

CALIFORNIA COASTAL COMMISSION

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



RECORD PACKET COPY

Th4a

Page 1 of 6
Staff: MJN - SC
Date: July 10, 2003
File: 3-03-027

ADMINISTRATIVE PERMIT NUMBER 3-03-027

Applicant.....Michael Langlois & Joanne Rochon (Contact: Sam Benavides, AIA, Benavides Architects)

Project location.....1663 Sunset Drive, (Asilomar Dunes), Pacific Grove, Monterey County.

Project descriptionA 125 square feet addition and remodel to the bedroom on the northeast corner of house under existing second floor overhang and within existing patio slab. Install new windows; plaster and color /textures shall match existing design.

Executive Director's Determination: The findings for this determination, and for any special conditions, appear on subsequent pages.

Note: Public Resources Code Section 30624 provides that this permit shall not become effective until it is reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs. This permit will be reported to the Commission at the following time and place:

Thursday, July 10, 2003
Meeting begins at 9:00 AM
Petaluma Sheraton
745 Baywood Drive
Petaluma, CA 94954
(707) 283-2909

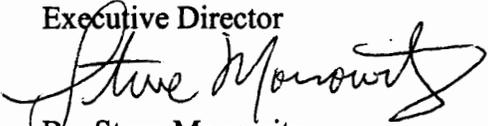


**California Coastal Commission
July 2003 Meeting in Petaluma**

Staff: M. Nowak Approved by: *MJN 6/19/03*

IMPORTANT: Pursuant to Title 14 of the California Code of Regulations, Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, if applicable, we will send you a Notice of Administrative Permit Effectiveness. Before you can obtain any local permits and proceed with development legally, you must have received both your administrative permit and the notice of permit effectiveness from this office.

PETER DOUGLAS
Executive Director


By: Steve Monowitz
Permit Chief

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.



SPECIAL CONDITIONS

1. Landscape and Maintenance. The Permittee shall comply with the following conditions as recommended in the botanical survey completed by Thomas K. Moss, Coastal Biologist (June 2002), to protect and restore environmentally sensitive habitat areas on-site:

- (a) Restore the native dune landscape within the undeveloped portion of the property, as required by the original coastal development permit. Exotic annual grasses and ice plant should be treated with an appropriate herbicide in January or February (prior to seed formation on the grasses). Revegetate with an appropriate mix of native Asilomar dune species, as directed or monitored by a qualified biologist. Monitor and maintain the landscape on a monthly basis for at least three years and at least every six months thereafter to permanently maintain in good condition.
- (b) All restoration work shall be completed by May 31, 2004.
- (c) Prior to construction, habitat protection fencing shall be installed to delineate the construction zone; the area where all activities related to construction will be allowed. The construction zone shall be located within the existing building envelope and shall not impact dune habitat. Construction materials, equipment and workers will be prohibited from entering or utilizing any portion of the area outside of the designated construction zone.
- (d) Immediately prior to the start of construction, a qualified biologist shall search the designated construction zone for black legless lizards. If any are found, they will be captured and released in adjacent areas of suitable habitat, which are proposed for restoration.

EXECUTIVE DIRECTOR'S DETERMINATION

The Executive Director hereby determines that the development is a category of development that qualifies for approval by the Executive Director through the issuance of an administrative permit (Public Resources Code Section 30624). Subject to Standard and any Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, is located seaward of the first through public road, and is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.



FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION

Background and Project Description

The proposed project consists of constructing a 125 square feet bedroom addition on the northeast corner of the house over an existing concrete patio slab directly under the second floor overhang. This will enclose the concrete patio and second story overhang for a larger indoor habitable space. The proposed project does not increase the building envelope area.

This site was initially issued a Coastal Commission permit on December 2, 1982 (#3-82-164) for the construction of a two-story single family home subject to a number of standard and special conditions. A revised site plan was required to designate a building envelope area not to exceed 18.5% of the lot area. This lot coverage limitation was not to include the pervious area for emergency fire vehicle access from Asilomar Avenue. This has been accomplished and the project was completed with 18.5% lot coverage. One condition does not appear to have been completed. Special condition 1(d) required restoration and landscaping of the site including permanently maintaining the restored area in good condition. Maintenance of the restored area has not occurred.

Environmentally Sensitive Habitat

The Coastal Act provides the standard of review and the City of Pacific Grove's LUP policies have also been used as guidance for this project. The project site is within an environmentally sensitive habitat area. The environmentally sensitive habitat area is comprised of dunes that contain plant and animal habitat including rare and endangered species. Section 30240 of the Coastal Act provides for the protection of environmentally sensitive habitat. The City's LUP Policy 3.4.1 recognizes the project area as being located in an environmentally sensitive habitat area designated as the Asilomar Dunes area and thus requires that all development follow specific policies to protect this sensitive habitat area. LUP Policy 2.3.4.4 requires all development projects within the Asilomar Dunes area to have a botanical survey prepared prior to project approval. Additionally, Policy 2.3.5(a) requires a botanical survey be completed for any project including expansion of an existing development within the Asilomar Dunes area. The City's LUP Policy 2.3.5.1(f) precludes landscaping with exotic plants beyond the immediate outdoor living space adjacent to the development.

The black legless lizard (*Anniella pulchra nigra*) is a local dune inhabitant. This species was once proposed for federal listing but this is no longer the case. However, the species is listed as a species of special concern by the State of California. Special Condition 1(d) of this permit requires that surveys for this species be done prior to commencement of construction, with proper relocation of any lizards found.

A coastal biologist completed a botanical survey for the site during the month of June 2002 to determine if species of special concern, either listed by the California Department of Fish and Game, the U.S. Fish and Wildlife Service, or the California Native Plant Society are present nearby the proposed addition. No species of special concern were found to occur near the proposed addition.



The original permit issued for the project site (#3-82-164) limited site disturbance to that of the approved building envelope and provided for restoration and maintenance of the dune habitat. The coastal biologist that completed the botanical survey in June 2002 found that maintenance of the landscape in the ensuing years from initial implementation has been inadequate or non-existent and weeds have invaded the property and nearly displaced all of the remaining dune plants. Therefore this permit is conditioned to bring the site back into compliance with the original permit (Special Condition 1).

The proposed project is consistent with Coastal Act and LUP policies with respect to protection and restoration of environmentally sensitive habitat because it occurs on a previously approved and installed concrete slab and does not further impact sensitive habitat. In addition, the proposed project is conditioned to come back into compliance as required by the original permit and the botanical survey recommendations are incorporated as special conditions. Therefore, as conditioned, the development is consistent with Coastal Act Section 30240 regarding environmentally sensitive habitat.

Visual Resources

Section 30251 of the Coastal Act protects the scenic and visual qualities of coastal areas and recognizes these areas as a resource of public importance. The proposed addition will not impact views to the ocean as it is small in scale (125 square feet) and is an enclosure of a second story overhang adjacent to the existing structure. No landform alteration will occur because the proposed addition is to occur on an existing concrete patio slab previously permitted. The proposed addition will be visually compatible with the character of the surrounding area as it is a small addition and will match the existing color and texture of the existing house. The project has been conditioned to restore and maintain dune habitat to protect the scenic and visual qualities of the remaining parcel outside of the building envelope.

California Environmental Quality Act (CEQA)

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

The 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 suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above Coastal Act findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the proposed



project, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents, including all conditions.

Applicant's signature

Date of signing

