

CALIFORNIA COASTAL COMMISSION

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COASTAL DEVELOPMENT PERMIT APPLICATION

Application number3-02-023

Applicant.....Mr. & Mrs. Michael Child

Project location.....1384 Jewell Ave, in the Asilomar Dunes neighborhood of Pacific Grove, Monterey County (APN 007-031-016).

Project descriptionDemolition of an existing 2,694 square foot single-family residence and construction of a 5,400 square foot single-family residence; an attached partially underground garage and subterranean storage, and a new fence with a design that is 25% closed and 75% open.

	Existing	Proposed
Project Site =	20,002 square feet	20,002 square feet
Building Coverage =	2,694 square feet (13.4%)	2,652 square feet (13.3%)
Non-Structural Impervious Area =	3,856 square feet (19.3%)	353 square feet (1.7%)
Total Lot Coverage =	6,550 square feet (32.7%)	3,005 square feet (15.0%)

Local approval.....City of Pacific Grove: Architectural Review Board (ARB); final architectural approval on 11/27/01 (AA #2880-01).

File documents.....Biological Survey Report by Thomas Moss (03/10/2001); Landscape Restoration Plan by Thomas Moss (11/27/01); Archaeological Investigation by Archaeological Consulting (12/15/00); Coastal Development Permit file 3-02-023; City of Pacific Grove certified Land Use Plan.

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

Summary: The applicant proposes to demolish an existing, two-story, 3,244 square foot single-family residence, to remove a large area of the existing pavement, and to construct a three-story, 5,400 square foot single family dwelling on a 20,002 square foot lot in the Asilomar Dunes neighborhood of the City of Pacific Grove (See Exhibits A, B and C). 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



California Coastal Commission
June 2002 Meeting in Long Beach

Staff: S. Matraw Approved by: *(S.M.) 6/20/02*

of the Coastal Act. The policies of the City’s LUP can also be looked to for 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 comprised of dune habitat, and contains the existing house and appurtenant structures.

In order to minimize disturbance to the unique, environmentally sensitive dune habitat that characterizes this area while still allowing an economic use of the property, 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 allowable aggregate lot coverage for the 0.459-acre (20,002-sf) project site is 3,000 square feet. The existing development on site consists of a two-story, single-family dwelling (2,694 sf coverage), and a large circular driveway (3,856 sf). These developed areas currently total 6,550 square feet of coverage (32.7%). The proposed project includes demolition of the existing house, construction of the new residence, a partially underground garage and basement, and a paved driveway, with building coverage of 2,652 sf (13.3% lot coverage), and impermeable surface coverage of 353 sf (1.7% lot coverage). Thus, the total aggregate coverage as proposed is 3,005 square feet, or 15%. Therefore, as designed, the project does conform to the 15 percent maximum aggregate lot coverage allowed.

The existing structure was built prior to the Coastal Act and the Land Use Plan, and will be demolished, effectively clearing the lot. The proposed new single-family dwelling is evaluated as new development on a vacant lot that is entirely environmentally sensitive habitat area (ESHA). As proposed, the aggregate coverage for the lot is at the maximum allowed, however, impacts from residential use have not been considered, and the structures and paving proposed on the site are inconsistent with Coastal Act Section 30240 because the entire site is considered to be environmentally sensitive habitat.

Although the entire lot is considered to be ESHA, to prevent a takings, some development of the lot must be allowed. As conditioned to limit site coverage and restore and preserve the remaining portion of the site as dune habitat, the project will comply with the standards of the certified LUP, and satisfy Constitutional issues. The project is also consistent with Coastal Act policies protecting scenic and archaeological resources. Therefore, as conditioned, Staff recommends approval.

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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 3-02-023 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, although not in conformity with the policies of Chapter 3 of the Coastal Act can be approved to avoid an impermissible taking of private property. 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 lessen significant adverse effects of the 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 Mitigated Negative Declaration for this project are attached as Exhibit I to this permit; these mitigations are hereby incorporated as conditions of this permit.

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

2. **Final Site Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two sets of final site plans for the Executive Director's review and approval, which demonstrate the following:

- (a) Final site plan demarcating the building envelope as shown in Exhibit J, all other areas covered by impervious surfaces, immediate outdoor living areas, and landscape/habitat restoration areas. Areas covered by impervious surfaces (house, driveway, patios, etc.) shall not exceed 15% (3,000 square feet) of the 20,002 square foot lot area. Any additional changes to the plans originally submitted (approved by the Architectural Review Board on 11/27/01) shall require Executive Director review and approval or an amendment to this permit. Such plan changes shall require evidence of review and approval by the City of Pacific Grove prior to Executive Director review and approval.
- (b) Immediate outdoor living areas shall be designated on the final site plan, shall be left in a natural condition or landscaped so as to avoid impervious surfaces (i.e., surfaces that do not allow water or light to penetrate into the soil), and shall not exceed 5 percent of the area of the lot.
- (c) Permanent fencing of an open design, i.e. split rail, shall be limited to that necessary to delineate the designated immediate outdoor living areas.

3. **Dune Habitat Restoration Landscaping Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for the Executive Director's review and approval, two sets of dune habitat restoration landscape plans for the entire lot outside of the building envelope as designated on the final site plans required by Special Condition #2. The restoration plan shall be prepared using California native plant species appropriate to the site. The plan shall include an analysis by a qualified expert that considers the specific condition of the site



including soil, exposure, temperature, moisture, and wind, as well as restoration goals. At a minimum, the plan shall demonstrate that:

- (a) All vegetation planted on the site will consist of native dune plants,
- (b) All required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan, and

The plans shall include, at a minimum, the following components:

- (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system (if any), topography of the developed site, and all other landscape features, and
- (b) A schedule for installation of plants within the first growing season after completion of construction.

Installation of all plants shall be completed prior to occupancy of the new home. 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 restoration plans and describing long-term maintenance requirements for the restoration. At a minimum, long-term maintenance requirements shall include site inspections by a qualified biologist annually, or more frequently, to identify and correct any restoration and maintenance issues.

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

If the restoration monitoring report or biologist's inspections indicate the landscaping is not in conformance with or has failed to meet the performance standards specified in the Dune Habitat Restoration Mitigation Plan approved pursuant to this permit, the Permittee or successors in interest, shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director. The revised restoration 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. Open Space Deed Restriction.

A. No development, as defined in Section 30106 of the Coastal Act shall occur in the easement area as shown in Exhibit J except for:

- 1. The walkway consisting of 8 pavers (1.5 ft X 2 ft) as shown on Exhibit J.



2. Necessary utility lines to serve the residence.

B. 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 reflecting the above restriction on development on open space. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the open space area. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit, and shall provide:

A. For the protection and enhancement of the natural habitat values on all portions of the site, except for the building envelope area (including the outdoor living area i.e. 20% of the lot), as shown in the final site plans required by Special Condition #2. The deed restriction shall include provisions to prohibit all development outside of the approved building envelope, requiring that the maximum aggregate lot coverage (which includes the building footprint, driveway and any other paved areas, decks and patios) shall not exceed 15% of the lot area.

The only exceptions to the prohibition of development outside of the approved building envelope are for a walkway consisting of 8 pavers each 1.5 ft X 2 ft, and utilities necessary to serve the residential use. 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 approved Dune Habitat Restoration Mitigation Plan (see above); to specify conditions under which non-native species may be removed, and entry for monitoring of restored area secured.

B. For measures to implement the approved Dune Habitat Restoration Landscaping Plan prepared for the subject property as required by Special Condition #3.

C. For fencing restrictions to allow free passage of native wildlife, as provided by Local Coastal Program Land Use Plan Policy 2.3.5.1(e).

D. For a monitoring program as set forth in the approved mitigated negative declaration; and provide that, following construction, annual monitoring reports shall be submitted to the Executive Director and the City of Pacific Grove for review and approval for a period of five years.

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

A. Permanent landscaping fence, shall be limited in design to 25% closed and 75% open area to allow free passage of sand, seeds and wildlife, as shown in Exhibit K, to illustrate approved design only, not location, and limited in use to delineation of the outdoor living area as required in Special Condition #'s 2 and 4. Any changes in fence placement or fence design will require the Executive Director's review and approval, and may require an amendment to



this permit. No permanent fencing other than that shown on approved final plans, as required by Special Condition #2, is authorized by this permit without Executive Director approval.

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 who is approved by the Executive Director and the City of Pacific Grove Community Development Director to ensure compliance with all mitigation requirements during the construction phase. 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.
8. **Utility Connections.** All utility connections shall remain underground. When installing any new utility connections, care shall be taken to minimize disturbance of the deed-restricted revegetation in accordance with Special Conditions 3 and 4.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Description

1. Project Location

The site of the proposed demolition and reconstruction is a 20,002 square foot lot located at 1384 Jewell Avenue in the Asilomar Dunes neighborhood of the City of Pacific Grove. The Asilomar Dunes neighborhood is mapped as the area bounded by Lighthouse Avenue, Asilomar Avenue, and the northern boundary of Asilomar State Park to the south (See Exhibits A, B and C).

The parcel is located in an area zoned R-1-B-4, Single Family Residential, with a minimum parcel size of 20,000 square feet. Development within the surrounding neighborhood is characterized by one and two-story single-family dwellings. Similar to the surrounding residences, the existing house is sited relatively close to the road, although none of the lot is currently in undeveloped dune habitat. 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 entire site is considered to be environmentally sensitive habitat area (ESHA), as are all lots located within the Asilomar Dunes area. This is due in part to the existence of up to ten plant species and one animal specie of special concern that have evolved and adapted to the harsh conditions found in the Asilomar Dunes system. Increasing development pressure has reduced the amount of available habitat and thus the range of these species. The site is also located within an archaeologically sensitive area (see Exhibit E. Therefore, an archaeological survey was conducted for the subject parcel and a report prepared by Mary Doane and Trudy Haversat for Archaeological Consulting (December 15, 2000).

2. Project Description

The applicants propose to demolish a 3,244 square foot, two-story single family dwelling, and to construct a 5,400 square foot, two-story house, with a partially underground garage and subterranean storage in the Asilomar Dunes neighborhood of the City of Pacific Grove (Exhibit G). The existing development on site consists of 2,694 square feet of structural coverage and 3,856 square feet of impervious surface, resulting in total site coverage of 32.7%. As designed, the new project's total site coverage, which includes the residence and garage, a walkway and a paved driveway (15% total), does conform to the 15% maximum aggregate lot coverage (3,000 square feet for the .459-acre lot) allowed under the City's approved LUP. However, this coverage factor does not take into account the outdoor living areas, which are located outside of the front door; in a rear area of the house; and along the edge of the driveway, and other impacts that will result from residential use such as foot traffic, pets, etc.

According to the site plans, construction of the new dwelling will take place primarily within the footprint of the existing dwelling and paved areas. The biological report states the entire property was searched for the presence of rare plants of the Asilomar Dunes. No sensitive plants were found in the project area, which is severely degraded by ice plant and other non-native plants, and only one native plant was found on the entire site. The biological report states that the site did have native landscaping in the past, but that it was converted to high maintenance non-native plantings.

B. Standard of Review

The Asilomar Dunes portion of the City of Pacific Grove is within the coastal zone, but the City does not have a certified 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. Because the City does not yet have a certified LCP, the Coastal Commission must issue coastal development permits, with the standard of review being the Coastal Act, although the certified LUP may serve as an advisory document.

C. Basis of Decision

As stated above, the standard of review for this project 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 .805-acre parcel is environmentally sensitive coastal dune habitat (see finding D below for details). Accordingly, because the proposed single-family residence is not a resource-dependent use and would result in a significant habitat disruption, there is no place on this parcel where a residential development could be found consistent with Section 30240. Therefore, absent other considerations, the construction portion of this project would have to be recommended for denial.

On the other hand, Coastal Act Section 30010 provides:

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

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

D. Issue Analysis

1. Environmentally Sensitive Habitat Areas

a. Applicable Environmentally Sensitive Habitat Area (ESHA) Policies

Coastal Act 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.

While Coastal Act policies are the standard of review for coastal development permits until the City completes its LCP, the City's LUP also provides 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 the following relevant policies:

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.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 Menzies' wallflower, Tidestrom's lupine or other rare or endangered species, or the forest front zone along Asilomar Avenue south of Pico Avenue, that portion of the property beyond the approved building site and outdoor living space (as provided in section 3.4.5.2) shall be protected by a written agreement, deed restrictions or conservation easement granted to an appropriate public agency or conservation foundation. These shall include provisions which guarantee maintenance of remaining dune habitat in a natural state, provide for restoration of native 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. Easements, agreements or deed restrictions shall be approved prior to commencement of construction and recorded prior to sale or occupancy.*

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 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.*

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.

b. ESHA Analysis

1. Description of Environmentally Sensitive Habitat

The proposed development is located in the Asilomar Dunes area, an environmentally sensitive habitat area located at the seaward extremity of the Monterey Peninsula. 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. It 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, have become rare or endangered. The Asilomar Dune ecosystem includes up to ten plant species and one animal species of special concern that have evolved and adapted to the desiccating, salt-laden winds and nutrient poor soils of the Asilomar Dunes area.

The best known of these native dune plants are the Menzie's wallflower, Monterey spineflower and the Tiedestrom's lupine, all of which have been reduced to very low population levels through habitat loss and are 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 of the Asilomar Dunes, all properties in the Asilomar Dunes area are located within environmentally sensitive habitat areas (See Exhibit D).

