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T15f

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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number ..... **3-01-062, Reinstedt and Pletz**

Applicant ..... Mr. and Mrs. Randall A. Reinstedt, and Mr. Stanley W. Pletz; (Agent: Dennis McElroy, McElroy Construction)

Project location ..... 358 Calle de los Amigos, in the Asilomar Dunes neighborhood of Pacific Grove, Monterey County (APN 007-061-014).

Project description ..... Construct new 1,341 sq. ft., two-story single family dwelling with attached 467 sq. ft., two-car garage, driveway, walkway and wooden deck; grading of 120 cubic yards; removal of one 26" Monterey pine tree.

Project Site =	40,006 square feet
Building Coverage =	1,356 square feet (3.4 %)
Net Impervious Area =	2,883 square feet (7.2 %)
Total Lot Coverage =	**4,239 square feet (10.6%)**
Native Dune and Monterey Pine Forest Restoration Area =	35,467 square feet (88.7%)
Entry Landscape Area =	300 square feet (0.75%)
Total Landscaped Area =	**35,767 square feet (89.4%)**

Local approval ..... City of Pacific Grove: Mitigated Negative Declaration with Mitigation Monitoring Program adopted 5/8/01 by Architectural Review Board (ARB); final architectural approval received 5/8/01 (AA # 2652-99); Tree Removal Permit (#CDD3455) approved 5/8/01.

File documents ..... Botanical Survey Report by Thomas Moss (11/8/98); Mitigation Monitoring Program by City of Pacific Grove (adopted 5/8/01); Archaeological Investigation by Archaeological Consulting (6/8/98); landscape restoration plan prepared by Tom Moss (3/15/01); Coastal Development Permit files 3-01-062; City of Pacific Grove certified Land Use Plan.

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

Summary: The applicant proposes to construct a new two-story, 1,341 square foot single family dwelling, with an attached 467-sf garage on a 40,006 square foot 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. The policies of the LUP, however, are looked to as guidance.

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. Dunes are considered environmentally sensitive habitat areas (ESHA) because they include plant or animal life or their habitats, which 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. The subject parcel is completely comprised of environmentally sensitive dune and Monterey pine forest habitat and includes four plant species of special concern including Tidestrom's lupine, Monterey spineflower, Sand gilia, and Monterey pine. Tidestrom's lupine, is a state and federal listed endangered species; Sand gilia is a State Threatened, Federal endangered species; Monterey spineflower is a Federal threatened species, and Monterey pine is a California Native Plant Society List 1B – rare or endangered species. Although non-resource dependant development in ESHA is not consistent with the policies of Chapter 3 of the 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 0.92 acres) and is located adjacent to existing residential development, the proposed residence has been sited to minimize impacts to endangered plant species on site and the permit conditioned to limit site coverage and to require the implementation and monitoring of mitigation measures necessary to minimize the impacts of development on ESHA in order to avoid a taking and provide a reasonable economic use of the parcel.

In order to minimize disturbance to the unique, environmentally sensitive dune and forest 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 that is allowed for this 0.92-acre (40,006-sf) project site is 6,001 square feet. As designed, the project includes the residence, driveway, walkway and wooden deck, with a building footprint of 1,356 sf (3.4 % lot coverage), and impermeable surface coverage of 2,883 sf. Thus, the total aggregate coverage as proposed is 4,239 square feet, or 10.6%. Therefore, the project is under the 15% maximum aggregate lot coverage allowed, and thus conforms to the LUP. The project also includes approximately 300 square feet of additional outdoor living area as defined by the LUP. (The LUP defines the "immediate outdoor living area" as that area nearest the dwelling to be left in a natural condition, or landscaped so as to avoid impervious surfaces. Based on this definition, the 219-sf wooden deck is not considered part of the immediate outdoor living area, but rather is counted as part of the total building site coverage.) The immediate outdoor living area on the site is comprised of the landscaped entry between the garage and the southern side of the house.

Following the recommendations of the project biologist, siting of the driveway was redesigned from the original plans to avoid the potential removal (or "taking" as defined by the CDFG) of Sate and Federally endangered Tidestrom's lupine and State Threatened and Federally endangered Sand gilia plants.

As the project will still have unavoidable impacts to ESHA (due to placement, shading, construction activities, etc.), special conditions of this permit require a deed restriction to protect the remaining habitat outside the building envelope and mitigation measures to restore endangered dune and Monterey pine forest habitat on site using a 3:1 replacement ratio for Monterey pine.

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. Therefore, as conditioned, Staff recommends approval.

Staff Report Contents

I. Staff Recommendation on CDP Application

The staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development subject to the standard and special conditions below.

Motion. I move that the Commission approve Coastal Development Permit Number 3-01-062 pursuant to the staff recommendation.

Staff Recommendation of Approval. Staff recommends a **YES** vote. Passage of this motion will result in approval of the coastal development permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

Resolution to Approve a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal

development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

II. Conditions of Approval

A.Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **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 M to this permit; these mitigation and monitoring requirements 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 that includes the residence, garage, driveway, walkways and deck, and the 300 sf immediate outdoor living area as shown on final approved plans (see Special Condition 3 below). The maximum aggregate lot coverage (which includes the building footprint, driveway, and any other impermeable paved areas, decks and patios) shall not exceed 15 percent of the lot area.

   The deed restriction shall include provisions to prohibit development outside of the approved building envelope, except for fencing. The deed restriction shall also include provisions to: prevent disturbance of native groundcover and wildlife; to provide for maintenance and restoration needs in accordance with the landscape Restoration Plan; 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 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 mitigation 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.

   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 that 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 site plan demarcating both the building envelope and landscape restoration areas. The site plan shall designate a building envelope area not to exceed 15 percent (6,001 square feet) of the 40,006 square foot lot area. The building envelope shall include the approved

residential dwelling, garage, driveway, walkways and deck that do not allow for the passage of water and light to the dune surface, and any other features that eliminate native plant habitat. Any additional changes to the plans originally submitted (dated 11/17/99 and stamped received by Central Coast District Office 6/18/01) shall require Executive Director review and approval. Such plan changes shall require evidence of review and approval by the City of Pacific Grove, and the California Department of Fish and Game (with regards to potential impacts to endangered plant species: Tidestrom's lupine) prior to Executive Director review and approval.

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

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.

Five years from the date of occupancy for the residence, the permittee or successors in interest shall submit, for the review and approval of the Executive Director, a landscape monitoring report, prepared by a qualified specialist, that certifies the on-site landscaping is in conformance with the approved plan along with photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscape plan approved pursuant to this permit, the permittee, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscape plan must be prepared by a qualified specialist, and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

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 and disposal of materials are not 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 no more than 8 feet apart. Either mesh 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. If the material is to remain onsite, final grading plans shall show the location and proposed contouring for on-site reuse of excavated material. Such grading plans may also be incorporated into the landscape and habitat restoration plans required in Condition 3B, above. If materials are to be exported offsite, the materials may be offered to the Asilomar State Beach, and disposed of 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. The project's consulting biologist (Thomas Moss, 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 M). 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, approved by the city of Pacific Grove Architectural Review Board.

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.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Description

1. Project Location

The site of the proposed house is a rectangular, ± 40,006 square foot vacant lot at 358 Calle de los Amigos, 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.)

The lot is roughly 115-foot wide along Calle de los Amigos, and extends approximately 300-ft west, where a portion of this lot backs up against the Pletz property (APN 007-061-040; see Exhibit C). According to the 1998 biological report prepared for the site by Tom Moss, the site is dominated by a forested, interdune swale (low-lying area between dune ridges) that occupies the central portion of the property. Slopes are steep on the north side of the swale and gentle on the south side. No granitic rock outcroppings have been described as occurring on the parcel. Exotic plants (including ice plant and European beach grass) cover the majority of the property, however several small patches of native dune plants are scattered over the property. A relatively undisturbed remnant example of the original native plant community also exists in the southeaster portion of the property. Approximately 20 Monterey pine trees form a closed canopy in the interdune swale located in the center of the property. However, all of the trees appear to be infected by pine pitch canker disease and are expected to die within the next two years.

As shown in the 1998 botanical/biological survey conducted by Moss, the property is covered by a mixture of 33 different native and exotic plant species (Exhibit I), including four species of special concern. The four special concern plant species found on site include Tidestrom's lupine (*Lupinus tidestromii* var *tidestromii*), Sand gilia (*Gilia tenuifloriflora ssp. Arenaria*), Monterey spineflower (*Chorizanthe pungens* var *pungens*), and Monterey pine (*Pinus radiata*). Tidestrom's lupine, is a state and federal listed endangered species; Sand gilia is a State Threatened, Federal endangered species; Monterey spineflower is a Federal threatened species, and Monterey pine is a California Native Plant Society List 1B – rare or endangered species. According to the March 15, 2001 Landscape Restoration Plan, also prepared by Moss, vegetation on site is representative of two native plant communities – the Central Dune Scrub Plant Community and the Monterey Pine Forest Plant Community. The Central Dune Scrub Plant Community occupies approximately 60% of the parcel, including the dunes that surround the center of the property, and all construction areas for the house and driveway. The Monterey Pine Forest Plant Community occupies approximately 40% of the parcel within the interdune swale that runs through the center of the property.

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*) are likely to exist on the site, although surveys were not conducted for this species at the time of the survey.

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 .25 to 1-acre 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 8, 1998). The survey results indicated that while numerous sites are located within one kilometer of the project site, none are on the project parcel itself. Two recorded sites are located on adjacent parcels to the north and further west across Sunset Avenue, but no archaeological materials were found on site. The report concludes that the project area does not contain surface evidence of potentially significant cultural resources, but recommends that since construction activities may unearth previously undisturbed materials, the project should be conditioned to require preparation and implementation of an archaeological mitigation plan if archaeological resources are encountered.

2. Project Description

The applicants propose to build a 1,341 square foot single-family dwelling, with attached 467 square foot two car garage (Exhibit I). As designed, the project includes the residence, paved driveway, stone walkway and wooden deck. Construction of the new residence will require a net excavation of 120

cubic yards of material that may either be used for restoration of dune habitat on site or exported offsite. The applicant has not requested any permanent fencing as part of this project. As designed, the residence will be located approximately 95 feet from Calle de los Amigos on the front (east) side of the property, 104 feet form the rear (western) property boundary, 12 feet from the southern property boundary and 100 feet from the northern property boundary. The driveway access and building site have been sited to minimize impacts to mapped populations of Tidestrom's lupine and Monterey spineflower in the southeastern portion of the site (see Exhibit I).

The maximum aggregate lot coverage for the 0.92-acre (40,006-sf) project site is 6,001 square feet. As designed, the project includes the residence and paved driveway and entry path. With a building footprint of 1,356 sf (3.4 % lot coverage), and net impermeable surface coverage of 2,883 sf (including a 214-sf walkway and porch, 219-sf deck, and 2,450-sf driveway), the total aggregate coverage as proposed is 4,239 square feet, or 10.6% of the total lot area. Therefore, as designed, the project conforms to the 15% maximum aggregate lot coverage allowed under the City's certified LUP. The project also includes 300 sf of "immediate outdoor living area," for landscaping of the entry area between the garage and the front entrance. As defined in the LUP, the "immediate outdoor living area" is that area nearest the dwelling to be left in a natural condition, or landscaped so as to avoid impervious surfaces.

The project has been sited to avoid a "taking" (i.e., removal) of any individual endangered plants (especially Tidestrom's lupine and Monterey spineflower plants near the re-sited driveway). However, the development itself will result in the unavoidable impact to approximately 4,239 square feet (10.6%) of environmentally sensitive dune and Monterey pine habitat. Therefore, special conditions are required to minimize and mitigate for the impacts of the development on ESHA, including among other things: a deed restriction to protect the remaining habitat outside the building envelope temporary protective fencing of existing trees and plant habitats on site, and landscape restoration of native dune and Monterey forest habitat. and creation of buffer areas around existing endangered plants located between the proposed residence and the restored endangered plant habitat.

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 to the Commission 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.

In this case, the entire buildable area of the 0.92-acre parcel comprises environmentally sensitive coastal dune and Monterey pine forest 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 therefore. 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 gifted to the applicants by in-laws in 1972 with an approximate value of $25,000, and was reappraised in 1995 with the expectation of possible future residential use. Such expectation is reasonable given that the property has been zoned for residential use for many years, and was zoned as residential when received by the applicants. In addition, the Commission notes that over the applicant's holding of the property over $34,000 in property assessments have been paid. Therefore, as conditioned, 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. Coastal Development Permit Determination

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 meantime,

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

a. Applicable Environmentally Sensitive Habitat Area (ESHA) Policies

The Coastal Act, in Section 30240, states:

> *30240(a)...Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*

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

> *30107.5...any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments.*

b. ESHA Analysis

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 4/6/01), 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 and animals, characteristic of this environmentally sensitive habitat area (or ESHA), have become rare or endangered. The Asilomar Dune ecosystem includes up to ten plant species and one animal species of special concern (Exhibit G) that have evolved and adapted to the desiccating, salt-laden winds and nutrient poor soils of the Asilomar Dunes area. The best known of these native dune plants include Tidestrom's lupine and Monterey spineflower, which have been reduced

to very low population levels through habitat loss and are now Federally-listed endangered species. Additionally, the native dune vegetation in the Asilomar Dunes area 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 the coast buckwheat, which hosts the endangered Smith's blue butterfly. Because of these unique biological and geological characteristics, the Asilomar Dunes area between Lighthouse Avenue and the shoreline south of Asilomar State Park is considered to be located within an environmentally sensitive habitat area (Exhibit F).

The Pacific Grove Land Use Plan also considers the shoreline pine forest/sand dune association as environmentally sensitive habitat and considers the sand dune complex between Lighthouse Reservation and the Asilomar Conference Grounds as being the most sensitive habitat due to its susceptibility to human disturbance and invasive exotic plant species. This shoreline pine forest/sand dune association is also referred to as the "forest-front", a transitional area that lies between the exposed coastal dunes and interior forest. The trees and other vegetation within the forest-front serve to stabilize the inland edge of the dunes, while the tree canopy of the forest-front serves to protect the interior of the forest from the prevailing and storm winds. Therefore, preservation of trees within the forest-front is important to both the coastal dune and interior pine forest habitats.

Thomas Moss, consulting coastal biologist, conducted earlier biological surveys of the subject parcel and May 16th and June 6th, 1998, in order to determine the feasibility of potential residential development on the property prior to any proposed development. The subsequent report prepared for the property owner by Moss (dated November 8, 1998), therefore, provides only a general assessment of the potential impacts related to possible development of the parcel. The 1998 Moss report and survey maps (Exhibit I) indicate that while the site is covered by a mixture of native and exotic plant species (including iceplant and European beach grass), the parcel contains substantial dune landforms and scattered patches of native dune plants that include a significant numbers of endangered dune plant species, including four species of special concern. The four special concern plant species found on site include Tidestrom's lupine (*Lupinus tidestromii* var *tidestromii*), Sand gilia (*Gilia tenufloriflora ssp. Arenaria*), Monterey spineflower (*Chorizanthe pungens* var *pungens*), and Monterey pine (*Pinus radiata*). Tidestrom's lupine, is a state and federal listed endangered species; Sand gilia is a State Threatened, Federal endangered species; Monterey spineflower is a Federal threatened species, and Monterey pine is a California Native Plant Society List 1B – rare or endangered species. The number of individual plant species found include a total of 12 individual Tidestrom's lupine plants, 90 Monterey spineflower plants, 12 Sand gilias and approximately 22 Monterey pine trees (Exhibit I). The Monterey pines form a closed canopy in the interdune swale located in the center of the property. Monterey pine forest habitat is considered environmentally sensitive because of its limited range and the potential for extinction of Monterey pines due to the recent pitch canker epidemic.

Moss also conducted a follow-up biological survey on March 24, 2001, to determine potential impacts of initial development plans that had been prepared by the applicant's contractor, Dennis McElroy. The March 2001 follow up survey focussed on parts of the property in proximity to the proposed project (nearer to the south and southeast side of the parcel) as represented on plans dated 2/13/01. The letter report submitted by Moss (dated March 25, 2001) indicated that the population sizes and distribution of

the three species of special concern had remained nearly the same as those mapped during the 1998 surveys.

Additionally, according to the March 15, 2001 Landscape Restoration Plan, also prepared by Moss, the existing vegetation on site is representative of two native plant communities – the Central Dune Scrub Plant Community and the Monterey Pine Forest Plant Community. The Central Dune Scrub Plant Community occupies approximately 60% of the parcel, including the dunes that surround the center of the property, and all construction areas for the house and driveway. The Monterey Pine Forest Plant Community occupies approximately 40% of the parcel within the interdune swale that runs through the center of the property.

The more common native dune plant species found on site (as listed in Exhibit I), while not necessarily endangered, also play an important role in the ecosystem, by contributing to the maintenance of the natural habitat, stabilizing the dune sand and hence dune landforms. Therefore, in addition to the dune ridges and interdune swale areas that currently contain endangered plants, the areas adjacent to endangered plants, i.e., those areas that support or potentially support native dune flora and pine forest must also be considered environmentally sensitive habitat areas. For this reason, 100% of the lot is comprised of environmentally sensitive habitat.

Therefore, based upon the surveys and biological reports prepared for the project, testimony received at the local hearing, prior Commission actions on other proposed development in the dunes, and 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

As described above, the entire area of the applicant's 40,006 square foot (0.92-acre) parcel is an environmentally sensitive dune habitat. The proposed development as submitted includes a single-family dwelling with garage and paved driveway and paths. This project will require a net grading of 120 cubic yards of material and will result in a permanent loss of approximately 4,239 square feet of environmentally sensitive habitat (1,356 square foot building coverage + 2,883 square feet of impervious surfacing).

Additional disruptions will result from residential development and subsequent use of the site. Such activities may include installation of a storm drain system, utility trenching and, over the long run, ordinary residential activities on the premises. While these uses will have direct and indirect impacts on the dune habitat, they are generally amenable to native plant restoration and maintenance measures. However, none of these development activities are of a type that is dependent on a location within the sensitive resource area. Therefore, this development and its associated activities, individually and collectively, will result in a significant disruption of the environmentally sensitive dune and forest habitat area on site. Therefore, this project cannot be found consistent with Coastal Act Section 30240.

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 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 resource dependant uses could potentially eliminate the economic value of the property.

In the late 1950's, Mr. Reinstedt senior purchased this and an adjacent lot for a future residential use for an unknown amount of money. In 1967, Mr. Reinstedt senior died and Mr. Randall A Reinstedt and his wife Debbie inherited a half interest in the two lots upon distribution of the estate. Mr. Stanley Pletz and his wife Marilyn (the son-in-law and daughter of the deceased Mr. Reinstedt) also received a half interest in these two lots. At that time, each property was valued at approximately $20,000.The Reinstedts and Pletzes retained the two lots over the years with the expectation of one day building a house on each site. During this period, annual property taxes were paid for the subject property but the property did not generate any economic use. The value of the land has increased markedly since 1967 due to the change in economic forces and demand for view lots that have occurred in this area. The subject property was re-appraised in 1995 (following the loss of Mr. Pletz' spouse) and was revalued at approximately $353,000, consistent with the price of similarly situated inland lots in the neighborhood.

