CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE 725 FRONT STREET, SUITE 300 SANTA CRUZ, CA 95060 (831) 427-4863 F14a



Filed: 7/18/03 180th day: 1/14/04 Staff: SM-SC Staff report prepared: 10/15/03 Hearing date: 11/7/03 Hearing item number: F14a

COASTAL DEVELOPMENT PERMIT APPLICATION

Summary: The Applicant proposes to replace existing residential development at 1805 Sunset Drive, in the Asilomar Dunes residential neighborhood of the City of Pacific Grove, with a new larger residence. The property is bounded by the Asilomar State Conference Center to the south, and Sunset Drive and Asilomar State Beach to the west, and located within the Asilomar dunes complex, which is protected by the Pacific Grove certified Land Use Plan (LUP) as an environmentally sensitive habitat area (ESHA). Because the City of Pacific Grove does not have a certified Implementation Plan, the Chapter 3 policies of the Coastal Act are the standard of review, with the LUP providing guidance.

Coastal Act Section 30240 protects ESHA from significant disruption or degradation, limits development in ESHA to uses dependent upon the resources, and requires development adjacent to ESHA and recreation areas to be compatible with their continuance. One of the ways the certified LUP applies this standard to the sensitive habitats of the Asilomar dunes is by limiting total maximum aggregate lot coverage to be limited to no more than 15% of the lot area. The LUP allows an additional 5% of the lot to be used for outdoor living purposes, provided that is to be left in a natural condition, or landscaped so as to avoid impervious surfaces.

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 exempts the portion of the driveway from the street to the required 75-foot front setback from these coverage limitations.



California Coastal Commission
November 2003 Meeting in Los Angeles
Staff: SM Approved by: OSL

archaeological and paleontological resources by requiring the implementation of specific monitoring and mitigation measures. Only with these conditions will the development be consistent with the Chapter 3 policies of the Coastal Act

I. Staff Recommendation on CDP Application......4

Staff Report Contents

II.	Conditions of Approval			
	A.	Sta	andard Conditions	4
	B.	Spo	ecial Conditions	5
III.	. Recommended Findings and Declarations			10
	A.	Pro	oject Description	10
		1.	Project Location	10
		2.	Project Description	10
	B. Standard of Review			11
	C.	Iss	sue Analysis	11
		1.	Environmentally Sensitive Habitat Areas	
			a. Applicable Environmentally Sensitive Habitat Area (ESHA) Policies	11
			b. ESHA Analysis	13
			1. Description of Environmentally Sensitive Habitat	13
			2. ESHA Impact Analysis	14
			c. ESHA Conclusion	15
		2.	Visual Resources	16
			a. Applicable Visual Resources Policies	16
			b. Visual Resources Analysis	17
			c. Visual Resources Conclusion	17
		3.	Water Quality/Marine Resources	18
			a. Applicable Water Quality Policies	18
			b. Water Quality Analysis and Conclusion	18
		4.	Archaeological Resources	18
			a. Applicable Archaeological Resources Policies	18
			b. Archaeological Resources Analysis and Conclusion	19
	D.	Lo	ocal Coastal Programs	19
	E.	Ca	alifornia Environmental Quality Act (CEQA)	20
IV.	Ex	hibi	its	
IV.	Exhibit 1: Project Location			
	Exhibit 2: Project Plans			
	Ex	hibi	it 3: Visual Impact Analysis	
	Ex	hibi	it 4: City of Pacific Grove Required Mitigation Measures	
	Ex	hibi	it 5: Existing Developed Area	



- 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 4 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 Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two sets of final plans, for the Executive Director's review and approval, which modify and supplement the plans submitted with the application (prepared by Case Associates, dated 2/24/03) as follows:
 - (a) Lot Coverage. The plans shall include a final site plan that locates all aspects of the development within a building envelope that does not to exceed 20% of the 26,215 square foot lot (i.e., 4,224 square feet), and is located entirely within the existing developed areas of the site shown by Exhibit 5. The plan shall demonstrate that the coverage of the residence, all portions of the driveway behind the 75 foot setback, and all impervious surfaces do not exceed 15% of the lot (i.e., 3,932 square feet). An additional 5% of the lot (1,311 square feet) may be designated for outdoor living and included in the building envelope, provided that such areas shall be left in a natural condition or landscaped to avoid impervious surfaces (i.e., surfaces that do not allow water or light to penetrate into the soil).
 - (b) **Height.** Final plans shall show a reduction in the height of the proposed structure, in all areas necessary to prevent any portion of the new structure, other than a single fireplace chimney, from extending more than 16 feet above exiting grade. Elevation views shall show the height of the replacement structure in relationship to the height of the existing structure, and shall demonstrate that no portion of the replacement structure (other than the chimney) will extend above the highest point of the exiting structure.



accommodate runoff from the site produced from each and every storm event up to and including the 85th percentile 24-hour runoff event. In extreme storm situations (>85% storm) excess runoff shall be conveyed off-site in a non-erosive manner.