A biological survey conducted by Thomas Moss in March of 2001 to determine potential impacts of proposed development found no threatened or endangered species in the immediate project area, and further noted the lack of native plants on the site. The report does state, however, that even though there are not any native plants on the property, the black legless lizard is still likely to be found there. Additionally, while there may not be any endangered plants on the building site presently, the nature of the dune habitat is such that they quickly appear once invasive vegetation and development are removed. Thus, the whole area is considered habitat as it all has the potential to sustain the endangered plants.



The Pacific Grove Land Use Plan describes all dune habitats in this area as being comprised of potential habitat for rare and endangered plants and animals such as Menzie's wallflower and the black legless lizard. The LUP goes on to state that natural dunes which are "presently barren or covered with non-native plants, but are potentially restorable to native plant cover" shall be considered environmentally sensitive. Similarly, as the Commission has often observed, developed areas of dune systems like Asilomar, such as driveways and residences, frequently revert back to dune habitat (self-restore) over time when the development is removed.

Therefore, based upon the surveys and biological report prepared for the property, staff observations, and consistent with the City's LUP and prior Commission actions on other proposed development in the dunes, the Commission finds that the site is environmentally sensitive habitat as defined by Section 30107.5 of the Coastal Act.

2. Implementing Section 30010 and 30240 of the Coastal Act

The entire area of the applicant's 20,002 square foot (.459-acre) parcel is an environmentally sensitive dune habitat. Other than the demolition, the proposed development includes a single-family dwelling and a detached garage, a driveway, and possible immediate outdoor living area. This project will result in a permanent loss of approximately 4,005 square feet of environmentally sensitive habitat (3,005 square feet of impervious coverage + 1,000 square feet of non-native plantings in the immediate outdoor living area).

Additional disruptions will result from residential development and subsequent use of the site, but these uses are generally amenable to native plant restoration and maintenance measures. Such activities may include: installation of a storm drain system, utility trenching and, over the long run, ordinary residential activities on the premises such as allowing dogs and children in the habitat area. None of these development activities are of a type that is dependent on a location within the sensitive resource area, and it is reasonable to expect that these development activities, individually and collectively, will result in a significant disruption of the environmentally sensitive dune and forest habitat area on site. Therefore, this project 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 interpretation 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. For the reasons that follow, however, the Commission finds that there is sufficient evidence that a court might find that the denial of some 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, the project site is currently developed with a residence and driveway. Additionally, residences are located directly adjacent to the project site, and other residences are in the immediate vicinity. 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 non-resource dependant uses would have a very drastic impact on the value of the property.

Additionally, it has been determined that the applicants purchased the property on August 10, 1993. According to the applicants, at that point in time they felt it was reasonable to expect that residential use would be allowed on this property based on a number of factors, primarily because of the existence of a single-family dwelling on the site. Additionally, the parcel is designated for residential use in the City of Pacific Grove's Land Use Plan and in the City's zoning ordinances. Also, the parcel is located adjacent to Jewell Ave between Lighthouse Avenue and Arena Avenue, among other residential properties that have been developed with houses of a similar size to that proposed in this application, and where public utility service is currently available. As noted above, a substantial number of parcels in the Asilomar Dunes area are already developed, including this site, and have been for some time.

As a further basis of an expectation of residential use, the Commission has approved a number of homes in this area. (Miller, Coastal Development Permit No. 3-96-81). That approval was for a house with approximately 12 percent lot coverage. More recently, the Commission has approved a house on the



Baldacci site in May of 2001 (Baldacci, Coastal Development Permit No. 3-01-013) fronting Sunset Drive, with 15% coverage and 3% designated as immediate outdoor living area. The current applicants note that no hazardous conditions exist on the site, that there are no other potential clouds on legal title to the property and there is no evidence that residential use constitutes a nuisance.

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 might approve a residential use of the property, subject to conditions that would mitigate the adverse impacts that likely would result from development in this sensitive resource area.

Finally, the applicants have submitted detailed information to demonstrate that their expectations were backed by substantial investments. The property was purchased for \$525,000.00, which was the fair market value for residential property including a house in this area at the time of purchase. Since this purchase the property has generated no income in the form of rent, and 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 City of Pacific Grove certified Land Use Plan, although the purchase price does not guarantee any particular size of development and is only one factor in the overall analysis.

In view of the findings that (1) none of the resource dependent uses provided for in Section 30240 would provide an economic use, (2) residential use of the property would provide an economic use, and (3) the applicants had a reasonable investment backed expectation that such a properly mitigated residential use would be allowed on their property, there is a reasonable possibility that a court might determine that the final denial of a residential use based on the inconsistency of this use with Section 30240 could constitute a taking. Therefore, consistent with Coastal Act Section 30010 and the Constitutions of California and the United States, the Commission determines that 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 3,005 square feet of the .459-acre parcel with building and paving. As a result, this area of dune habitat will be permanently lost, and non-native landscaping and residential activities will also disrupt an additional 1,000 square feet. However, the extent of this disruption and land alteration can be mitigated to the maximum extent feasible by the implementation of appropriate conditions.

Therefore, several additional conditions are necessary to offset these direct and indirect project impacts as discussed in these findings. Most importantly, Special Condition No. 4 requires that the area of the property that will not be developed shall be preserved in open space subject to a deed restriction. This recorded restriction shall prohibit uses that are inconsistent with habitat restoration and preservation, and is needed to ensure that future owners are aware of the constraints associated with this site

3. ESHA Impact Analysis

As described above, the entire area of the applicant's 20,002 square foot (0.459-acre) parcel is considered environmentally sensitive dune habitat, Coastal Act Section 30240 allows only resource-dependent uses in ESHA. The proposed development includes a demolition, construction of a single-family dwelling including a garage, walkways and a patio, and thus is not a type of development that is dependent on a location within a sensitive resource area.

In order to minimize disturbance to the unique, environmentally sensitive dune habitat that characterizes this area and to allow an economic use of the lots to address takings issues, the City's LUP limits the total maximum aggregate lot coverage for new development to 15% 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 LUP also allows for an additional 5% coverage that may be used for immediate outdoor living space if it is left in a natural condition or landscaped so impervious surfaces are avoided. This policy creates the potential for roughly 20% of the dune habitat on a lot to be lost when a new house is constructed.

Currently, the property has an aggregate lot coverage of 6,550 square feet, or 32.7%. The applicant has proposed an aggregate lot coverage of this property of 3,005 square feet (15%), plus an additional 1,000 square feet (5%) for immediate outdoor living area. As with other homes in Asilomar, the home will have on-going impacts on ecological functioning of the Asilomar Dunes such as covering and fragmentation of habitat, prevention of sand movement, shading of dune plants, and the continuation of residential uses which are inconsistent with protection of dune habitat.

Therefore, the existing house is inconsistent with the protection of ESHA, with respect to Coastal Act Section 30240, because it places a continuing burden on the remaining resources in this area and reduces the dune habitat available for use by endangered plants and animals found in the Asilomar Dunes area, such as Menzie's wallflower, Monterey spineflower and the black legless lizard. This new house will decrease the floor area of the current non-conforming use by 3,545 square feet, however, residential use on the property will impact available habitat area. Enduring impacts of the project include disruption due to the bulk of the house, which decreases the amount of sunlight available to dune plants, and other



residential uses such as foot traffic and pet traffic. Also, the replacement of the non-conforming house built in 1971 with a new one effectively doubles the life of the structure, thereby increasing the amount of time that a non-resource dependent use will occupy the dune habitat of this lot and all associated impacts to the dune habitat.

Moreover, the Botanical Survey Report states that 4,625 square feet (23%) of the area proposed for restoration will be located within a proposed fence line. The Botanical Survey Report did not state the purpose for fencing this area, but the applicant's representative stated that the area will be fenced in to provide a yard-type of atmosphere to provide area for the applicant's children and grandchildren to play. Thus, this area is expected to receive high foot traffic and not be suitable for viable dune habitat.

Because of the expected foot traffic, the viability of this area as restored dune habitat will be greatly reduced, which increases the potential for failure of the restored areas as viable habitat. Thus the value of the restoration of this area, proposed as mitigation for the new home is questionable. Moreover, the use of an area required to be deed-restricted for habitat preservation is inconsistent with LUP Policy 2.3.5.1.e, which requires the entire property outside of the building envelope and outdoor living area to be protected for restoration of dune habitat. Fencing the area to provide a high traffic area for children is not consistent with the restoration and long-term protection of habitat.

Therefore, in order to mitigate impacts of this non-resource dependent use to the maximum extent feasible, several additional mitigating conditions are necessary to protect and restore dune habitat value on site. Most importantly, Special Condition No. 4 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, and Special Condition No. 3 requires that all of the area outside the designated building envelope shall be restored. Additionally, Special Condition No. 2 requires modified site plans showing removal of proposed fencing from the habitat restoration areas. Definition of a building envelope will help reduce the potential for adverse impacts to the environmentally sensitive habitat in the immediate project area as well as to minimize disruption to sand dune habitat throughout the life of the development. These deed restrictions shall run with the land in order to ensure that future owners are aware of the constraints associated with this site. Furthermore, as the proposed development is at the maximum allowable lot coverage (15%), and impacts are expected to occur in areas proposed for restoration, an increase in the aggregate lot coverage will not be allowed in the future.

The Pacific Grove LUP also contains provisions for immediate outdoor living areas for new development, stating that an additional 5% coverage can be used for an immediate outdoor living area if the area is left in a natural condition or landscaped to avoid impervious surfaces. This policy creates the potential for roughly 20% of the dune habitat on a lot to be lost when a new house is constructed, as is the case with this project.

c. ESHA Conclusion

The proposed project includes residential development in portions of the lot that will be occupied by open sand after the demolition. The project includes a decrease in the amount of impervious surface and revegetation with native dune plants as mitigation.



The LUP standards provide guidance with respect to consistency with Coastal Act Section 30240, and the residential use and its associated impacts are inconsistent with Coastal Act Section 30240. 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 (a minimum of 80% percent) of the lot not considered building envelope and immediate outdoor living area. 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 uses necessary for, and consistent with, maintenance of the restricted area as a nature reserve under private stewardship.

As conditioned to require recordation of deed restrictions, including restoration and maintenance of natural habitat equivalent to a minimum of 80 percent of the lot area; prohibition of fencing that restricts movement of native wildlife; and prohibition of any additions that increase site coverage, the proposed development can be found to reduce impacts on ESHA to an insignificant level. Also, the project protects the environmentally sensitive habitat outside of the immediate building envelope, as conditioned.

To ensure that the objectives of the Dune Habitat Restoration Plan are achieved over the long term, the applicant will also 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 in the Asilomar area, LUP policies and conditions of the City's approval and is necessary to ensure the long-term protection of this habitat consistent with Coastal Act Section 30240.

Temporary exclusionary fences to protect sensitive native dune plant habitat areas outside of the building envelope during construction are not a necessary mitigation measure in this instance, as discussed in the biology report, because there is currently no native vegetation to protect from construction impacts. Thus they are not required to assure protection for this project. Finally, utility maintenance shall be consistent with protection of the dune habitat.

2. Visual Resources

a. Applicable Visual Resources 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 the following relevant policies:



LUP Policy 2.5.2. ...Coastal area scenic and visual qualities are to be protected as resources of public importance. Development is required to be sited to protect views, to minimize natural landform alteration, and to be visually compatible with the character of surrounding areas.

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

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

LUP Policy 2.5.5.5. 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.

b. Visual Resources Analysis

As designed, the project will not detract from views of the ocean from public viewing areas defined on the Shoreline Access Map (Exhibit F). The subject parcel is surrounded by other existing development, and it is not located in an area that would block any significant existing public ocean views. The project site is visible from Jewell Ave., and Sunset Drive, nevertheless, because the site is not located within a public viewing area the proposed residence will not significantly obstruct public views of the shoreline. Additionally, as the project design is proposed for the maximum allowable site coverage, no future additions will be allowed that would increase the total aggregate site coverage and cause potential visual impacts.

As mentioned, the proposed structure will be visible from Jewell Ave. and Sunset Drive (See Exhibit F), however, it will not block any views of the ocean, and it blends in with existing residential development.



Additionally, the main view intended to be protected on Sunset Ave. is of the ocean and along Sunset. This project is visible on the inland side of Sunset, and does not interfere with views of the ocean or along Sunset Ave. The proposed development is consistent with the LUP policies described above. The residence has been designed to compliment the natural dune topography, and is 23' 1" in height as measured from natural existing grade.

As required by LUP Policy 2.5.5.5, final architectural approval was granted by the ARB at the November 27, 2001 hearing with a vote of 5-2. As required by 2.5.5.4.d, the permit has been conditioned to require an earthtone color scheme to assist in subordinating the structure to the natural dune setting.

c. Visual Resources Conclusion

The project as proposed does not block any significant views of or to the ocean. Additional visual resource mitigation measures required by the City of Pacific Grove include the use of earthen-tone finishes and the requirement that utilities remain underground. 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

As the subject site is located within an archaeologically sensitive area (See Exhibit E), an archaeological survey was conducted for the subject parcel, and a report prepared by Mary Doane and Trudy Haversat for Archaeological Consulting (December 15, 2000). Field reconnaissance of the site, conducted December 11, 2000, resulted in a finding of mixed marine shell observed in a medium gray sandy soil. However, none of the other materials frequently associated with prehistoric cultural resources (e.g., dark soil containing soil fragments, broken or fire-altered rocks, bone or bone fragments, etc) were observed on the site. 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.