Based on this information, the Applicants received the property as an inheritance and held it for eventual development. It is reasonable to believe that the applicants expected that some residential development would be allowed on this property, based on several 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 subject parcel is located 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 somewhat larger in size to this along Sunset Drive that also provided for development in an area with environmentally sensitive habitat (e.g., 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 houses along Sunset Drive in May of 2000 (Knight, Coastal Development Permit No. 3-99-071), and again in May 2001 (Baldacci, CDP 3-01-013). Both parcels front Sunset Drive, and were restricted to a maximum 15 percent total aggregate lot coverage, as allowed under the certified LUP.

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 to mitigate the adverse impacts that likely would result from development in this sensitive resource area to the maximum degree possible while still avoiding a "takings"..

Finally, the applicants have submitted detailed information to demonstrate that their expectations were backed by substantial investments. At the time the applicants obtained the property it was valued at $20,000. This investment has grown over the years to now be worth approximately $353,000 as of 1995. Since the date of purchase, the property has generated no income, and it 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 type or size of development and is only one factor in the overall analysis.

In view of the findings that (1) permanently restricting use of the property to resource dependant uses could potentially eliminate the economic value for the property, (2) residential use of a modest portion of the property would provide an economic use, and (3) the applicants had a reasonable investment backed expectation that a fully 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 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 4,239 sf of the 0.92-acre parcel with residential structure, two-car garage, paving and decking. As a result, this same amount of dune habitat will be permanently lost, with some additional habitat area disrupted by construction activities. However, the extent of this disruption and land alteration can and shall 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 undeveloped area on the property shall be preserved in open space subject to a deed restriction that prohibits uses that are inconsistent with habitat restoration and preservation. This deed restriction shall run with the land in order to ensure that future owners are aware of the constraints associated with this site.

3. Cumulative Impacts.

The applicant's project is located nearly in the middle 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 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 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 environmentally sensitive habitat policies of the LUP 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 states 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 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.

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 the construction of a new two-story, 1,341 square foot single family dwelling, with a 467-sf garage on a 40,006 square foot lot in the Asilomar Dunes neighborhood of the City of Pacific Grove (See Exhibit A, B, C, D, and J). The project proposes a building footprint of 1,356 square feet with 2,883 square feet of paved areas (walk, porch, deck and driveway). Thus the total aggregate lot coverage as designed is 4,239 square feet (10.6% site coverage), which is consistent with the City's 15% allowable maximum aggregate lot coverage for the parcel. While the LUP also allows up to 5% lot coverage for an immediate outdoor living area, the site is severely constrained by the location of endangered plant species, and only 300 sf of immediate outdoor living area (0.75%) is proposed for the entry landscaping between the front entrance and the garage.

The four endangered plant species include Tidestrom's lupine (*Lupinus tidestromii* var *tidestromii*), Sand gilia (*Gilia tenuifloriflora ssp. Arenaria*), Monterey spineflower (*Chorizanthe pungens* var

pungens), and Monterey pine (*Pinus radiata*). Tidestrom's lupine, is a state and federal listed endangered species; Sand gilia is a State Threatened, Federal endangered species; Monterey spineflower is a Federal threatened species, and Monterey pine is a California Native Plant Society List 1B – rare or endangered species. The number of individual plant species found include a total of 12 individual Tidestrom's lupine plants, 90 Monterey spineflower plants, 12 Sand gilias and approximately 22 Monterey pine trees (Exhibit I).

Of the 22 Monterey pines located on the parcel, only one 26" diameter Monterey pine is proposed for removal. However, all of the pines on the property are infected with pine pitch canker disease and are expected to die within two years. The residence has been sited so as to avoid the removal of any federal or state listed endangered plant species. Additionally, the applicants have realigned the driveway access according to recommendations made in Moss' letter report (submitted March 25, 2001) in order to avoid the incidental take of three Monterey spineflower plants and one Tidestrom's lupine plant.

However, construction of the proposed development on site will impact a total of 4,239 sf of existing and potential dune habitat. Additional potential impacts of the project will include shading of plant habitat by the proposed residence, trampling incidental to residential use, water runoff and erosion from impermeable surface, and the introduction of plant species not native to the dunes.

Therefore, because the project will adversely impact 4,239 square feet of sensitive dune habitat areas, it has been conditioned, among other things, to require a deed restriction for protection and restoration of all areas outside of an approved building envelope, and to have a qualified biologist prepare and implement a landscape restoration plan that includes performance standards, and long-term maintenance and monitoring of the undeveloped portions of the property. 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. The building envelope shall be defined as that area that includes the approved residential dwelling, garage, driveway, walkways and deck that do not allow for the passage of water and light to the dune surface, and any other features that eliminate native plant habitat.

In accordance with Coastal Act Section 30240, and with past Commission actions, it is appropriate to require a deed restriction to protect the environmentally sensitive native dune habitat areas over that portion (35,767 sf or 89.4 percent) of the lot not counted as building envelope. 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 (November 8, 1998), 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 incorporated in the City's Conditions and, by reference, in this permit, provide for protection of native dune habitat.

Additionally, a Landscape Restoration Plan, has been prepared for the project by Tom Moss (dated March 15, 2001), which includes provisions for reestablishing and maintaining a native coastal dune and Monterey pine forest habitat on the undeveloped portions of the property. Moss' landscape restoration plan (Exhibit L), which was submitted with the application, involves restoring native dune habitat over a total of 35,467 sf (88.7%) of the parcel. This includes planting approximately 4,321 dune plants within the central dune scrub plant association, and approximately 1,488 plants within the Monterey pine forest plant association, including the replanting of 30 Monterey pines (or Monterey cypress if pitch canker resistant Monterey pine is not available). The plan also 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 procedures, performance standards and an implementation and monitoring schedule to meet the goals of the restoration plan.

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.

No permanent fencing has been proposed for this project. However, 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.

Temporary exclusionary fences to protect the endangered Tidestrom's lupine and Monterey spineflower, and Sand gilia plants and other sensitive native dune plant habitat areas outside of the building envelope during construction, are a necessary mitigation measure and are required to assure protection of these environmentally sensitive habitat areas. 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.

Finally, all utilities will be installed in a single corridor underlying the driveway, consistent with LUP Policy 2.3.4.1.g.

c. ESHA Conclusion

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 88.7 percent of the lot area; identification of temporary exclusionary fencing and monitoring, to assure no disturbance of the existing native plant habitat areas, 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

A. Applicable Visual Resources and Community Character Policies

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 2.5.4.2. Within these scenic areas, permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, to be visually compatible with the open space character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas*

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 2.5.5.5. 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."

B. Visual Resources and Community Character Analysis

The proposed development is consistent with the LUP policies described above. As designed, the project will not detract from views of the ocean from public viewing areas defined in the Shoreline access Map (Exhibit H). As the subject parcel lies between other existing development, it is not located in an area that would substantially block existing public ocean views. The project site is somewhat visible from Arena Ave and Calle de los Amigos, as shown in photos taken by the applicant (Exhibit J). However, existing residences and topography currently obstruct views from Arena Avenue (see photo 1), and because the site slopes down from Calle de los Amigos, the proposed dwelling will not significantly obstruct public views of the Ocean from this location (see photo 2).

The proposed project is also consistent with the height and setback requirements for the R-1B-4 zone district. As described above, the parcel is located between existing development of similar sized, one- and two-story homes (homes west of the subject parcel, along Sunset Drive, are restricted to be low profile, and one-story in height). The two-story residence does not exceed the 25-foot height restriction of the R-1-B-4 zone district, as measured from natural existing grade (see Exhibit I). As designed, the residence will be located approximately 95 feet from Calle de los Amigos on the front (east) side of the property, 104 feet form the rear (western) property boundary, 12 feet from the southern property boundary and 100 feet from the northern property boundary, and so will retain the open space character of the area. As required by 2.5.5.4.d, the permit has also been conditioned to require earthtone color scheme to assist in subordinating the structure to the natural dune setting.

As required by LUP Policy 2.5.5.5, final Architectural approval was granted (for the project plans and landscape restoration plan), and the Mitigation Monitoring Plan by the ARB at the May 8, 2001, hearing with a vote of 5-0. The applicant submitted the Landscape Restoration Plan prepared by Tom Moss (March 15, 2001), which was reviewed as part of the Initial Study/Mitigated Negative Declaration for the project. Minutes from this hearing note that the landscape restoration plans were approved "...subject to the project biologist exploring the possibility of providing plants that screen and buffer the proposed structure at the front." The landscape restoration plan does include tree replacement planting with approximately 30 trees, some of which presumably could be used for screening of the residence. The minutes also note that the building plans and tree removal permit were approved "...subject to raising the sand level on the north and west elevations." Reuse of sand excavated on site may be used to elevate these dune areas in conjunction with the landscape restoration plan, as detailed below, which will also serve to make the house more subordinate to the site.

The project also proposes the net excavation of 120 cubic yards of grading. The excavated material shall be incorporated with landscape restoration efforts that serve to further subordinate the house into the dune topography on-site. As no grading plans were submitted with the application, the project has been conditioned to require a final grading plan, that ensures protection and preservation of dune habitat, must be submitted for review and approval. Excess sand not needed for restoration on site, may be provided to the State Parks for use in dune restoration efforts in the Asilomar State Beach area. No sand excavated from the site shall be exported outside of the Asilomar Dunes area.

The applicant has also 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., 88.7 percent of the property.

C. Visual Resources and Community Character Conclusion

As conditioned by this permit, the project will not substantially block public views of the ocean or designated scenic coastal resources in the area. Additional required visual resource mitigation measures include the use of earthen-tone finishes, the undergrounding of utilities as proposed, and final landscaping and 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. Archaeological Resources

A. Applicable Archaeological Resources Policies

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.

B. Archaeological Resources Analysis

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 8, 1998). The survey results indicated that numerous archaeological sites are located within one kilometer of the project site, and two sites are located immediately adjacent to the subject parcel. While field reconnaissance of the site, conducted June 1, 1998, resulted in no finding of materials frequently associated with prehistoric cultural resources (eg., dark soil containing soil fragments, broken or fire-altered rocks, bone or bone fragments, etc). However, since 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.

C. Archaeological Resources Conclusion

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

A. Applicable Water Supply Policies

Coastal Act Section 30250 states in part that

[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. .

B. Water Supply Analysis

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. Water is currently not available for the project. However, following Architectural Review Board approval of the project May 8, 2001, and submittal of required construction drawings, engineering calculations, etc., the applicants have been placed on the City's Water Waiting List. The applicants are currently #33 on the Water Waiting List (Exhibit K). The City Council evaluates this list twice each year for consideration of allocating available water to the projects on the list. As indicated in the applicant's fax regarding the water waiting list (submitted with the Pletz 3-01-020 application), it is expected that this list will be filled on a fairly rapid basis, because a large percentage of the applicants on the waiting list ahead of these applicants are smaller applications for single-bathroom additions.

Coastal Act Section 30250 directs development to be located in or near an area with sufficient resources to accommodate it. The residential lot is located in an area serviced by the Cal Am Water Company. The applicants have applied and are on the City's Water Waiting List. It is reasonable to expect that the City will be able to grant the applicants a water permit within the two-year time period of this permit. However, evidence of such a water assignment is required prior to issuance of the permit in order to comply with Section 30250. In the event that the permit is not issued within the next two years, and an extension is requested, the absence of a water assignment may constitute a changed circumstance in light of the water constraints in the Monterey Peninsula area.

C. Water Supply Conclusion

The applicants currently do not have evidence of water availability for the project, but have been placed on the City's Water Waiting List. With the inclusion of Special Condition 10, which requires evidence of water availability prior to issuance, the project is consistent with Coastal Act Section 30250 regarding water supply.

E. 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 City rejected the draft LCP in 1981,

and 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.)

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.

F. California Environmental Quality Act (CEQA)

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

On May 8, 2001, the City of Pacific Grove granted approval of a Mitigated Negative Declaration, for the proposed development. The environmental review of the project conducted by Commission staff involved the evaluation of potential impacts to relevant coastal resource issues, including environmentally sensitive dune habitat, visual resources and community character, archaeologically sensitive resources, and water supply issues. This analysis is reflected in the findings that are incorporated into this CEQA finding. Any public comments have been addressed in the findings.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has recommended appropriate mitigations to address adverse impacts to said resources. Accordingly, the project is being approved subject to conditions that implement the mitigating actions required of the Applicant by the Commission (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.

