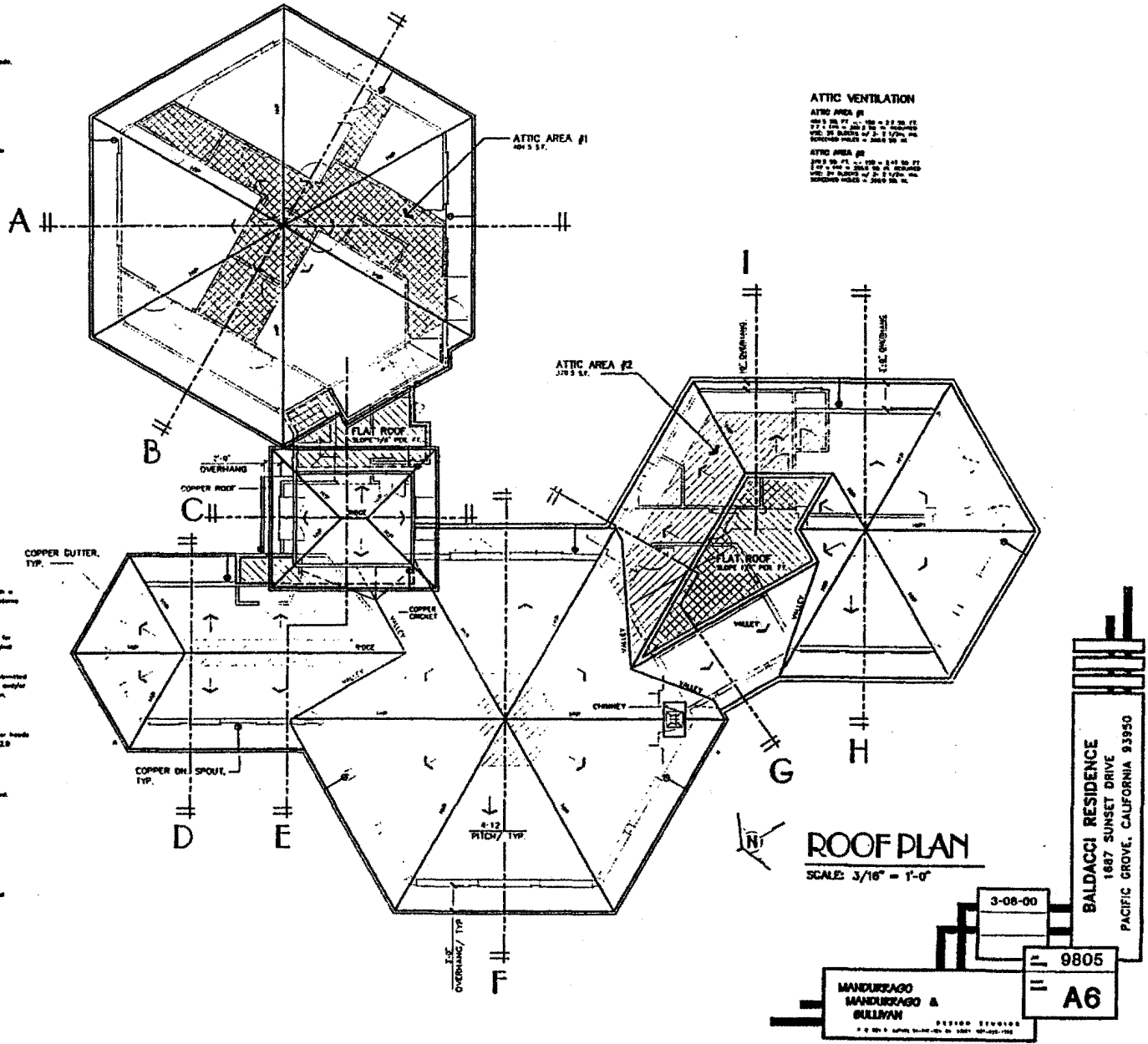
STATE 24 REQUIREMENTS

- (Baldacci)
3-01-031
3-08-00
- Code: 3-17
Date: 3-13
Plan: 3-10 (and only)
- From base of insulation to finished, the maximum installed weight per square foot shall conform with the maximum manufacturer's listed value. Maximum approved or insulation meets CEC quality standards. Insulation weight shall not be in excess of that in "Insulation certificate" signed by the installer and tester.
2. All exterior doors and windows shall be weatherstripped and sealed to RME installation.
 3. All doors and windows are to be certified by CEC. All glazing is to be steel glazed unless otherwise noted.
 4. All sills and projections are to be sealed and sealed and tested to field inspection.
 5. All necessary and factory-installed equipment shall have:
 - a. electrical meter or glass doors
 - b. outside air intake with damper control
 - c. dry damper and control
 - d. no combustion turning gas pilot controlled.
 6. Exhaust systems shall have damper controls.
 7. All water heaters shall be insulated with an R-12 insulating blanket or better. The first 5 feet of pipes above the tank shall be insulated to R-4 or greater.
 8. All gas burning appliances shall be equipped with an intermittent ignition device.
 9. Lighting:
 - Provide a minimum of 10 foot-candles per wall or greater for general lighting in bedrooms and bathrooms.
 - Hot water heaters, water heaters and shower heads and controls shall be certified by the test.
 10. The installer shall provide the original document with a list of heating, cooling, water heater, lighting systems and components or solar devices installed and instructions on how to use them efficiently.
 11. Equipment shall require preventative maintenance for efficient operation must be furnished to the original contractor to operate necessary information.
 12. The energy certificate of compliance must be submitted after the completion of the required equipment analysis and prior to request for final inspection.
 13. Provide night setback thermostat.
 14. Tanks must be 1.5 gallon flush maximum, shower heads 2.5 gallons per min. at 40 psi and all fixtures 2.0 gallons per min. (UNLESS NOTED OTHERWISE)
 15. Provide anti-siphon device at base tank.
 16. Insulation of hot water lines - R-4.2 min. required.
 17. Colored water heater elements, R-12 minimum.
 18. Deck V' areas. (4.2 min.)
 19. CFS-2 to be sloped and gasket on job at final adjacent to furnace location.
 20. Insulation certificate to be posted on job at final adjacent to furnace location.

ATTIC VENTILATION

ATTIC AREA #1
484.5 SF.
1/2" x 6" MIN. VENT = 1.2 SF PER 100 SF OF ATTIC AREA
1/2" x 6" MIN. VENT = 1.2 SF PER 100 SF OF ATTIC AREA
TOTAL VENT AREA = 242.25 SF

ATTIC AREA #2
270.5 SF.
1/2" x 6" MIN. VENT = 1.2 SF PER 100 SF OF ATTIC AREA
1/2" x 6" MIN. VENT = 1.2 SF PER 100 SF OF ATTIC AREA
TOTAL VENT AREA = 135.25 SF



ROOF PLAN

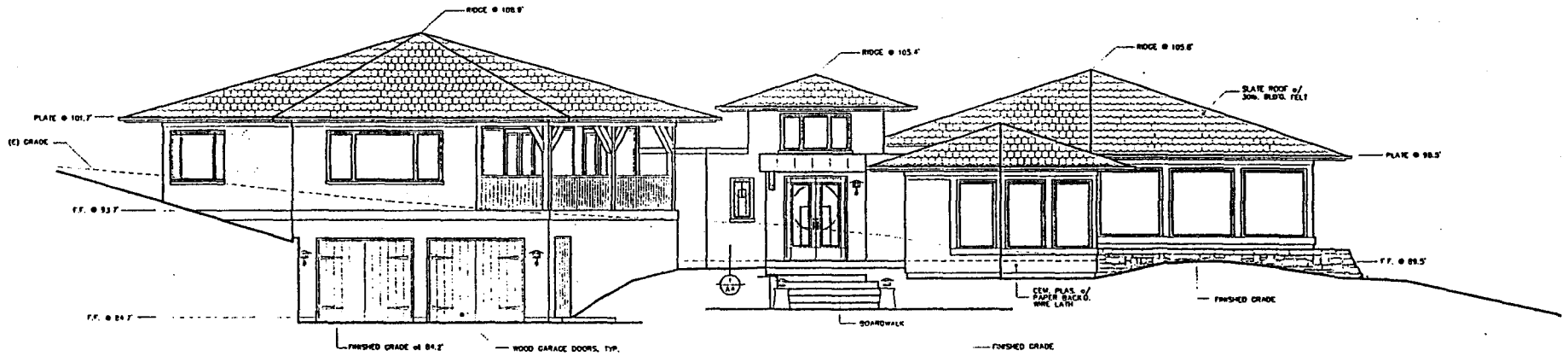
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BALDACCIO RESIDENCE
1887 SUNSET DRIVE
PACIFIC GROVE, CALIFORNIA 93950

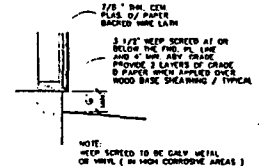
MANDURAGO MANDURAGO & GULLMAN
DESIGN STUDIO
1000 S. GARDEN STREET, SUITE 100, PACIFIC GROVE, CA 93950