E. Local Coastal Programs

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

While the northern Asilomar Dunes area was originally included in the work program for the Del Monte Forest Area LUP (approved with suggested modifications, September 15, 1983), the area was annexed by the City of Pacific Grove in October, 1980, and therefore is subject to the City's LCP process. Exercising its option under Section 30500(a) of the Coastal Act, the City in 1979 requested the Coastal Commission to prepare its Local Coastal Program. However, the draft LCP was rejected by the City in 1981, and the City began its own coastal planning effort. The City's LUP was certified on January 10, 1991, and they are 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 1 above summarizes the applicable habitat protection policies; Finding 2 addresses the LUP's visual resource policies; and Finding 3 discusses archaeological resource policies. The City's action on the project also found the project in conformance with LUP policies. Additionally, the conditions of this permit apply, particularly with respect to native plant restoration and maintenance.



Finally, the City of Pacific Grove does not have a certified Implementation Plan. In this case, the applicant is proposing demolition and reconstruction that modifies a significant portion of the existing structure, thus it is treated as a vacant lot containing no development. Furthermore, as conditioned to minimize and mitigate for the impacts associated with the development of a use inconsistent with Coastal Act Section 30240, the project does not prejudice the ability of the City of Pacific Grove to complete an LCP consistent with Chapter 3 of the Coastal Act, and is in conformity with Section 30604(a).

Therefore, as conditioned, the proposed development is consistent with 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.

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 archaeologically sensitive resources. This analysis is reflected in the findings that are incorporated into this CEQA finding. No public comments were received by Commission staff.

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.



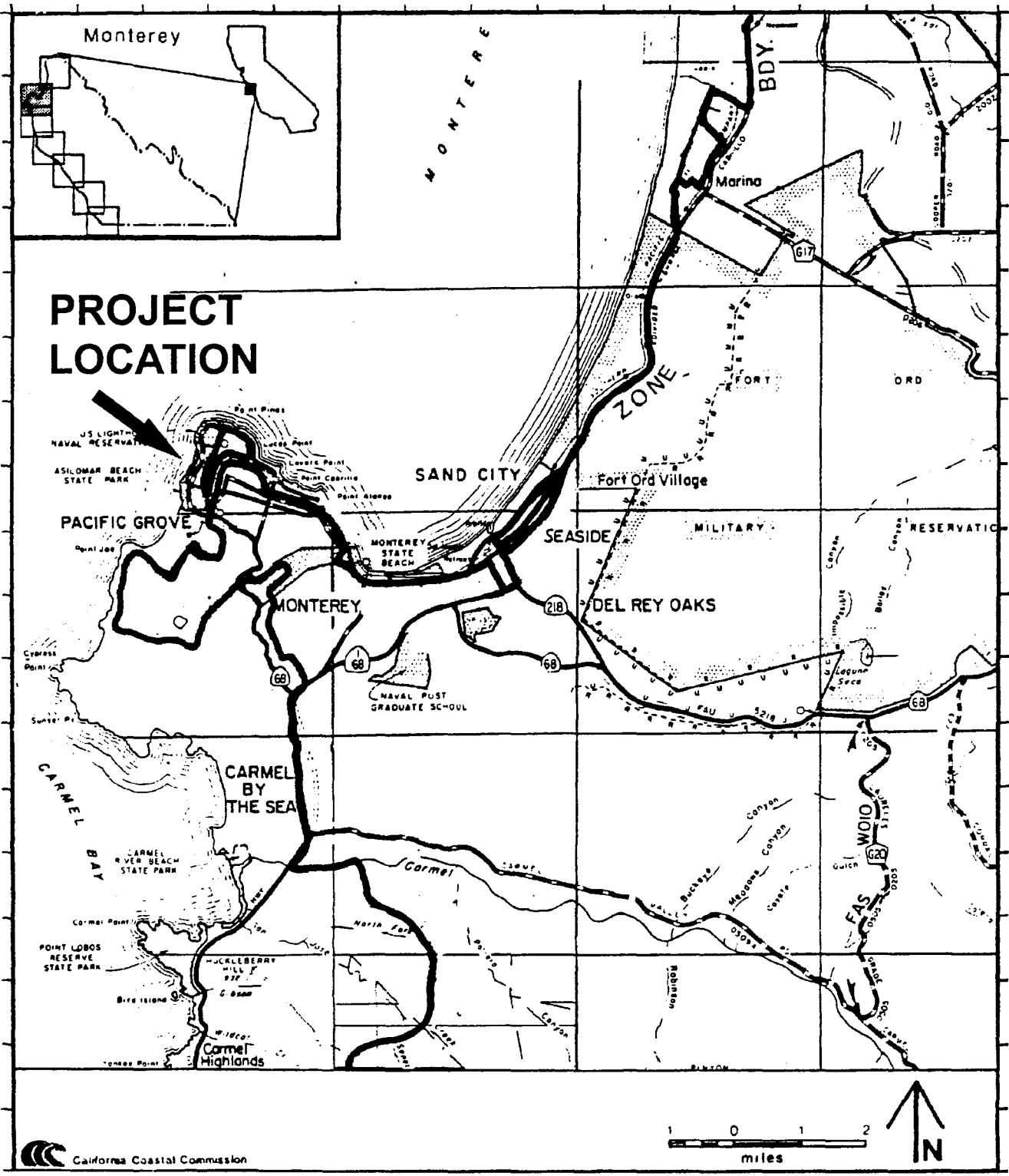
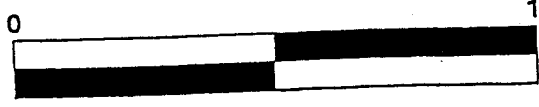
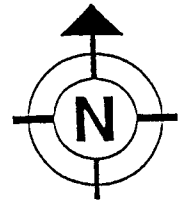


Exhibit A
 Regional Location Map
 Child Demo/Rebuild
 3-02-023

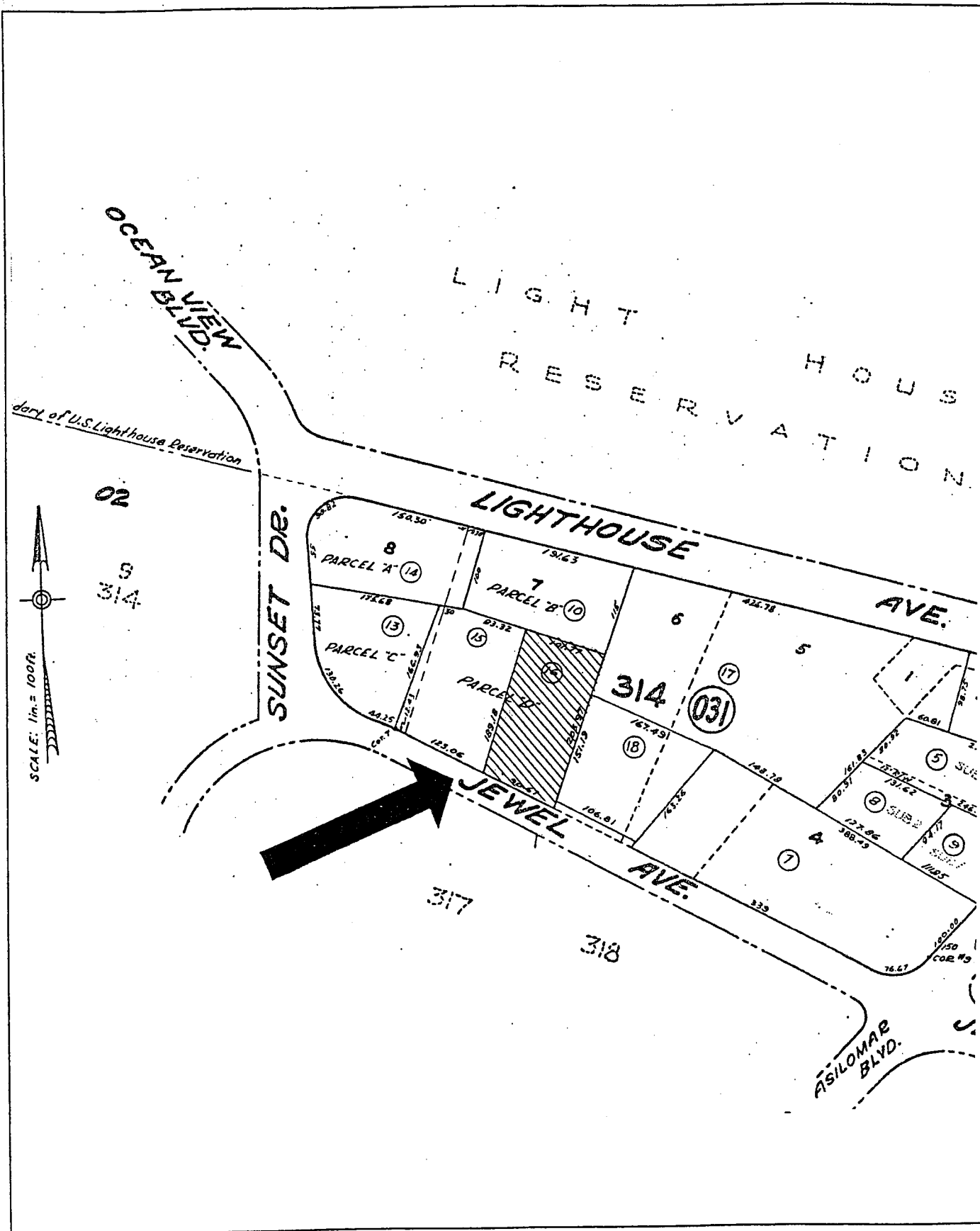


Miles



Project Location.

3-02-023
Child Demo/Rebuild



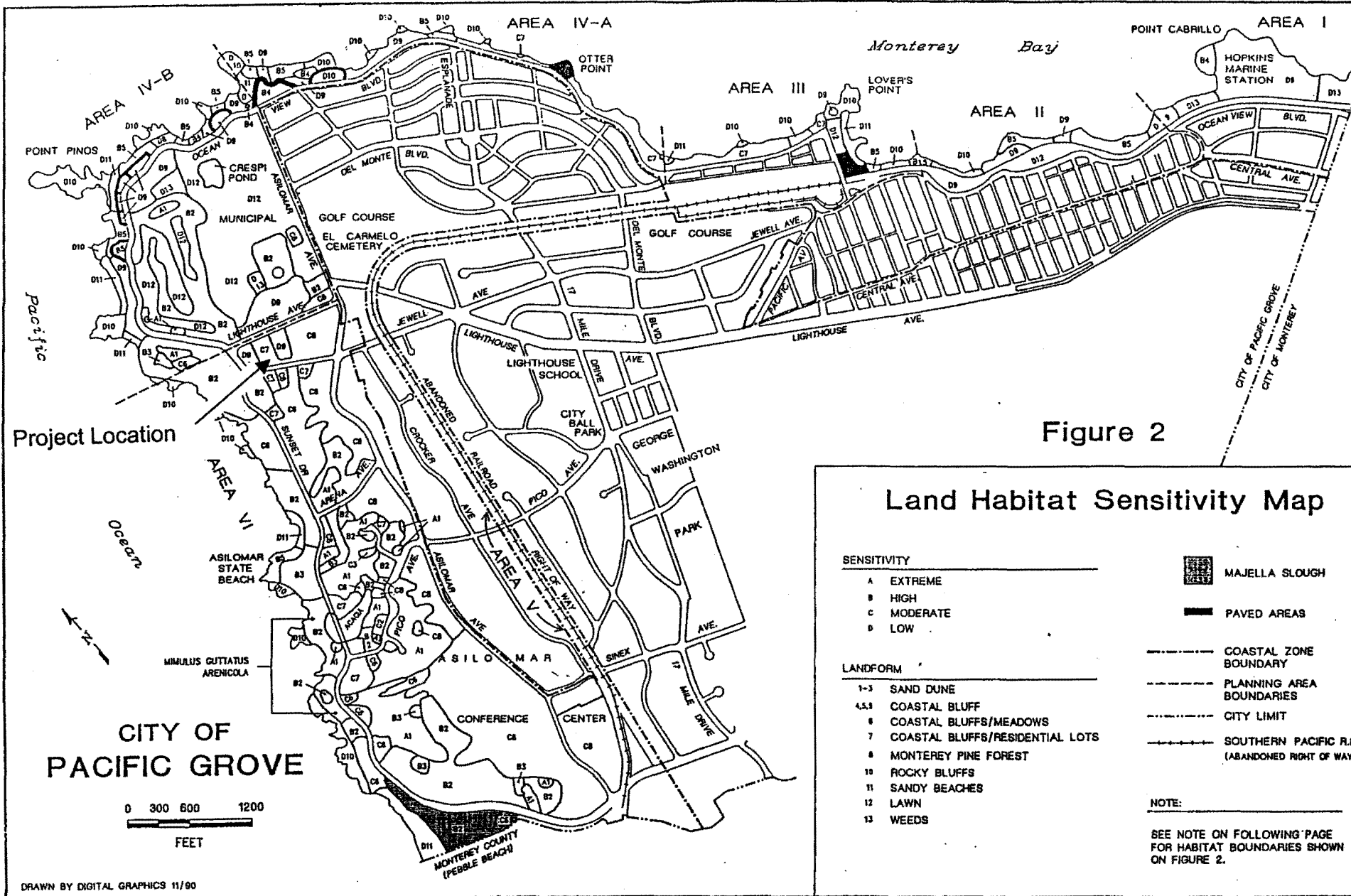


Figure 2

Land Habitat Sensitivity Map

SENSITIVITY

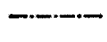
- A EXTREME
- B HIGH
- C MODERATE
- D LOW

