

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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**W7a****RECORD PACKET COPY**

Filed: 05/05/04
49th day: na
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Staff: DSL- SC
Staff report: 05/15/04
Hearing date: 06/9/04

STAFF REPORT: AMENDMENT**Coastal Development****Permit Number**.....A-3-MCO-02-058-A**Applicant**.....Murray & Carol Smith**Project Location**3105 Seventeen Mile Drive, Pebble Beach (APN 008-012-007)

Amendment Description Amendment to increase site coverage from 14.6% of the 42,121 square foot site to 21.2%, reduce the restored dune area from 85.4% of the site to 62%, place 16.8% of the site in a "no turf" zone and allow a maximum of 50% open fencing rather than 75% open.

File documents.....County coastal permit file PLN000239; Monterey County Board of Supervisors Resolution # 02-212; Monterey County Local Coastal Program, including *Del Monte Forest Land Use Plan* and *Monterey County Coastal Implementation Plan*, Coastal Development Permit A-3-MCO-02-058, Settlement Agreement date stamped May 05, 2004.

Staff recommendation ...Approval with Conditions**Summary of Staff Recommendation**

The project is located in the Del Monte Forest planning area of Monterey County (project vicinity map is shown in Exhibit A). On September 10, 2003, Commission approved a Coastal Development Permit for the demolition of an existing home and the construction of a partial two story single family on a 42,121 square foot site located at 3105 Seventeen Mile Drive in Pebble Beach. The permit included a number of conditions to limit impacts on dune habitat, visual resources and potential archaeological resources. On November 3, 2003, the Applicant filed suit against the Commission alleging that the Commission lacked jurisdiction to consider the project, that the September 2003 permit decision was not supported by substantial evidence, that it was not in accordance with law and that it violated the Applicants' constitutional rights, including their right to equal protection of the laws. In response to the suit, the Commission authorized pursuit of a Settlement Agreement to avoid continued litigation of this item (Please see "Settlement Agreement" date stamped May 5, 2004, Exhibit B)



California Coastal Commission
June 9, 2004 Meeting in San Pedro

Staff: D. Landry Approved by: **DSL**
CCC Meeting Packet A-3-MCO-02-058-A Smith SFD

The Applicant is now seeking an amendment, consistent with the terms of the "Settlement Agreement" to CDP A-3-MCO-058 to increase site coverage and limit restoration of the dune habitat. The proposed amendment will change some of the terms of the current CDP. Specifically, the September approval was conditioned to limit the new site coverage to that of the existing dwelling (14.6%) and to require the remainder of the site to be restored to native dune habitat and deed restricted to assure the continued preservation of the restored area. The Applicant proposes a maximum site coverage (house and driveway, courtyard, terraces) of 21.2 % (8,929 square feet), a reduction in restored area from 85.4% (35,971 square feet) to 62% (26,115 square feet) and the designation of the remainder of the site as a "no turf" area. The amendment also specifically provides for front yard fencing only, with a design that is 50% open, as compared to the previous authorization for fencing with a 75% open design. All other conditions of the permit remain unchanged.

Staff recommends that the Commission approve the proposed amendment as consistent with the ESHA policies of the Del Monte Forest LCP.

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Staff Recommendation on Amendment 3-MCO-02-058A

The staff recommends that the Commission approve Amendment 3-MCO-02-058A as conditioned .

MOTION: Staff recommends a YES vote on the following motion:

"I move that the Commission approve the proposed amendment 3-MCO-02-058A pursuant to the staff recommendation."

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the proposed amendment as conditioned, and adoption of the following resolution and findings. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves Amendment 3-MCO-02-058A and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the Del Monte Forest LCP, which is a segment of the Monterey County LCP, and the public access and recreation policies of Chapter 3 of the Coastal Act. Approval of the amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

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. Revised 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 are substantially similar to the "Settlement Proposal Site Plan" attached hereto as attachment 1 and which demonstrate the following:

- (a) The aggregate lot coverage, including buildings, patios, driveways and all other paved surfaces, does not exceed 21.2% of the lot as depicted in "Area E" of the attached "Settlement Proposal Site Plan."
- (b) The design, size, height, and first floor finished elevation of the new house shall be substantially similar to the plan set attached to the Settlement Proposal Site Plan.
- (c) Deed-restricted habitat area and habitat restoration areas comprising 62% of the lot as depicted in "Area D" of the attached "Settlement Proposal Site Plan."
- (d) Fencing on the front of the lot facing Seventeen Mile Drive only. Fencing shall not exceed six feet in height and shall be a minimum of 50% open design. All existing grape stake fencing shall be removed.
- (e) A "no turf zone" comprising 16.8% of the lot as depicted in "Area F" of the attached "Settlement Proposal Site Plan." The area designated as the "no turf zone" shall not be paved in any way and shall contain no structures. No plants planted in the "no turf zone" shall be non-native invasive species.

2. 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, prepared by a qualified expert, for the deed restricted habitat area and habitat restoration area depicted as "Area D" on the attached "Settlement Proposal Site Plan." The restoration plan shall be prepared using California native dune plant species appropriate to the site. The plan shall include an analysis by a qualified expert that considers the specific conditions of the site including soil, exposure, temperature, moisture, and wind, as well as restoration goals. At a minimum, the plan shall provide that:

- (a) With the exception of existing trees, 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 material to ensure continued compliance with the landscape plan.

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 used, the irrigation system, if any, the topography of the site, and all other landscape features.

(b) A schedule for installation of plants.

(c) A schedule for monitoring the health of the dune habitat in the restored area.

(d) A maintenance plan for the restored habitat.

(e) A plan for any proposed fencing on the west front of the lot facing 17 Mile Drive, with the fencing to be a minimum of 50% open to allow free passage of sand, seeds and wildlife.

(f) Measures to prevent disturbance of native groundcover and wildlife.

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.

Three years from the date of completion of the construction of the new residence, the permittee or successors in interest shall submit, for 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 Landscaping 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.



3. Open Space Restriction. No development as defined in section 30106 of the Coastal Act shall occur in the area depicted as "Area D" on the attached "Settlement Proposal Site Plan" and as described and depicted in a site plan to be attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for (1) necessary utility lines to serve the residence, (2) fencing on the west front of the lot as provided for in these Special Conditions, and (3) habitat restoration, maintenance, and monitoring activities pursuant to the Dune Habitat Restoration Landscaping Plan required by Special Condition 2 of this permit.

Prior to issuance of the NOI by the Executive Director, the applicant shall submit for the review and approval of the Executive Director a formal legal description and graphic description of the portion of the subject property affected by this condition which description shall include all property depicted as "Area D" on the attached "Settlement Proposal Site Plan." Upon approval by the Executive Director of the formal legal description and graphic description of the portion of the subject property affected by this condition, that description shall be attached as an exhibit to the NOI.

4. Fencing. Prior to commencement of construction, the permittee shall satisfy the following requirements: Permanent fencing shall be limited to the west front of the property facing 17 Mile Drive and shall be designed to be at a minimum 50% open to allow free passage of sand, seeds and wildlife. Any changes in fence design or placement 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. All existing fencing shall be removed.

5. No Turf Zone. All portions of the site depicted as "Area F" on the attached "Settlement Proposal Site Plan" shall be a no turf zone. There shall be no paving and no structures placed in the no turf zone. No plants planted in the no turf zone shall be non-native invasive species.

6. Archeological Mitigation. Following removal of the existing development and prior to any earth moving activities, a qualified archeologist and local Native American shall survey the site for cultural materials. In addition, the permittee shall retain a qualified archeologist, approved by the Executive Director, as well as a qualified local Native American, to monitor all earth disturbing activities. If an area of cultural deposits is discovered during the course of the project, all construction shall cease in the vicinity of the resource until a mitigation plan, prepared by a qualified professional archaeologist in consultation with local Native American groups, is completed and implemented. Prior to implementation, the mitigation plan shall be reviewed and approved by the State Historical Preservation Office and by the Executive Director of the Commission. The plan shall include measures to avoid injury to the resources to the maximum extent practicable; provide mitigation of unavoidable archaeological impacts, and shall respond to the recommendations and requests of Native Americans to the satisfaction of the Executive Director. A report verifying that the approved mitigation plan has been completed shall be submitted to the Executive Director for review and approval prior to recommencing project construction.