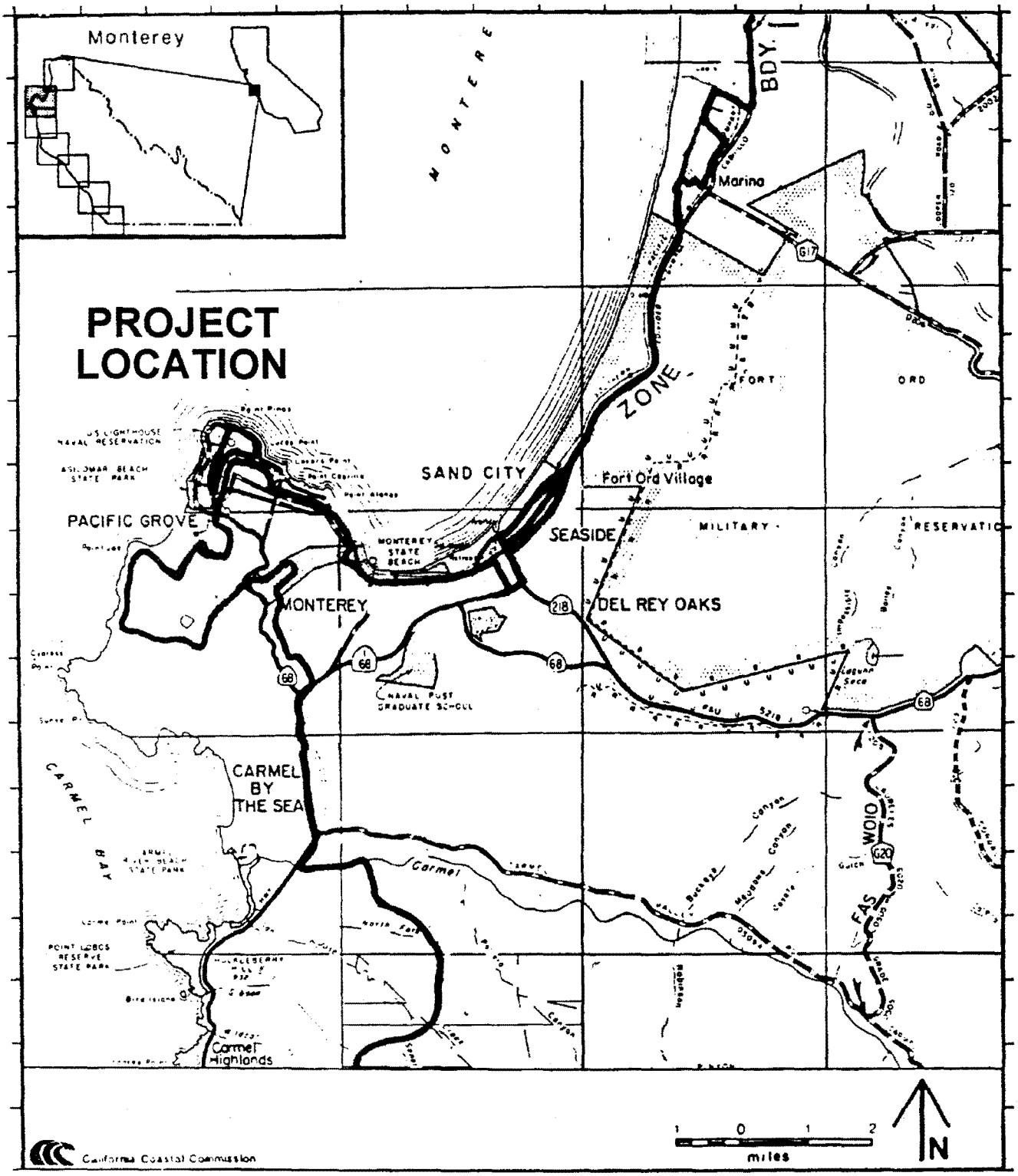

Exhibit A
Regional Location Map
3-01-062
Reinstedt Residence

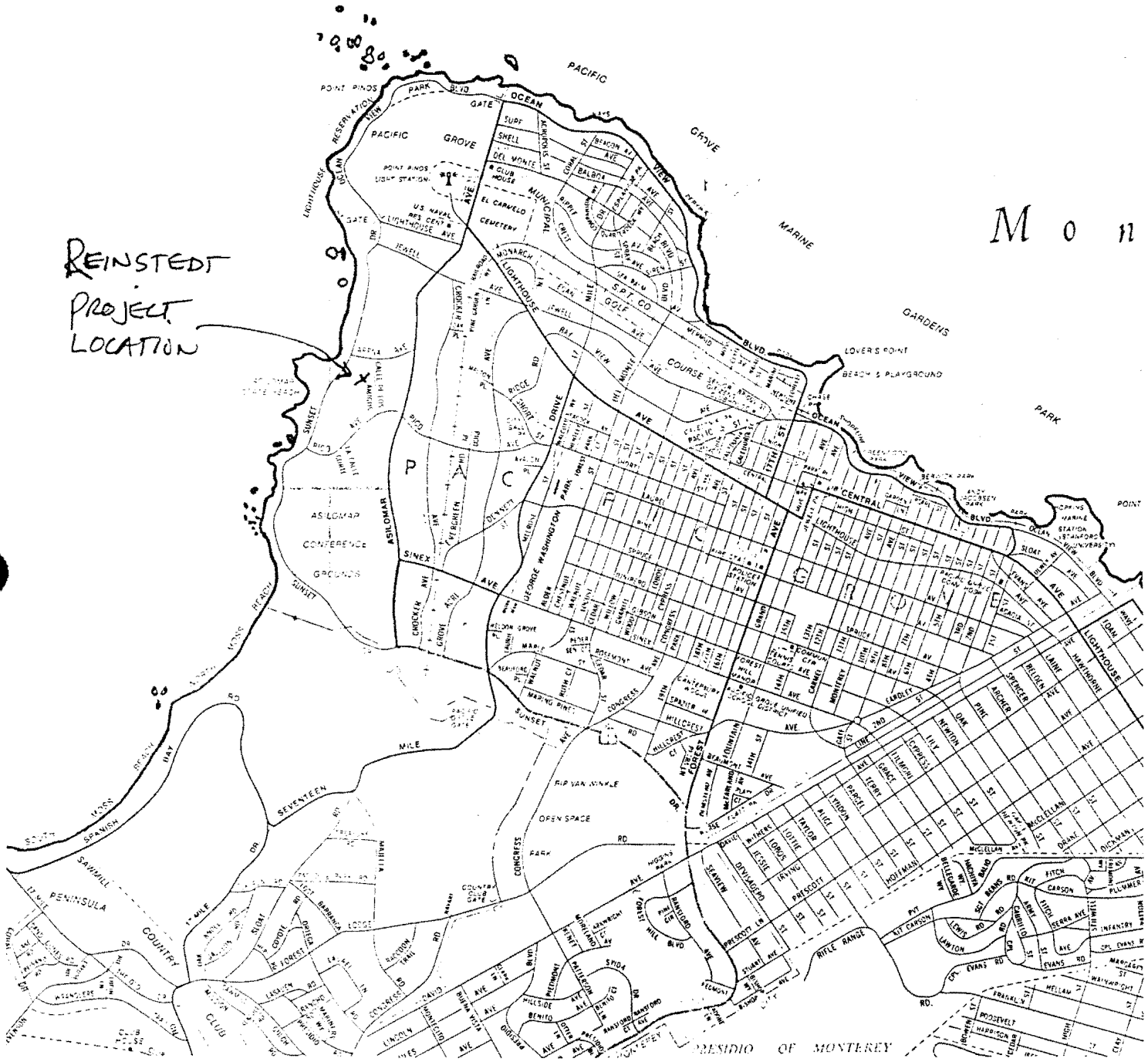

Exhibit B
Project Vicinity Map
3-01-062
Reinstedt Residence

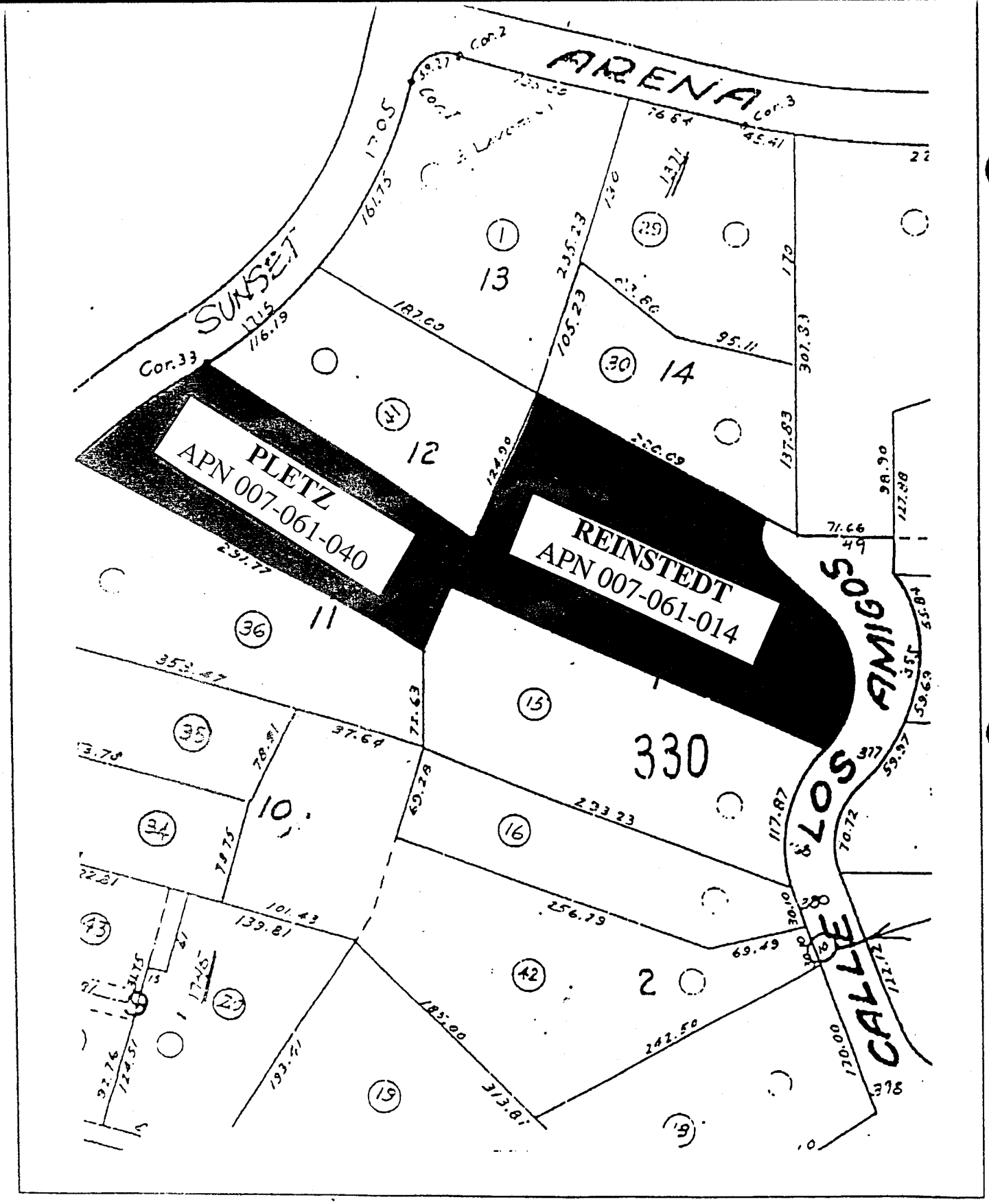

Exhibit C
Assessors Parcel Map
3-01-062
Reinstedt Residence

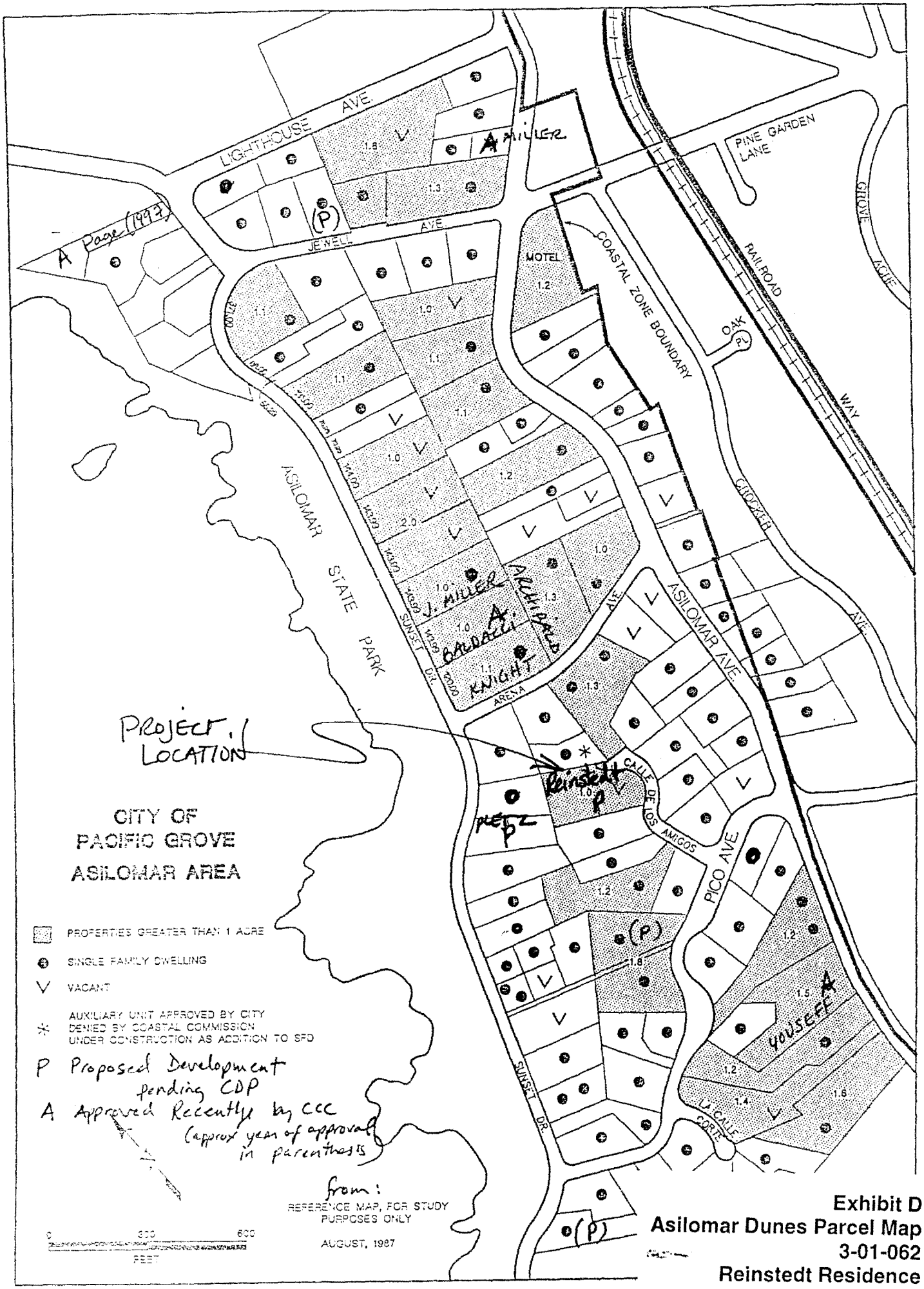

Exhibit D
Asilomar Dunes Parcel Map
3-01-062
Reinstedt Residence

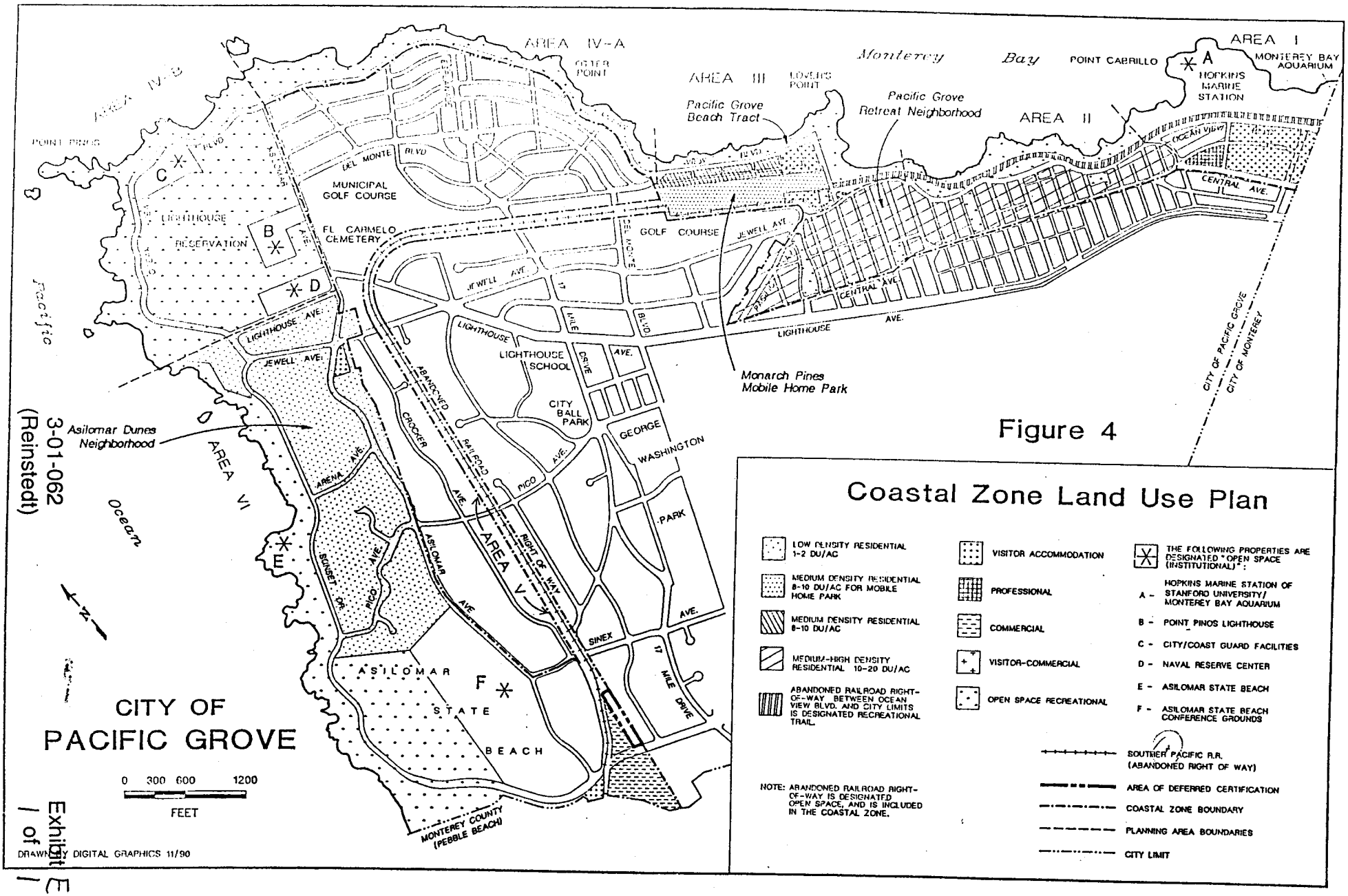

Figure 4

Coastal Zone Land Use Plan

- LOW DENSITY RESIDENTIAL 1-2 DU/AC
- MEDIUM DENSITY RESIDENTIAL 8-10 DU/AC FOR MOBILE HOME PARK
- MEDIUM DENSITY RESIDENTIAL 8-10 DU/AC
- MEDIUM-HIGH DENSITY RESIDENTIAL 10-20 DU/AC
- ABANDONED RAILROAD RIGHT-OF-WAY BETWEEN OCEAN VIEW BLVD. AND CITY LIMITS IS DESIGNATED RECREATIONAL TRAIL.
- VISITOR ACCOMMODATION
- PROFESSIONAL
- COMMERCIAL
- VISITOR-COMMERCIAL
- OPEN SPACE RECREATIONAL

THE FOLLOWING PROPERTIES ARE DESIGNATED "OPEN SPACE (INSTITUTIONAL)":

- A - HOPKINS MARINE STATION OF STANFORD UNIVERSITY/ MONTEREY BAY AQUARIUM
- B - POINT PINOS LIGHTHOUSE
- C - CITY/COAST GUARD FACILITIES
- D - NAVAL RESERVE CENTER
- E - ASILOMAR STATE BEACH
- F - ASILOMAR STATE BEACH CONFERENCE GROUNDS

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

- SOUTHERN PACIFIC R.R. (ABANDONED RIGHT OF WAY)
- AREA OF DEFERRED CERTIFICATION
- COASTAL ZONE BOUNDARY
- PLANNING AREA BOUNDARIES
- CITY LIMIT

3-01-062 (Reinstedt)

Exhibit E
1 of 1

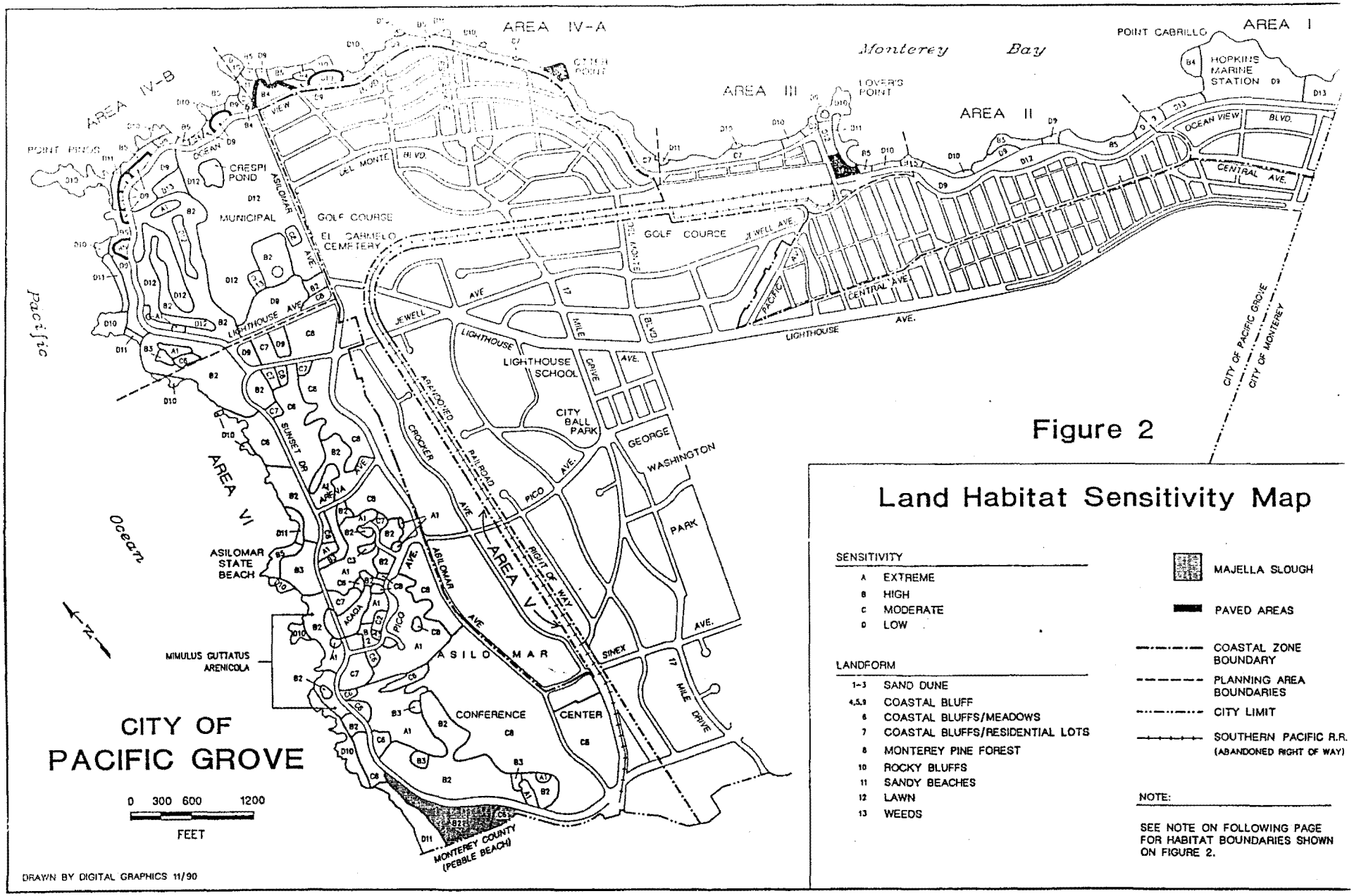

Figure 2

Land Habitat Sensitivity Map

SENSITIVITY

A	EXTREME
B	HIGH
C	MODERATE
D	LOW

LANDFORM

1-3	SAND DUNE
4,5,9	COASTAL BLUFF
6	COASTAL BLUFFS/MEADOWS
7	COASTAL BLUFFS/RESIDENTIAL LOTS
8	MONTEREY PINE FOREST
10	ROCKY BLUFFS
11	SANDY BEACHES
12	LAWN
13	WEEDS

MAJELLA SLOUGH

PAVED AREAS

COASTAL ZONE BOUNDARY

PLANNING AREA BOUNDARIES

CITY LIMIT

SOUTHERN PACIFIC R.R. (ABANDONED RIGHT OF WAY)

NOTE:

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

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Exhibit F
1 of 1

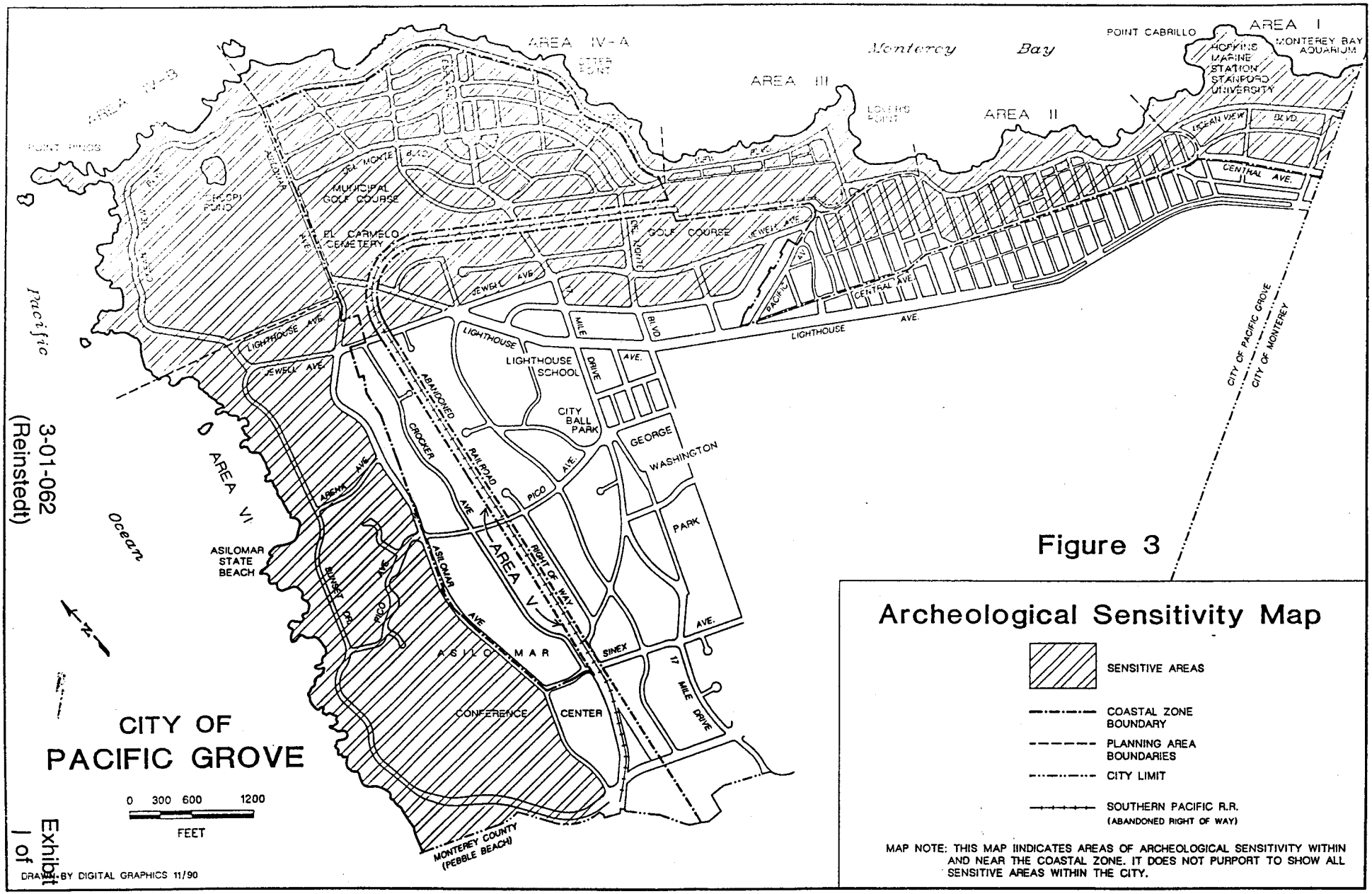

Figure 3

Archeological Sensitivity Map

- SENSITIVE AREAS
- COASTAL ZONE BOUNDARY
- PLANNING AREA BOUNDARIES
- CITY LIMIT
- SOUTHERN PACIFIC R.R. (ABANDONED RIGHT OF WAY)

MAP NOTE: THIS MAP IINDICATES AREAS OF ARCHEOLOGICAL SENSITIVITY WITHIN AND NEAR THE COASTAL ZONE. IT DOES NOT PURPORT TO SHOW ALL SENSITIVE AREAS WITHIN THE CITY.

3-01-062 (Reinstedt)

Exhibit 6 | of | 1

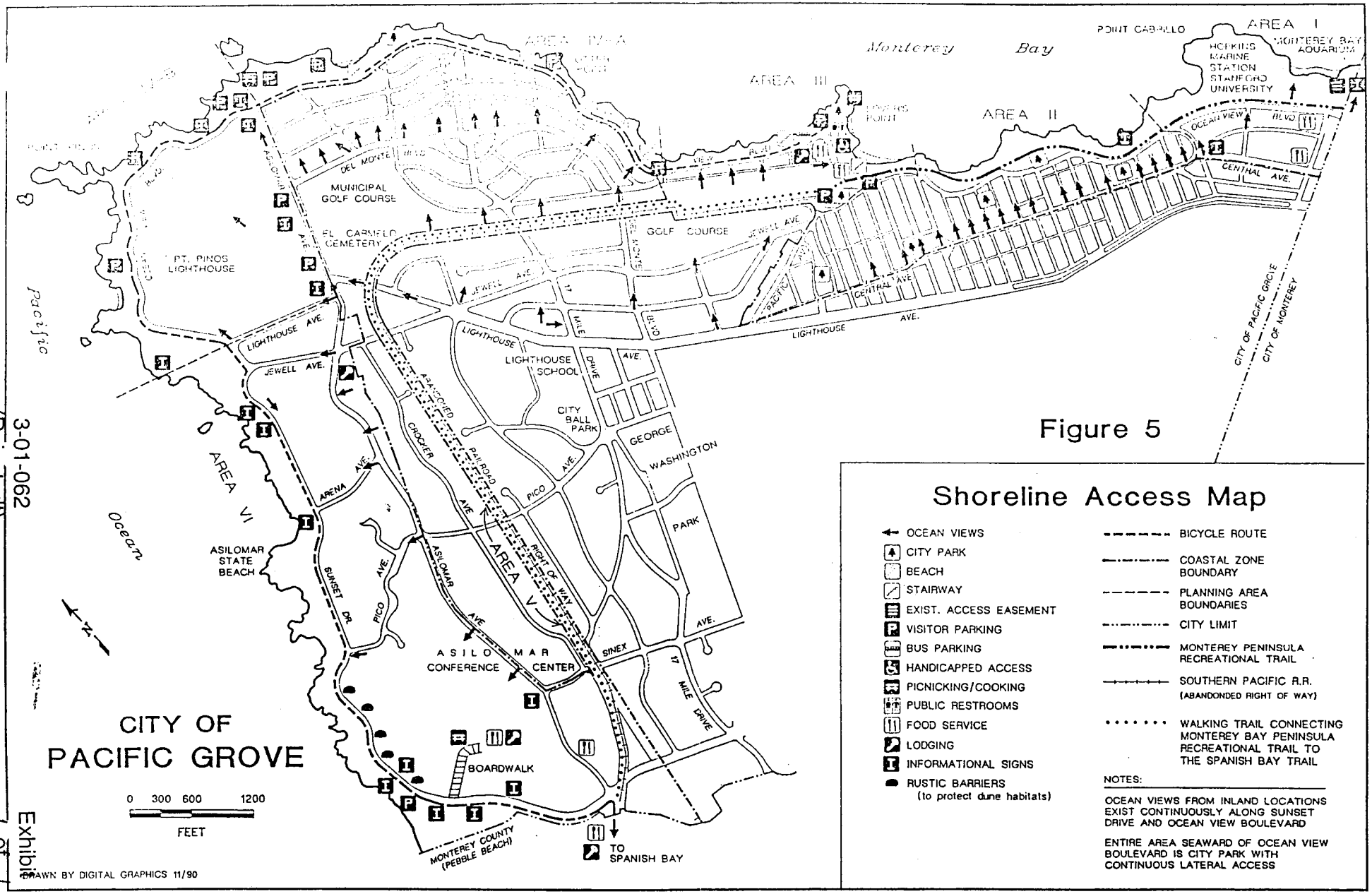

Figure 5

Shoreline Access Map

- OCEAN VIEWS
- CITY PARK
- BEACH
- STAIRWAY
- EXIST. ACCESS EASEMENT
- VISITOR PARKING
- BUS PARKING
- HANDICAPPED ACCESS
- PICNICKING/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

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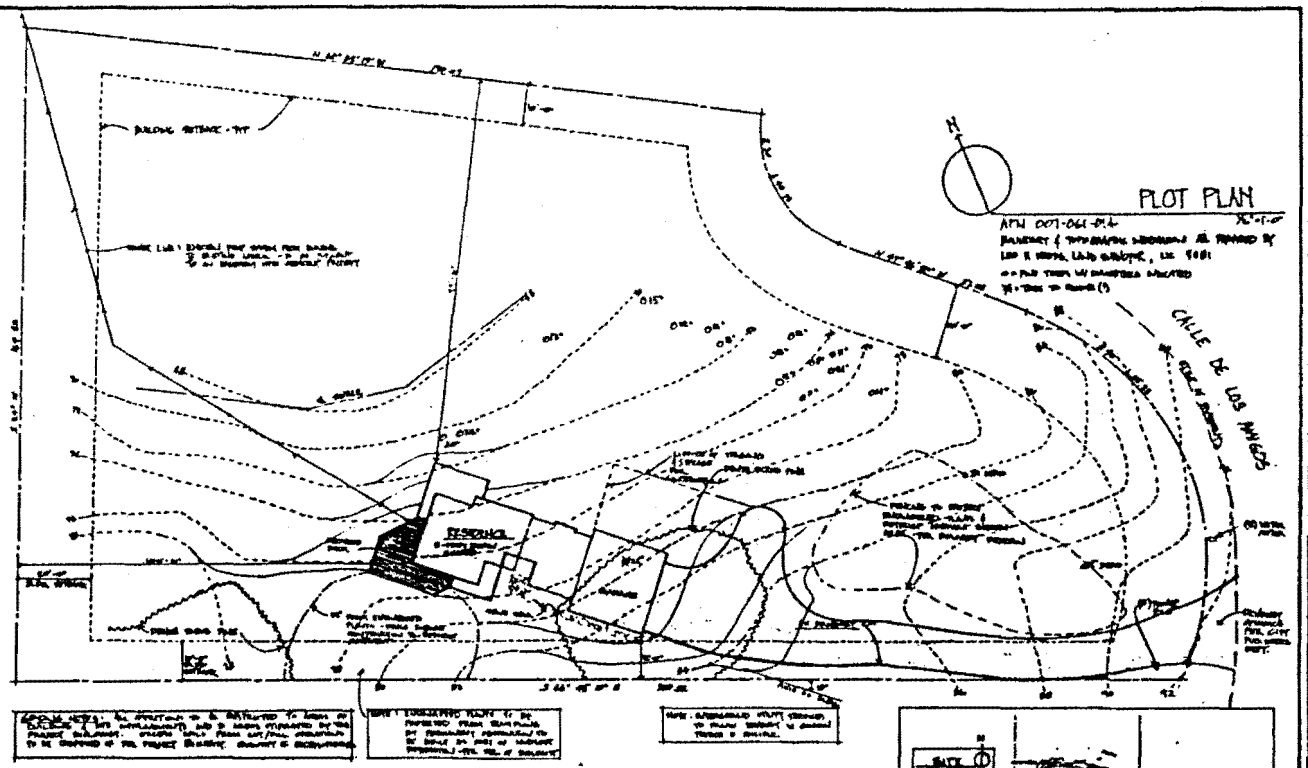
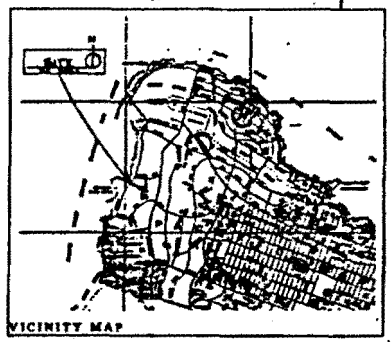
Exhibit H of

RE DEPARTMENT NOTES

PLOT PLAN





INDEX OF DRAWINGS

OWNERS

Mr. & Mrs. Randall Reinstedt

202 Calle de los Amigos

Pacific Grove, CA 93950

OUTLINE SPECIFICATIONS

GENERAL NOTES

PROJECT DATA

Proposed RESIDENCE for Mr. & Mrs. REINSTEDT at 202 Calle de los Amigos Pacific Grove, Ca

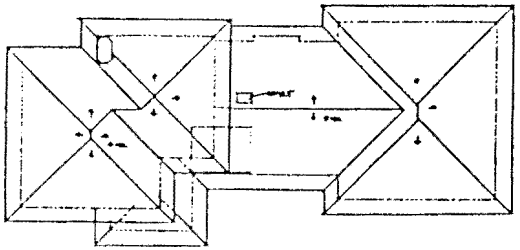
D. McELROY ARCHITECT MONTEREY, CA

Date 9-11-99

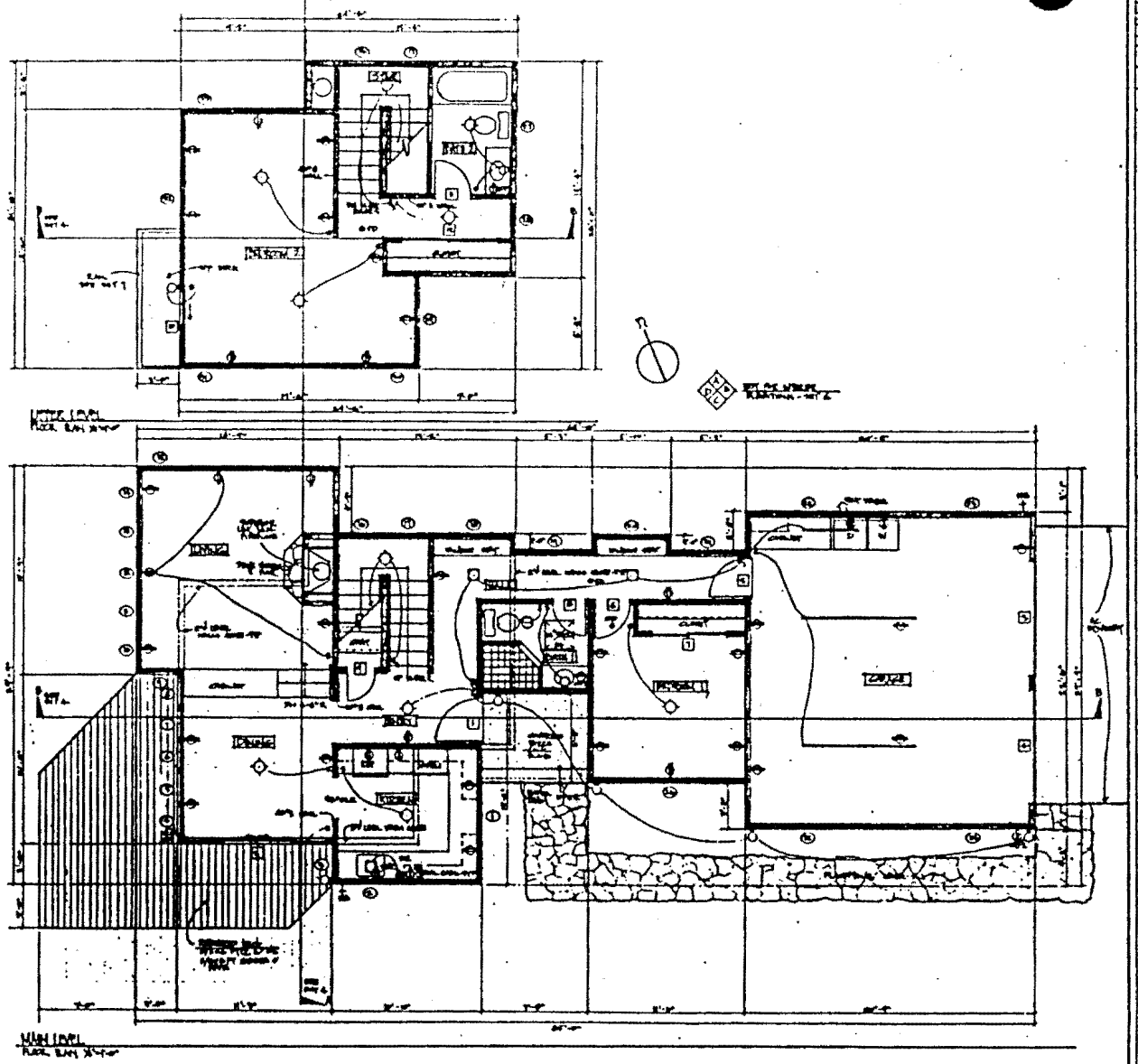
Sheet one of 4 Sheets

3-01-062 (Reinstedt)

Exhibit I 1 of 13



ROOF PLAN



FINISH SCHEDULE

WINDOW SCHEDULE

DOOR SCHEDULE

3-01-062 (Reinstedt)