- 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 plans for the entire lot outside of the building envelope designated pursuant to 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 dune plants native to the Asilomar area,
 - (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
 - (c) Final contours of the site, after project grading, will support restoration efforts.

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.



- B. Plans for any permanent landscaping fence, should they be necessary to discourage trampling of the area to be restored outside of the building envelope, shall require the Executive Director's review and approval, and may require an amendment to this permit. Fencing design submittal shall include evidence of review and approval by the City of Pacific Grove. No permanent fencing, other than the fencing approved by the Executive Director pursuant to this condition, may be installed on the site without and amendment to this permit.
- 6. Archaeological Mitigation. A qualified archaeological monitor and Native American representative approved by the Executive Director PRIOR TO THE COMMNECEMENT OF CONSTRUCTION shall be present during any demolition, construction or pre-construction activities that involve ground disturbance, such as removal of existing foundations or utilities. 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 in coordination with interested Native Americans, 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 a project biologist/environmental monitor approved by the Executive Director and the City of Pacific Grove Community Development Director to ensure compliance with all permit conditions and mitigation requirements during the construction phase. Evidence of compliance shall be submitted by the project monitor to the Executive Director each month while construction is proceeding, and upon completion of construction.
- 8. Utility Connections. All utility connections shall be placed underground, and shall be contained within the building envelope established pursuant to Special Condition 2(a) to the maximum extent feasible. When installing any new utility connections, care shall be taken to avoid and minimize disturbance outside of the building envelope, among other ways, be employing the best management practices specified pursuant to Special Condition 2(d).



Drive in a manner intended to reflect a natural dune landform. Two existing gravel driveways totaling 2,689 square feet will be replaced with a new decomposed granite driveway totaling 1,647 square feet, 897 square feet of which is driveway behind the 75 foot front setback line. Including outdoor impervious surfaces totaling 324 square feet, aggregate site coverage will be 5,014 square feet or 19% of the lot. The project also includes a 602 square foot fenced and landscaped back yard, as well as 125 square feet of pervious front walkway, which dedicates an additional 2.8% of the lot for outdoor living purposes. Thus, the application proposes to commit 22% of the site to residential use.

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. 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



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 in Pacific Grove and Cypress Point in the Del Monte Forest Area of Monterey County. 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 within the City of Pacific Grove 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.

A Dune Habitat restoration Plan and Botanical Survey was prepared by Joey Dorrell-Canepa on June 26, 2000. The survey did not find any threatened or endangered species in the immediate project area. However, the report identified the existence of Tidestrom's lupine in an area covering approximately 900 square feet on the eastern portion of the parcel, approximately 100 feet from the existing house, as shown in the project plans attached as Exhibit 2. While there may not be any endangered plants in the building site presently, the nature of the dune habitat is such that they appear at different locations and times. Thus, the whole area outside of the existing development 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-



development on the site⁴, the extent of demolition and modification of the existing development provides the appropriate opportunity to ensure that the replacement structure will conform to established development standards. Indeed, it is typical for zoning ordinances to require compliance with all applicable development standards when non-conforming structures are proposed for replacement or significant alteration, as is the case here. Such an approach is necessary to ensure that LUP polices protecting the rare biological resources of the Asilomar dunes are consistently implemented for both new development and significant redevelopment.

Therefore, to ensure the protection and continuance of habitat and recreation areas consistent with Coastal Act Section 30240(b), conditions have been attached to this permit that require final plans to reduce the maximum aggregate site coverage (including all portions of the driveway behind the 75 foot setback) to no more than 15 % of the lot (3,932 square feet). In addition, to prevent non-resource dependent development in ESHA consistent with Coastal Act Section 30240(a), the conditions require the replacement structure be sited entirely within the area of existing development. Additional conditions of carry out Coastal Act and LUP ESHA protection policies by requiring the permanent preservation of the dune habitats outside of the permitted development envelope, and by regulating construction procedures in a manner that will avoid and minimize the disturbance of the surrounding habitat areas and sensitive biological resources.

c. ESHA Conclusion

The proposed project is inconsistent with Coastal Act Section 30240 because it involves new non-resource dependent development within ESHA, and exceeds the coverage limits established by the certified LUP as necessary to protect the environmentally sensitive Asilomar dunes. Therefore, the project has been conditioned to avoid disturbance of the environmentally sensitive habitat areas outside of the existing developed area of the site, and to limit site coverage consistent with the standards of the certified LUP.