7. Environmental Monitoring During Construction. Permittee shall employ an environmental monitor who is approved by the Executive Director and the County of Monterey's Planning Department 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 utilities and connections shall remain underground. When installing any new utility connections, care shall be taken to minimize disturbance of the deed-restricted vegetation in accordance with Special Conditions 2 and 3.

9. Incorporation of County Mitigation Requirements. All conditions of the County permit issued by the Board of Supervisors on May 28, 2002 imposed under an authority other than the Coastal Act remain in effect. Conditions 1, 2, 17, 18, 20, 21, 22, 23, 24, 25, 26, 29, 31, 32, 33 and 37 of the County permit are hereby deleted and superseded by the Special Conditions of this Permit.

10. Deed Restriction. Prior to issuance of the coastal development permit, the permittee shall submit to the Executive Director for review and approval documentation demonstrating that the permittee has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that pursuant to this permit the California Coastal Commission has authorized development on the property subject to terms and conditions that restrict the use and enjoyment of the property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall also indicate that in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification or amendment thereof remains in existence on the property.

Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Description and Location

The Applicant proposes an amendment, consistent with the terms of the draft "Settlement Agreement" to CDP A-3-MCO-058 to increase site coverage and limit restoration of the dune habitat. The proposed amendment will change some of the terms of the current CDP. Specifically, the September 2003 approval was conditioned to limit the new site coverage to that of the existing dwelling (14.6%) and to require the remainder of the site to be restored to native dune habitat and deed restricted to assure the continued preservation of the restored area. The Applicant proposes a maximum site coverage (house and driveway, courtyard, terraces) of 21.2 % (8,929 square feet), a reduction in restored area from 85.4% (35,971 square feet) to 62% (26,115 square feet) and the designation of the remainder of the site as a "no turf" area. The amendment also provides for front yard fencing only with a design that is 50%



open, as compared to the previous authorization for perimeter fencing with a 75% open design.

The site is located on Seventeen Mile Drive near Fanshell Beach. Surrounding land uses adjacent to the project area include single-family residential units to the north, east and south sides of 17-Mile Drive, a 20-acre dune restoration area located just to the north of the site, and open ocean to the west. The existing homes in this area consist of primarily one-story homes and some two-story homes.

The Spyglass Hill Golf Course is located slightly inland of the site, and the Cypress Point Golf Links is located roughly 2,000 feet to the south. Physically, the area is generally comprised of remnant sand dunes, which change gradually into Monterey pine forest. The area is included in the Asilomar dune system, which stretches roughly 4 miles from Point Pinos in the north to Fan Shell Beach to the south, and has the same physical characteristics including the same types of rare vegetation and animal species.

B. Issue Analysis and Conclusions

1. Environmentally Sensitive Habitat Resources

A. Local Coastal Program Provisions

As discussed in the Adopted Findings for the original approval of the CDP for this project, the site is located in the Asilomar Dunes, which is considered to be an environmentally sensitive habitat. The LCP policies relevant to the protection of the habitat are detailed in the September Findings and generally provide that habitat values must be protected.

B. Issue Analysis and Conclusion

As discussed in the September 10, 2003 Adopted Findings for this project, much of the site is reasonably healthy or degraded dune habitat. A strict reading of the ESHA protection policies in the Del Monte Forest LCP would not permit residential use in habitat, however, the Commission has found that limited residential use may be allowed while still providing feasible restoration and protection of the dune habitat. Over the course of many years, the Commission has approved a number of single family homes both in the portion of the Asilomar Dunes that is located in the adjacent City of Pacific Grove and, prior to certification of the Del Monte Forest LCP, in this area of Pebble Beach. Typically, these approvals have limited site coverage to no more than 20% and required that the remainder of the site be restored and placed in a protective easement or deed restriction. In this case the Applicant is requesting slightly more site coverage and limiting the restoration area to 62% rather than 80%. The remaining 16.8% of the site is proposed as a "no turf" area which cannot contain any paving, structural improvements or non native, invasive plants. (Special Condition #5) The proposed amendment is thus generally consistent with the Commission's past approvals, and can be found consistent with the LCP policies and implementing ordinances designed to protect dune habitats.