 MAJELLA SLOUGH

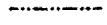
 PAVED AREAS

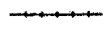
LANDFORM

- 1-3 SAND DUNE
- 4,5,6 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

 COASTAL ZONE BOUNDARY

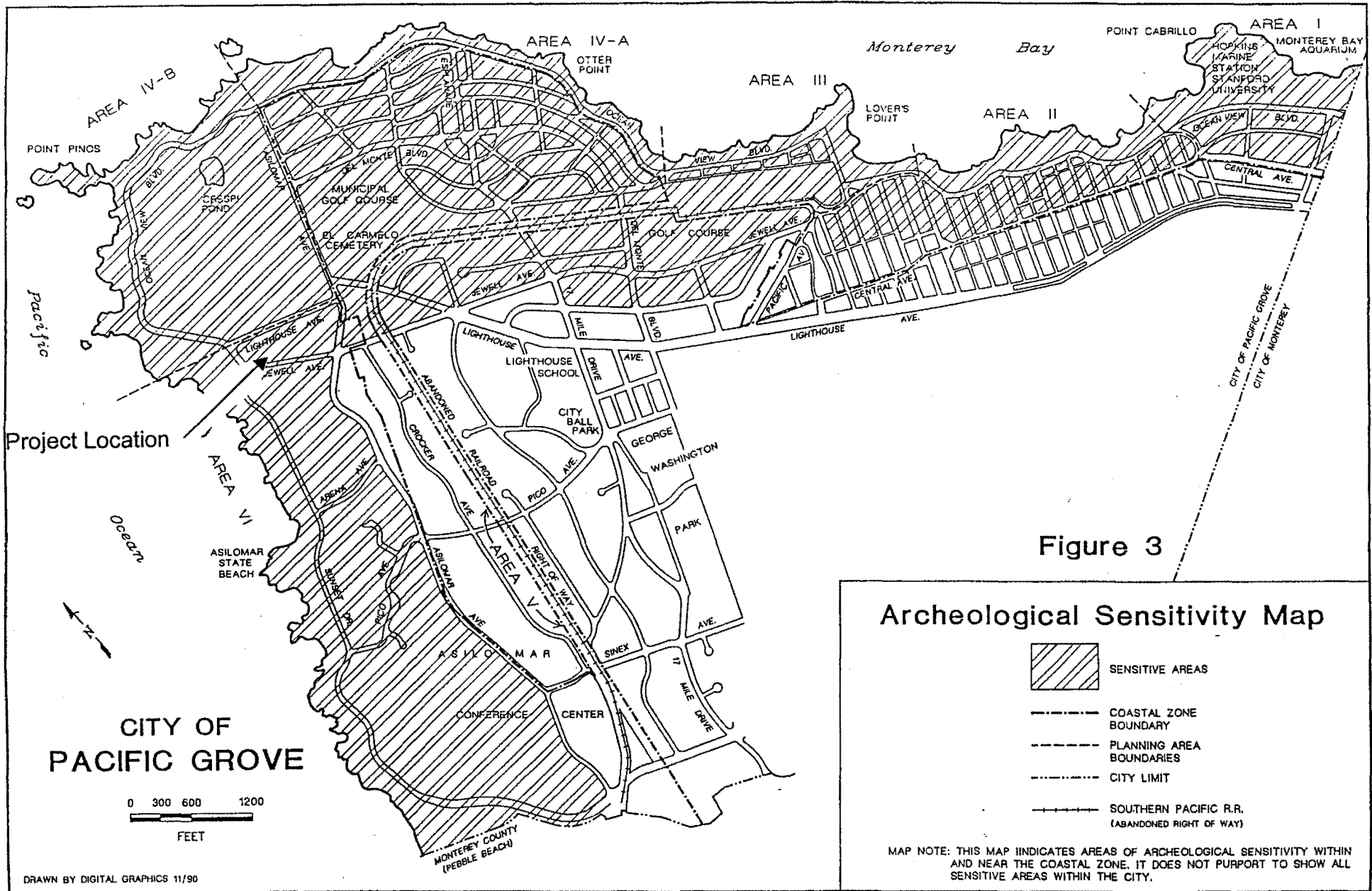
 PLANNING AREA BOUNDARIES

 CITY LIMIT

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

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

DRAWN BY DIGITAL GRAPHICS 11/90



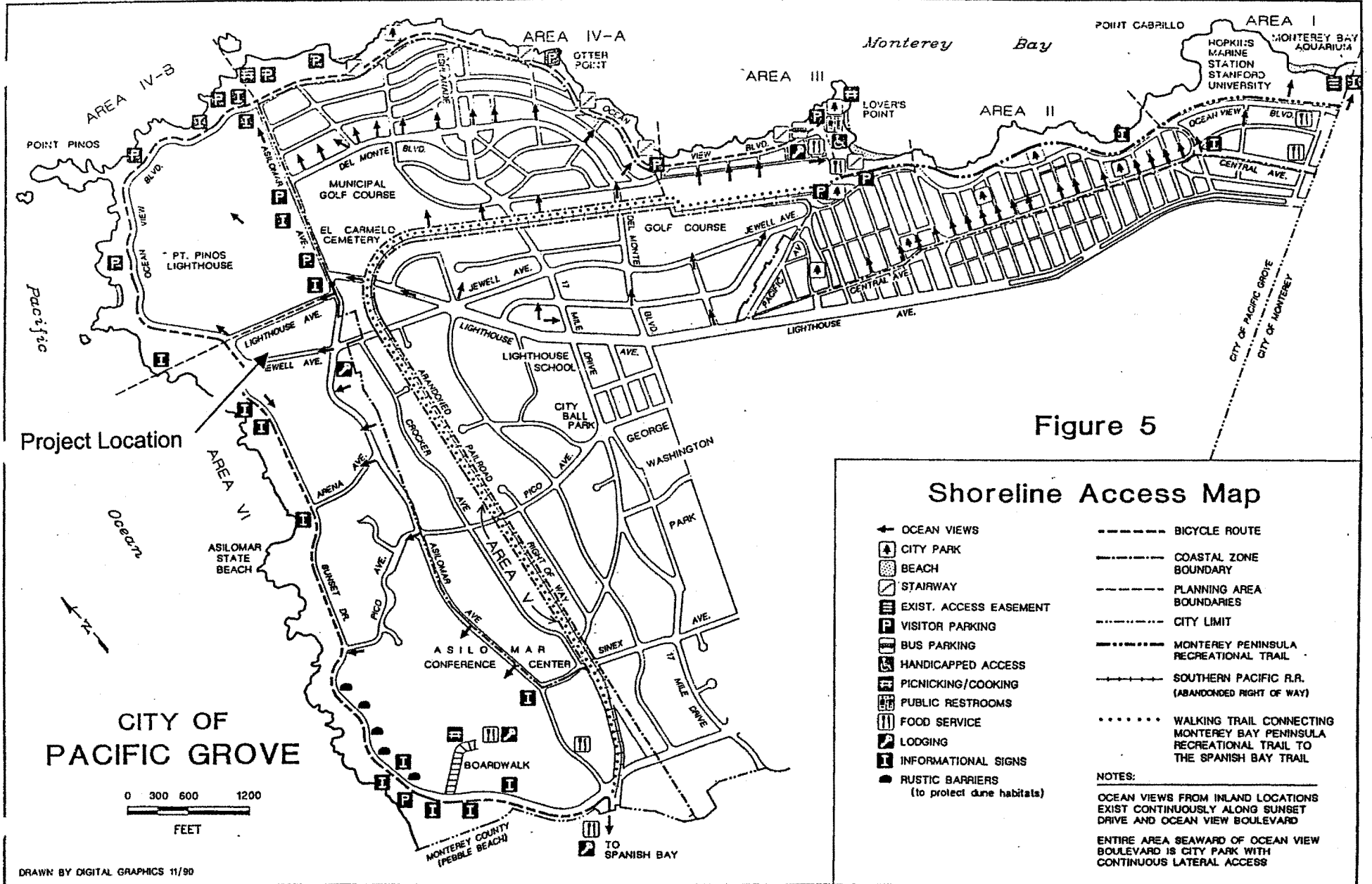
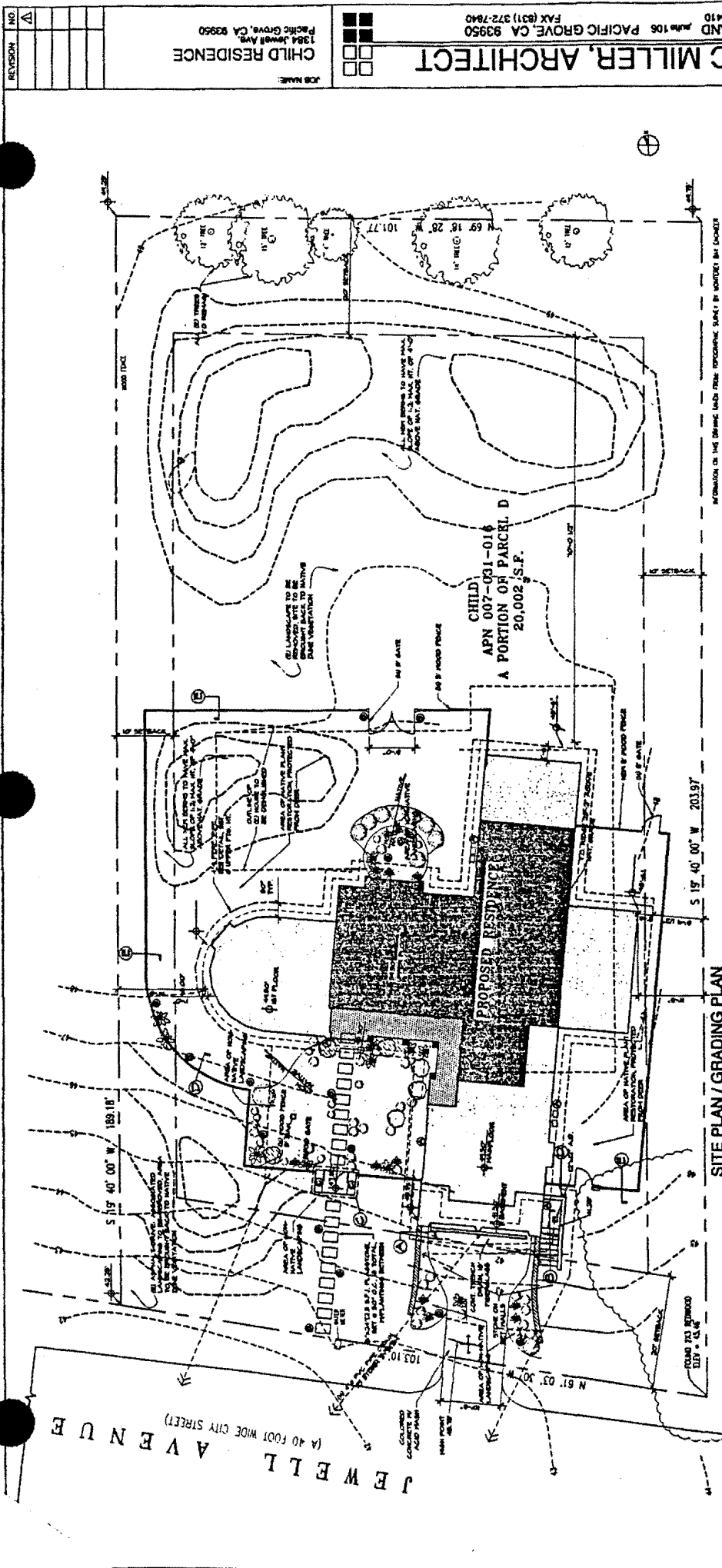