In addition, to ensure that the habitat values of the site will be protected into the future, the conditions require the development and implementation of a Dune Habitat Restoration Plan covering all portions of the site outside of the approved development envelope, and the recordation of a deed restriction providing permanent protection of this area. The deed restriction allows only those uses necessary for, and consistent with, maintenance of the restricted area as a nature reserve under private stewardship. The deed restriction also provides notice to future property owners regarding the constraints and obligations associated with this 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.

The combined footprint of existing residence and garage is 2,637 square feet, or 10.1% of the lot. Nevertheless, the existing development exceeds the LUP's 15% coverage limit due to the presence of gravel driveways and impervious surfaces that bring total site coverage to 22%, or 18% when subtracting the first 75 feet of one of the driveways as allowed by the LUP. The existing residence also exceeds LUP limits for outdoor living area, as the landscaped rear yard of 2,034 square feet consumes 2,034 square feet, or 7.8% of the lot.



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.

b. Visual Resources Analysis

Coastal Act Section 30251 requires the scenic and visual qualities of coastal areas to be protected as a resource of public importance, among other ways, by protecting views to and along the ocean and scenic coastal areas, requiring visual compatibility, minimizing landform alterations, and restoring degraded areas. In implementing this policy, the LUP identifies the Asilomar dunes as a highly scenic area of importance, and establishes the development standards cited above to protect these visual resources.

The project site is within the scenic area designated by the LUP, and visible to the many residents and visitors that come to the area to enjoy Sunset Drive, Asilomar State Beach, and the Asilomar Conference Center. Thus, new development on the site must be carefully designed and sited to prevent impacts to these significant coastal views. The proposed development does not comply with this requirement because the proposed replacement structure will block the public views of the ocean, most notably from an overlook that is part of the Asilomar Conference Center trail system (please see the photographic visual analysis submitted by the applicant and attached as Exhibit 3). In addition, the inconsistencies with LUP coverage limitations discussed in the ESHA findings, result in a more massive structure than is typically allowed in this area. The proposed project is therefore inconsistent with Coastal Act and LUP standards that require new development to be compatible with surrounding development, protect the scenic value of the natural dune environment, and avoid interference with views of the bay.

The conditions of this permit that require compliance with LUP coverage limitations and prohibit new development outside of the existing developed area will minimize the impact of the replacement structure on existing views of the coast. The conditions further require that the maximum height of the proposed replacement structure be reduced to no more than 16 feet above exiting grade (the maximum height of the existing structure), in order to avoid interference with existing ocean views. Visual resources are also protected by a recommended condition requiring utility connections to be placed underground.

c. Visual Resources Conclusion

The proposed development is inconsistent with Coastal Act Section 30251 because it will block ocean views available from the Asliomar Conference Center Grounds. It is further inconsistent with Section 30251 and LUP Policies protecting scenic resources due to its non-compliance with coverage limitations, which results is a structure that is not compatible with surrounding development, unnecessarily alters natural land forms, and fails to protect existing ocean views. The special conditions of approval therefore prohibit new development outside of the existing developed area, require compliance with LUP site coverage requirements, and prohibit and increase in height above the existing structure. The special conditions further protect scenic resources by requiring the restoration and



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 and Conclusion

The subject site is located within an archaeologically sensitive area designated by the LUP. Accordingly, an archaeological survey was conducted for the subject parcel, and a report prepared by Mary Doane and Trudy Haversat for Archaeological Consulting (February 11, 1999). The report concludes that the parcel contains evidence of potentially significant cultural resources.

Therefore the conditions of permit approval require a qualified archaeological monitor and Native American representative approved by the Executive Director to be present during any demolition, construction or pre-construction activities that involve ground disturbance. If archaeological resources be discovered at the project site during any phase of construction, work must cease until a mitigation plan, prepared by a qualified professional archaeologist in coordination with interested Native Americans, is approved by the State Historical and the Executive Director of the Commission. The plan must provide for reasonable mitigation of the archaeological impacts resulting from the development of the site, and be fully implemented. Only as so conditioned is the project consistent with Coastal Act Section 30244.