The Applicant also proposes allowing a more "closed" fence design than originally approved (50% open vs. 75% open). As discussed in detail in the original Adopted Findings for this project, open fence design in dune habitat allows for the more natural dissemination of native plant seeds and also does not obstruct small native fauna. Fencing on this site is limited to the Seventeen Mile frontage only. Most of



the dune habitat area lies inland of Seventeen Mile Drive, thus it can be expected that most animal activity and seed dissemination will be focused inland of Seventeen Mile Drive as well, therefore the proposed change in fence design will have a negligible impact on the habitat. As proposed, this revision to the original approval will be consistent with the ESHA policies of the Del Monte Forest LCP.

C. California Environmental Quality Act (CEQA)

Section 13096 of the Commission's administrative 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 that would substantially lessen any significant adverse effect that the activity may have on the environment.

The environmental review of the proposed amendment conducted by commission staff involved the evaluation of potential impacts to relevant coastal resource issues, in this case, environmentally sensitive dune habitat. This analysis is reflected in the findings that are incorporated into this CEQA finding.

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 amendment is approved subject to conditions that implement the mitigating actions required (see Special Conditions). As such, the Commission finds that only as modified and conditioned by this permit will the proposed amendment not have any significant adverse effects on the environment within the meaning of CEQA.

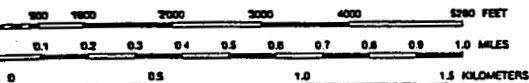


Carmel Monterey and Vicinity

LEGEND

- FREEWAY
- EXPRESSWAY
- HIGHWAY
- MAIN ROAD
- 17 MILE DRIVE
- UNDER CONSTRUCTION
- ONE-WAY STREET
- OFFICIAL SCENIC HWY.
- STATE HIGHWAY
- COUNTY ROAD
- BLOCK NUMBER
- HOSPITAL (WITH EMERGENCY SERVICES)
- PUBLIC SCHOOL
- GOVT. CAMPGROUND
- PICNIC AREA
- PUBLIC BOAT LAUNCH

SCALE



1 INCH = 2200 FEET
ELEVATIONS ARE SHOWN IN FEET

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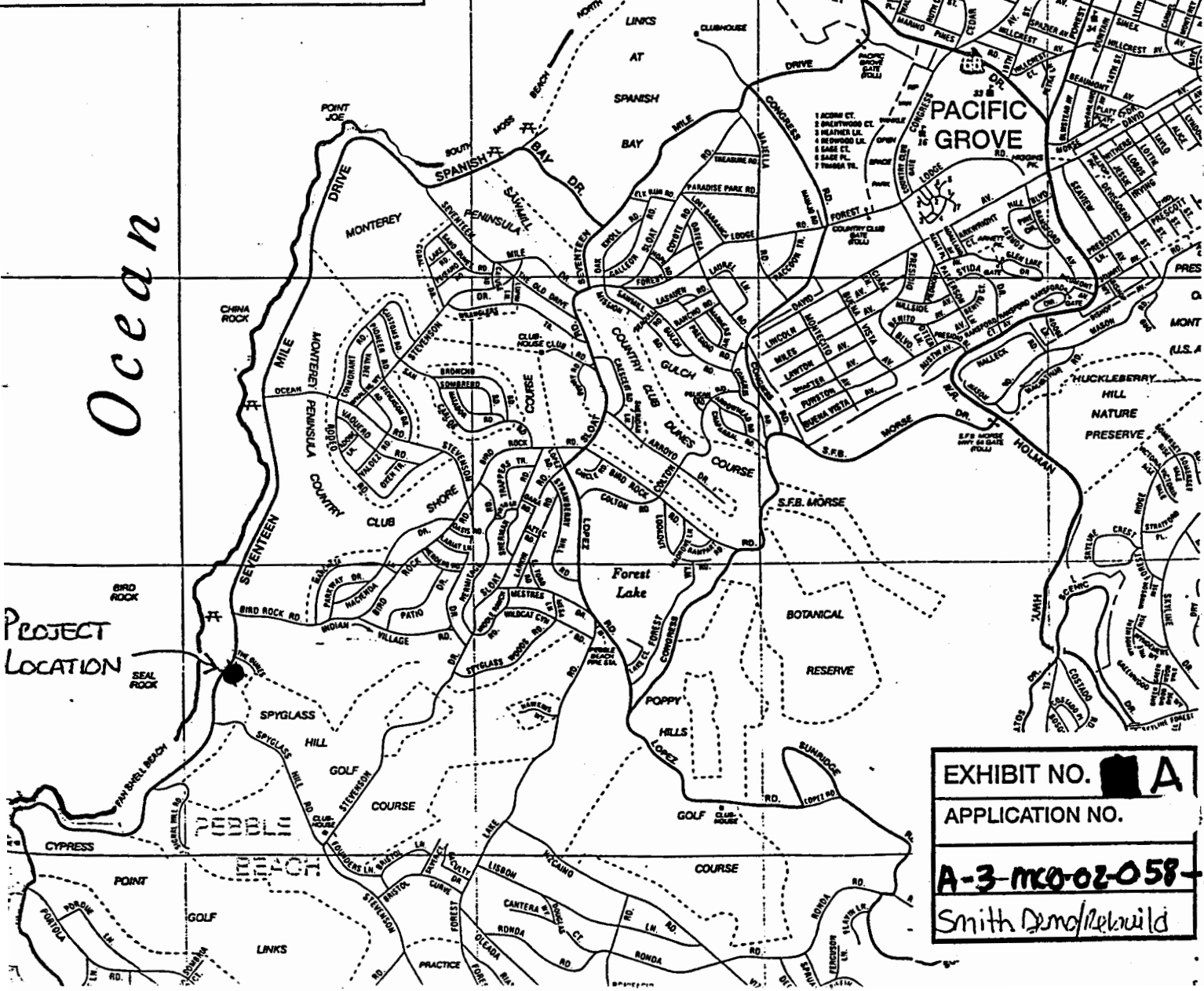