3-08-00
9805
A6

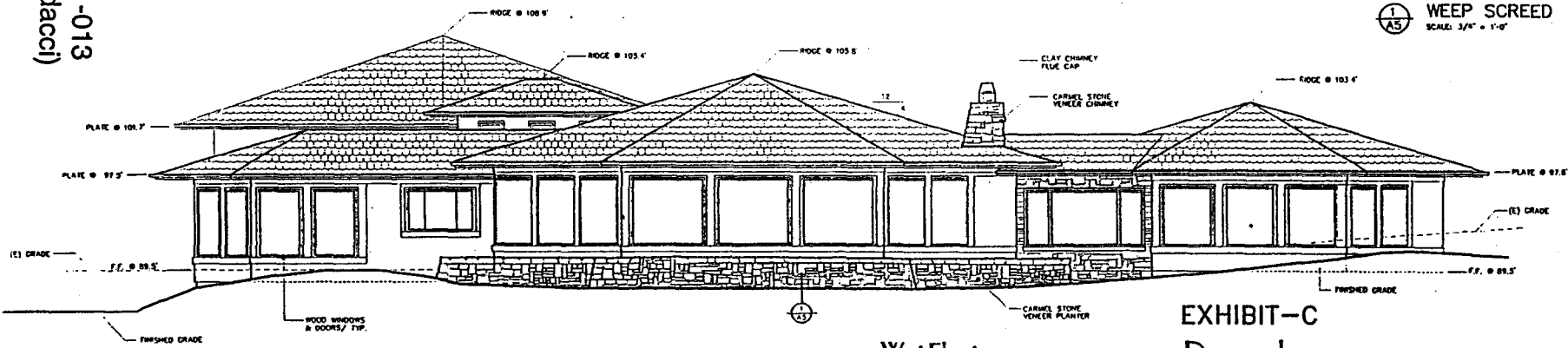
Exhibit I
2 of 8



North Elevation
FRONT



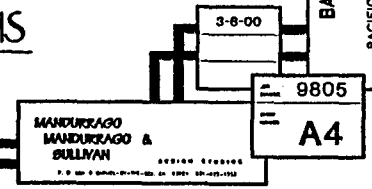
WEEP SCREED
SCALE: 3/4" = 1'-0"



West Elevation
FACING SUNSET BLY.

EXHIBIT-C
Proposed
ELEVATIONS
SCALE: 1/4" = 1'-0"

BALDACCIO RESIDENCE
1687 SUNSET DRIVE
PACIFIC GROVE, CALIFORNIA 93950



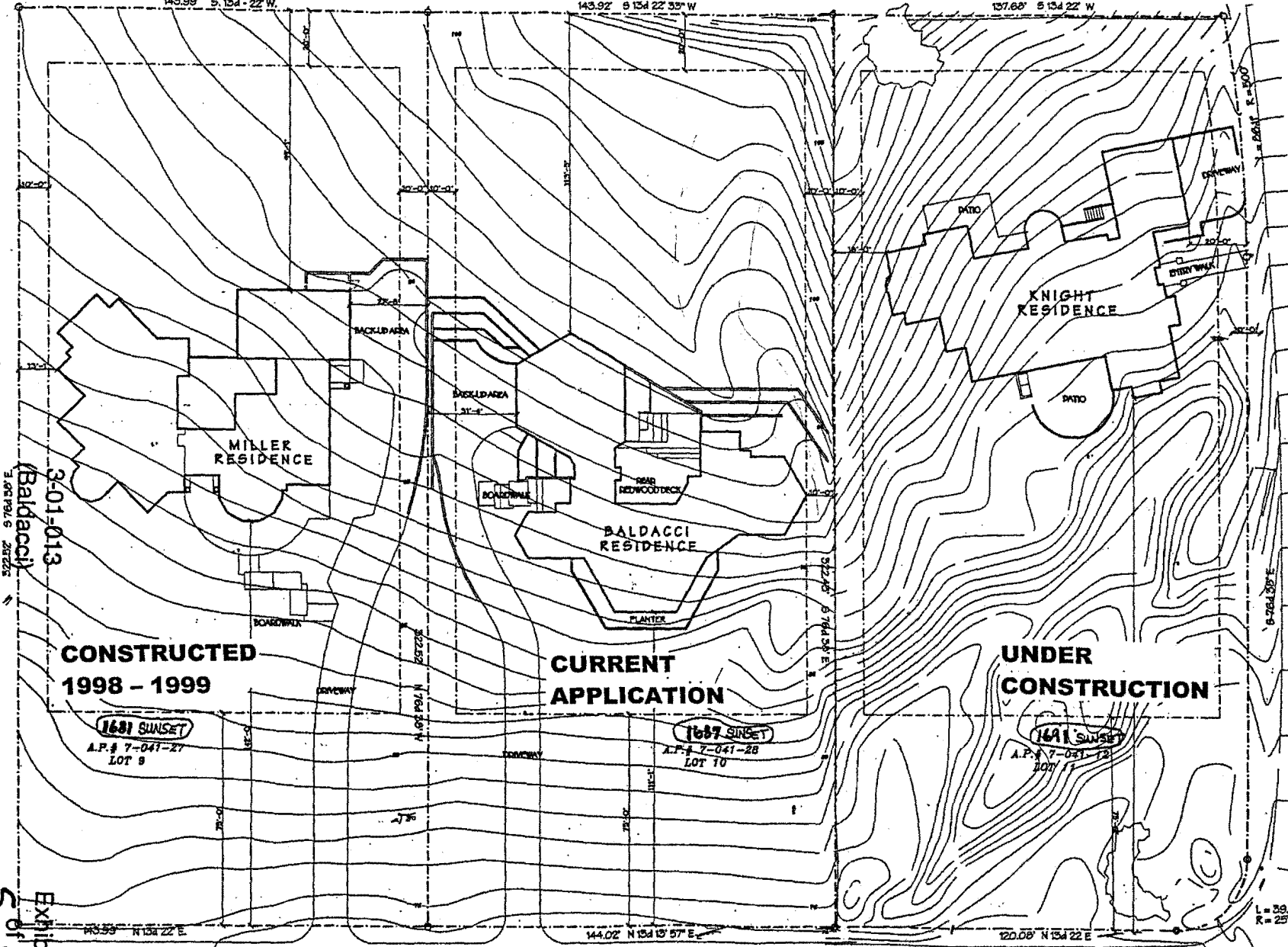
3-01-013
(Baldacci)

Exhibit I
3 of 8

143.99' S 134-22' W

143.92' S 134 22 33" W

137.68' S 134 22' W



3-01-013
(Baldacci)

**CONSTRUCTED
1998 - 1999**

**CURRENT
APPLICATION**

**UNDER
CONSTRUCTION**

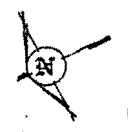
1681 SUNSET
A.P. # 7-041-27
LOT 9

1687 SUNSET
A.P. # 7-041-28
LOT 10

1691 SUNSET
A.P. # 7-041-29
LOT 11

ARENA AVENUE

SITE PLANS
SCALE: 1" = 16'



BALDACCIO RESIDENCE
1687 SUNSET DRIVE
PACIFIC GROVE, CALIFORNIA 93950

MANDURRAGO
MANDURRAGO &
SULLIVAN

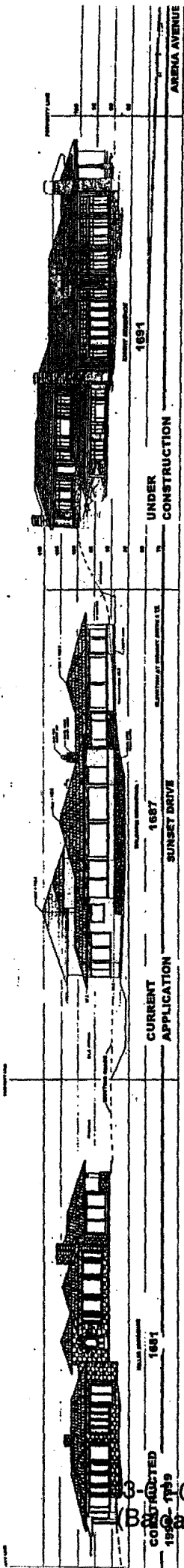
9-15-99

9805
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SUNSET DRIVE

16A

5
8
Exhibit I



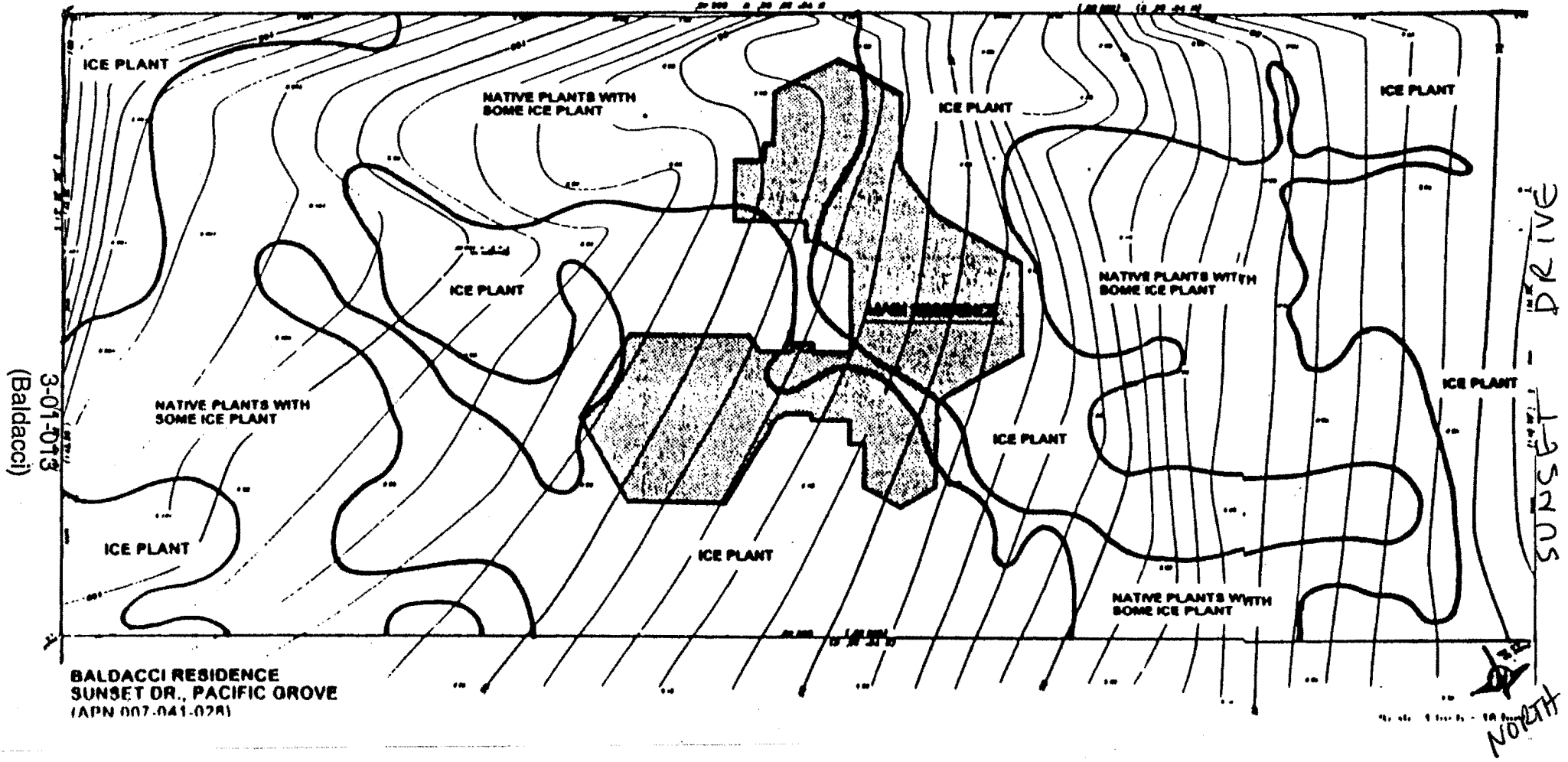
3-013.
 (Bacciacchi)