D.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 the Asilomar Dunes neighborhood contains unique features of scientific,

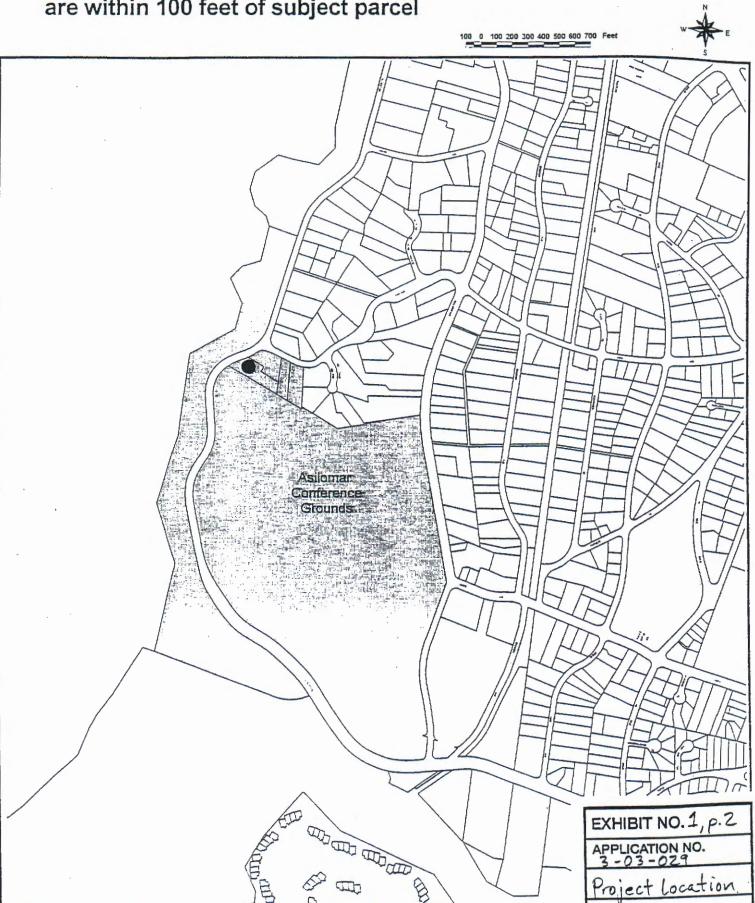


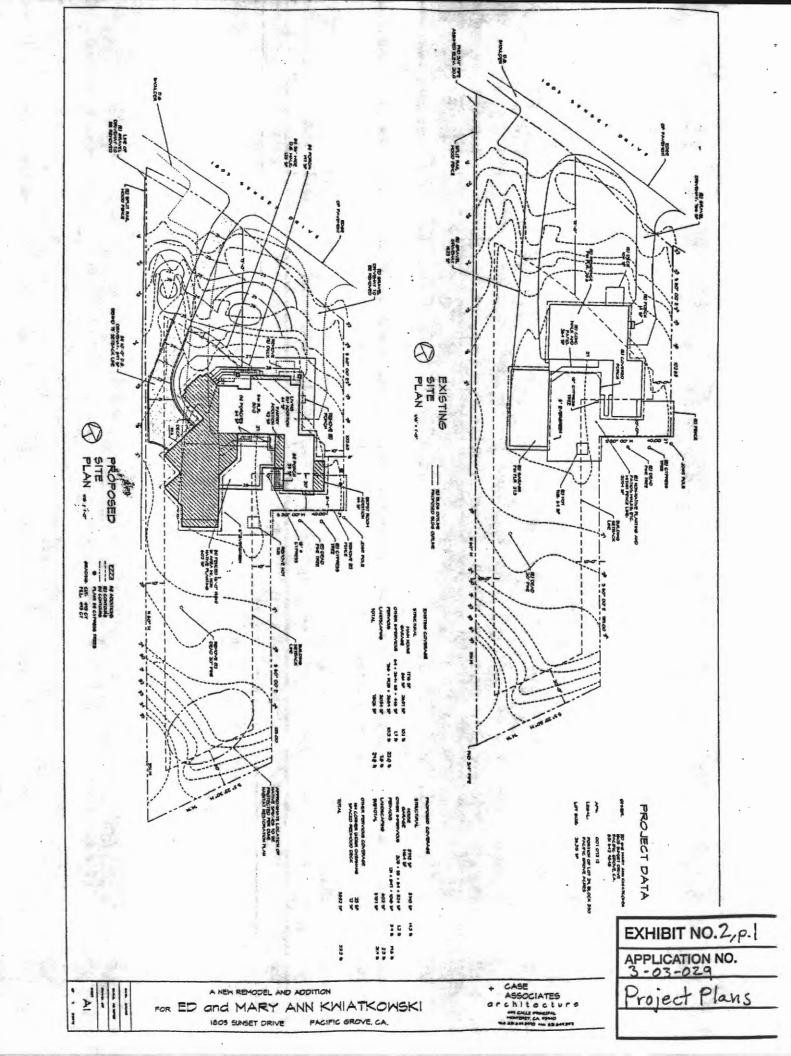
materials. Accordingly, the project is being approved subject to conditions that incorporate and expand upon the mitigation measures required by the City. As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.