Exhibit

proposed RESIDENCE for Mr & Mrs REINSTEDT

drawn by D. McELROY

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Exhibit I
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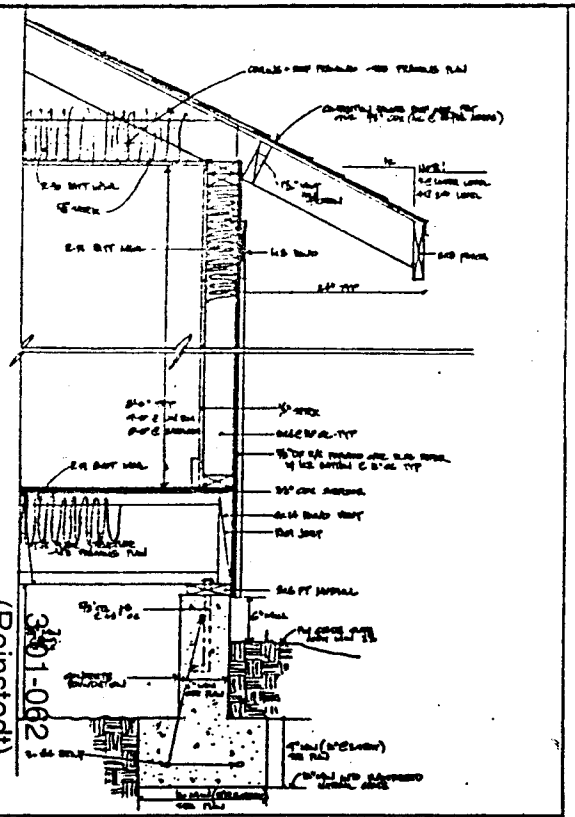
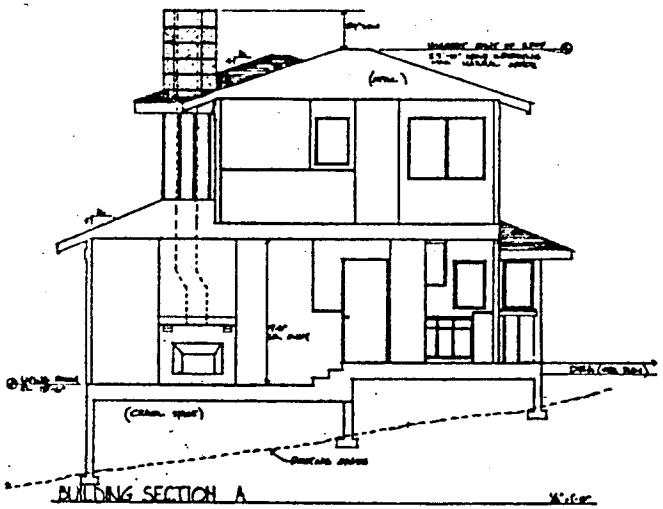
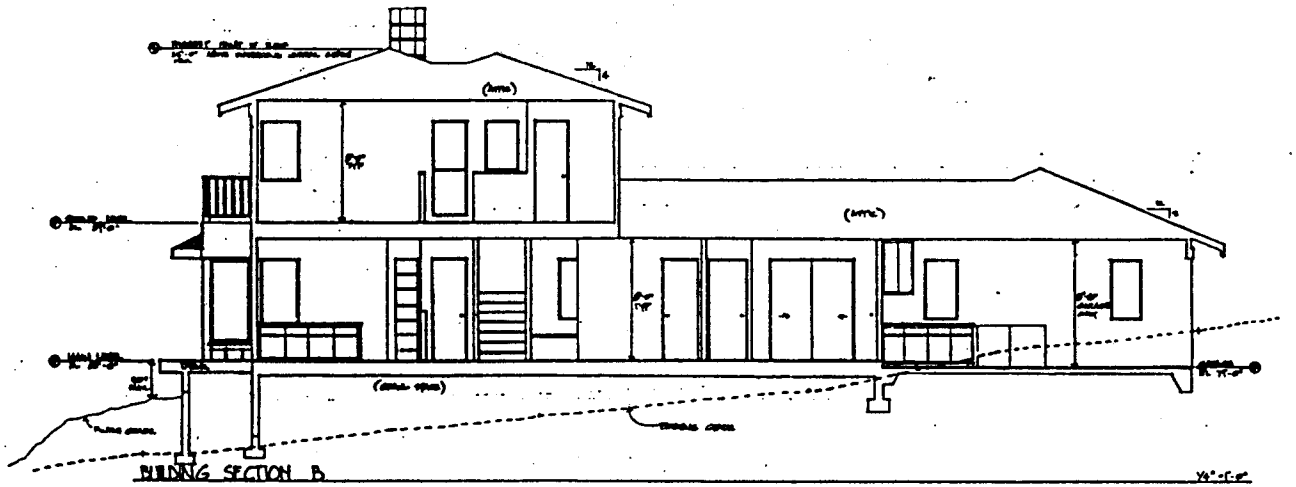


TYPICAL WALL SECTION

3-01-062 (Reinstedt)



BUILDING SECTION A



BUILDING SECTION B

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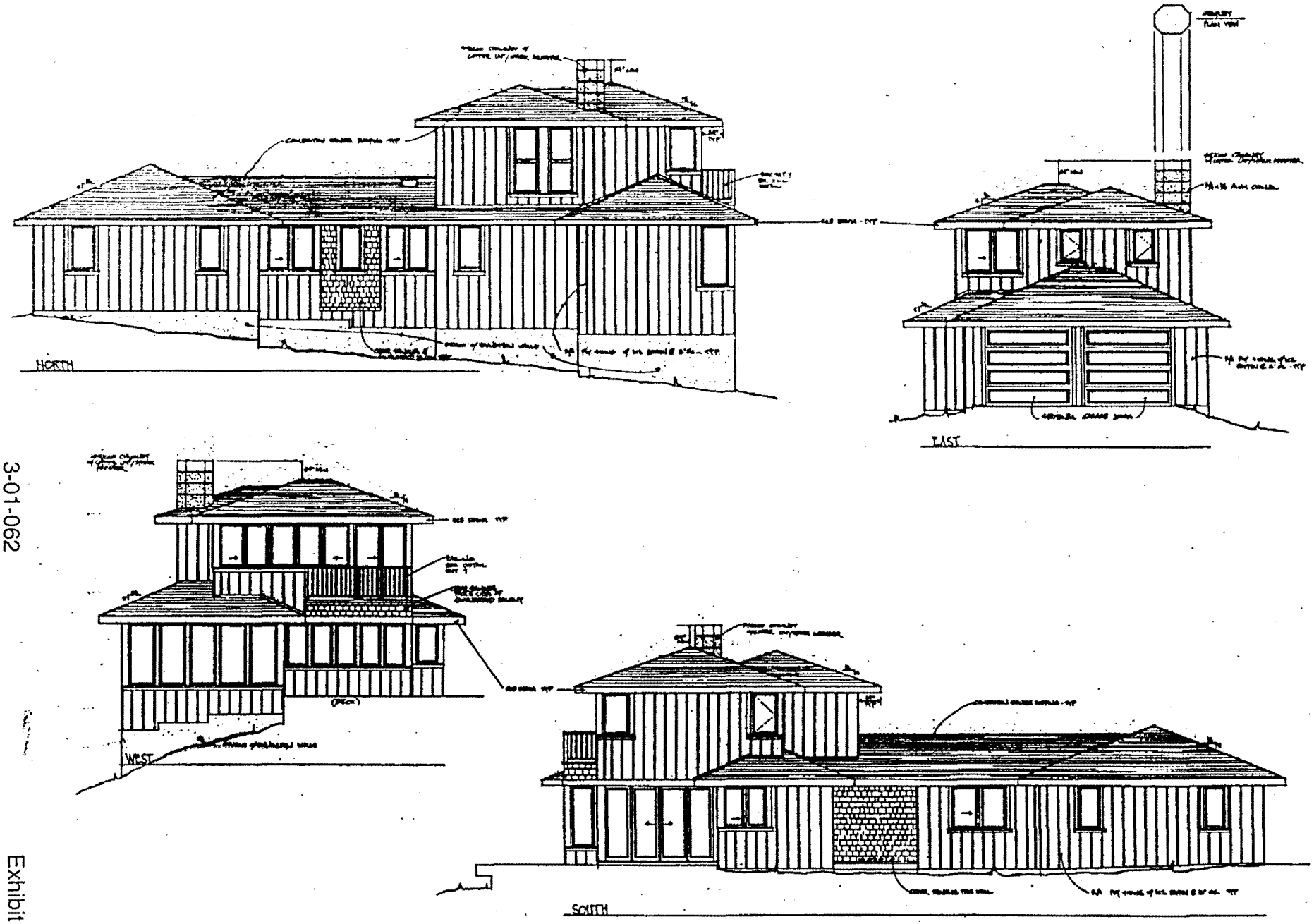


3-01-062
(Reinstedt)

Exhibit I
4 of 13

THOMAS K. MOSS
Coastal Biologist

Excerpts from:

BOTANICAL/BIOLOGICAL SURVEY REPORT
APN 007-O61-014
CALLE DE LOS AMIGOS, PACIFIC GROVE, CA

Owner's Representative:

Dennis McElroy
P.O. Box 31
Monterey, CA 93942

Owner:

Randall A. Reinstedt, TR
P.O. Box 5998
Carmel, CA 93921

November 8, 1998

508 Crocker Avenue
Pacific Grove, CA 93950

(408) 373-8573

TABLE OF CONTENTS

TABLE 1. SPECIES OF SPECIAL CONCERN

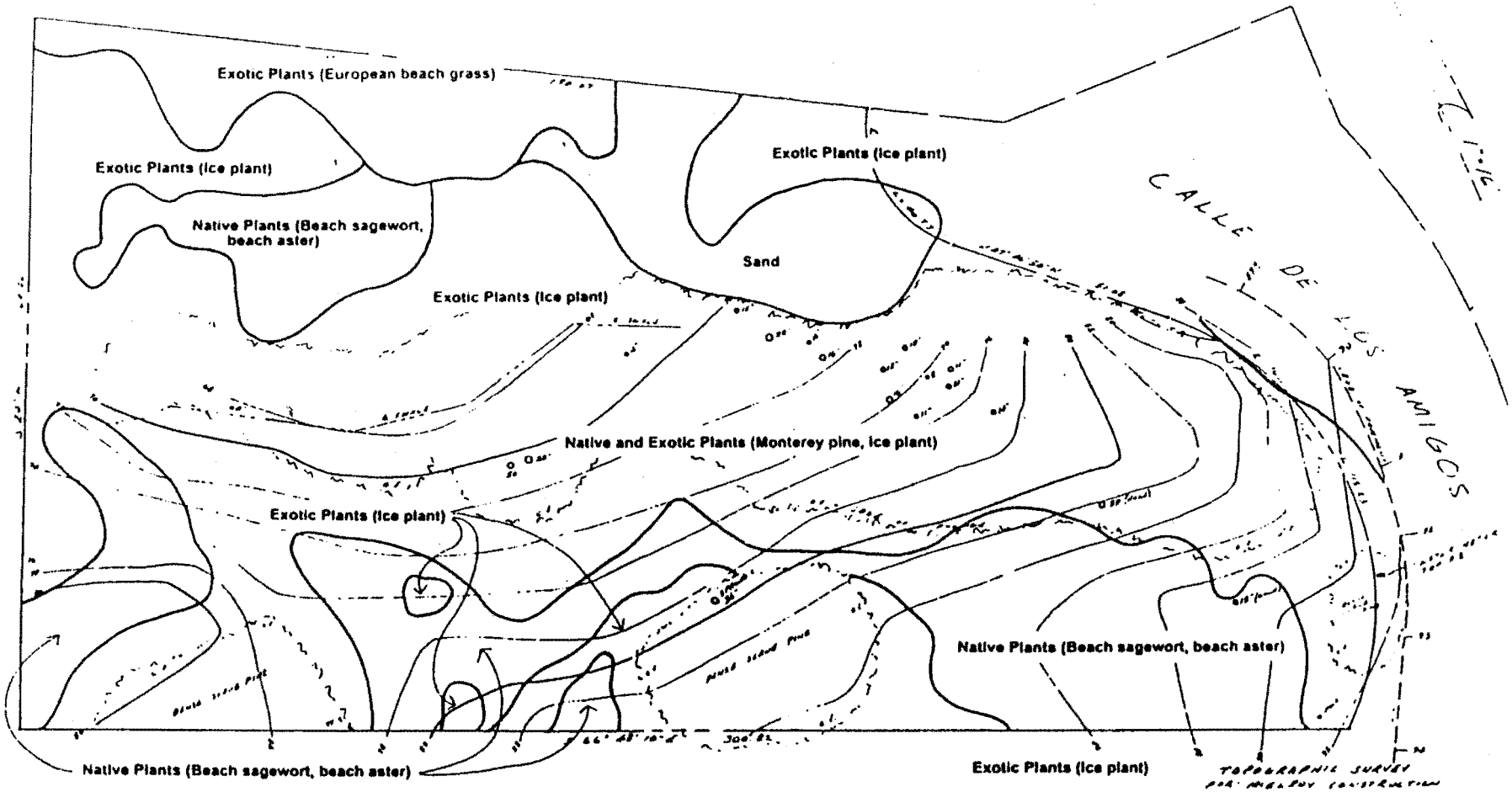
1. Menzies' wallflower (Erysimum menziesii ssp. menziesii); California Endangered Species, Federal Endangered Species, and California Native Plant Society List 1B - Rare or Endangered.
2. Tidestrom's lupine (Lupinus tidestromii var. tidestromii); California Endangered Species, Federal Endangered Species, and California Native Plant Society List 1B - Rare or Endangered.
3. Sand gilia (Gilia tenuiflora ssp. arenaria); California Threatened Species, Federal Endangered Species, and California Native Plant Society List 1B - Rare or Endangered.
4. Beach layia (Layia carnosa); California Endangered Species, Federal Endangered Species, and California Native Plant Society List 1B - Rare or Endangered.
5. Monterey spineflower (Chorizanthe pungens var. pungens); Federal Threatened Species and California Native Plant Society List 1B - Rare or Endangered.
6. Coastal dunes milk-vetch (Astragalus tener var. titi); California Endangered Species, Federal Endangered Species, and California Native Plant Society List 1B - Rare or Endangered.
7. Pacific Grove clover (Trifolium polyodon);. California Rare Species, Federal Threatened Species, and California Native Plant Society List 1B - Rare or Endangered.
8. Sandmat manzanita (Arctostaphylos pumila); California Native Plant Society List 1B - Rare or Endangered.
9. Monterey paintbrush (Castilleja latifolia); California Native Plant Society List 4 - Plants of Limited Distribution.
10. Monterey pine (Pinus radiata); California Native Plant Society List 1B - Rare or Endangered.
11. Black legless lizard (Anniella pulchra nigra); California Protected Species.

TABLE 2. PLANT SPECIES ENCOUNTERED

SCIENTIFIC NAME	COMMON NAME
Ammophila arenaria*	European beach grass
Artemisia pycnocephala	Beach sagewort
Avena fatua*	Wild oats
Baccharis pilularis	Coyote brush
Bromus diandrus*	Ripgut grass
Briza maxima*	Rattlesnake grass
Calandrinia ciliata	Red maids
Camissonia cheiranthifolia	Beach primrose
Cardionema ramosissimum	Sand mat
Carex pansa	Dune sedge
Carpobrotus edulis*	Hottentot fig ice plant
Claytonia perfoliata ssp. perfoliata	Miner's lettuce
Chorizanthe pungens var. pungens***	Monterey spineflower
Crassula tillaea*	Pygmy weed
Cryptantha leiocarpa	Coast cryptantha
Cupressus macrocarpa**	Monterey cypress
Ericameria ericoides	Mock heather
Erigeron glaucus	Seaside daisy
Eriophyllum staechadifolium	Lizard tail
Gilia tenuiflora ssp. arenaria***	Sand gilia
Hordeum murinum ssp. leporinum*	Barnyard foxtail
Lessingia filaginifolia	Beach aster
Linaria canadensis var. texana	Toad flax
Lotus heermannii	Wooly lotus
Lotus strigosus	Bishop lotus
Lupinus tidestromii var. tidestromii***	Tidestrom's lupine
Pinus radiata***	Monterey pine
Poa douglasii	Dune bluegrass
Polygonum paronychia	Dune knotweed
Pteridium aquilinum	Brachen fern
Senecio vulgaris*	Common groundsel
Sonchus oleraceus*	Sow thistle
Stellaria media*	Common chickweed

* Exotic species
** Non-local native species (introduced)
*** Species of special concern

FIGURE 2. VEGETATION MAP



Botanical Survey by Thomas K. Moss
Date of Survey: May 18 and June 8, 1998

TOPOGRAPHIC SURVEY
FOR: MEALEY CONSTRUCTION
IN A.P. T-061-014
BY LEO F. WOODS, C.E. MONTEREY, CALIFORNIA
PHONE 624-8635

JULY 4, 1998

3-01-062
(Reinstedt)

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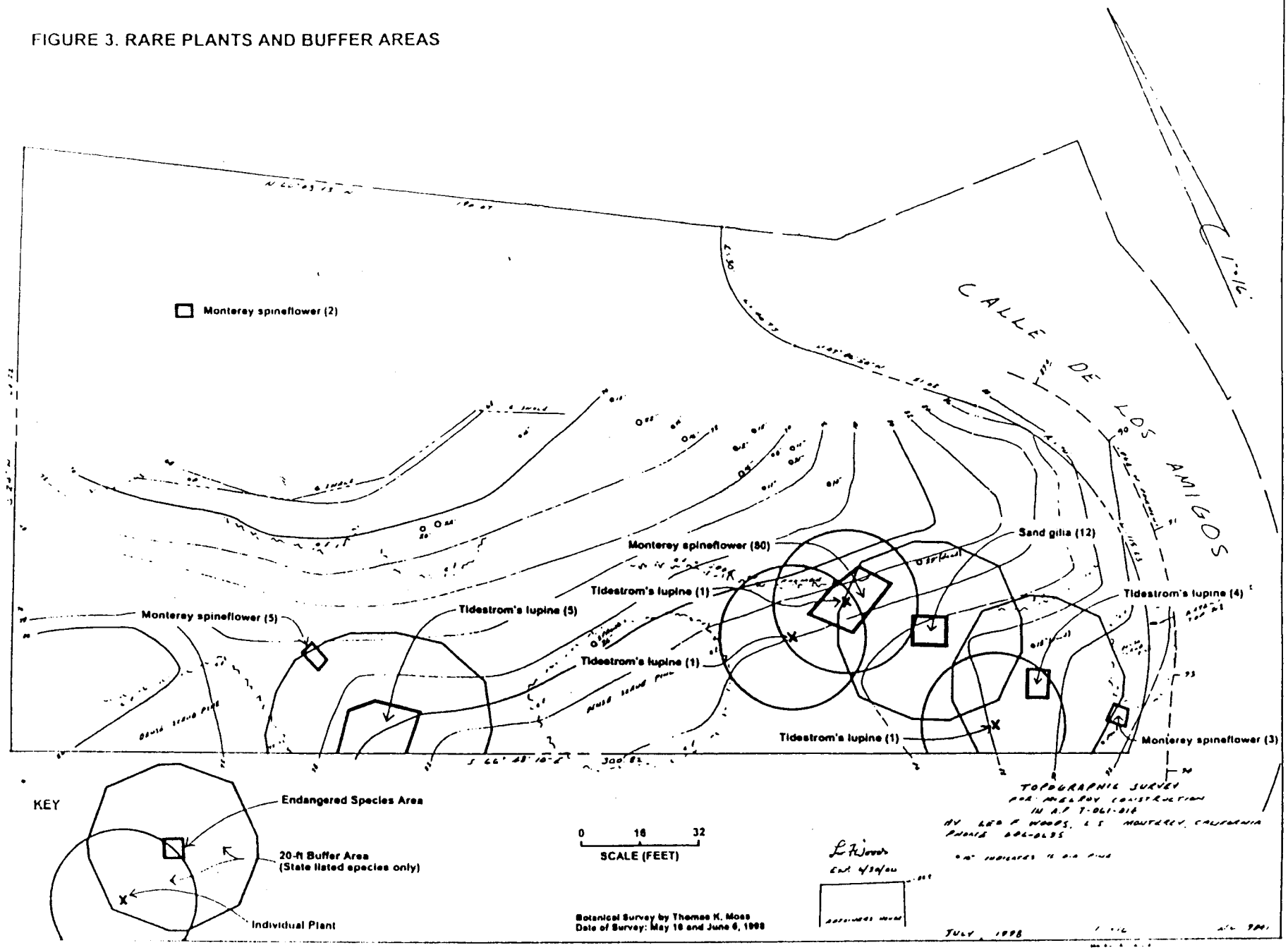
FIGURE 3. RARE PLANTS AND BUFFER AREAS



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(Reinstedt)

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10 of 13

THOMAS K. MOSS
Coastal Biologist

March 25, 2001

Jon Biggs, Associate Planner
Community Development Department
300 16th Street
Pacific Grove, CA 93950

Re: Reinstedt Residence
358 Calle de los Amigos
Pacific Grove, CA (APN 007-061-14)

Dear Jon:

At the request of Dennis McElroy, representing Randall and Debbie Reinstedt, I have prepared this brief botanical update for the proposed project site at 358 Calle de los Amigos, Pacific Grove.