Exhibit I
 6 of 8

EAST

WEST

FIGURE 2. VEGETATION MAP



BALDACC RESIDENCE
 SUNSET DR., PACIFIC GROVE
 (APN 007-041-028)

SUNSET DRIVE

NORTH

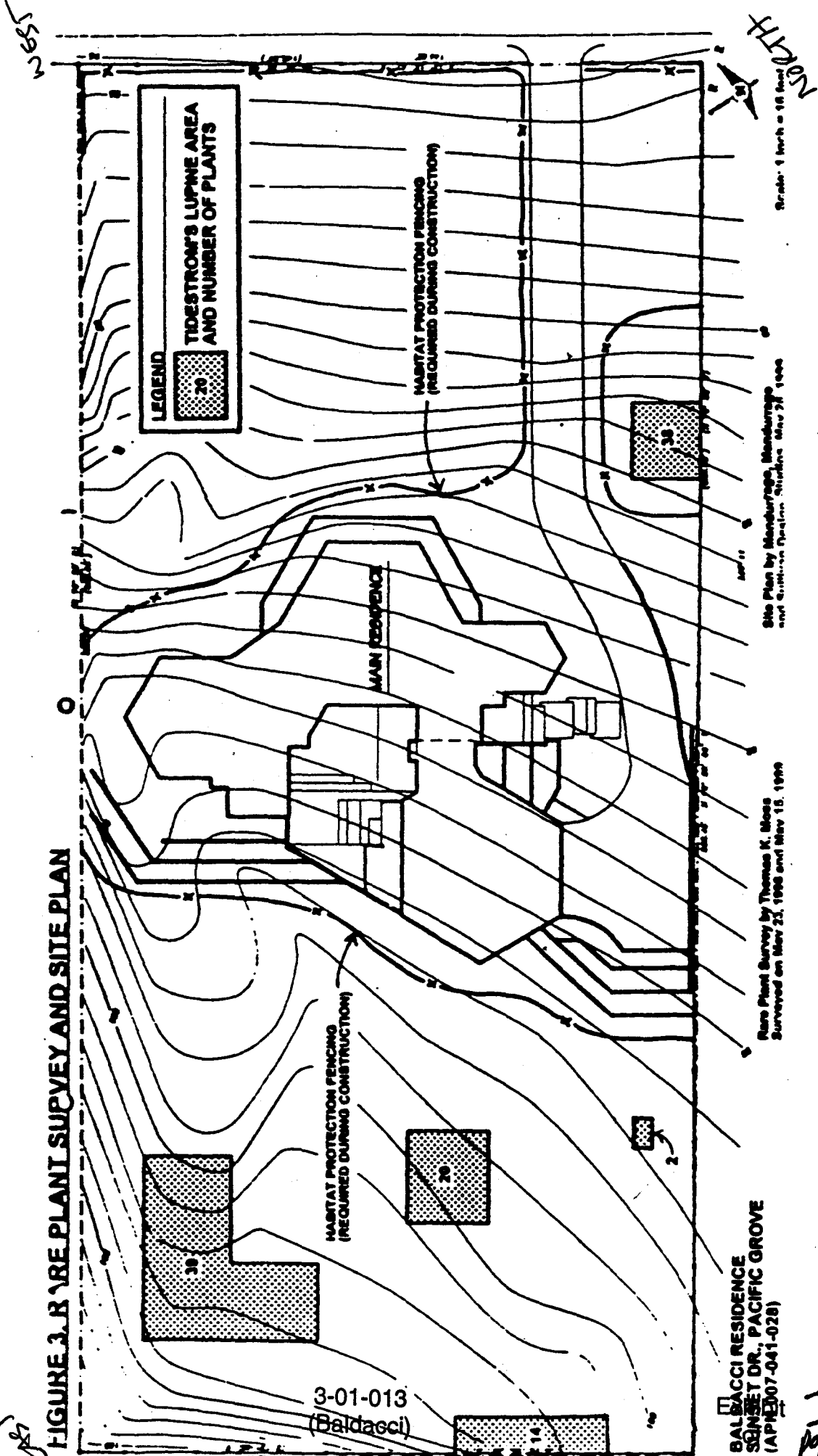


FIGURE 3. RARE PLANT SURVEY AND SITE PLAN

3-01-013
(Baldacci)

BALDACCIO RESIDENCE
SUNSET DR., PACIFIC GROVE
(APN 07-041-028)

Site Plan by Mendocino Measurements
and Geomatics Division, November, May 21, 1999

Rare Plant Survey by Thomas K. Moss
Surveyed on Mar 21, 1998 and Mar 15, 1999

Scale: 1 inch = 10 feet

I
198 of 8



MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT

5 Harris Court, Building G • P.O. BOX 85
Monterey, CA 93942-0085
(831) 658-5601 FAX (831) 644-9558

PERMIT: 18978

Date: 01/25/2001

Final Inspection Required
by MPWMD

Phone: (925) 687-6700

Applicant: Baldacci, Paul/Betty

Agent: Same

Phone: (408) -

Applicant Mailing Address: 1687 Sunset Drive
Pacific Grove, CA 93950

Property Address: 1687 Sunset Drive PG PUBLIC, CA 93950

Water Company: CAL-AM

Allocation debited: 0.270 AF Lot: AP Number: 007-041-028

Permit Type: NEW CONNECTION (Residential) Number of Proposed Connections: 1

Existing Land Use VACANT

Proposed Land Use NEW SFD

Water Account Number:

Remarks: ORD #60/80: FOUR-2LITER MAX ULF TOILETS, ULF DISHWASHER, ULF
WASHER-28GLS MAX, INSTANT HOT WATER & DRIP IRRIG.

F E E S

FIXTURES	NO. OF FIXTURES		FIXTURE UNIT VALUE		FIXTURE UNIT COUNT
Kitchen Sink and Dishwashers	1.0	X	2.0	=	2.00
Washing Machine	1.0	X	2.0	=	2.00
Shower-separate stall:	3.0	X	2.0	=	6.00
Sh Basin, each	5.0	X	1.0	=	5.00
Large Bathtub (over 55 gal.)	1.0	X	3.0	=	3.00
FOUR-2LITER MAX WCS	4.0	X	1.0	=	4.00
MBATH CREDIT	(3.0)	X	1.0	= (3.00)
EXTERIOR USE	9.0	X	1.0	=	9.00
ULF DISHWASHER	(0.5)	X	1.0	= (0.50)
ULF WASHER-28GLS MAX	(0.5)	X	1.0	= (0.50)
			Connect		0.00
			Processing		150.00
				=====	
			TOTAL	--->	150.00

I declare under penalty of perjury that the information on this permit, the accompanying application, and any attachments is correct to the best of my knowledge and belief. I have had an opportunity to review the Rules and Regulations of the MPWMD. The undersigned, as property owner or agent thereof, hereby authorizes MPWMD staff to make on-site inspections as deemed necessary to insure the accuracy of this application and compliance with the permit.

Furthermore, by signing this water permit, the undersigned acknowledges the District's right to assess and collect fees and impose fines for added water fixtures or changes in use occurring without amendment of the water permit. Water fixtures added without amendment of the water permit may be subject to a requirement of removal. The current title-holder of the property and/or his agent is responsible to insure completion of a Final Inspection by the MPWMD. Failure to arrange for a final inspection may result in a Notice of Violation recorded against the property, may subject a future property owner to fees and penalties, or may result in interruption of water service at the site.

Paul R. Baldacci
Signature of Property Owner/Agent

1/26/01
Date

Monterey Water Management District issues a permit for the above project. This permit constitutes your receipt for the total fees shown. This permit may be revoked or other penalties imposed upon discovery of any substantial inaccuracy with respect to the above application.