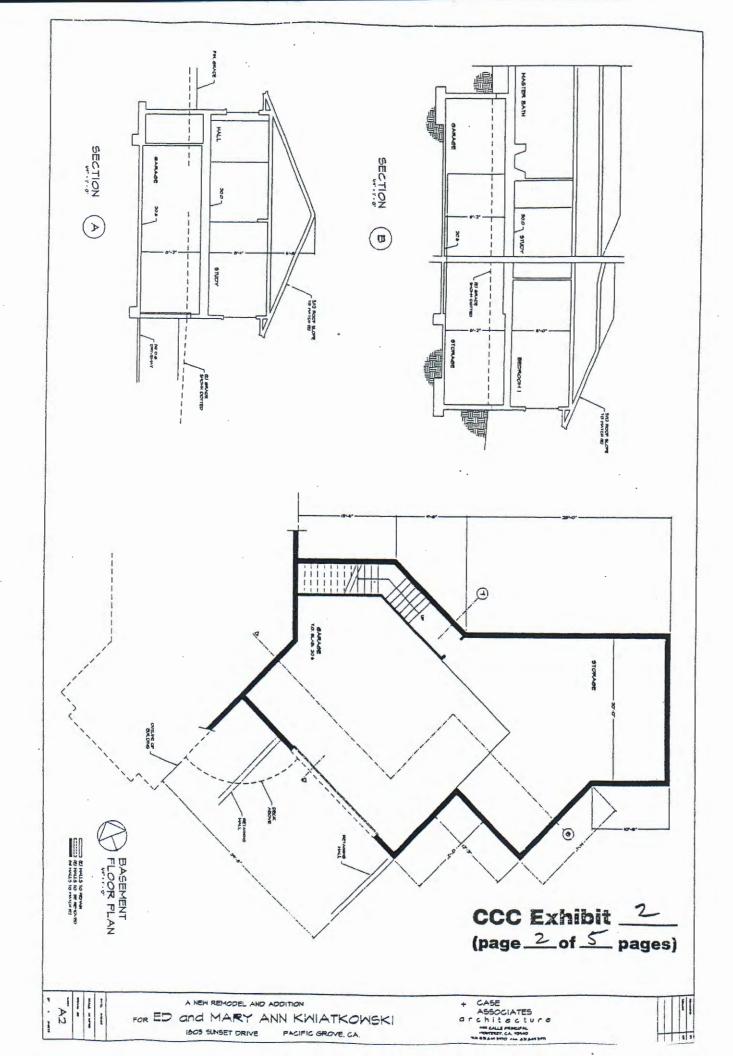


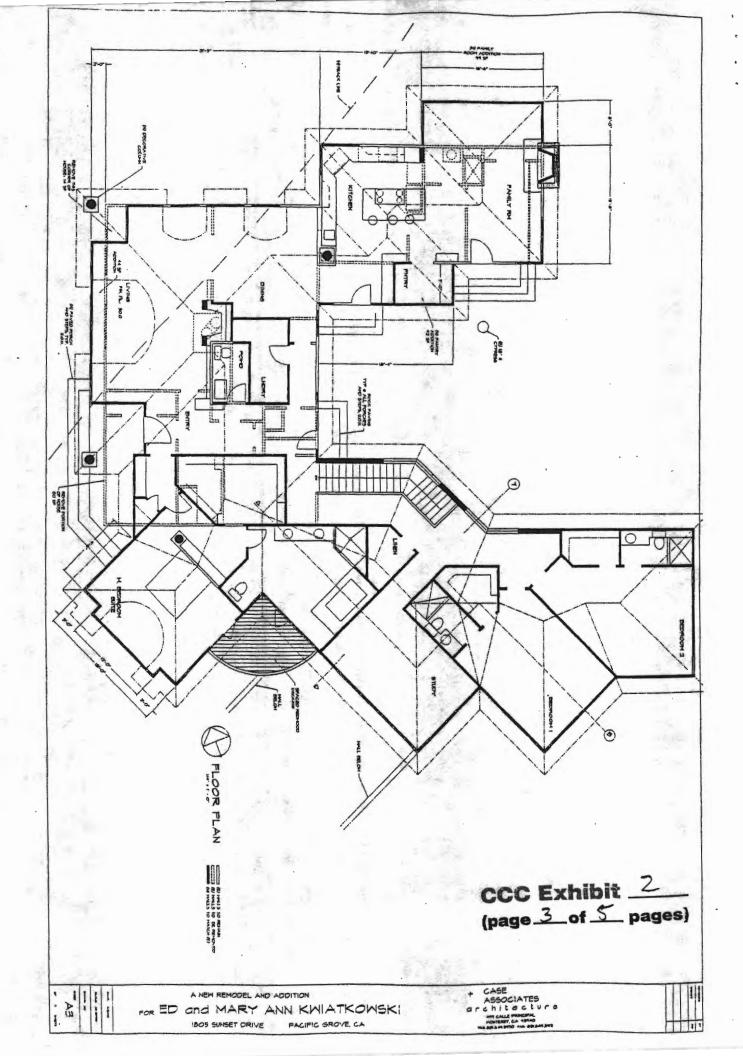


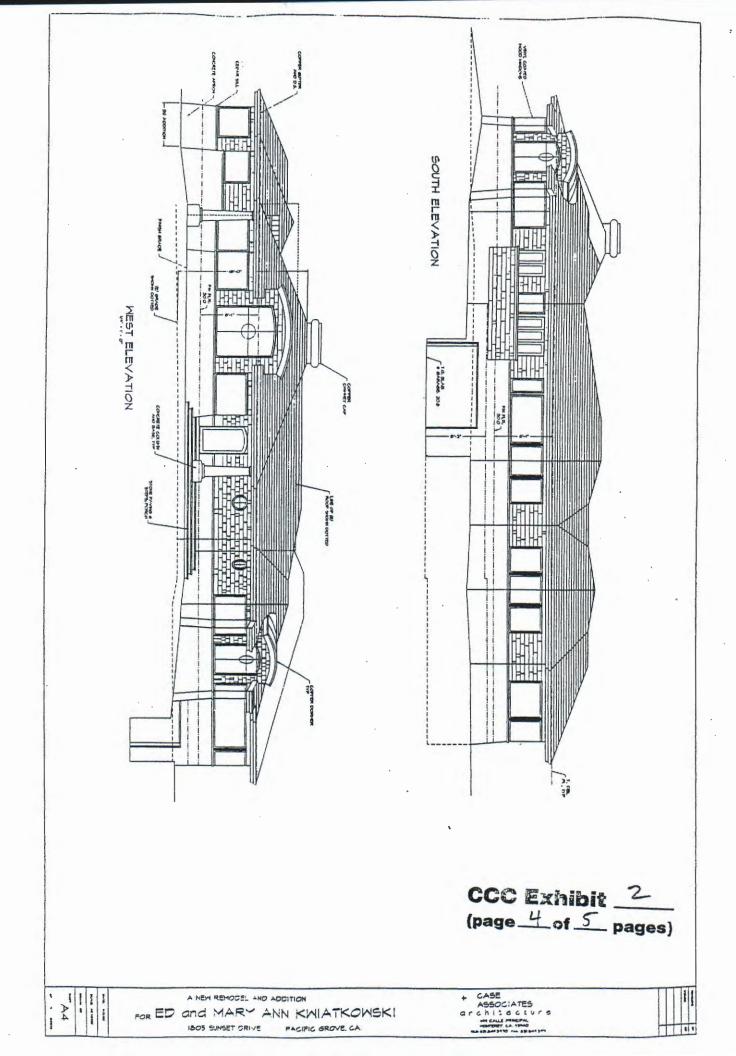
1805 Sunset Drive, Pacific Grove (Marked with a dot) - Shaded parcels are within 100 feet of subject parcel