EXHIBIT NO. A

APPLICATION NO.

A-3-mco-02-058-A1

Smith Demo/Rebuild

RECEIVED

COPY

MAY 06 2004

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into by and between the California Coastal Commission ("Commission") and Murray and Carol Smith ("the Smiths"), referred to collectively in this Agreement as "the Parties."

RECITALS

A. The Smiths are the owners of a legal lot of record located in the Del Monte Forest area of Monterey County at 3105 Seventeen Mile Drive, bearing Assessor's Parcel Number 008-012-007 ("the Smiths' property").

B. On September 10, 2003, the Commission approved issuance of coastal development permit A-3-MCO-02-058 authorizing demolition of an existing residence on the Smiths' property and construction of a new residence on the property.

C. On November 6, 2003, the Smiths filed a petition for writ of mandate seeking to set aside the Commission's permit decision and a complaint seeking money damages, injunctive relief and declaratory relief against the Commission in Monterey County Superior Court, Case No. M67702. The Commission filed an answer to the petition and complaint on January 20, 2004, denying that the Smiths are entitled to the relief sought by the petition and complaint. On March 16, 2004, the Smiths filed a motion for summary adjudication based on their contention that the Commission did not have jurisdiction to issue its September 2003 permit decision pertaining to their property. The motion for summary adjudication is set to be heard on May 14, 2004.

D. The Parties wish to settle all disputes among them concerning the issues raised by the Smiths' petition and complaint, including issues raised by the pending motion for summary adjudication.

NOW THEREFORE, in consideration of the mutual promises and agreements contained herein, the Parties agree as follows:

1. Amendment of Coastal Development Permit: The Commission's staff will recommend that the Commission approve an amendment to coastal development permit A-3-MCO-02-058 for demolition of the existing house and construction of a new one on the Smiths' property, subject to conditions in the form attached to this agreement as Exhibit A.

2. Dismissal of Monterey County Action: Within 20 days of the issuance by the Commission of the amended coastal development permit for demolition of the existing house and construction of a new one on the Smiths' property, with substantially the same terms and conditions as set forth in Exhibit A, the Smiths shall dismiss all claims against the Commission in Monterey County Action M 67702 with prejudice.