On March 24, 2001, I conducted a rare plant survey, focusing only on the parts of the property that are in proximity to the proposed project, as represented on the site plan dated 2-13-01. I was able to accurately map the species of special concern using the exposed survey monument in the southeastern corner of the property as a field reference point. The numbers and locations of the Tidestrom's lupine, dune gilia and Monterey spineflower plants are shown in Figure 1 of this letter. The timing for the survey was ideal, as all three of the state and federally-listed species that have been previously observed on the property were conspicuous and easily identified.

I have surveyed the property annually for the past three years as the house plans have evolved and moved into the review phase. During this time, the population sizes and the distributions of the three species of special concern have remained nearly the same.

The locations of the proposed house and driveway have been modified since the original site plan (dated 3-3-00) was prepared. These changes were made with the intent of avoiding impacts to the species of special concern. In the current plan, the proposed house has been shifted to the north and the driveway has been realigned in an attempt to weave it between the populations of rare plants.

Based on the current site plan, the proposed houses will cause no adverse impacts to the nearby populations of Tidestrom's lupine and Monterey spineflower. However, the proposed driveway intersects two groups of rare plants and would result in the removal ("taking," as defined by the CDFG) of one Tidestrom's lupine and at least three dune gilia plants.

508 Crocker Avenue
Pacific Grove, CA 93950
(831) 373-8573

My recommendation is that the proposed driveway should be placed along the southern property line with no setback from the property line where it passes the first group of six Tidestrom's lupines. There is 12.5 feet between the southern property line and the nearest Tidestom's lupine plant in the first group. The driveway is proposed to be 11 feet wide. The edge of the driveway should come as close to the property line as possible. A variance should be granted, if necessary, to accommodate this unusual circumstance.

With only about 1.5-ft between the driveway and the first group of Tidestrom's lupine plants, special measures will need to be taken to prevent the plants from being damaged or removed during construction. The following measures are recommended:

- One foot away from the nearest plants, three 3-ft wide by 5-ft long sections of corrigated metal should be pounded 2-ft into the ground, forming a wall between the proposed driveway and the first group of Tidestrom's lupines. The metal sheets should be removed after construction of the driveway and residence is competed. The Project Biologist should oversee installation of the metal sheets.
- The Project Biologist should be present during grading of the driveway and should monitor construction of the driveway on a daily basis.
- Symbolic fencing (posts and rope guideline) should be installed by the Project Biologist immediately around all groups of rare plants on the property, as shown in Figure 1 and as presently flagged in the field.
- The guideline fence should remain in place and in good condition until pre-construction fencing is installed, per the instructions in the 1998 Botanical Survey Report.

A possible alternative location for the driveway exists just to the north of the three rare plant groups shown in Figure 1, in the area that is described in the Botanical Survey Report as the forested swale. Although a driveway could be located here without impacting any of the rare plants, other negative environmental impacts would result. The slope is very steep (about 22 percent) for the first 35-ft. dropping off the street into the swale. Reducing the slope to a suitable grade would require an extensive amount of filling in of the swale. This area represents a distinct natural landform in the Asilomar Dunes that supports wildlife habitat unique to the Forest Front Zone and to the property. For these reasons, this location is not considered a desirable alternative location for the driveway.

Sincerely,

Copies: Dennis McElroy
Randall and Debbie Reinstedt

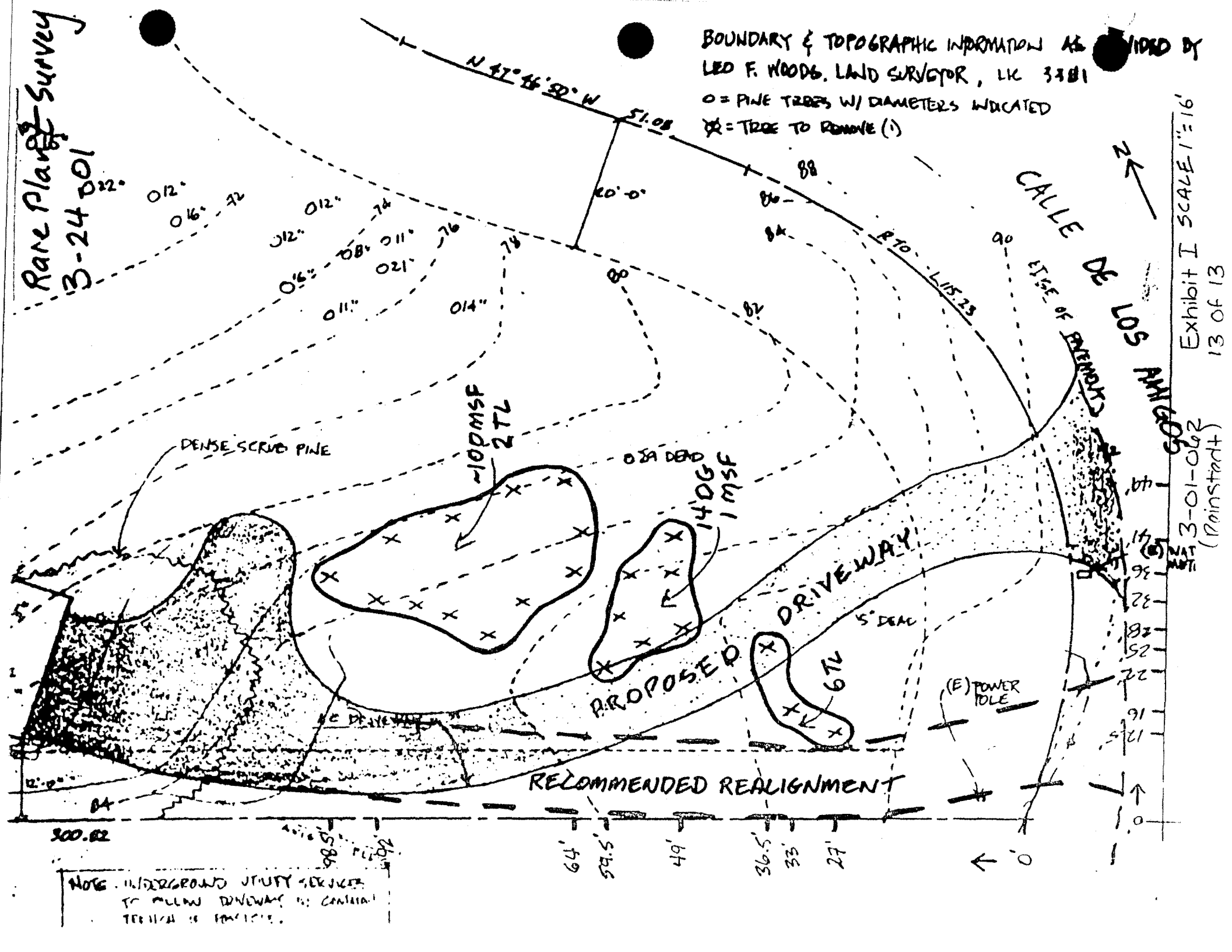

Rare Plant Survey
3-24-001
BOUNDARY & TOPOGRAPHIC INFORMATION AS PROVIDED BY
LEO F. WOODS, LAND SURVEYOR, LIC 3181
O = PINE TREES W/ DIAMETERS INDICATED
⊗ = TREE TO REMOVE (1)
N 41° 46' 50" W 51.08
R 10 - L 15.23
CALLE DE LOS AMIGOS
EDGE OF PAVEMENT
DENSE SCRUB PINE
10DMSF 2TZ
14DGF 1MSF
2 DEAD
PROPOSED DRIVEWAY
5' DEAD
6TZ
(E) POWER POLE
RECOMMENDED REALIGNMENT
300.82
88.5'
49'
59.5'
49'
36.5'
33'
27'
0'
NOTE: UNDERGROUND UTILITY SERVICES TO ALLOW DRIVEWAY TO CONTINUE TO REMAIN.
Exhibit I SCALE 1"=16'
13 of 13
3-01-0402 (Poinstett)

Photo 1. Applicant's photo of proposed Reinstedt residence (story poles and orange flagging); view from Calle de los Amigos, looking west. (See map of photo locations on pg J4)

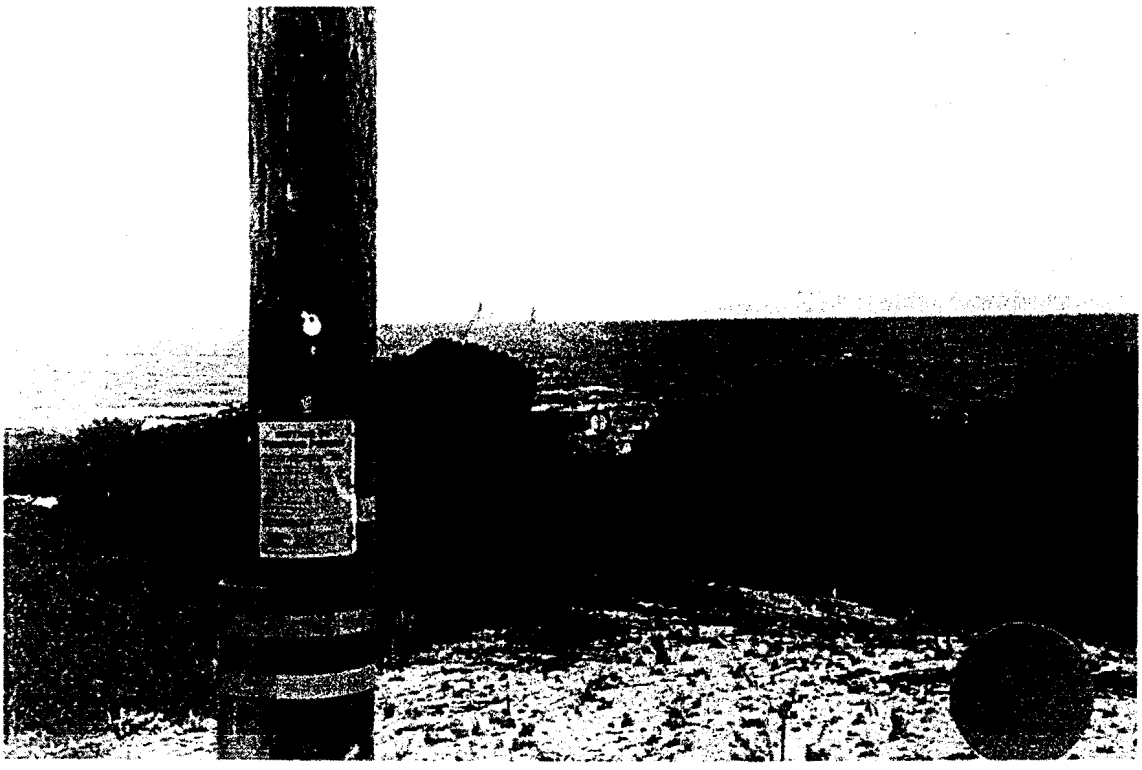


Photo 2. Applicant's photo of proposed Reinstedt residence (orange flagging); view from Calle de los Amigos looking west.

Photo 3. Applicant's photo of proposed Reinstedt residence (orange flagging to left of telephone pole in center of photo); view from Arena Avenue looking south.

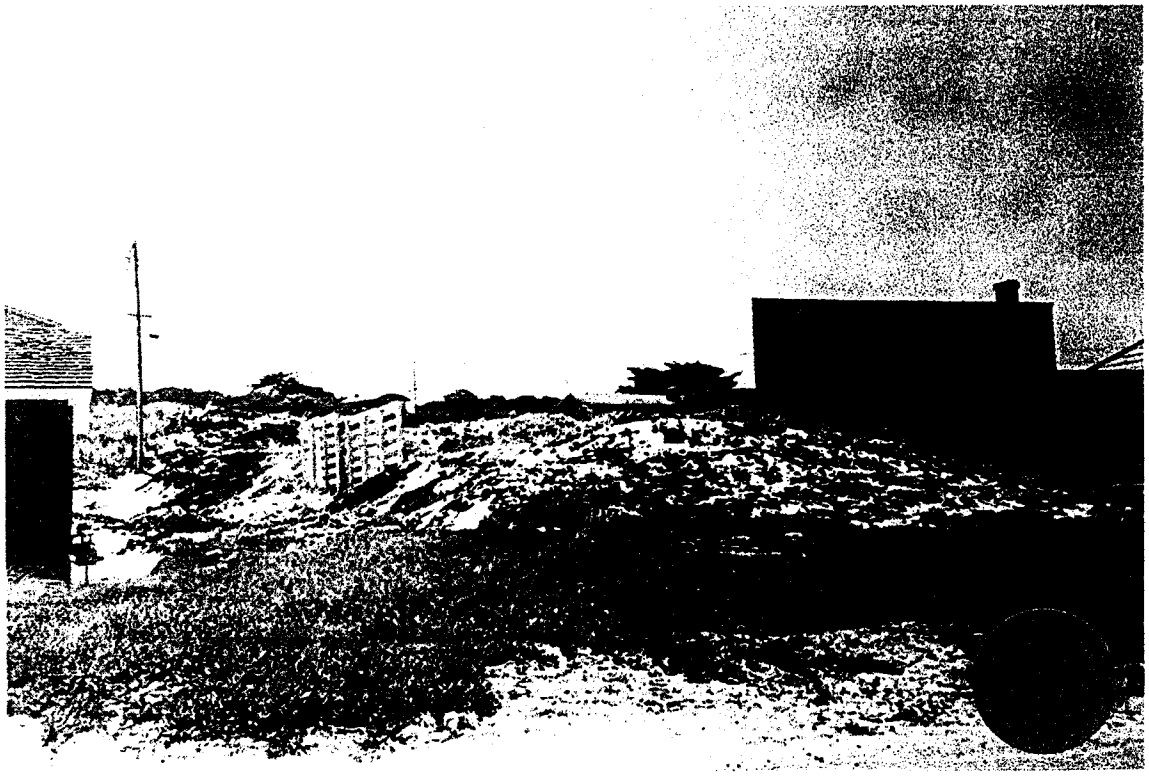
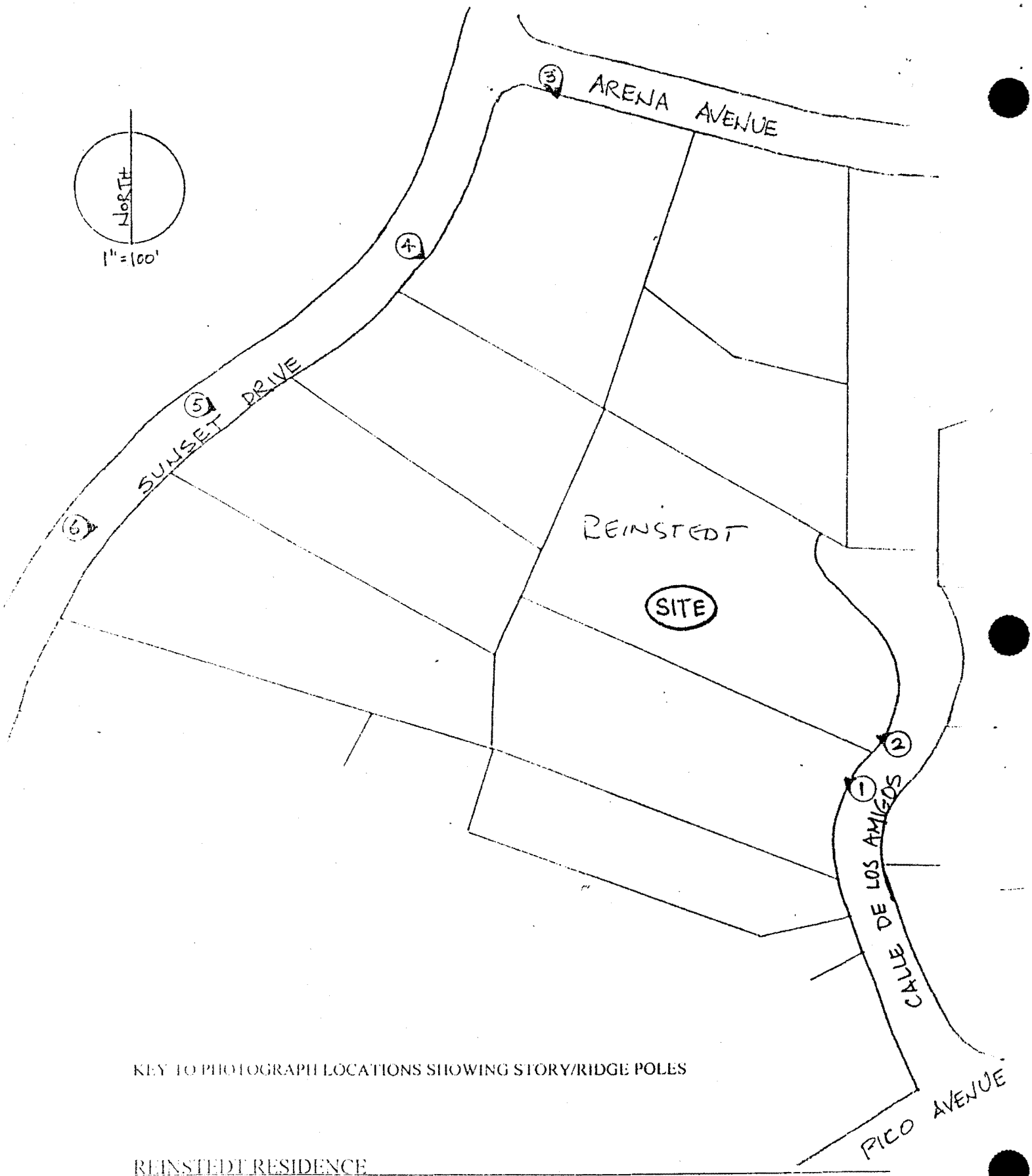


Photo 4. Applicant's photo of proposed Reinstedt residence (orange flagging in center of photo); view from Calle de los Amigos looking west.

Photo 5. Applicant's photo of proposed Reinstedt residence (orange flagging and story poles in center of photo); view from Sunset Drive looking east. (Poles and notice in foreground dunes are for Pletz residence.)

Photo 6. Applicant's photo of proposed Reinstedt residence (orange flagging and story poles in center of photo); view from Sunset Drive looking east.