THOMAS K. MOSS
Coastal Biologist

RECEIVED

FEB 13 2001

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

LANDSCAPE RESTORATION PLAN

BALDACCI RESIDENCE
1687 SUNSET DRIVE, PACIFIC GROVE, CA
(APN 007-041-28)

Owner/Applicant:

Paul and Betty Baldacci
769 Pacific Street
Monterey, CA 93940

April 10, 2000

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**LANDSCAPE RESTORATION PLAN
BALDACCI RESIDENCE
1687 SUNSET DRIVE, PACIFIC GROVE, CA
(APN 007-041-28)**

I. INTRODUCTION

This Landscape Restoration Plan has been prepared in conjunction with a project to develop a new single-family residence on a vacant lot at 1687 Sunset Drive in Pacific Grove, CA. The property is located in the environmentally sensitive Asilomar Dunes. Restoration of the native landscape on the undeveloped portion of the property is required as a condition of project approval by the City of Pacific Grove and the California Coastal Commission. The property owner is required to submit a plan defining procedures for implementing, monitoring and maintaining a native plant restoration project on the property. This Landscape Restoration Plan satisfies that requirement.

Botanical survey reports were prepared in 1981, 1982, and 1985, as part of earlier development proposals for the property. A botanical survey report was prepared for the current project on June 19, 1999. These reports provide a description of the existing vegetation on the property contrasted with a description of the original, undisturbed native plant community that once thrived in the area. The reports also provide a list of special conditions adopted by the City of Pacific Grove and the California Coastal Commission requiring protection, restoration, maintenance and monitoring of the dunes on the undeveloped portion of the project site.

II. RESTORATION GOAL AND OBJECTIVES

The goal of this Landscape Restoration Plan is to provide procedures and standards for successfully reestablishing and maintaining a native coastal dune landscape on the undeveloped portion of the property. Relatively undisturbed or "natural" examples of the indigenous plant communities that once covered the project site occur just to the west in the restored dunes of Asilomar State Beach and on portions of several nearby privately owned properties. These areas will serve as restoration models for this landscape restoration project.

Specific objectives for accomplishing the project goal are as follows:

- Revegetate with an array of native species, establishing a landscape type that is self-sustaining and representative of the project site's native plant community in terms of species composition, percent relative composition and total percent cover.
- Eradicate and control exotic vegetation.
- Stabilize dunes and prevent erosion caused by the wind.
- Prevent damage to the native landscape resulting from human activity.
- Maintain and enhance populations of species of special concern (Tidestrom's lupine and Menzies' wallflower).
- Carryout a monitoring program based on quantitative and qualitative standards.
- Establish a long-term management program for maintaining and preserving the dunes in a natural state.

III. RESTORATION PROCEDURE

The following provides descriptions of specific management techniques that will be used to meet the objectives of this restoration project. Implementation of this project will be monitored by a qualified biologist (Project Biologist) approved by the Pacific Grove Community Development Department.

Restoration will be accomplished in seven steps. Each step is described below and includes the following:

1. Native Seed Collection
2. Exotic Species Eradication
3. Sand Stabilization
4. Revegetation
5. Landscape Protection
6. Maintenance
7. Monitoring

1. Native Seed Collection

Plants of the same species can vary in color and form from one area to another, even over relatively short distances. Genetic variations occur in response to long-term adaptive changes by a species to the conditions of its immediate environment. Utilizing seeds from plants collected as near as possible to a restoration site is a wise revegetation strategy, since these plants possess the unique traits needed to ensure the long-term survival of their kind on the site.

In order to preserve the genetic integrity of the local flora, all seed for growing plants selected for use in this restoration project will be collected from areas as close as possible to the project site. The geographic limits of the seed collection area will be from Pt. Pinos to the north and Pt. Joe to the south. Permission to collect on private or public property will need to be obtained from the respective property owners. A total of approximately 20 pounds of seeds will be collected from 14 species, as listed in Table 1.

2. Exotic Species Eradication

Eradicating exotic plants and maintaining the landscape in a weed-free condition are primary objectives of this landscape restoration project. Several particularly invasive, exotic species have been identified on the property, including ice plant and riggut brome. If not controlled, these particular species are capable of crowding out other plants and eventually displacing much of the native plant community. A complete list of all the exotic plants identified on the property is included in the 1999 botanical survey report. The success of this landscape restoration project will require a long-term commitment by the property owner to eradicate and control exotic plants whenever they appear on the property.

Several methods are available for eradicating ice plant and riggut brome. For this particular project, the most efficient method is to initially treat the target species with a suitable herbicide and then remove new seedlings by hand. It is vital to the success of this landscape restoration project that exotic seedlings be pulled and removed each year before they flower and produce seeds.

TABLE 1. SELECTED PLANT SPECIES FOR REVEGETATION

BOTANICAL NAME	NURSERY STOCK		SEEDS (lbs.)
	(%)	(Approx.#)	
Yellow sand verbena (<i>Abronia latifolia</i>)	0	0	1.00
Pink sand verbena (<i>Abronia umbellata</i>)	0	0	5.00
Beach bur (<i>Ambrosia chamissonis</i>)	0	0	5.00
Thrift (<i>Armeria maritima</i>)	5	200	0
Beach sagewort (<i>Artemisia pycnocephala</i>)	45	1,800	2.00
Beach primrose (<i>Camissonia cheiranthifolia</i>)	0	0	0.50
Beach aster (<i>Corethrogyne californica</i>)	20	800	0
Live-for-ever (<i>Dudleya caespitosa</i>)	3	120	0
Seaside daisy (<i>Erigeron glaucus</i>)	7	350	0
Beach poppy (<i>Eschscholzia californica maritima</i>)	3	120	0
Coyote bush (<i>Baccharis pilularis pilularis</i>)	3	120	0
Dune buckwheat (<i>Eriogonum parvifolium</i>)	5	200	0
Lizard tail (<i>Eriophyllum staechadifolium</i>)	2	80	0
Mock heather (<i>Ericameria ericoides</i>)	7	350	0
TOTALS	100	4,140	13.50

The herbicide "RoundupPro" has proven to be very effective in eradicating ice plant and riggut brome. "RoundupPro" is water-soluble, non-selective, and non-persistent in the environment. Application should be made according to the label directions and only if the wind speed is less than 5 mph, so as to decrease the possibility of unwanted drift of the herbicide. A mix of two percent "RoundupPro" should be applied to all exotic plants within the project area prior to the start of grading and construction.

Prior to spraying, the site should be carefully inspected and all areas containing Tidestrom's lupine plants should be clearly identified with wire flags. In these areas, exotic target species should be cleared away by hand. No spraying of herbicide should occur within 5-ft of areas containing Tidestrom's lupine plants.

3. Sand Stabilization

To minimize possible erosion in areas where ice plant is sprayed or removed, container grown native plant seedlings will be installed and cared for until they are well established. Within the construction zone, temporary soil stabilization may be needed immediately following construction. If required, this will be achieved by spreading strands of dead ice plant over the ground and/or plugging clumps of straw vertically into the sand. Both of these sand stabilization methods are effective for providing at least two years of erosion control. Plant cover should be adequate by the second year to prevent dune erosion, provided that trampling or any other significant disturbance does not damage the plants.

If needed, ice plant mulch or straw-plugs will be installed immediately following completion of construction and clean up of the site. If straw-plugs are used, they will be installed by placing large handfuls of straw into the bare sand. Straw will be buried approximately one-third of its length in the sand and at approximately 2-ft intervals (2-ft centers). Revegetation through seeding and planting of nursery stock will immediately follow stabilization work.

4. Revegetation

A. Revegetation Guidelines

The undeveloped portion of the property (all areas outside of the building footprint) will be restored according to the specifications and standards defined in this Landscape Restoration Plan.

Only plant species indigenous to the Asilomar Dunes and representative of the native plant community on the property will be used for revegetation of the project site. The kind and amount of plants selected for this project have been determined from observations of relatively undisturbed dune areas west of the property in Asilomar State Beach and on several nearby private properties that have undergone landscape restoration in the past decade. By listing the species present and estimating their relative abundance, planting prescriptions and monitoring standards have been devised for this project.

Restoration of the native plant community on the property is aimed at bringing the landscape back to its "original" condition. Therefore, species composition, percent relative cover and total percent cover will not be manipulated to achieve a particular aesthetic quality or "unnatural" appearance to the landscape.

Several revegetation methods are available for establishing new populations and enhancing existing populations of native dune vegetation. Based on the relatively small size of the property, broadcasting of seeds and planting of nursery stock (container grown plants) will be the revegetation methods used for this project. The combination of these two methods will result in the rapid establishment of a dense plant cover within one year of planting.

Seeding will include the hand-broadcast of a specific seed mix directly onto areas of barren or disturbed soil. Seeds from several native dune species will be applied to areas where large patches of ice plant are removed and to areas impacted by construction. The species selected for seeding are mainly annuals or plants that establish more successfully from seeds than from container grown plants.

Nursery stock will be planted immediately following seeding. Activity associated with planting will aid in working the applied seeds into the soil, thereby improving seed germination.

Nursery stock will be obtained from local nurseries that specialize in the growing of native sand dune species. The plants will be grown from locally collected seeds in 7 cubic inch containers, specifically, Ray Leach "cone-tainers" (super "stubby" cells). Seeds of selected species will be provided to the nursery at least four months in advance of the scheduled planting date.

Nursery stock will be planted on 2-ft centers at a rate of about 13,500 plants per acre. The different plant species will be planted in a mixed, random pattern over the project site.

The seed and planting mixes will be prepared and applied according to the amounts indicated in Table 1.

Although planting can be done at any time of the year, ideally, it should be initiated in the fall following rainfall that is sufficient to wet the soil. When planting occurs at other times of the year, supplemental watering will be necessary to ensure seed germination and plant establishment. If planting occurs between May and November, the plants may need to be watered several times per week until winter rains begin, depending on the weather and the condition of the plants.