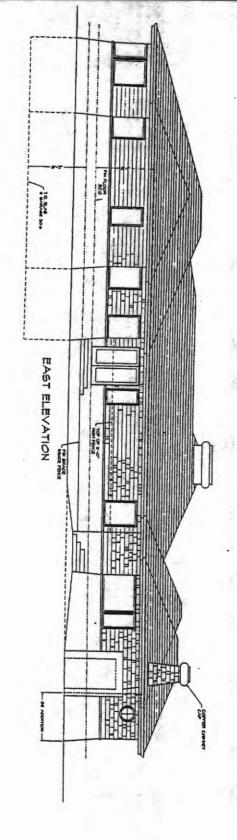


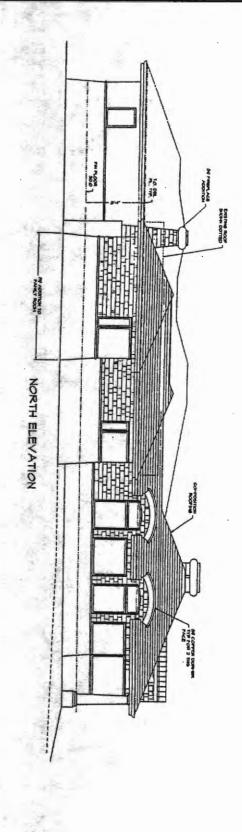












(page 5 of 5 pages)

. ¥5

A NEW REMODEL AND ADDITION

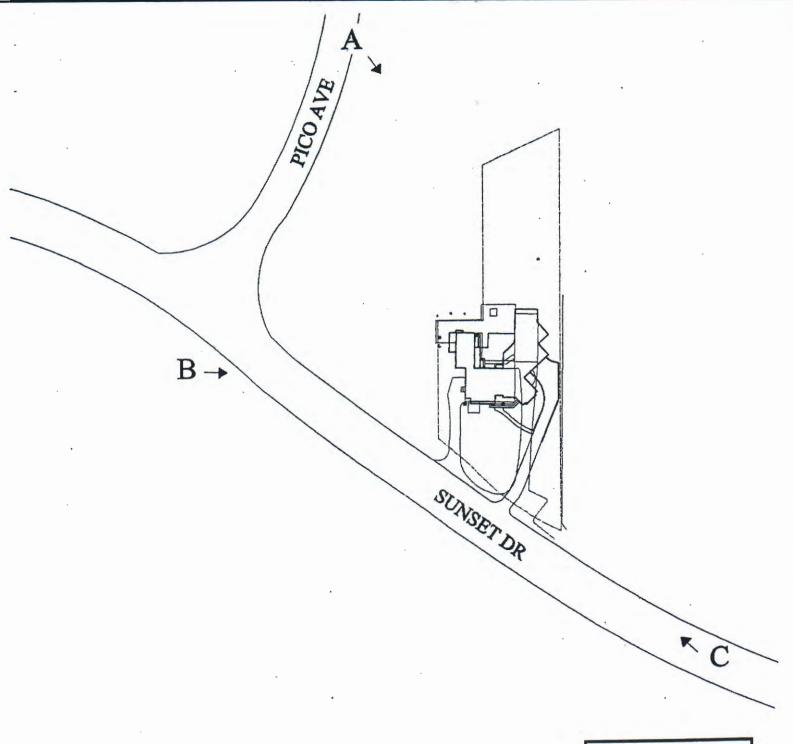
FOR ED and MARY ANN KWIATKOWSKI

1805 SUNSET DRIVE

PACIFIC GROVE, CA.