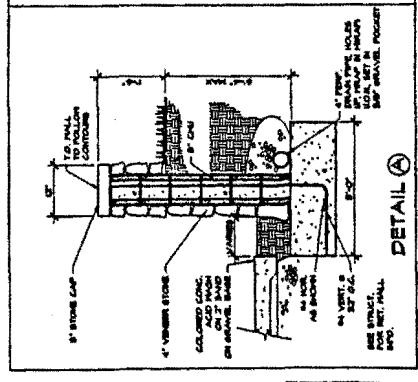
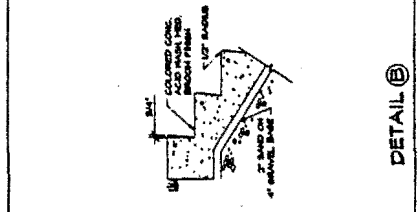
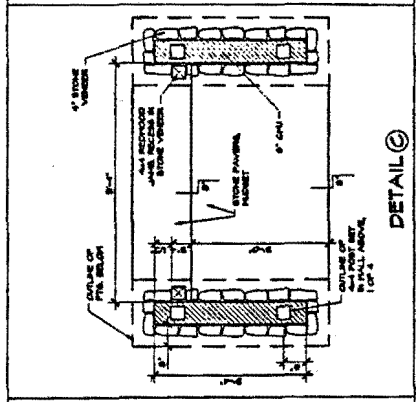
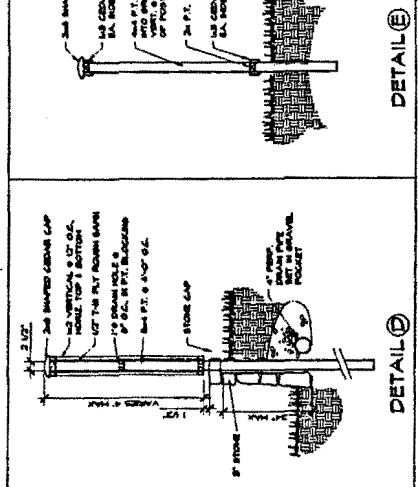
Figure 5

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JEWELL AVENUE (A 40 FOOT WIDE CITY STREET)



**APN 007-031-016
A PORTION OF PARCEL D
20,002 S.F.**



EXTERIOR LIGHTING LEGEND

- ① WALL-WASHING LIGHTS
- ② FLOOD LIGHTS
- ③ DOWNLIGHTERS
- ④ RECESSED DOWNLIGHTERS
- ⑤ WALL-WASHING LIGHTS

LEGEND

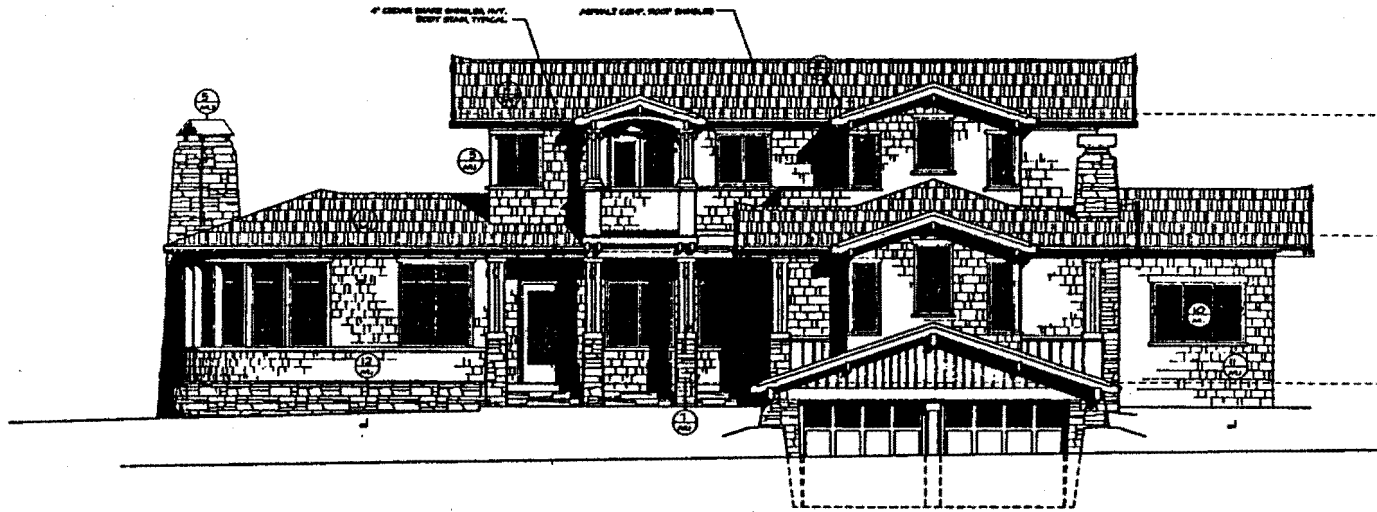
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- █ EXISTING MASONRY
- █ EXISTING ASPHALT
- █ EXISTING GRAVEL
- █ EXISTING GRASS
- █ EXISTING LANDSCAPE
- █ PROPOSED CONCRETE
- █ PROPOSED MASONRY
- █ PROPOSED ASPHALT
- █ PROPOSED GRASS
- █ PROPOSED LANDSCAPE

NO.	REVISION

JOB NAME: CHILD RESIDENCE
1354 Jewell Ave
Pacific Grove, CA 93950

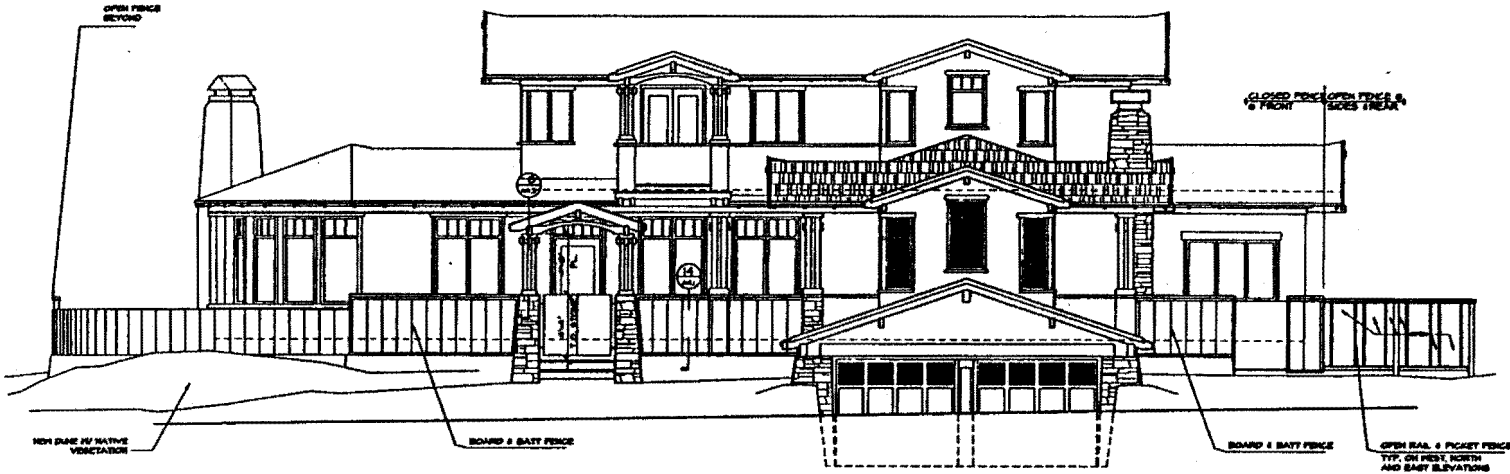
ARCHITECT: ERIC MILLER, ARCHITECT
157 GRAND Ave #106 PACIFIC GROVE, CA 93950
FAX (831) 372-7840

SHEET TITLE: SITE PLAN
DATE: 2-14-12
SCALE: 1/8" = 1'-0"
DRAWN: JLM/JSK
CHECKED: JLM/JSK
PROJECT: A1.1
JOB: 1354
JOB NO: 1354



SOUTH ELEVATION - without fence

SCALE: 1/4"=1'-0"



SOUTH ELEVATION

SCALE: 1/4"=1'-0"

JOB NAME:
CHILD RESIDENCE
 1384 Jewell Ave.
 Pacific Grove, CA

ARCHITECT
ERIC MILLER, ARCHITECT
 157 GRAND AVE 106 PACIFIC GROVE, CA 93950
 (831) 372-0410 FAX (831) 372-7840

SHEET TITLE:
 EXTERIOR ELEVATIONS

DATE: 2-15-02

SCALE: 1/4"=1'-0"

DRAWN: K.L.V./J.M.L.

JOB NO.: 02-23

SHEET

A3.1

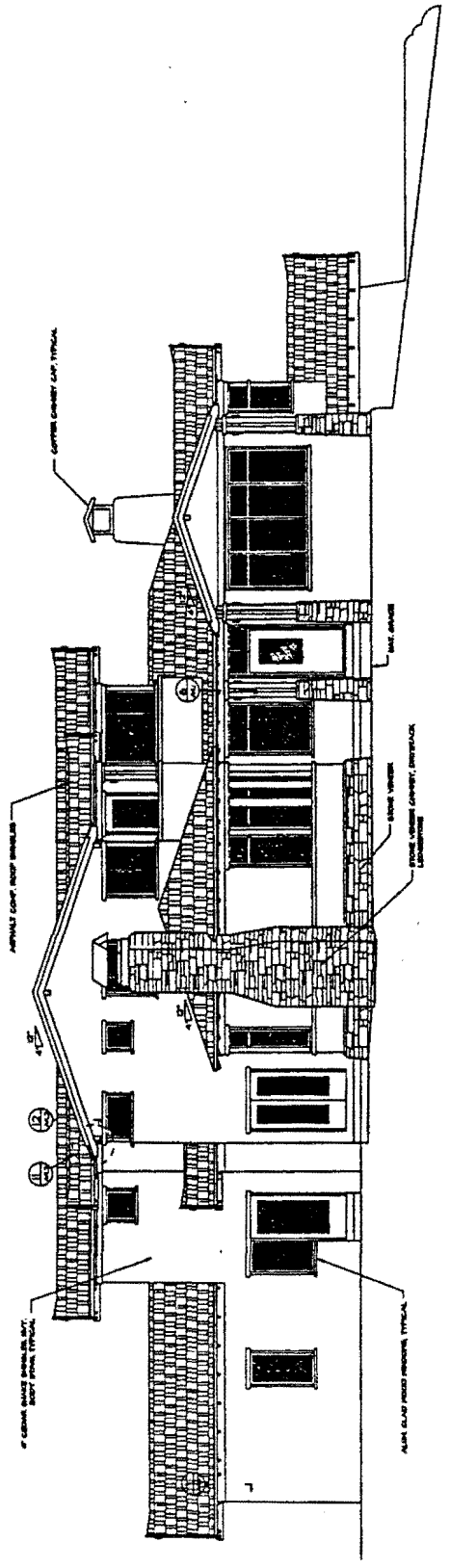
OF SHEETS

1
2
3
4
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JOB NAME: CHILD RESIDENCE
 1204 Arrowell Ave
 Pacific Grove, CA

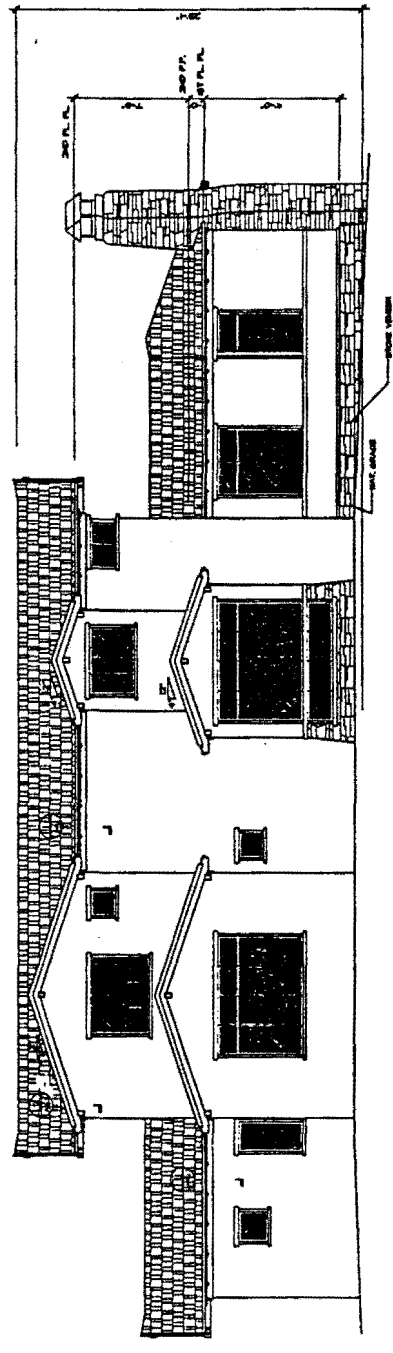
ARCHITECT: ERIC MILLER, ARCHITECT
 157 GRAND 108 PACIFIC GROVE, CA 93950
 (831) 372-0410 FAX (831) 372-7840

SHEET TITLE: EXTERIOR ELEVATIONS
 DATE: 11-14-11
 SCALE: 1/4"=1'-0"
 DRAWN BY: JLD/ML
 JOB NO: 11-23
 SHEET NO: A3.2



WEST ELEVATION

SCALE: 1/4"=1'-0"



NORTH ELEVATION

SCALE: 1/4"=1'-0"