KEY TO PHOTOGRAPH LOCATIONS SHOWING STORY/RIDGE POLES

REINSTEDT RESIDENCE
358 Calle de los Amigos, Pacific Grove

Project Photo's
Exhibit J
4 of 4

3-01-062
(Reinstedt)

Exhibit K
1 of 2

3-01-062
(Reinstedt)

		Water Waiting List	As of Date:		1/25/2001			
			Water Requested					
			Residential and Commercial					
B/P Issued	Entry No.	Address	F.U. Req.	F.U. Alloc.	Water Required A.F.	Date on list	Date Paid	F.U. assigned	Water Avail. Notified
		Residential							
	1	405 Asilomar	2		0.02	7/22/1999			
	2	1232 Buena Vista	4.7		0.047	8/13/1999			
	3	223 6th Street	4.7		0.047	8/16/1999			
	4	1211 Pico	2.6		0.026	8/30/1999			
	5	1135 Presidio Blvd	24.15		0.2415	9/7/1999			
	6	507 11th Street	2		0.02	9/30/1999			
	7	1705 Sunset Drive	6.7		0.067	10/15/1999			
	8	129 17th Street	2.7		0.027	1/27/2000		2.7	ORD 98
	9	1330 Funston Ave	2		0.02	1/28/2000			
	10	179 Pacific Ave	4.7		0.047	2/24/2000			
	11	1080 Lighthouse	2		0.02	3/24/2000			
	12	322 Central	4.2		0.042	3/30/2000			
	13	151 11th Street	2.4		0.024	4/3/2000			
	14	1303 Shafter	3.2		0.032	5/23/2000			
	15	211 Chestnut	6.7		0.067	8/1/2000			
	16	121 17th St.	5.7		0.057	8/4/2000			
01-320	17	1218 Lawton	2		0.02	8/23/2000		2	CED. 98
					Subtotal	0.8245			
		Commercial							
	1				0				
					Subtotal	0			
						Page Total	0.8245		

B/P Issued	Entry No.	Address	F.U. Req.	F.U. Alloc.	Water Required A.F.	Date on list	Date Paid	F.U. assigned	Water Avail. Notified
		Residential							
	18	722 Granite St.	1.6		0.016	8/28/2000		2.8	1/24/2001
	19	1277 Buena Vista	1.2		0.012	11/29/2000		2	1/24/2001
	20	1279 Buena Vista	4.7		0.047	11/29/2000		4.7	ORD 98
	21	1026 Hillside	2.7		0.027	12/8/2000			
	22	232 Cypress	2.7		0.027	2/5/01			
	23	265 Forest Park	1.9		0.019	2/15/01			
	24	1107 Pico Ave.	4.0		0.040	3/5/01			
	25	1111 Lincoln	4.0		0.040	3/27/01			
	26	225 17 Mile Dr.	4.7		0.047	3/27/01			
					Subtotal	0.102			
						Total	0.9265		
	27.	925 Cedar St.	4.7		0.047	4/16/01			
	28.	517 Asilomar	4.6		0.046	5/3/01			
01-0316	29.	1008 Hillside	4.7		0.047	5/8/01		4.7	ORD. 98
01-0279	30.	618 Carmel	4.7		0.047	5/11/01		4.7	ORD. 98
	31.	1156 Del Sadero	2.7		0.027	5/14/01			
	32.	1721 Sunset	2.715		0.02715	5/17/01			
	33.	Calle De Los Amigos	24.6		0.246	6/12/01			

3-01-062
(Reinstedt)

THOMAS K. MOSS
Coastal Biologist

LANDSCAPE RESTORATION PLAN

REINSTEDT RESIDENCE
358 CALLE DE LOS AMIGOS, PACIFIC GROVE, CA
(APN 007-061-14)

Property Owners:

Randall and Debbie Reinstedt
P.O. Drawer 5998
Carmel, CA 93921

March 15, 2001

508 Crocker Avenue
Pacific Grove, CA 93950

(408) 373-8573

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LANDSCAPE RESTORATION PLAN
REINSTEDT RESIDENCE
358 CALLE DE LOS AMIGOS, PACIFIC GROVE, CA
(APN 007-061-14)

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 358 Calle de los Amigos in Pacific Grove, CA. The property is located in the environmentally sensitive Asilomar Dunes, home to a number of state and federally listed plant and animal species. 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 restoring, monitoring and maintaining the native landscape. This Landscape Restoration Plan satisfies that requirement.

The property consists of a roughly rectangular-shaped 40,006 square foot vacant lot that borders Calle de los Amigos for approximately 115-ft and extends in a westerly direction for approximately 300-ft. A forested interdune swale (low-lying area between dune ridges) runs through the central portion of the property. Dune slopes extending from the swale to the northern and southern property lines are steep on the north side and gentle on the south side. Exotic plants, particularly Hottentot fig ice plant *(Carpobrotus edulis)* and European dune grass *(Ammophila arenaria)*, cover a significant proportion of the property. A remnant example of the native dune landscape occurs in the southeastern portion of the property above the forested swale.

A botanical survey report was prepared for the property on November 8, 1998 (Appendix 1). Four protected plant species were identified on the property, including Tidestrom's lupine *(Lupinus tidestomii)*, Monterey spineflower *(Chorizanthe pungens)*, dune gilia *(Gilia tenuiflora ssp. arenaria)* and Monterey pine *(Pinus radiata)*. The botanical survey report provides a description of the existing vegetation contrasted with a description of the original, undisturbed native plant community that once thrived in the area. The report also provides a list of special conditions that are typically 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 during and after project construction.

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 on the southeastern portion of the property and in some parts of the forested swale. These two distinct areas of vegetation are examples of the two major plant communities found in the Asilomar Dunes – the Central Dune Scrub Plant Community and the Monterey Pine Forest Plant Community (See Appendix 1 for a detailed description of each plant community). 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 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 and pet activity.
- Maintain and enhance the existing coniferous forest tree cover.
- Protect existing populations of species of special concern (Tidestrom's lupine, Monterey spineflower and dune gilia).
- Carryout a monitoring program based on quantitative and qualitative standards.
- Establish a long-term management program for maintaining and preserving the undeveloped portion of the property 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, Pt. Joe to the south, Asilomar Boulevard to the east and the shoreline to the west. Permission to collect on private or public property will need to be obtained from the respective property owners. A total of approximately 15 pounds of seeds will be collected from 19 species.

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, European dune grass and ripgut brome *(Bromus diandrus)*. 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 1998 botanical survey report. The success of this mitigation 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, European dune grass and ripgut 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. Alternatively to using herbicide, all exotics on the property could be removed by hand. It is vital to the success of this project that all exotic seedlings be pulled and removed each year before they flower and produce seeds.

The herbicide "RoundupPro" has proven to be very effective in eradicating ice plant, European dune grass and ripgut 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. "RoundupPro" should be applied to all exotic plants within the area that will be affected by construction prior to the start of grading and construction.

If any herbicide is used on the property for controlling exotic plants, prior to spraying, the targeted area will be carefully inspected and all Tidestrom's lupine, Monterey spineflower and dune gilia will be clearly identified with wire flags. Exotic plants will be cleared away by hand from all plants of special concern and one-gallon plant containers will be placed over individual plants of special concern during spraying.

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. Landscape Treatment Areas

To facilitate implementation of this mitigation project, the undeveloped portion of the property can be divided into three distinct Landscape Treatment Areas (Figure 1), based mainly on the distribution of the two native plant communities represented on the property – the Central Dune Scrub Plant Community and the Monterey Pine Forest Plant Community. Although the restoration methodology applied to each area will be basically the same, the intensity of the treatment in each area will vary depending upon the amount of work required to achieve the stated restoration objectives.

Each Landscape Treatment Area and its applicable management practices are described below. Detailed restoration procedures and methodology are described in the next section of this report following the description of the Landscape Treatment Areas.

Landscape Treatment Area 1: Central Dune Scrub

This Landscape Treatment Area encompasses approximately 60 percent of the property and includes the dunes surrounding the interdune swale that runs through the center of the property. In addition, all of the proposed construction, including the residence and driveway, is located in this area. The existing condition of the area ranges from relatively undisturbed to highly disturbed. The undisturbed areas contain a full array of the representative native species of the Central Dune Scrub Plant Community, including beach sagewort, beach aster, dune blue grass and mock heather, and three species of special concern (Tidestrom's lupine, Monterey spineflower and dune gilia). The disturbed areas are predominately covered by either ice plant, European dune grass or bare sand. Because of this range of differences in habitat quality, different levels of restoration activity will be required to restore this Landscape Treatment Area to its original, natural condition.

It is likely that during construction all vegetation will be eliminated in the area extending 10 to 20 feet from the proposed residence and a minimum of 5-ft from the proposed driveway. Areas for construction staging and material storage will also result in complete removal of the vegetation.

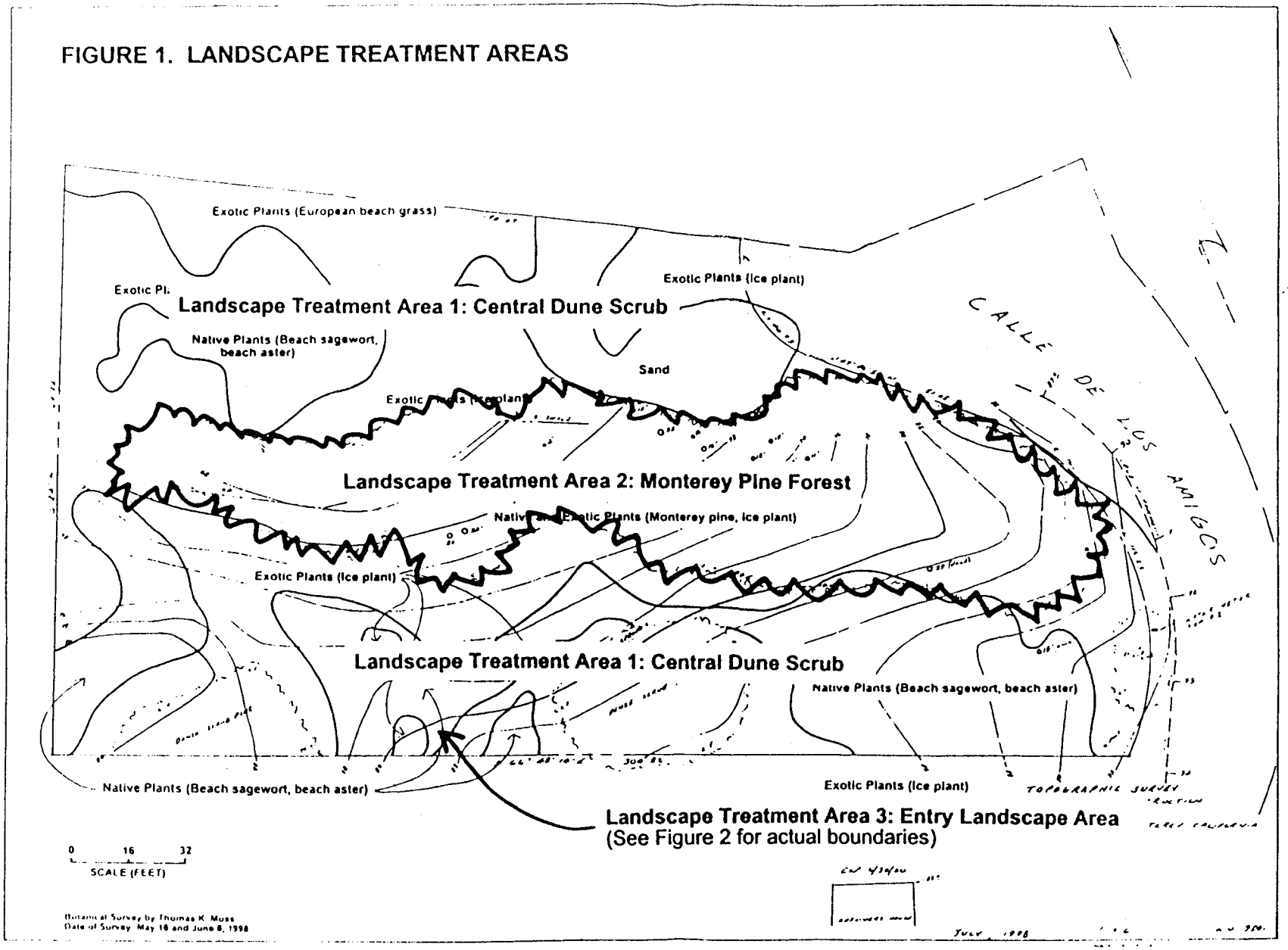
Complete restoration of the native plant community will be required in the disturbed portions of this Landscape Treatment Area. Revegetation will entail eradicating exotic plants, broadcasting seeds and planting native plants.

In areas of relatively undisturbed habitat, restoration will entail careful eradication of any exotics, taking special precautions to avoid harming the rare plants when pesticides are used, and minimal revegetation, augmenting plant cover and species diversity where deficiencies are identified.

Restoration of the portion of this area impacted by construction will begin after the completion of construction and clean-up of the site. Restoration of the area outside of the construction zone can begin and possibly be completed prior to completion of construction.

Special measures will be taken on a routine basis to protect existing rare plant species that occur in Landscape Treatment Area 1.

FIGURE 1. LANDSCAPE TREATMENT AREAS



Follow-up control of ice plant seedlings and other weeds, particularly during the first year after construction, will be essential.

Landscape Treatment Area 2: Monterey Pine Forest

Dominating the forested central portion of the property this landscape treatment area covers approximately 40 percent of the property. In the two years since the botanical survey for the property was completed, the Monterey pine trees have continued to decline in health as a result of pine pitch canker. As originally predicted, most of the trees are now nearly dead. The ground cover under the trees is mostly ice plant and dune sedge. Other weeds, particularly ripgut brome grass, are invading this area as the canopy of the trees opens up and allows more light to reach the ground. Restoration of the landscape will entail initially eradicating the exotic plants followed by planting native dune species, including either pitch canker resistant Monterey pines or Monterey cypresses. Because this area is not located within the area affected by proposed construction, implementation of restoration work can begin and possibly be completed in this area prior to completion of construction. Follow-up control of ice plant seedlings, annual grasses and other weeds, particularly during the first year after construction, will be essential.

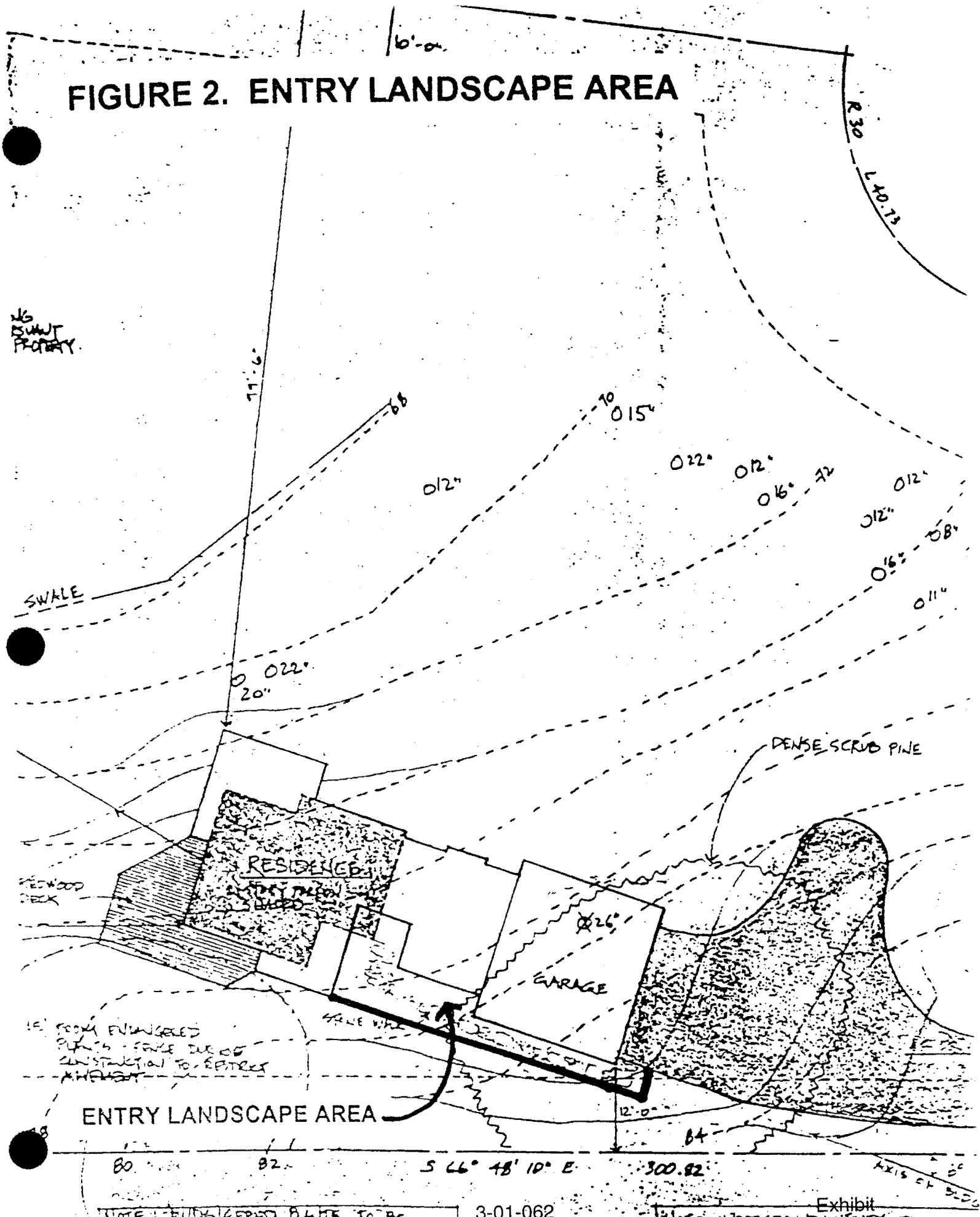
Landscape Treatment Area 3: Entry Landscape Area

A flagstone walkway leading from the driveway to the front door defines the proposed entry area of the residence (Figure 2). The area is approximately 300 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 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.
- 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.

Figure 3 provides a list of exotic species that are suitable for use in this area. Most of these species have proven to be tolerant of the salty coastal air and are not favored by the deer.

FIGURE 2. ENTRY LANDSCAPE AREA



NOTE: ENDANGERED PLANTS TO BE PROTECTED FROM JEAN PLUG BY PERMANENT RESTRICTION TO

3-01-062 (Reinstedt)

NOTE: UNDERGROUND UTILITY SERVICE TO MAIN DRIVEWAY IN CANYON

FIGURE 3. SUITABLE ENTRY AREA 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)*
Matilija poppy *(Romneya coulteri)*
Rosemary *(Rosemarinus officinalis)*
Cleveland sage *(Salvia clevelandii)*
Santolina *(Santolina chamaecyparissus)*
Society garlic *(Tulbaghia violacea)*

* Non-local native plant

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

B. 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 property. The kind and amount of plants selected for this project have been determined from observations of relatively undisturbed dune areas on the property 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 the desired plant cover within one year of planting.