+ CASE
ASSOCIATES
OF CHIT & CTY F &
AMERICAN APPROPRIATE CA SPACE
AND CALLED TO THE CONTROL OF T

41 2





VICINITY MAP

CAMERA POSITIONS for PHOTOGRAPHS OF STAKING

Kwiatkowski Residence 1805 Sunset Drive EXHIBIT NO. 3, p. |

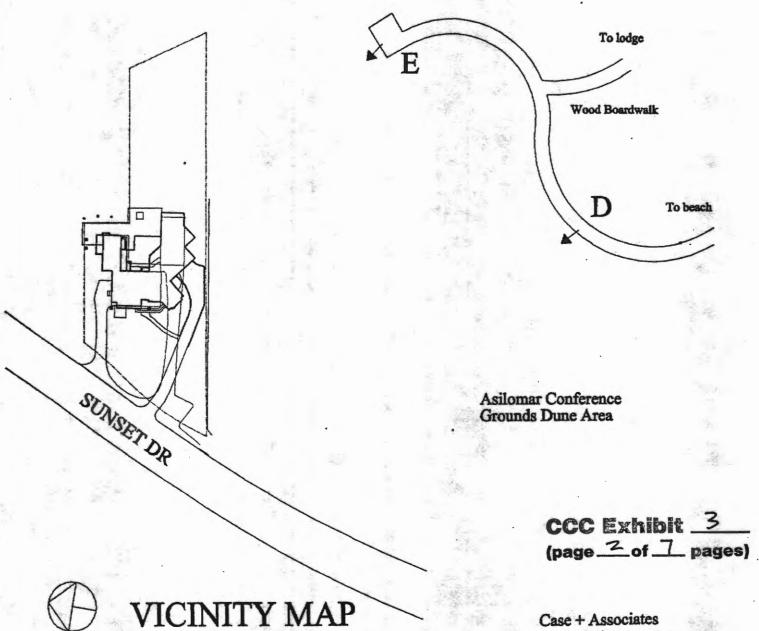
APPLICATION NO. 3-03-029

Visual Impact Analysis

Prepared by Applicant

Case + Associates architecture

499 Calle Principal Montercy, Ca. 93940 831.649.5970



CAMERA POSITIONS
architecture
for PHOTOGRAPHS OF STAKING

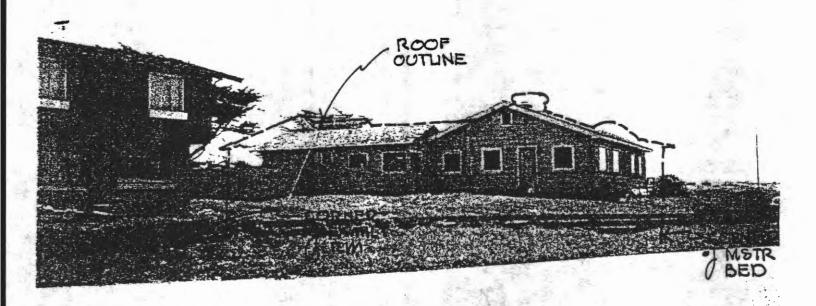
499 Calle Principal
Monterey, Ca. 93940
831.649.5970

Kwiatkowski Residence 1805 Sunset Drive



Position A

Kwiatkowski Residence 1805 Sunset Drive Pacific Grove, Ca. CCC Exhibit 3 (page 3 of 7 pages)



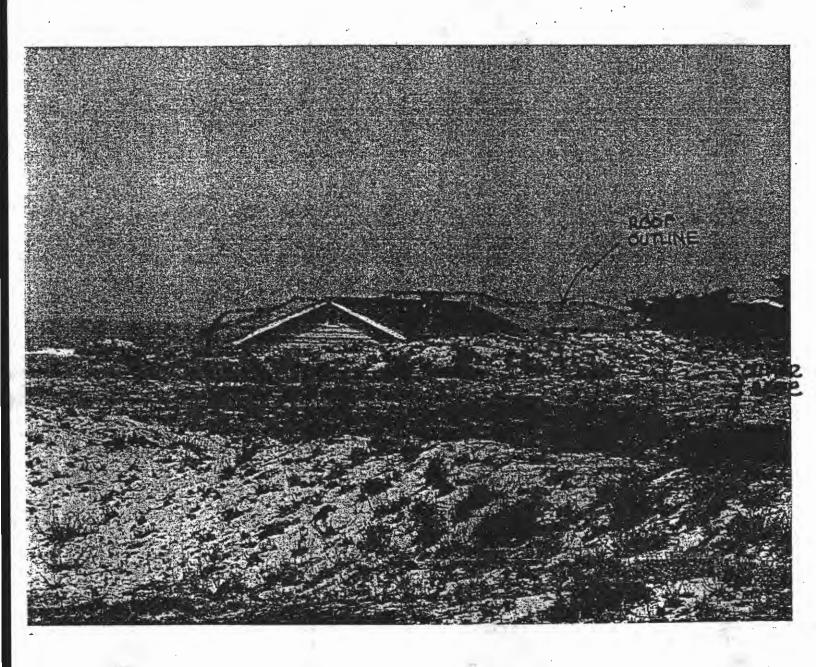
Position B

Kwiatkowski Residence 1805 Sunset Drive Pacific Grove, Ca. CCC Exhibit 3
(page 4 of 7 pages)



 $_{\text{Position}} \; C$

Kwiatkowski Residence 1805 Sunset Drive Pacific Grove, Ca. ccc Exhibit 3 (page 5 of 7 pages)



Position D

Kwiatkowski Residence 1805 Sunset Drive Pacific Grove, Ca. ccc Exhibit 3
(page 6 of 1 pages)



Position E

Kwiatkowski Residence 1805 Sunset Drive Pacific Grove, Ca. CCC Exhibit 3 (page 1 of 1 pages)