CHILD RESIDENCE
1284 JENSEN AVE.
PACIFIC GROVE, CA



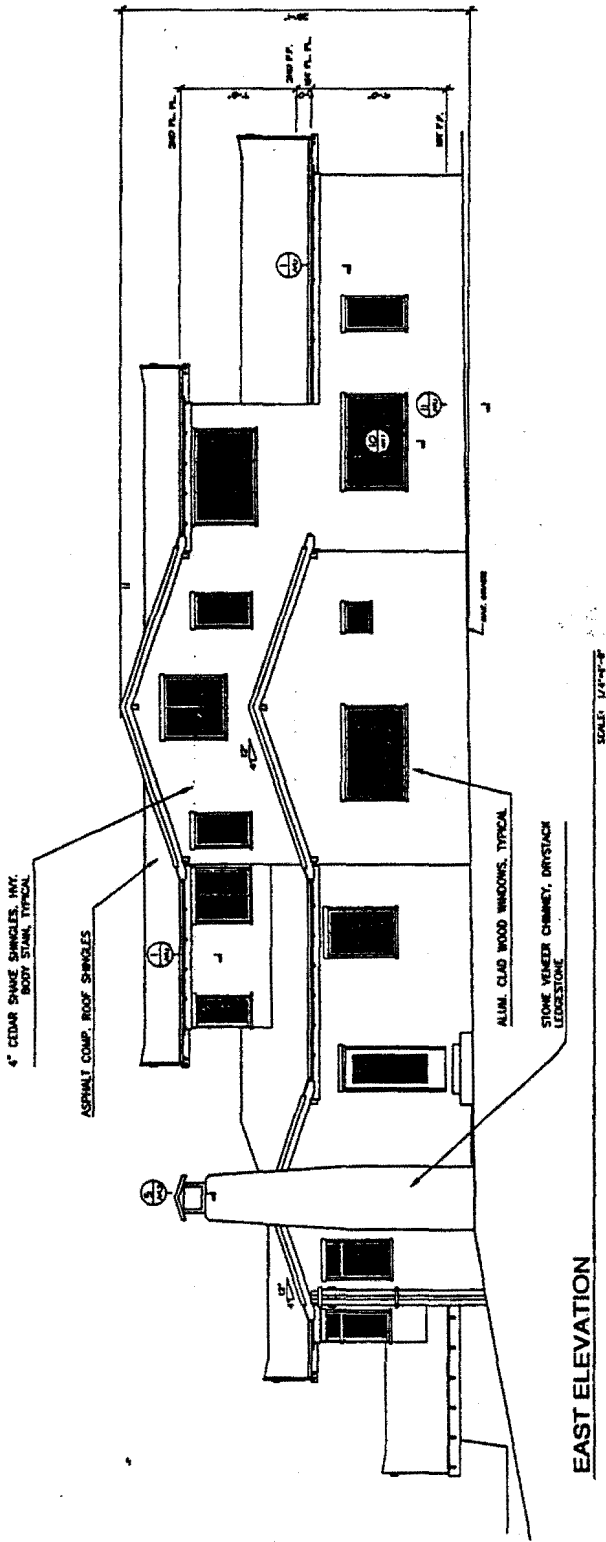
ERIC MILLER, ARCHITECT
157 GRAND AVE 106 PACIFIC GROVE, CA 93950
(831) 372-0410 FAX (831) 372-7840

ARCHITECT
SHEET TITLE:
EXTERIOR ELEVATIONS

DATE: 2-10-88
DRAWN: JRM/DAK
CHECKED: JRM/DAK
SCALE: AS SHOWN

A3.3

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3-02-023
Child Demo/Rebuild
Project Elevations

Exhibit G
pg. 4 of 5

FIGURE 1. LANDSCAPE PLAN

All undeveloped area, not including the Immediate Outdoor Living Area, will be restored to its natural, indigenous condition, as described in this Landscape Restoration Plan.

Selected plants will be installed in a mixed, random pattern over the project site, not including the Immediate Outdoor Living Area, according to the quantities and spacing specifications indicated in Table 1.

Use of approved exotic species, as listed in Table 2, is permitted in the Immediate Outdoor Living Area, in addition to native species listed in Table 1.

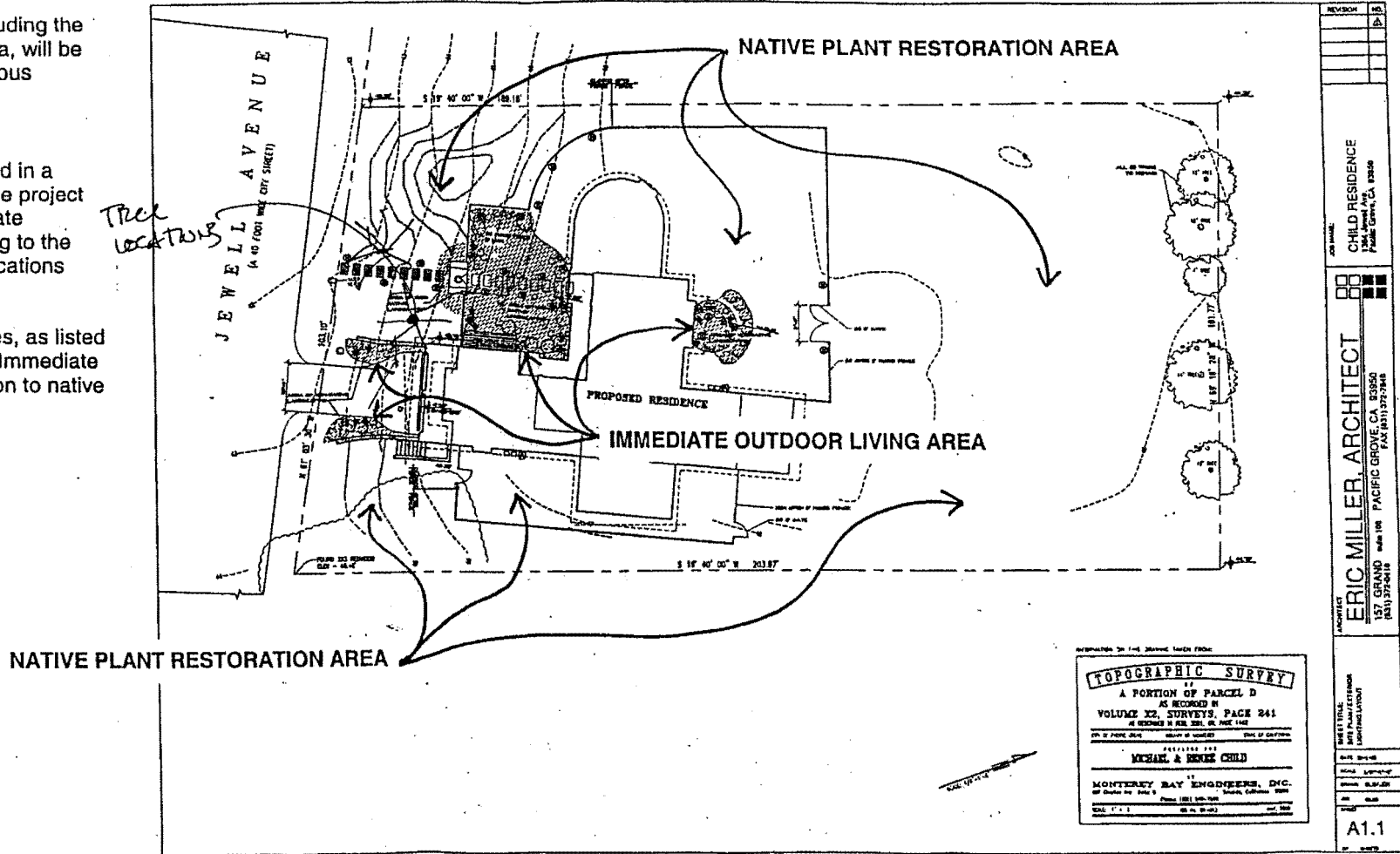




Photo 1: View of existing house and front yard.



Photo 2: View of existing house and front yard.

Exhibit H (pg 1 of 2)
Project Photographs
3-02-023
Child Demo/Rebuild



Photo 1: View of area behind existing house.



Photo 2: View of area behind existing house

Exhibit H (pg 2 of 2)
Project Photographs
3-02-023
Child Demo/Rebuild

MITIGATION MONITORING PROGRAM

for:

A SINGLE-FAMILY DWELLING AT 1384 JEWELL AVENUE

applicant:

CRAIG HOLDREN
(Eric Miller Architects)

Lead Agency:



CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPARTMENT

MITIGATED NEGATIVE DECLARATION
ADOPTED: 10/23/01 by A.R.B.
MITIGATION MONITORING PROGRAM

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Child Demo/Rebuild

Exhibit I
pg. 1 of 13

INTRODUCTION

BACKGROUND

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

PURPOSE

The purpose of the mitigation monitoring program for the new single-family dwelling at 1384 Jewell Avenue is to ensure that all mitigation measures adopted as part of project approval are implemented and completed during and after construction. This program will be used by the City of Pacific Grove to verify that all required mitigation measures are incorporated into the project and will serve as a convenient tool for logging the progress of mitigation measure completion and for determining when required mitigation measures have been fulfilled.

MANAGEMENT

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

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

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

BASELINE DATA

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

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DISPUTE RESOLUTION

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

ENFORCEMENT

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

PROGRAM

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

FUNDING

For the single-family dwelling at 1384 Jewell Avenue, the project applicant/property owner shall be responsible for the costs of implementing and monitoring the mitigation measures.

Mitigation Measures for the Mitigated Negative Declaration for 1384 Jewell Avenue:

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
1. During consideration of the proposed project, the Architectural Review Board shall exercise its discretion to determine if the proposed single-family development on the site is in keeping with the scale and character of the area, and may require modifications to the project in order to attain that purpose.	Applicant or Applicant's Representative	On-going	Community Development Department	
2. Restoration of altered dune topography shall occur concurrently with the implementation of the approved Landscape Restoration Plan.	Applicant or Applicant's Representative	Within one year of the building permit final approval.	Community Development Department	
3. At the completion of construction, the exterior of the structure shall be painted using an earth tone color scheme, or left in a natural finish to blend with the dune environment, as approved by the Architectural Review Board.	Applicant or Applicant's Representative	Prior to building permit final	Community Development Department	
4. The design, materials and placement of all permanent fencing on the site shall be subject to the approval of the Architectural Review Board prior to final architectural approval. The Board shall consider the compatibility of fencing within a visual context of the surrounding neighborhood character and natural setting in the vicinity of the site, and the incremental contribution of the site to the scenic qualities of the Asilomar Dunes area.	Applicant or Applicant's Representative	Prior to Final Architectural approval	Community Development Department	
5. The locations of all fencing shall be included on the Landscape Restoration and Maintenance Program site plan.	Applicant or Applicant's Representative	Prior to Final Architectural approval	Community Development Department	
6. Solid fencing shall be used only to the minimum extent necessary to enclose the approved immediate outdoor living area, subject to the review and approval of the Architectural Review Board. All other fencing on the site shall be low profile and of open design.	Applicant or Applicant's Representative	Prior to final Architectural approval	Community Development Department	

Child Demo/Rebuild
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Exhibit I
pg. 4 of 13

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
21. All activities associated with construction, trenching, storage of materials, and disposal of construction wastes and excavated soil shall not impact areas protected by fencing. The area protected by fencing shall remain in a trash free condition and shall not be used for material stockpiling, storage, disposal or vehicle parking. All construction personnel are prohibited from entering the fenced area.	Applicant or Applicant's Representative	During construction	Community Development Department	
22. No paint, cement, joint compound, cleaning solvents or residues from other chemicals or materials associated with construction will be disposed of on-site. The general contractor shall be responsible for complying with this requirement and shall clean up and dispose of properly any spills or contaminated ground in accordance with Monterey Regional Waste Management requirements and to the full satisfaction of the Project Biologist and the Community Development Department staff.	Applicant or Applicant's Representative	During Construction, Ongoing	Community Development Department	
23. To protect the integrity of the on-site Asilomar sands which support several endangered plant species, no soils other than Asilomar sands shall be introduced to the site. Soils required to rehabilitate and restore degraded areas of the site shall consist of Asilomar sand excavated from the site itself or from within the Asilomar Dune system.	Applicant or Applicant's Representative	On-going	Community Development Department	
24. Asilomar Dune sand may be temporarily stockpiled on the site for use in the Landscape Restoration Plan for the site.	Applicant or Applicant's Representative	During construction, prior to installation of approved Landscape restoration Plan	Community Development Department	
25. Asilomar Sands shall not be exported from the Asilomar Dunes sand complex. Excess soil (Asilomar sand) remaining from excavation shall be re-distributed on the site as part of dune restoration, or off the site for use in a nearby dune restoration project.	Applicant or Applicant's Representative	On-going	Community Development Department	
26. All excavated soils from the site shall either be stockpiled for re-use or disposed of in a manner that will not adversely affect any existing vegetation in a location approved by the project biologist and Community Development Department staff.	Applicant or Applicant's Representative	Ongoing	Community Development Department	