Direct seeding is certainly easier and potentially less expensive than planting of nursery stock. However, direct seeding is unreliable and requires the collection of large quantities of seeds and the use of frequent irrigation to ensure successful seed germination and plant establishment. Seeds will only be applied to areas impacted by construction and where large patches of ice plant are removed. 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 or collected by the nursery at least four months in advance of the scheduled planting date.

Where native plants are absent or sparse on the property, nursery stock will be planted on 2-ft centers at a rate of about 13,500 plants per acre. Plants will be installed in a mixed, random pattern according to the amounts shown in Figure 4, as indicated for each Landscape Treatment Area. In areas where native species are sufficient in numbers or diversity, nursery stock will be planted to augment the existing plant cover.

FIGURE 4. SELECTED PLANT SPECIES FOR REVEGETATION

BOTANICAL NAME	NURSERY STOCK (%)	NURSERY STOCK (#)	SEEDS (lbs.)
LANDSCAPE TREATMENT AREA 1: CENTRAL DUNE SCRUB			
Pink sand verbena *(Abronia umbellata)*	0	0	5.00
Beach bur *(Ambrosia chamissonis)*	0	0	5.00
Thrift *(Armeria maritima)*	3	130	0
Beach sagewort *(Artemisia pycnocephala)*	55	2,376	2.00
Coyote bush *(Baccharis pilularis ssp. pilularis)*	1	43	0
Sand mat *(Cardionema ramosissimum)*	5	216	1.00
Mock heather *(Ericameria ericoides)*	4	173	0
Seaside daisy *(Erigeron glaucus)*	5	216	0
Dune buckwheat *(Eriogonum parvifolium)*	3	130	0
Beach poppy *(Eschscholzia californica maritima)*	3	130	0
Beach aster *(Lessingia filaginifolia californica)*	21	907	0
TOTALS	**100**	**4,321**	**13.00**
LANDSCAPE TREATMENT AREA 2: MONTEREY PINE FOREST			
Yarrow *(Achillea millefolium)*	3	45	0
Beach sagewort *(Artemisia pycnocephala)*	30	445	2.00
Coyote bush *(Baccharis pilularis ssp. pilularis)*	5	74	0
California brome *(Bromus carinatus)*	10	150	0
Dune sedge *(Carex pansa)*	30	445	0
Monterey pine *(Pinus radiata)* *	2	30	0
Blue wild-rye *(Elymus glaucus)*	10	150	0
Seaside daisy *(Erigeron glaucus)*	4	59	0
Douglas iris *(Iris douglasiana)*	3	45	0
Wood mint *(Stachys bullata)*	3	45	0
TOTALS	**100**	**1,488**	**2.00**

* Substitute Monterey cypress *(Cupressus macrocarpa)* if pitch canker-resistant Monterey pine is not available.

Approximately 60 to 75 percent (0.32 to 0.35 acres) of Landscape Treatment Area 1 will require full restoration, amounting to a total of 4,320 to 4,725 plants. Approximately 30 to 40 percent (0.11 to 0.13 acres) of Landscape Treatment Area 2 will require full restoration, amounting to a total of 1,485 to 1,755 plants.

Other than for aiding in growing plants in the nursery, no fertilizer will be used on this project. No fertilizer will be applied or used on-site, except possibly in Landscape Treatment Area 3.

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, watering 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.

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 avoided, except for landscape maintenance purposes (i.e., trash pickup, weeding, planting and monitoring). 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 should extend from all exterior doorways and should be indicated on the project site plan.

Development guidelines were presented in the 1998 botanical survey report for the purpose of mitigating potential environmental impacts resulting from the proposed development. These guidelines also describe measures for protecting the environment during and after construction of the proposed project. Typically, the Pacific Grove Community Development Department and the California Coastal Commission adopt these guidelines as conditions of permit approval for the project. Included are instructions for the placement of temporary dune protection fencing, a pre-construction meeting, proper storage and disposal of construction materials, and regular compliance inspections by a designated project environmental monitor (Project Biologist).

Although not anticipated at this time, if any additional walkways, fencing or other structures are planned 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 activities that are necessary to ensure that the project objectives are achieved, including: 1) periodic removal of invasive, exotic plants; 2) revegetation of areas where damage has occurred or plant cover deficiencies are identified, and 3) prevention of damage to plants, particularly the species of special concern, from trampling by people and deer herbivory.

Weeding will be a primary, ongoing maintenance activity. Removal of exotic plants is essential for successful restoration of the native landscape. Of principal concern are ice plant seedlings, European beach grass resprouts, and fast growing annual weeds that are common throughout the Asilomar Dunes residential area, including ripgut 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 directly into plastic bags or 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 native 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 continue to need annual attention.

Another primary, ongoing maintenance activity will be protecting the species of special concern from damage by deer herbivary and trampling by people and pets. Protecting the Tidestrom's lupine plants from deer herbivory will entail placing wire baskets over each plant. The plants will not survive over the long-term if they are not protected in this way. If trampling is evident in the areas where Monterey spineflower and dune gilia occur, temporary fencing (T-posts or stakes and guidelines) should be put up and maintained until after the plants have gone to seed. Inspecting the areas where the rare plants occur early in the growing season (March) and taking appropriate measures to protect the plants will ensure that these special plants survive on the property.

7. Landscape Monitoring

Landscape 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. At a minimum, landscape monitoring will be done 1) on a daily basis during implementation of the landscape restoration project, 2) on a weekly basis for the first three months after plant installation is completed, and 3) annually for five years.

A qualified coastal biologist will serve as the Project Biologist and will be retained by the property owner to guide and monitor implementation of this Landscape Restoration Plan for at least five years. The five-year monitoring period will begin after installation of the landscape is satisfactorily completed and a letter to this effect has been submitted to the Director of the Pacific Grove Community Development Department.

A brief, annual monitoring report 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 annual 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; 4) the status of exotic vegetation, and; 5) the status of the species of special concern.

In summary, monitoring will include the following tasks:

- Inspecting the site no less than one time each week during construction.
- Preparing a monthly report (form letter) to the Director of the Pacific Grove Community Development Department during the construction period.
- Overseeing implementation of this landscape restoration project.
- Collecting baseline data and monitoring vegetation changes.
- Providing written notification to the Director of the Pacific Grove Community Development Department when installation of the native landscape has been satisfactorily completed.
- Preparing annual monitoring reports for five years following implementation of this landscape restoration project.

IV. MONITORING PLAN

A. FIELD SAMPLING TECHNIQUES AND PROCEDURES

Monitoring will include only qualitative evaluations. Measurements, including plant density and percent coverage, will be done by estimation only. If it appears that the landscape is deficient in either density or percent coverage, field sampling using standard line-intercept transects and random quadrat analysis may be done to accurately quantify the deficiency. Qualitative evaluations will also assess the health and vigor of the vegetation. Photographs of the project site will provide additional documentation of progress toward accomplishing the project's objectives.

Data and field observations will be recorded on a form designed to document information pertaining to each performance standard (Figure 5). Interpretation of the results and any relevant observations will be presented in the annual monitoring report.

A rare plant survey will be conducted each year concurrently with other monitoring data collection, documenting the number and locations of all species of special concern, and will be presented in the annual monitoring report.

B. LANDSCAPE RESTORATION PERFORMANCE CRITERIA

Monitoring standards provide a means for assessing the relative success of the restoration project and identifying maintenance needs over time.

FIGURE 5. LANDSCAPE MONITORING FORM

DATE: LOCATION:
RECORDER: PHOTO#:

1. PLANT DENSITY NUMBER OF QUADRATS SAMPLED:

SPECIES	# ADULTS	# SEEDLINGS	TOTAL # OF PLANTS

TOTAL DENSITY:

STANDARD: COMPLIANCE Yes No

2. PERCENT TOTAL COVERAGE TRANSECT NUMBER:

Native: Exotic: Sand: Organic Matter:

STANDARD: COMPLIANCE: Yes No

3. COMPOSITION TOTAL SPECIES:

STANDARD: COMPLIANCE: Yes No

4. HEALTH AND VIGOR CONDITION: Good Poor
Comments:

5. EXOTIC SPECIES CONDITION: Good Poor
Comments:

6. EROSION CONDITION: Good Poor
Comments:

7. LANDSCAPE FENCING CONDITION: Good Poor
Comments:

8. SPECIES OF SPECIAL CONCERN

SPECIES	NUMBER	STANDARD	COMPLIANCE	
Tidestrom's lupine		Not damaged	Yes	No
Monterey spineflower		Not damaged	Yes	No
Dune gilia		Not damaged	Yes	No

9. REMEDIAL ACTION

This landscape restoration project 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):
  Landscape Treatment Area 1: 1 year: 10%
  2 years: 25%
  3 to 5 years: 35%

  Landscape Treatment Area 2: 1 year: 25%
  2 years: 50%
  3 to 5 years: 75%
- Percent relative cover: All species are within normal range.
- Composition: 17 native species.
- Health and vigor: Plants are in good health and exhibit normal flowering. Damage from people or pets is negligible.
- Exotic species: Non-indigenous plants are few in numbers and not evident.
- Tidestrom's lupine: Plants protected from herbivory by deer.
- Monterey spineflower: Plants are not damaged by trampling.
- Dune gilia: Plants are not damaged by trampling.
- Erosion: Not evident.

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

C. ANALYSIS OF RESULTS

Success of this landscape restoration project will be measured by the stated performance criteria. A very basic statistical analysis is all that will be required to determine if the standards are being met. The results of the monitoring survey will be compared to the stated performance standards and any difference will be reported as a positive or negative number. A positive number will indicate that the stated standard has been achieved or exceeded while a negative number will indicate that the standard has not been met and remedial actions may be required.

D. REMEDIAL ACTION

If the property or a portion of it fails to meet any one of the stated performance standards, corrective actions will be identified in the annual monitoring report and promptly enacted. Alternative measures may become necessary to achieve the project objectives and to meet the performance standards. If success is not achieved by the end of the five-year monitoring period, the California Coastal Commission or the City of Pacific Grove may direct that the monitoring period be extended at least three additional years.

V. PROJECT IMPLEMENTATION

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 Figure 6. This schedule represents a work plan that should be followed in the order that the tasks are listed.

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: S Thomas E. Moss Date: 3-15-01

FIGURE 6. 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

MITIGATION MONITORING PROGRAM

for:

358 CALLE DE LOS AMIGOS - REINSTEDT RESIDENCE

applicant:

DENNIS McELROY, AGENT FOR OWNER

Lead Agency:

CITY OF PACIFIC GROVE
COMMUNITY DEVLEOPMENT 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 proposed project at 358 Calle De Los Amigos 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.

Mitigation Measures for 358 Calle De Los Amigos – Reinstedt Residence

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
1. Prior to a final on the building permit, the structure shall be painted in colors, in the earth tone color range, approved by the Architectural Review Board.	Applicant or Applicant's Representative	Prior to a final on the building permit for the project.	Community Development Department	
2. Exterior lighting shall be screened to confine light splay to the site and exposed lamps shall be at wattage levels that sufficiently limit light glare.	Applicant or Applicant's Representative	Before installation of light fixtures and prior to a final on the building permit.	Community Development Department	
3. Architectural Review Board approval is required for exterior lighting.	Applicant or Applicant's Representative	Before installation of light fixtures and prior to a final on the building permit.	Community Development Department	
4. After installation, the Architectural Review Board may require lamps with lower wattage levels in order to limit the glare levels of the light fixtures.	Applicant or Applicant's Representative	After installation of light fixtures but prior to a final on the building permit.	Community Development Department	
5. All new utilities and drainage systems shall be installed underground in a single corridor and installed under the driveway and walkways.	Applicant or Applicant's Representative	Prior to installation of underground utilities.	Community Development Department	
6. Prior to final inspection and granting of occupancy, landscaping shall be either installed or a certificate of deposit (payable to the City of Pacific Grove) for the cost of implementing the Landscape Restoration Plan shall be submitted to the City of Pacific Grove Community Development Department.	Applicant or Applicant's Representative	Prior to final inspection and granting of occupancy.	Community Development Department	

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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 on XXXX XX, 2001.

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 a 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 project at 358 Calle De Los Amigos, the property owners shall be responsible for the costs of implementing and monitoring the mitigation measures.

7. A landscape restoration plan shall be prepared by a qualified biologist that defines procedures and standards for restoration, maintenance, and monitoring of the undeveloped portions of the property. The plan shall contain adequate mitigation measures, as required by the California Department of Fish and Game, for the loss of CESA species.	Applicant or Applicant's Representative	Prior to a final on building permit.	Community Development Department	
8. The landscape and restoration plan requires the approval of the Architectural Review Board. 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	Prior to a final on building permit.	Community Development Department	
9. A qualified biologist (Project Biologist) shall be retained by the property owner to monitor construction and implement the Landscape Restoration Plan.	Applicant or Applicant's Representative	On-going	Community Development Department	
10. Temporary fencing shall be installed to protect the dunes surrounding the proposed garage, particularly the area on the adjacent property to the south that contains a small population of Tidestrom's lupine. The Project Biologist shall confer with the General Contractor and identify the actual location of the fence in the field.	Applicant or Applicant's Representative	Prior to beginning construction.	Community Development Department	
11. The fence shall consist of high-visibility, 4-ft plastic mesh or equivalent material. The fence shall be securely fastened to metal T-posts, spaced no more than 8-ft apart.	Applicant or Applicant's Representative	Prior to beginning construction.	Community Development Department	
12. As defined in the Landscape Restoration Plan, all exotic plants on the project site shall be sprayed with an appropriate herbicide prior to the start of construction or ground excavation.	Applicant or Applicant's Representative	Prior to beginning construction.	Community Development Department	

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13. A pre-construction meeting shall be held between the owner or their representative, the General Contractor, the Project Planner, and the Project Biologist to review the project's permits and all environmental compliance requirements.	Applicant or Applicant's Representative	Prior to issuance of building permit	Community Development Department	
14. Immediately prior to the start of construction, the Project Biologist shall thoroughly search the construction zone for black legless lizards. If they are found, they should be captured and properly cared for until they can be released into a suitable area of restored habitat on the property.	Applicant or Applicant's Representative	Prior to beginning construction.	Community Development Department	
15. Fencing that has been installed to protect sensitive species and habitat should be maintained in good condition and remain in place until all construction on the site is completed. Removal or changing the location of the fence will require the concurrence of the Project Biologist.	Applicant or Applicant's Representative	On-going	Community Development Department	
16. All activities associated with construction, trenching, storage of materials, and disposal of construction wastes and excavated soil should not impact areas protected by fencing. The areas protected by the fence should remain in a trash-free condition and not used for material stockpiling, storage or disposal, or vehicle parking. All construction personnel shall be prohibited from entering areas protected by fencing.	Applicant or Applicant's Representative	On-going	Community Development Department	
17. No paint, cement, joint compound, cleaning solvents, gravel, rock fragments or residues from other chemicals or materials associated with construction shall be disposed of on-site. The General Contractor will be responsible for complying with this requirement and will clean up any construction materials, spills or contaminated ground to the full satisfaction of the Project Biologist.	Applicant or Applicant's Representative	On-going	Community Development Department	

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18. Excavation spoils (sand only) will be disposed of on-site or off-site (preferably within the Asilomar Dunes), but not in a way that will negatively affect any existing vegetation. The location for disposing of excess sand shall be reviewed and approved by the City of Pacific Grove and the California Coastal Commission prior to disposal.	Applicant or Applicant's Representative	On-going	Community Development Department	
19. The Project Biologist should inspect the site no less than one time each week to ensure compliance with all provisions for protecting the surrounding environment. Any activity or condition not in accord with the provisions of this report will be brought to the attention of the owner or their representative, the General Contractor, and if necessary, the Pacific Grove Community Development Department.	Applicant or Applicant's Representative	On-going	Community Development Department	
20. Protective temporary fencing shall only be removed with the approval of the Project Biologist.	Project Biologist	At the conclusion of construction.	Community Development Department	
21. Landscaping shall be installed according to the specifications in the Landscape Restoration Plan and completed no later then the first planting season (fall and winter) following completion of construction. The Pacific Grove Community Development Department may require submittal of a certificate of deposit (payable to the City of Pacific Grove) for the cost of implementing the Landscape Restoration Plan.	Applicant or Applicant's Representative	At time of landscape installation and on-going	Community Development Department	
22. A qualified biologist shall be retained to monitor the landscape restoration project on an annual basis for at least five years and provide an annual status report to the Pacific Grove Community Development Department and the California Coastal Commission.	Applicant or Applicant's Representative	At completion of landscape installation.	Community Development Department	

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23. Any exotic plants that are used for ornamental purposes within the building envelope should not include species that are capable of naturalizing or spreading into the adjacent dunes. In particular, the following invasive species should not be used: acacias (Açacia sp.), genista (Cytisus sp.), pampas grass (Cortaderia sp.) and ice plant (Carpobrotus sp., Mesembryanthemum sp., Drosanthemum sp., Maleophora 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	
24. The landscape shall be maintained as specified in the 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	In perpetuity.	Community Development Department	
25. The area 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. The deed restriction shall contain the provisions found in section 2.3.5. e) of the Pacific Grove Local Coastal Program Land Use Plan. The deed restriction shall be submitted to Pacific Grove City Attorney for review and approval prior to recording.	Current and Future Property Owners	On-going	Community Development Department	

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26. Staff of the City of Pacific Grove Community Development Department, the California Coastal Commission, the California Department of Fish and Game or their agent 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 will replace the dead plants and remove the invasive species.	Current and Future Property Owners	In perpetuity.	Community Development Department	
27. If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Pacific Grove Community Development Director shall be notified immediately of the find. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.	Applicant or Applicant's Representative	During grading, excavation or earth moving activities.	Community Development Department	
28. Construction activities shall be limited to the hours of 7:30 a.m. to 7:00 p.m. Monday through Saturday, interior work excluded.	Applicant or Applicant's Representative	On-going during construction.	Community Development Department	
29. All power equipment shall be in good operating condition and properly maintained.	Applicant or Applicant's Representative	On-going during construction.	Community Development Department	
30. All equipment and tools powered by internal combustion engines shall have mufflers that meet or exceed manufacturer specifications.	Applicant or Applicant's Representative	On-going during construction.	Community Development Department	
31. One foot away from the nearest plants, three 3' wide by 5' long sections of corrugated metal shall be pounded 2' into the ground, forming a wall between the proposed driveway and the first group of Tidestrom's lupines. The metal sheets should be removed after construction of the driveway and residence is completed. The project biologist shall oversee the installation of the metal sheets.	Applicant or Applicant's Representative	Prior to beginning construction activities.	Community Development Department	
32. The project biologist shall be present during grading of the driveway and shall monitor construction of the driveway on a daily basis.	Applicant or Applicant's Representative	On-going during construction.	Community Development Department	

33. Symbolic fencing (posts and rope guideline) shall be installed by the Project Biologist immediately around all groups of rare plants on the property, as shown in figure 1 and as presently flagged in the field.	Applicant or Applicant's Representative	Prior to beginning construction activities	Community Development Department	
34. The guideline fence shall remain in place and in good condition until preconstruction fencing is installed, per the instructions in the 1998 Botanical Survey Report.	Applicant or Applicant's Representative	On-going during construction.	Community Development Department	

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