Supplemental water should be applied immediately following planting, using a hand-held hose with a spray nozzle attachment. No additional watering should be done unless weather conditions occur that are unfavorable for the establishment of new seedlings. Following the first rainy season, irrigation should be discontinued and plants allowed to wither and die-back during the summer. Continued watering of any area on the property should be avoided. Sustained application of supplemental water, especially when irrigation systems are used, creates conditions that favor the establishment of various pests and diseases that negatively affect the native vegetation. In particular, snails greatly benefit from excessive watering around residences, and can cause significant damage to native vegetation.

Installation of the landscape will start either immediately following the completion of all exterior construction or at the start of the next rainy season. A temporary, above-ground irrigation system is recommended for ensuring successful germination and establishment of the plants. The irrigation system will be removed

after one year of use. Follow-up control of exotic plant seedlings, particularly during the first year after construction, will be a high maintenance priority.

The restored landscape will be monitored and maintained to meet a set of minimum performance standards as listed in Section IV of this plan. Follow-up control of exotic plant seedlings, particularly in the first year after construction, will be a high maintenance priority.

B. Landscape Treatment Areas

To facilitate implementation and maintenance of this landscape restoration project, the property can be divided into three landscape treatment areas. Each area and its recommended treatment are described as follows.

Dune Landscape Rehabilitation Area

The property is mainly covered by ice plant, but contains a range of conditions with significant areas of relatively undisturbed native vegetation that contain small amounts of ice plant. The Vegetation Map from the 1999 Botanical Survey Report shows the present condition of the landscape (Appendix 1). The property also contains several groups of Tidestrom's lupine, as shown in the Rare Plant Survey and Site Plan from the 1999 Botanical Survey Report (Appendix 2).

Restoration of the landscape will entail eradicating exotic plants and planting a mix of native dune species. In areas of solid ice plant, complete restoration of the native plant community will be required, which will require eradication, and if desired by the property owner, removal of the ice plant and revegetation with a full array of native species as listed in Table 1. In areas of native plants that are mixed with ice plant, nursery stock will be planted to augment the composition and density of native plants following eradication of the ice plant. Implementation of work required in this area can begin and be completed prior to completion of construction.

Dune Landscape Restoration Area

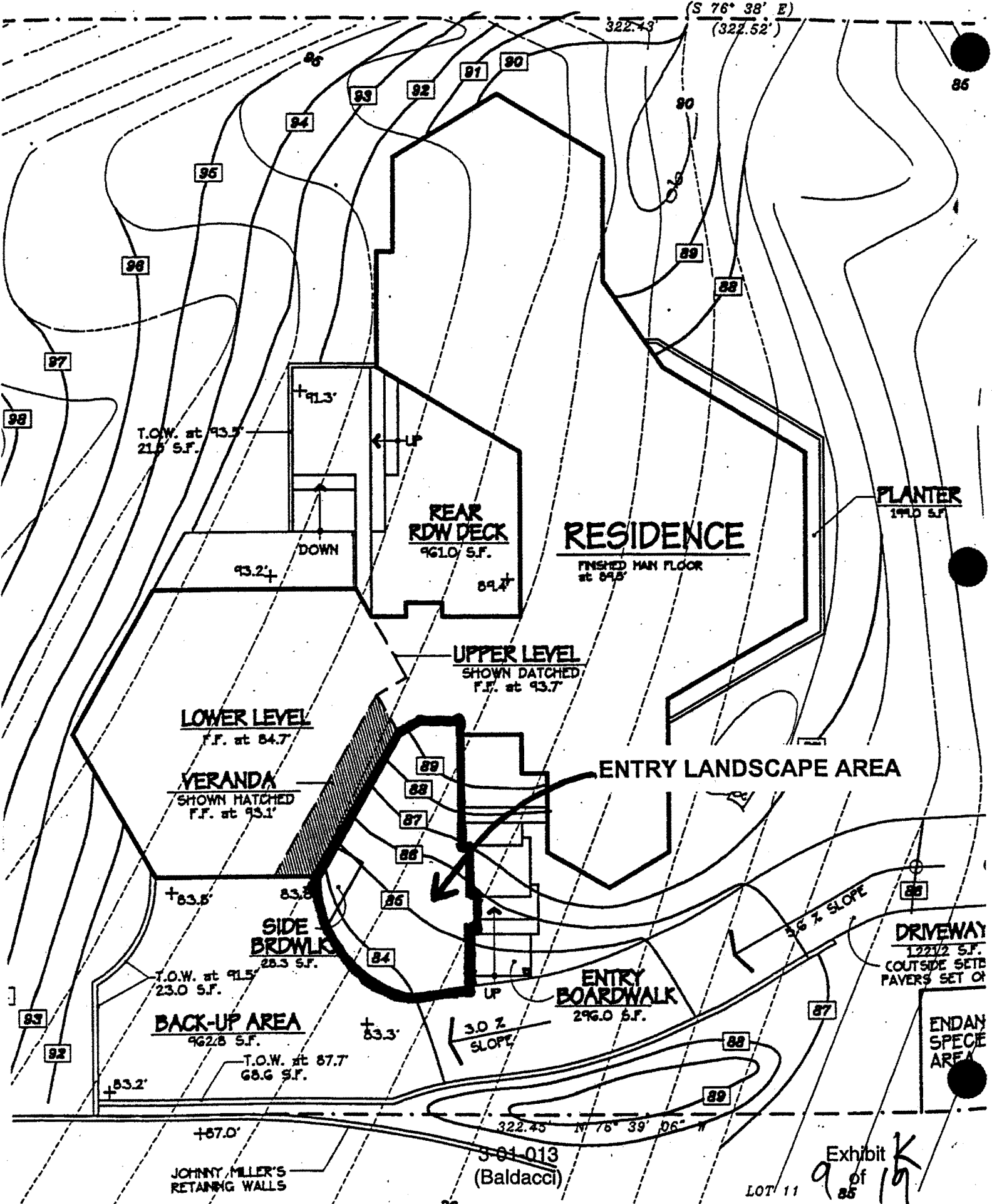
This landscape treatment area encompasses the immediate area surrounding the proposed house and includes all areas that will be impacted by construction. As a result of construction, the area will be barren of vegetation and complete restoration of the native plant community will be required. Restoration of the landscape can begin after completion of all construction and clean-up of the site.

Entry Landscape Area

A boardwalk leading from the driveway to the front door defines the proposed entry area of the residence (Figure 1). The area is approximately 420 square feet. Plants selected for use in this area may include native and/or exotic species. Use of exotic plants in this area is conditioned upon meeting the following criteria:

- This landscape type will be confined to an area approved by the California Coastal Commission as "the immediate outdoor living area." This area is generally defined as a portion of the property closest to the house, amounting to no more than five percent of the property, and may include decks and boardwalks.
- The area will have distinct and permanent structural boundaries, utilizing walkways, retaining walls, rocks or wood landscape borders, terraces, and the

FIGURE 1. ENTRY LANDSCAPE AREA



JOHNNY MILLER'S
RETAINING WALLS

3-01-013
(Baldacci)

LOT 11
Exhibit
9 of 15
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sides of the house. Plants will be confined to raised planters or containers when they are placed beyond the boundaries of existing structures.

- Exotic species are permitted for use in this area. Exotic species will not be allowed to spread into adjacent restoration areas. Only exotic species that are considered drought-resistant and do not require frequent watering will be planted.
- Exotic species capable of naturalizing into native dune habitats, such as ice plant, acacia, pampas grass, genista, kikuyu grass, eucalyptus, etc., will not be planted in this area.
- The use of California native species is encouraged provided they are not capable of hybridizing with the local dune species.
- Soil amendments and fertilizer may be used in this area.
- An irrigation system is not recommended. Supplemental water may be applied to aid plant establishment and to maintain plant vigor during dry months, provided that the extra water does not negatively affect the adjacent native plants and habitat.

Table 2 provides a list of species that are suitable for use in this area. Most of these species have proven to be tolerant of the salty coastal air and resistant to deer.

The landscape installed in the entry area will not be subject to the objectives and minimum performance standards defined in this Landscape Restoration Plan.

5. Landscape Protection

The native dune landscape is very fragile and is easily damaged by people and their pets. Indiscriminate walking in the restored landscape area should be limited and discouraged by the property owner.

Specific measures for protecting the landscape during and after construction of the proposed project have been required by the Pacific Grove Community Development Department and the California Coastal Commission as conditions of approval for the project. Included are instructions to the owner concerning the placement of temporary dune protection fencing, pre-construction searching for black legless lizards, proper storage and disposal of construction materials, and regular compliance inspections by a designated project environmental monitor.

Temporary fencing will be installed prior to the start of construction to protect the dunes outside of the project site.

The use of walkways and fencing is recommended on the property to provide protection to the restored landscape. Walkways comprised of boardwalks, stepping stones or other suitable materials need to extend from all exterior doorways. Although not anticipated at this time, if any additional walkways, fencing or other structures are deemed necessary and appropriate in the future, such plans will require review by a qualified biologist and the approval of the Executive Director of the California Coastal Commission.