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3-02-023

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Exhibit I
pg. 5 of 13

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
27. During the construction phase of the project, the project biologist shall inspect the site no less than one time each week to ensure compliance with all provisions for protection of the surrounding environment. Any activity or condition not in compliance with the prescribed mitigation measures shall immediately be brought to the attention of the owner or their representative, the general contractor, and the Pacific Grove Community Development Department. The temporary fencing shall be removed only upon approval of the project biologist and Community Development Department staff.	Applicant or Applicant's Representative	During construction activities	Community Development Department	
28. City of Pacific Grove Community Development Department staff, the California Coastal Commission, the California Department of Fish and Game or their agents may visit the property and recommend replanting or additional planting or other work where deficiencies occur if the property does not appear to be in compliance with the conditions of the development permit. If deficiencies do occur the applicant/owner shall replace the dead plants and remove the invasive species.	Applicant or Applicant's Representative	On-going	Community Development Department	
29. The property shall be resurveyed for species of special concern (including animal species) if development of the proposed project does not commence within one year from the date of building permit issuance.	Applicant or Applicant's Representative	On-going	Community Development Department	
30. Any exotic plants that are used for ornamental purposes within the building envelope shall not include species that are capable of naturalizing or spreading into adjacent dunes. In particular, the following invasive species should not be used: acacias (<u>Acacia</u> sp.), genista (<u>Cytisus</u> sp.), pampas grass (<u>Cortaderia</u> sp.) and ice plant (<u>Carpobrotus</u> sp., <u>Mesembryanthemum</u> sp., <u>Drosanthemum</u> sp., <u>Maleophora</u> sp., etc.). Any exotic plants used will be confined to special landscape features (containers or planters) near to the house.	Applicant or Applicant's Representative	On-going	Community Development Department	

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Child Demo/Rebuild

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of 13
pg. 6

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
14. The Architectural review Board shall assess the potential cumulative effects of fence design and placement to habitat areas in their consideration of the proposed project.	Applicant or Applicant's Representative	Prior to Final Architectural approval	Community Development Department	
15. Prior to the issuance of the building permit, a pre-construction meeting shall be held on the site with, at minimum, the project biologist, the owner or their representative, the general contractor, and Community Development Department staff to discuss the roles and responsibilities of each party and implementation of the mitigation monitoring program for the approved project.	Applicant or Applicant's Representative	Prior to building permit issuance	Community Development Department	
16. All trees on the property, as depicted on the most recent Botanical survey report maps, shall be afforded protection by erecting guideline fencing (stakes and nylon rope or mesh) 3x the trunk diameter to prevent inadvertent damage to tree root systems during site preparation and construction activities.	Applicant or Applicant's Representative	Prior to building permit issuance	Community Development Department	
17. Protective fences shall be installed under the direction of the project biologist, prior to grading activities on the site.	Applicant or Applicant's Representative	Prior to building permit issuance	Community Development Department	
18. Fencing installed to protect all trees shall be maintained in good condition and remain in place until all construction activity on the site is completed. Removal or changing the location of the fence requires the approval of the project biologist and Community Development Department staff.	Applicant or Applicant's Representative	During construction	Community Development Department	
19. Prior to site preparation activities, the project biologist shall search the construction zone for black legless lizards. If any are found they shall be captured and released in nearby restored areas or properly cared for until they can be released into a suitable area of restored habitat on the project site.	Applicant or Applicant's Representative	Prior to building permit issuance	Community Development Department	
20. Prior to the start of construction or ground excavation on the site, all exotic plants on the project site shall be sprayed with an appropriate herbicide under the direction of the project biologist and Community Development Department staff.	Representative	At least two weeks prior to the start of construction	Community Development Department	

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 Child Demo/Rebuild

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Exhibit I
 pg. 7 of 13

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
<p>27. During the construction phase of the project, the project biologist shall inspect the site no less than one time each week to ensure compliance with all provisions for protection of the surrounding environment. Any activity or condition not in compliance with the prescribed mitigation measures shall immediately be brought to the attention of the owner or their representative, the general contractor, and the Pacific Grove Community Development Department. The temporary fencing shall be removed only upon approval of the project biologist and Community Development Department staff.</p>	<p>Applicant or Applicant's Representative</p>	<p>During construction activities</p>	<p>Community Development Department</p>	
<p>28. City of Pacific Grove Community Development Department staff, the California Coastal Commission, the California Department of Fish and Game or their agents may visit the property and recommend replanting or additional planting or other work where deficiencies occur if the property does not appear to be in compliance with the conditions of the development permit. If deficiencies do occur the applicant/owner shall replace the dead plants and remove the invasive species.</p>	<p>Applicant or Applicant's Representative</p>	<p>On-going</p>	<p>Community Development Department</p>	
<p>29. The property shall be resurveyed for species of special concern (including animal species) if development of the proposed project does not commence within one year from the date of building permit issuance.</p>	<p>Applicant or Applicant's Representative</p>	<p>On-going</p>	<p>Community Development Department</p>	
<p>30. Any exotic plants that are used for ornamental purposes within the building envelope shall not include species that are capable of naturalizing or spreading into adjacent dunes. In particular, the following invasive species should not be used: acacias (<u>Acacia</u> sp.), genista (<u>Cytisus</u> sp.), pampas grass (<u>Cortaderia</u> sp.) and ice plant (<u>Carpobrotus</u> sp., <u>Mesembryanthemum</u> sp., <u>Drosanthemum</u> sp., <u>Maleophora</u> sp., etc.). Any exotic plants used will be confined to special landscape features (containers or planters) near to the house.</p>	<p>Applicant or Applicant's Representative</p>	<p>On-going</p>	<p>Community Development Department</p>	

3-02-023
 Child Demo/Rebuild

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Exhibit I
 pg. 8 of 13

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MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
31. A Landscape Restoration Plan shall be prepared by a qualified biologist (approved by the Community Development Department) prior to final architectural approval, and shall define procedures and minimum performance standards for restoration, long-term maintenance, and monitoring of the undeveloped portions of the property. The plan shall include provisions for the planting of appropriate species of special concern including Menzies Wallflower, Tidestrom's Lupine, and Dune buckwheat.	Applicant or Applicant's Representative	Prior to Final Architectural approval	Community Development Department	
32. The property owner shall retain a qualified biologist, approved by the City, to act as the Project Biologist. The Project Biologist shall monitor construction and landscape restoration activities and shall provide oversight to the implementation of the approved project Landscape Restoration Plan.	Applicant or Applicant's Representative	Prior to building permit issuance	Community Development Department	
33. The height and placement of all fencing shall be included on the Landscape Restoration Plan site map.	Applicant or Applicant's Representative	Prior to Final Architectural approval	Community Development Department	
34. The Landscape Restoration Plan requires the approval of the Architectural Review Board in addition to the Coastal Commission and shall be submitted to the Community Development Department prior to final architectural approval.	Applicant or Applicant's Representative	Prior to Final Architectural approval	Community Development Department	
35. Modifications to the approved 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	Ongoing	Community Development Department	
36. All new utilities, sewer and drainage systems shall be consolidated and installed underground in a single corridor under the driveway and walkways. The location of the corridor shall be reviewed and approved by the City's Site Plan Review Committee and shall be indicated on the approved building plans and the approved Landscape Restoration Plan and is subject to the review and approval of the project biologist, Community Development Department staff, prior to Final Architectural approval of the project.	Applicant or Applicant's Representative	Prior to Building permit issuance	Community Development Department	

Child Demo/Rebuild
3-02-023

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Exhibit I
pg. 9 of 13

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:		VERIFICATION DATE:
<p>✓ 37. An "immediate outdoor living area" not to exceed 5% of the land area of the site, shall be left in a natural condition or landscaped to avoid impervious surfaces, shall be fully contained within the approved amount of total site coverage, and shall be indicated on the approved Landscape Restoration Plan site map and on the final building plans.</p>	Applicant or Applicant's Representative	Prior to Final Architectural approval	Community Development Department	
<p>✓ 38. Exotic (non-native plant) species shall be planted only within the approved immediate outdoor living area.</p>	Applicant or Applicant's Representative	On-going	Community Development Department	
<p>39. Landscaping shall be installed according to the specifications of the approved Landscape Restoration Plan and completed in the first planting season (fall and winter) following completion of construction. <u>The Project Biologist shall provide written verification</u> to the Community Development Department when the installation of the approved Landscape Restoration Plan is satisfactorily completed.</p>	Applicant or Applicant's Representative	Within one year of building permit final.	Community Development Department	
<p>40. The Project Biologist shall monitor and supervise implementation of the approved Landscape Restoration Plan. Monitoring of the Landscape restoration project shall occur on an annual basis for at least five years and shall begin upon the Department's notification that the landscape has been installed. <u>An annual status report (letter) shall be submitted by the Project Biologist</u> to the Pacific Grove Community Development Department and the California Coastal Commission.</p>	Applicant or Applicant's Representative	For a five year period, commencing once final building permit approval is received. Thereafter in accordance with deed restriction	Community Development Department	
<p>41. To ensure its installation, the City of Pacific Grove may require the property owner or authorized representative to submit certificate of deposit in an amount sufficient to cover the installation costs of the Landscape Restoration Plan.</p>	Applicant or Applicant's Representative	Prior to final building permit approval On-going	Community Development Department	
<p>42. The landscaping shall be maintained as specified in the approved Landscape Restoration Plan, including removing exotic plants and planting and caring for additional plants where deficiencies in numbers or species are identified.</p>	Applicant or Applicant's Representative	On-going	Community Development Department	

Child Demo/Rebuild

3-02-023

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Exhibit I of 13
pg. 10

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
<p>43. The area of the site outside of the approved building envelope, driveway, and an "immediate outdoor living area" shall be protected by a deed restriction or conservation easement, containing the provisions found in section 2.3.5. e) of the Pacific Grove Local Coastal Program Land Use Plan. <u>The deed restriction or conservation easement shall be submitted to the City of Pacific Grove for review and approval by the City Attorney prior to recording and building permit issuance.</u> The deed restriction or conservation easement shall be recorded prior to the building permit final.</p>	<p>Applicant or Applicant's Representative</p>	<p>Filed prior to building permit issuance. Recorded prior to building permit final On-going</p>	<p>Community Development Department</p>	
<p>44. Protective fencing of restored areas may be allowed provided it is temporary in nature and removed once the restored plantings become established, under direction of the project biologist.</p>	<p>Applicant or Applicant's Representative</p>	<p>On-going</p>	<p>Community Development Department</p>	
<p>45. Any future additions to, or alterations of fencing on the property requires Community Development Department approval and verification of consistency with the adopted Mitigated Negative Declaration, Mitigation Monitoring Program, and conditions of coastal development permit approval.</p>	<p>Applicant or Applicant's Representative</p>	<p>On-going</p>	<p>Community Development Department</p>	
<p>46. No trimming of trees shall occur without first obtaining a Tree Permit issued by the City Forester.</p>	<p>Applicant or Applicant's Representative</p>	<p>On-going</p>	<p>Community Development Department</p>	
<p>47. An archaeological monitor shall be present during any demolition, construction, or pre-construction activities that involve ground disturbance, including removal of existing foundations, paved areas, landscape removal and excavation for utilities or new foundations.</p>	<p>Applicant or Applicant's Representative</p>	<p>During earth-disturbing activities on the site.</p>	<p>Community Development Department</p>	
<p>48. Proof of compliance with the monitoring requirements (completed Mitigation Compliance Form) must be submitted to the Community Development Department, prior to the Building Division field inspection of foundation trenching, before site work may proceed.</p>	<p>Applicant or Applicant's Representative</p>	<p>Prior to field inspection of foundation framing</p>	<p>Community Development Department</p>	

Child Demo/Rebuild

3-02-023

Exhibit I
pg. 11 of 13

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MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
49. If human remains or archaeological artifacts/cultural features or soils are encountered at any time during project implementation, work shall be immediately halted within 50 meters (150') of the find and the Community Development Department Director shall be immediately notified. Work shall not recommence until the find can be evaluated by a qualified professional archaeologist. If the find is determined to be potentially significant, appropriate mitigation measures shall be formulated and implemented, subject to Community Development Department review, before project activities proceed.	Applicant or Applicant's Representative	On-going	Community Development Department	
50. Days and hours of demolition and construction activities shall be limited to 7:30 a.m. to 7:30 p.m. Monday through Saturday, interior work excepted.	Applicant or Applicant's Representative	On-going	Community Development Department	
51. All power equipment shall be in good operating condition and properly maintained.	Applicant or Applicant's Representative	On-going	Community Development Department	
52. 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	Community Development Department	

3-02-023
 Child Demo/Rebuild

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Exhibit I
 pg. 12 of 13



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COMMUNITY DEV. DEPT.

MITIGATION REPORTING AND MONITORING PROGRAM AGREEMENT

The undersigned are the property owners of record for property located at 1384 Jewell Avenue, Pacific Grove, California (Assessor's Parcel Number 007-031-16). The undersigned acknowledge receipt of a copy of the Notice of Intent to Adopt a Mitigated Negative Declaration, Initial Study and Mitigation Reporting and Monitoring Program that has been prepared by the City of Pacific Grove Community Development Department for the proposed project. The undersigned have read and understand the referenced documents and agree to: (1) incorporate the proposed mitigation measures into the project and (2) comply with the mitigations measures contained in the Mitigation Reporting and Monitoring Program.