6. Maintenance

Maintenance refers to those activities which are necessary to ensure that the project objectives are achieved, including: 1) periodic removal of invasive, exotic

TABLE 2. ENTRY AREA SELECTED LANDSCAPE PLANTS

BOTANICAL NAME

Coral aloe (*Aloe striata*)
Chrysanthemum 'Silver leaf' (*Chrysanthemum frutescens*)
Rock rose species (*Cistus spp.*)
Monterey cypress (*Cupressus macrocarpa*)*
Pride of Madeira (*Echium fastuosum*)
Blue marguerite (*Felicia amelloides*)
Beach strawberry (*Fragaria chiloensis*)
French lavender (*Lavandula dentata*)
Pink melaleuca (*Melaleuca nesophila*)
New Zealand Christmas tree (*Metrosideros excelsus*)
Matilija poppy (*Romneya coulteri*)
Rosemary (*Rosemarinus officinalis*)
Cleveland sage (*Salvia clevelandii*)
Santolina (*Santolina chamaecyparissus*)
Society garlic (*Tulbaghia violacea*)

* Non-local native plant

plants; 2) revegetation of areas where damage has occurred or plant cover deficiencies are identified, and; 3) prevention of damage to plants from trampling.

Removal of exotic plants is essential for successful restoration of the native landscape. Of principal concern are ice plant seedlings and fast growing annual weeds that are common throughout the Asilomar Dunes residential area, including riggut brome, sow thistle, foxtail grass, cranesbill geranium, pigweed and bur clover. If not initially controlled, these weeds can greatly retard the growth and coverage of the native seedlings. Removal of weeds should be done by hand and before they start to produce seeds. Pulled weeds should be placed in plastic bags or directly into a trash can, not on the ground.

During the first year after plants are installed, maintenance will need to be performed on a relatively frequent basis to ensure maximum success of the restoration effort. As the landscape becomes established, maintenance will diminish. During the second and third years, it is anticipated that maintenance will entail minor weed control and possibly a small amount of additional planting. After the third year, the landscape should require minimal care and will be essentially self-sustaining and self-maintaining, although removing weeds will likely continue to need some periodic attention.

If necessary, wire baskets should be placed over Tidestrom's lupine and Menzies' wallflower plants to protect them from deer predation.

7. Monitoring

Monitoring is necessary to ensure that restoration of the undeveloped portion of the property is achieved according to the specifications and standards of this Landscape Restoration Plan, as required by the project's Coastal Development Permit. At a minimum, monitoring will be done 1) on a daily basis during implementation, 2) on a weekly basis for the first month after plant installation is completed, and 3) annually for five years.

A qualified coastal biologist will be retained by the property owner to guide and monitor implementation of this landscape restoration plan for at least five years, as required by the project Coastal Development Permit. The five-year monitoring period will begin after installation of the landscape is satisfactorily completed.

A brief, annual monitoring report (letter) will be prepared by the Project Biologist in June of each year during the five-year monitoring period, documenting progress on achieving the project's goal and objectives. The Project Biologist will notify the property owner in writing prior to inspecting the landscape and preparing the report. The completed report will be submitted to the property owner, the Pacific Grove Community Development Department and the California Coastal Commission. If the Project Biologist finds any conditions which vary from the agreed upon plan, these will be identified in the report.

During inspections, the Project Biologist will assess such elements as: 1) plant composition, density and percent cover; 2) the condition of the plants, paying particular attention to plant mortality or any deficiency in the quality and quantity of the landscape; 3) signs of damage to the plants from natural or human-related causes, and; 4) the status of exotic vegetation.

IV. MONITORING STANDARDS

Monitoring standards provide a means for assessing the relative success of the restoration project and identifying maintenance needs over time. For this project, monitoring will include only qualitative evaluations. Measurements, including plant density and percent coverage, will be done by estimation only. Qualitative evaluations should also assess health and vigor of the vegetation. Photographs of the project site will provide additional documentation of progress toward accomplishing the project's objectives.

The restored landscape will meet the following criteria (minimum performance standards):

- Density (Perennial native species only): Average 1 plant per 4 square feet
- Percent total cover (Perennial native species only):
 - 1 year: 10%
 - 2 years: 25%
 - 3 to 5 years: 35%
- Percent relative cover: All species are within normal range.
- Composition: 14 native species.
- Health and vigor: Plants are in good health, exhibit normal flowering, and damage from people or pets is negligible.
- Exotic species: Non-indigenous plants are few in numbers and not evident.
- Tidestrom's lupine: No less than 114 plants. Plants protected from predation by deer.
- Menzies' wallflower: Plants present and protected from predation by deer.
- Erosion: Not evident.

If an area fails to meet the above stated revegetation standards, corrective actions will be identified in the annual report and enacted prior to the start of field surveys for the next annual report.

V. PROJECT IMPLEMENTATION AND MONITORING SCHEDULE

Landscape restoration activities on the property will be carried out in accordance with this Landscape Restoration Plan and will be monitored and guided or supervised by a qualified biologist.

Implementation of this landscape restoration project, including exotic species eradication, stabilization and landscape installation, will be completed within one year after construction is completed. The project monitor will notify the Director of the Pacific Grove Community Development Department in writing when installation of the landscape has been satisfactorily completed.

Monitoring and maintenance of the landscape for the purpose of ensuring compliance with all conditions and requirements of the Coastal Development Permit will be the responsibility of the property owner. 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 site.

Implementation of this Landscape Restoration Plan and other related environmental mitigation measures listed in the permit conditions adopted by the City of Pacific Grove and the California Coastal Commission will be accomplished according to the schedule shown in Table 3.

TABLE 3. IMPLEMENTATION SCHEDULE

TASKS	TIMING
Collect native plant seeds	April through November
Grow native plants in nursery	October to February
Establish photo sites and collect existing baseline comparative data	Prior to any manipulation of the landscape and construction
Eradicate exotics	Prior to start of construction
Install temporary fencing	Prior to start of construction
Survey for black legless lizards	Immediately prior to start of construction
Monitor construction	Weekly until construction completed
Stabilize bare areas	Following completion of construction on the exterior of the building and clean-up of the site, if necessary
Broadcast seeds and install nursery plants	Immediately following construction, preferably from December to May
Begin five-year monitoring program and notify the Pacific Grove CDD Director	Upon satisfactory completion of installation of the landscape
Maintain initial plants	Weekly for first three months, then monthly for two years, then annually for remainder of the project period
Control exotics	Annually, as needed throughout the year
Augment initial plants	Second and third years
Monitor restored landscape	Annually for five years in May
Prepare Annual Monitoring Report	Annually for five years in June
Submit Annual Monitoring Report	Annually for five years on July 1

Modification of the provisions of this landscape restoration plan will be allowed only with written approval from the City of Pacific Grove and the California Coastal Commission.

Prepared By: Thomas G. W... Date: 4-10-00

APPENDIX 1

3-01-013
(Baldacci)

Exhibit **K**
16 of 19

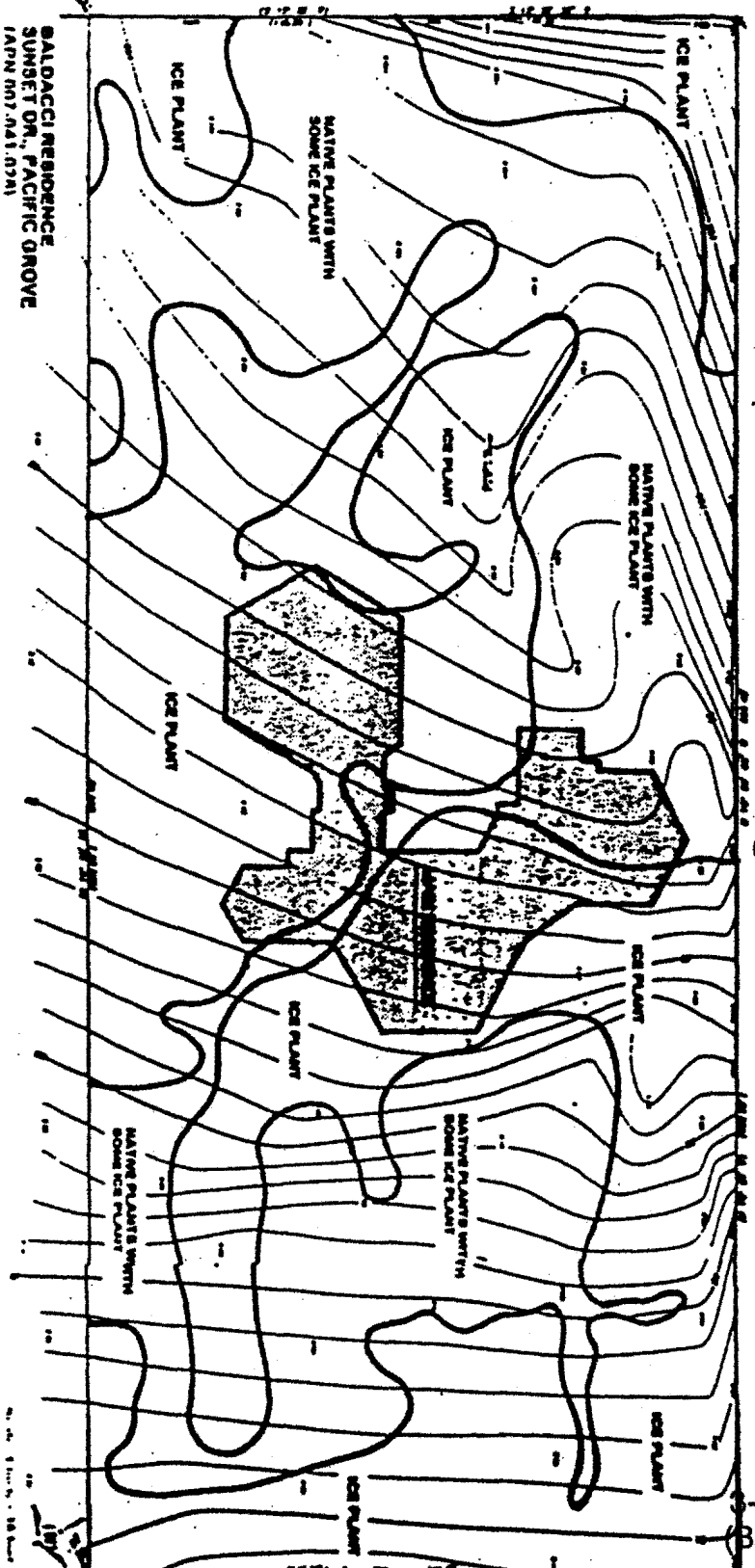


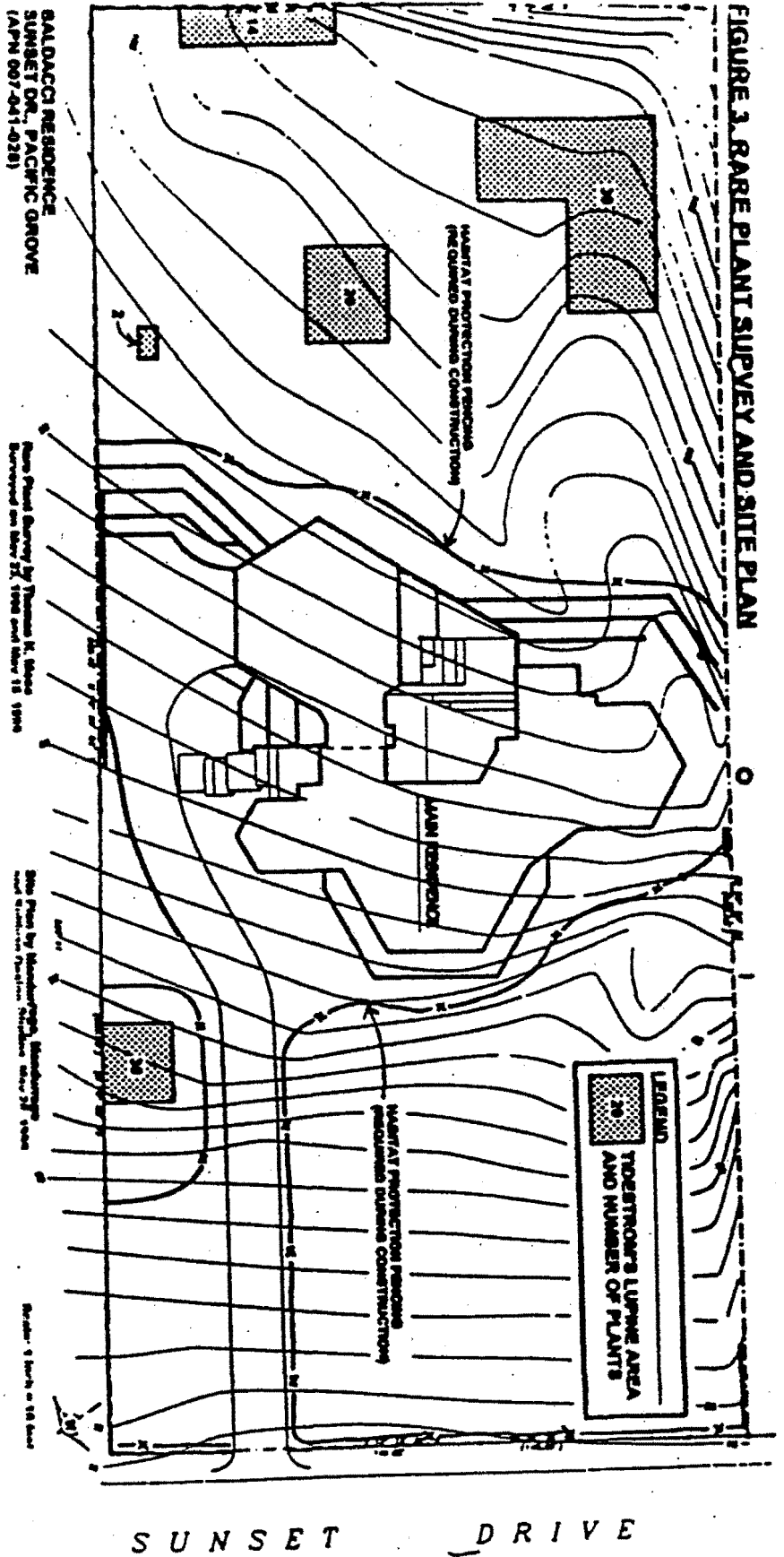
FIGURE 2. VEGETATION MAP

Exhibit K
17 of 19

01-013
(Baldacci)

APPENDIX 2

FIGURE 3. RARE PLANT SUPVEY AND SITE PLAN



MITIGATION MONITORING PROGRAM

for:

A SINGLE-FAMILY DWELLING AT 1687 SUNSET DRIVE

applicant:

Paul and Betty Baldacci

Lead Agency:



CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPARTMENT

INTRODUCTION

BACKGROUND

Since January 1, 1989, public agencies have been required to prepare a mitigation monitoring or reporting program to assure compliance with mitigation measures adopted pursuant to the California Environmental Quality Act (CEQA). A mitigation monitoring program must be designed to ensure a project's compliance with adopted mitigation measures during project implementation. It also provides feedback to agency staff and decision makers about the effectiveness of their actions, offers learning opportunities for improving mitigation measures on future projects, and identifies when enforcement actions are necessary.

PURPOSE

The purpose of the mitigation monitoring program for the new single-family dwelling at 1691 Sunset Drive is to ensure that all mitigation measures adopted as part of project approval are implemented and completed during and after construction. This program will be used by the City of Pacific Grove to verify that all required mitigation measures are incorporated into the project and will serve as a convenient tool for logging the progress of mitigation measure completion and for determining when required mitigation measures have been fulfilled.

MANAGEMENT

The City of Pacific Grove Community Development Department is the lead agency for the project and will be responsible for overseeing the administration and implementation of the mitigation monitoring program.

The staff planner for the project will be responsible for managing the mitigation monitoring program. Duties of the staff planner responsible for managing the program shall include, but not be limited to, the following:

- ◆ Conduct inspections, zoning plan checks, and reporting activities as required.
- ◆ Serve as a liaison between the City and applicant regarding mitigation monitoring issues.
- ◆ Coordinate activities of consultants and contractors hired by applicant to implement and monitor mitigation measures.
- ◆ Address and provide follow-up to citizen's complaints.
- ◆ Complete and maintain documents and reports required for the mitigation monitoring program.
- ◆ Coordinate and assure enforcement measures necessary to correct actions in conflict with the mitigation monitoring program, if necessary.

BASELINE DATA

Any baseline data for the mitigation-monitoring program are contained in the Mitigated Negative Declaration adopted by the Pacific Grove Architectural Review Board.

DISPUTE RESOLUTION

As with any regulatory document, disputes may arise regarding the interpretation of specific language or program requirements; therefore, a procedure for conflict resolution needs to be included as part of this mitigation monitoring program. In the event of a disagreement about appropriate mitigation measure implementation, the project planner will notify the Community Development Director via a brief memo and hold a meeting with the project applicant and any other parties deemed appropriate. After assessing the information, the project planner will determine the appropriate measure for mitigation implementation and will notify the Community Development Director via memo of the decision. The project applicant or any interested party may appeal the decision of the project planner to the Planning Commission within five (5) calendar days of the decision. The Planning Commission's decision may be appealed to the City Council.

ENFORCEMENT

All mitigation measures must be complied with in order to fulfill the conditions of approval. Some of the conditions of approval are required before the commencement of construction; therefore, they will be verified before the issuance of a building permit. Other conditions will be implemented during construction and after construction is completed. For those conditions implemented during construction, if work is performed in violation of conditions of approval, a stop work order will be issued. A performance bond or deposit of funds, at the discretion of the City of Pacific Grove in an amount necessary to complete the condition of approval, with the City of Pacific Grove is required for ongoing conditions of approval, such as the landscape restoration plan. Failure to implement these conditions of approval will result in the forfeiture of the funds for use in implementing these conditions.

PROGRAM

This mitigation monitoring program includes a table of mitigations measures adopted for the project. This table identifies the mitigation measure and parties responsible for its monitoring and implementation. It also identifies at which project stage the mitigation measure is required and verification of the date on which the mitigations measure is completed.

FUNDING

For the single-family dwelling at 1687 Sunset Drive, the project applicant shall be responsible for the costs of implementing and monitoring the mitigation measures.