Michael Child

Michael Child

8-30-2001

Date

Renee Child

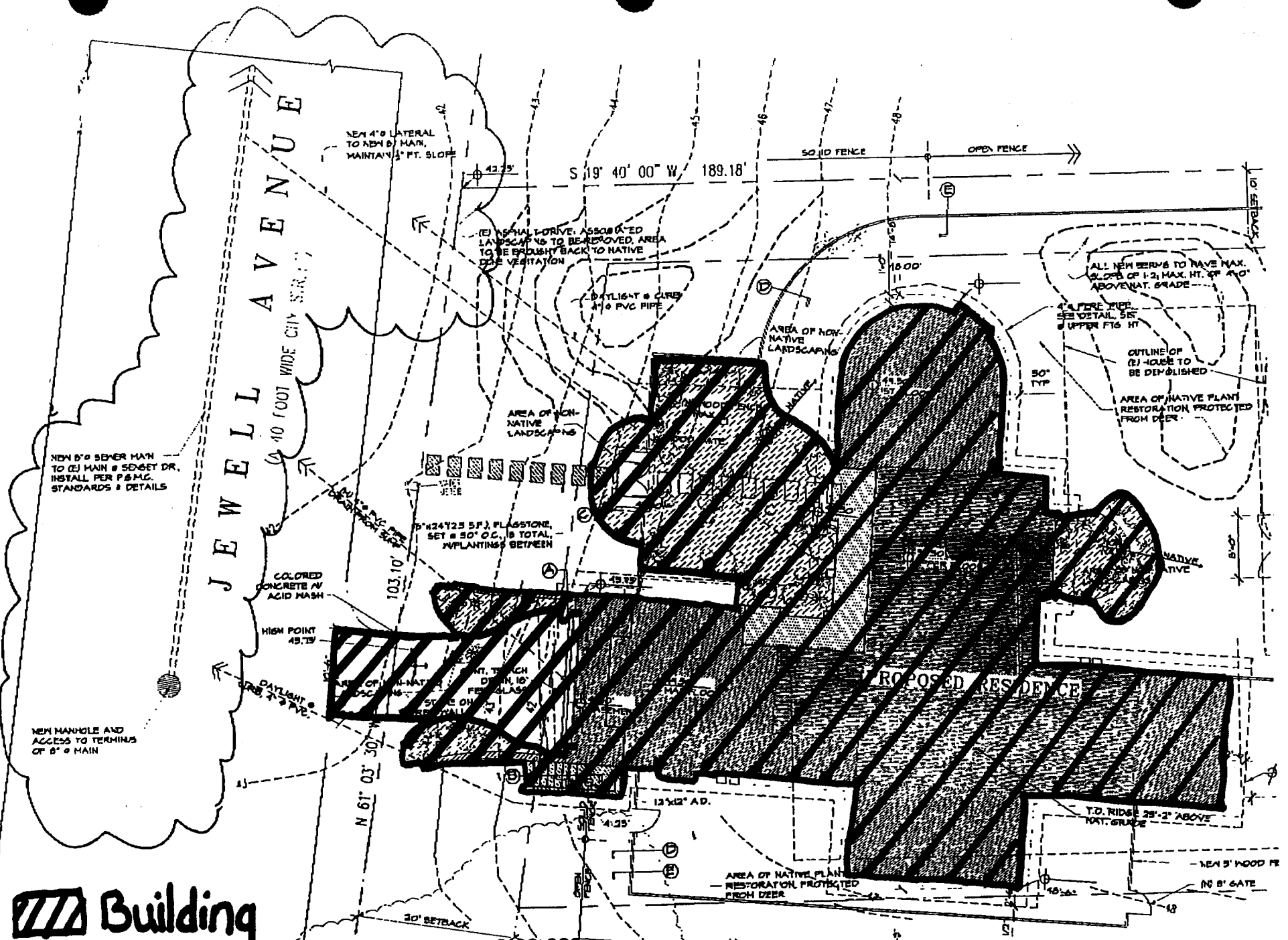
Renee Child

8-30-01


Date

FROM: CRAIG & ERIC
MULLER ARCHT.

 Building Envelope



3-02-023
FOUND 2x3 REDWOOD
ELEV = 45.0
Child Demo/Rebuild

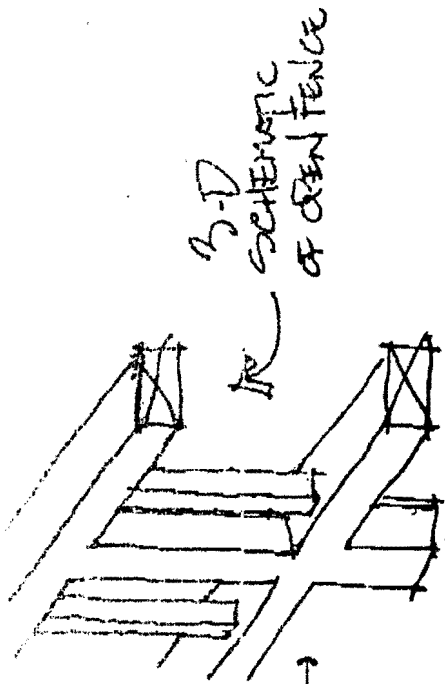
Exhibit  19° 40' 00" W 203.97'
pg. 1 of 1

1754 Dentell Ave P.G.

202

ERIC MILLER ARCH

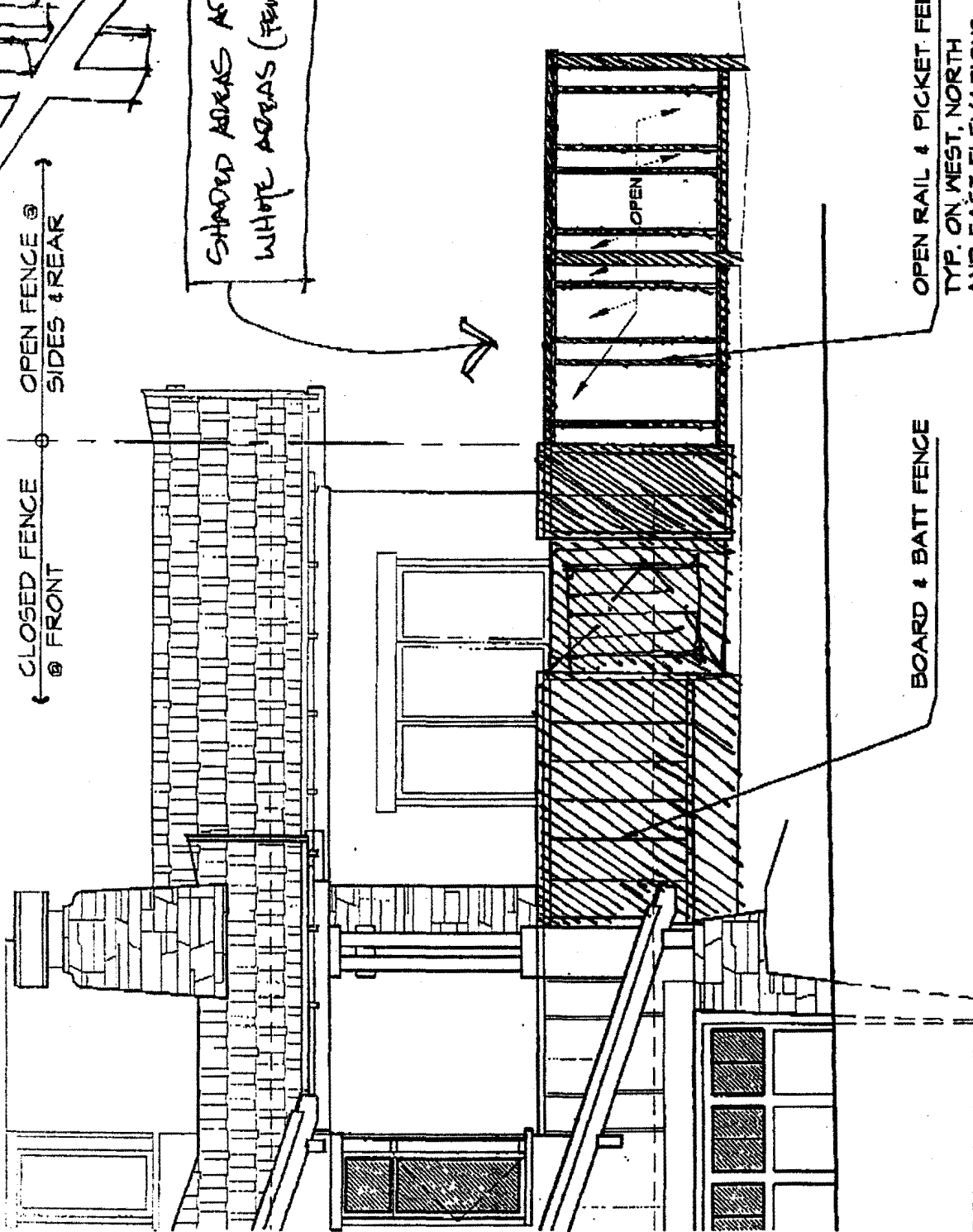
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← CLOSED FENCE @ FRONT

→ OPEN FENCE @ SIDES & REAR

SHADDED AREAS ARE SOLID
 WHITE AREAS (FENCE) ARE OPEN



BOARD & BATT FENCE

OPEN RAIL & PICKET FENCE

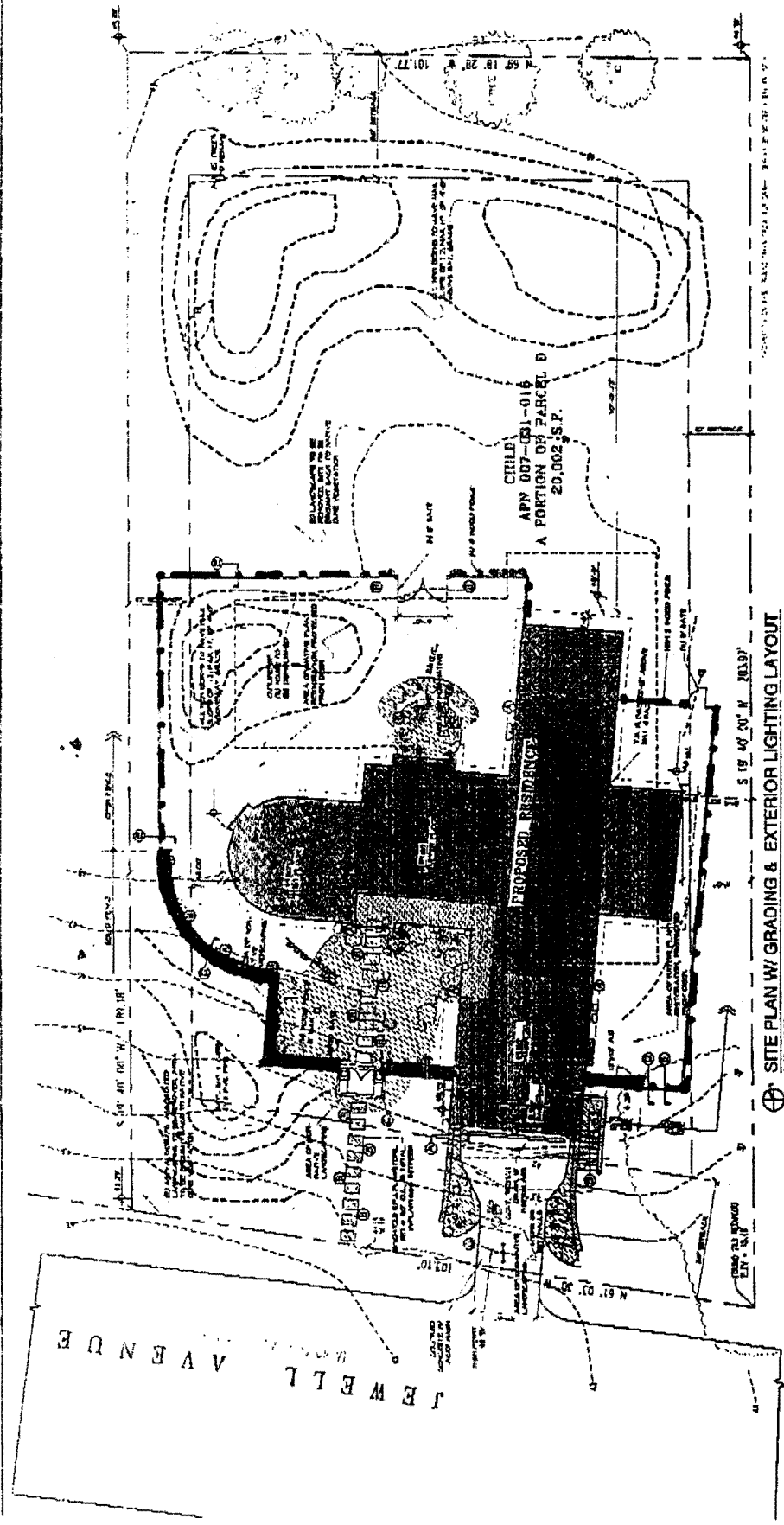
TYP. ON WEST, NORTH AND EAST ELEVATIONS

3-02-023

Child Demo/Revised
Approved Fence Design

Exhibit K of Z
pg. 1

06/03/02 12:49 TEL 8313727840
ERIC MILLER ARCH



New Fence Legend

- Solid Fence
- - - Open Fence

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JUN 03 2002 N.T.S. on 6.5 x 11

3-02-023
Child Demo/Rebuild
Proposed Fence Location

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST DISTRICT
Exhibit K
P. 2 of 2

PROJECT TITLE	CHILD RESIDENCE
SHEET NO.	A1.1
DATE	
SCALE	
DESIGNED BY	
CHECKED BY	
DATE	
PROJECT NO.	
CLIENT	ERIC MILLER ARCHITECT
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