Mitigation Measures for the Mitigated Negative Declaration for 1687 Sunset Drive:

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
1. Alterations to the existing dune topography shall be limited to that necessary to accommodate the building footprint, immediate outdoor living area, and driveway, and shall be shown as a construction envelope on the approved building permit plans.	Applicant or Applicant's Representative	Prior building permit final	Community Development Department	
2. Restoration of altered dune topography shall occur concurrently with the implementation of a Landscape Restoration Plan (refer to Section 3, Biological Resources) or prior to the completion of construction.	Applicant or Applicant's Representative	On-going	Community Development Department	
3. At the completion of construction, the structure shall be painted using an earth tone color scheme, as required in the LUP, that shall be approved by the Architectural Review Board.	Applicant or Applicant's Representative	Prior to final architectural approval	Community Development Department	
4. Light splay produced by proposed exterior lighting shall not extend beyond the project site.	Applicant or Applicant's Representative	Prior to final architectural approval	Community Development Department	
5. The rare plant areas on the property, as depicted on the most recent Botanical survey report maps, shall be afforded immediate protection by erecting guideline fencing (stakes and nylon rope) around them, to prevent inadvertent damage to the plants during the planning review and permitting phases of the proposed project.	Applicant or Applicant's Representative	Prior to Architectural Review	Community Development Department	
6. The protective fences shall be installed under the direction of the project biologist, prior to further project-related activities on the site.	Applicant or Applicant's Representative	Prior to Architectural Review	Community Development Department	

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MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
7. Proposed deck areas shall be designed to allow the passage of light and water to the dune surface below, or the deck area reduced to meet the mandatory 15% coverage requirement subject to Coastal Commission review and approval.	Applicant or Applicant's Representative	Prior to building permit issuance	Community Development Department	
8. All utilities, sewer and drainage systems shall be installed underground in a single corridor and installed under the driveway and walkways. The location of the corridor shall be indicated on the approved building plans and is subject to the review and approval of the project biologist and Community Development Department staff.	Applicant or Applicant's Representative	Prior to building permit issuance	Community Development Department	
9. Prior to the onset of construction, temporary fencing, consisting of high visibility plastic mesh at least 4' tall and secured to metal T-posts spaced no more than 8' apart, shall be installed to protect the area outside of the construction envelope, in particular to protect those areas of the site where Tidestrom's lupine and Menzies' willflower have been observed over time on the site. The project biologist shall confer with the general contractor and identify the actual location of the fence and shall oversee its installation.	Applicant or Applicant's Representative	Prior to beginning any construction activities	Community Development Department & City Forester	
10. Signs shall be posted on the fencing that state access to these habitat areas is prohibited unless approved by the project biologist. Prior to the issuance of a building permit, a fencing location plan shall be submitted to the Pacific Grove Community Development Department and shall serve as a record of fencing locations.	Applicant or Applicant's Representative	Prior to beginning any construction activities	Community Development Department	
11. Prior to site preparation activities, the project biologist shall search the construction zone for black legless lizards. If any are found they shall be	Applicant or Applicant's Representative	Prior to site preparation	Community Development Department	

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<p>captured and properly cared for until they can be released into a suitable area of restored habitat on the project site.</p>				
<p>MITIGATION</p>	<p>IMPLEMENTED BY:</p>	<p>WHEN IMPLEMENTED:</p>	<p>MONITORED BY:</p>	
<p>12. Prior to the start of construction or ground excavation on the site, all exotic plants on the project site shall be sprayed under the direction of the project biologist and with an appropriate herbicide, approved by the project biologist and Community Development Department staff.</p>	<p>Applicant or Applicant's Representative</p>	<p>Prior to beginning any construction activities</p>	<p>Community Development Department</p>	
<p>13. During the construction phase of the project, fencing installed to protect sensitive species and habitat shall be maintained in good condition and remain in place until all construction activity on the site is completed. Removal or changing the location of the fence requires the approval of the project biologist and Community Development Department staff.</p>	<p>Applicant or Applicant's Representative</p>	<p>On-going</p>	<p>Community Development Department</p>	
<p>14. All activities associated with construction, trenching, storage of materials, and disposal of construction wastes and excavated soil shall not impact areas protected by fencing. The area protected by fencing shall remain in a trash free condition and shall not be used for material stockpiling, storage, disposal or vehicle parking. All construction personnel are prohibited from entering the fenced area.</p>	<p>Applicant or Applicant's Representative</p>	<p>On-going</p>	<p>Community Development Department</p>	
<p>15. No paint, cement, joint compound, cleaning solvents or residues from other chemicals or materials associated with construction will be disposed of on-site. The general contractor shall be responsible for complying with this requirement and shall clean up and dispose of properly any spills or contaminated ground in accordance with Monterey Regional Waste Management requirements and to the full satisfaction of the Project Biologist and the Community Development Department staff.</p>	<p>Applicant or Applicant's Representative</p>	<p>On-going</p>	<p>Community Development Department</p>	

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MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	
16. To protect the integrity of the on-site Asilomar sands, no soils shall be introduced to the site.	Applicant or Applicant's Representative	On-going	Community Development Department	
17. Asilomar Sands shall not be exported from the Asilomar Dunes sand complex. Excess soil (Asilomar sand) remaining from excavation shall be re-distributed on the site as part of dune restoration, or off the site for use in a nearby dune restoration project. The excavated soils will be disposed of in a manner that will not adversely affect any existing vegetation in a location approved by the project biologist and Community Development Department staff.	Applicant or Applicant's Representative	On-going	Community Development Department	
18. During the construction phase of the project, the project biologist shall inspect the site no less than one time each week to ensure compliance with all provisions for protection of the surrounding environment. Any activity or condition not in compliance with the prescribed mitigation measures will be brought to the attention of the owner or their representative, the general contractor and the Pacific Grove Community Development Department immediately. The temporary fencing shall be removed only upon approval of the project biologist and Community Development Department staff.	Applicant or Applicant's Representative	On-going	Community Development Department	
19. City of Pacific Grove Community Development Department staff, the California Coastal Commission, the California Department of Fish and Game or their agents may visit the property and recommend replanting or additional planting or other work where deficiencies occur if the property does not appear to be in compliance with the conditions of the development permit. If deficiencies do occur the applicant/owner shall replace the dead plants and remove the invasive species.	Applicant or Applicant's Representative	On-going	Community Development Department	VERIFICATION DATE:

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MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	
20. The property shall be resurveyed for species of special concern (including animal species) if development of the proposed project does not commence within one year from the date of building permit issuance.	Applicant or Applicants Representative	One year from the date of building permit issuance	Community Development Department	
21. A Landscape Restoration Plan shall be prepared by a qualified biologist (approved by the Community Development Department) prior to final architectural approval, and shall define procedures and minimum performance standards for restoration, maintenance, and monitoring of the undeveloped portions of the property. The plan shall include provisions for the planting of Tidestrom's lupine, dune buckwheat, and Menzie's wallflower.	Applicant or Applicant's Representative	Prior to Final Architectural Approval	Community Development Department	
22. The Landscape Restoration Plan requires the approval of the Architectural Review Board and shall be submitted to the Community Development Department prior to final architectural approval. Modifications to the landscape restoration plan must be reviewed and approved by Community Development Department Staff and may require approval by the Architectural Review Board.	Applicant or Applicant's Representative	On-going	Community Development Department	
23. The property owner shall retain a qualified biologist, approved by the City, to act as the Project Biologist. The Project Biologist shall monitor construction and landscape restoration activities and shall provide oversight to the implementation of the Landscape Restoration Plan.	Applicant or Applicant's Representative	Prior to issuance of a building permit	Community Development Department	
24. Landscaping shall be installed according to the specifications of the approved Landscape Restoration Plan and completed in the first planting season (fall and winter) following completion of construction. The project biologist shall provide written verification to the Community Development	Applicant or Applicant's Representative	On-going	Community Development Department	

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Department when the installation of the approved landscape Restoration Plan is satisfactorily completed.				
MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	
25. To ensure its installation, the City of Pacific Grove may require the applicant to submit certificate of deposit in an amount sufficient to cover the installation costs of the Landscape Restoration Plan.	Applicant or Applicant's Representative	Prior to final building permit	Community Development Department	
26. A qualified biologist shall be retained by the property owner to monitor and supervise implementation of the approved Landscape Restoration Plan. Monitoring of the Landscape restoration project shall occur on an annual basis for at least five years. An annual status report (letter) shall be submitted to the Pacific Grove Community Development Department and the California Coastal Commission.	Applicant or Applicant's Representative	Prior to final building permit	Community Development Department	
27. Any exotic plants that are used for ornamental purposes within the building envelope shall not include species that are capable of naturalizing or spreading into adjacent dunes. In particular, the following invasive species shall not be used: acacias (<u>Acacia</u> sp.), genista (<u>Cytisus</u> sp.), pampas grass (<u>Cortaderia</u> sp.) and ice plant (<u>Carpobrotus</u> sp., <u>Mesembryanthemum</u> sp., <u>Drosanthemum</u> sp., <u>Maleophora</u> sp., etc.). Any exotic plants used will be confined to special landscape features (containers or planters) near to the house.	Applicant or Applicant's Representative	On-going	Community Development Department	
28. The landscaping shall be maintained as specified in the approved Landscape Restoration Plan, including removing exotic plants and planting and caring for additional plants where deficiencies in numbers or species are identified.	Applicant or Applicant's Representative	On-going	Community Development Department	

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MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	
<p>29. The area of the site outside of the approved building envelope, driveway, and an "immediate outdoor living area" left in a natural condition or landscaped to avoid impervious surfaces not to exceed 5% of the entire property, shall be protected by a deed restriction or conservation easement, containing the provisions found in section 2.3.5. e) of the Pacific Grove Local Coastal Program Land Use Plan. The deed restriction or conservation easement shall be submitted to the City of Pacific Grove for review and approval by the City Attorney prior to recording. The deed restriction or conservation easement shall be recorded prior to building permit issuance.</p>	<p>Applicant or Applicant's Representative</p>	<p>On-going</p>	<p>Community Development Department</p>	
<p>30. An archaeological monitor shall be present to conduct data recovery (primarily artifact collection and mapping) during project-related earth-disturbing activities on the project parcel including grading, excavation for foundations, footings, and utilities.</p>	<p>Applicant or Applicant's Representative</p>	<p>During earth-disturbing site preparation and construction activities</p>	<p>Community Development Department</p>	
<p>31. If human remains or intact archaeological artifacts/cultural features or soils are encountered at any time during project implementation, work shall be immediately halted within 50 meters (150') of the find. The Community Development Department Director shall be notified immediately and work shall not recommence until the find can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented before project activities proceed.</p>	<p>Applicant or Applicant's Representative</p>	<p>On-going</p>	<p>Community Development Department</p>	
<p>32. Days and hours of demolition and construction are limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday.</p>	<p>Applicant or Applicant's Representative</p>	<p>On-going</p>	<p>Community Development Department</p>	

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