3. No Admission: The agreements of the Parties contained herein are a compromise and settlement of the disputes between the Parties regarding the claims and defenses raised in Monterey County action M 67702. Nothing in this Agreement shall be construed as an

A. 3. MCO. 02. 058A

EXHIBIT B

admission by any party with respect to the matters raised in action M 67702, and this Agreement shall not be used in any proceeding by any party, other than in a proceeding to enforce the terms of this Agreement.

4. Entire Agreement: This Agreement contains the sole and entire agreement and understanding of the Parties with respect to the entire subject matter hereof, and any and all prior discussions, negotiations, commitments, or understandings related thereto, if any, are merged into this Agreement. No representations, oral or otherwise, express or implied, other than those contained herein, have been made by any party. No other agreements not specifically referred to herein have been made by any party. No other agreement not specifically referred to herein, oral or otherwise, shall be deemed to exist or to bind the Parties.

5. Waiver: No provision of this Agreement may be waived unless in writing signed by all Parties. Waiver of any one provision of this Agreement shall not be deemed to be a waiver of any other provision.

6. California Law: This Agreement shall be deemed to have been entered into in the State of California. All questions concerning the validity, interpretation, or performance of any of its terms or provisions, or any rights or obligations of the Parties hereto shall be governed by and resolved in accordance with the laws of the State of California in effect at the date of the execution of this Agreement.

7. Further Assurances: So long as authorized by applicable laws to do so, each of the Parties to this Agreement will do such further acts and execute, acknowledge and deliver all further documents and instruments as may be necessary to fully effectuate the provisions of this Agreement.

8. Successors and Assigns: The terms, provisions and conditions of this Agreement shall be binding and inure to the benefit of the Parties and the successors and assigns of the Parties.

9. Civil Code Section 1542: The Parties fully understand and hereby relinquish and waive any and all rights or benefits they may have under section 1542 of the California Civil Code which reads as follows: "A general release does not extend to claims which the creditor does not know or suspect exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

10. Attorney's Fees and Costs: The Parties agree that they will bear their own costs and attorney's fees incurred in connection Monterey County Action M 67702 and in connection with this Agreement.

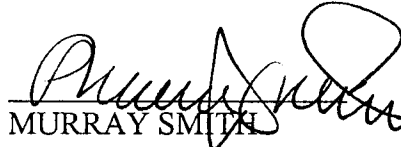
11. Execution: This Agreement may be signed in any number of counterparts and each signed counterpart shall have the same force and effect as an original and as if all Parties to the aggregate counterparts had signed the same instrument.

12. Authority to Execute: The person signing this Agreement on behalf of each Party represents and warrants that: (a) each is authorized by his or her respective entity to execute this Agreement and (b) each is acting within the scope of his or her authority as officers or duly

authorized representatives of his or her respective entity. These representations and warranties are in addition to, and not in derogation of, all representations and warranties implied by law.

13. Amendments: All amendments and supplements to this Agreement must be in writing and executed by each Party to this action and by his, her, or its attorney of record. However, such execution may be in counterparts and, when so executed, shall be deemed to constitute one document.

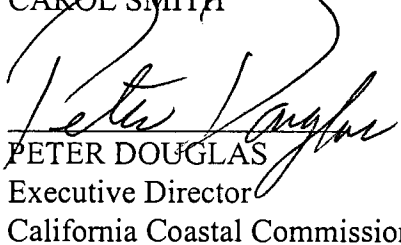
Dated: April 09, 2004


MURRAY SMITH

Dated: APRIL 09, 2004


CAROL SMITH

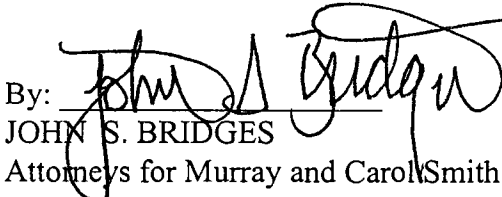
Dated: 4/27/04, 2004


PETER DOUGLAS
Executive Director
California Coastal Commission

APPROVED AS TO FORM:

Dated: April 9, 2004

FENTON & KELLER

By: 
JOHN S. BRIDGES
Attorneys for Murray and Carol Smith

Dated: April 12, 2004

BILL LOCKYER, Attorney General
of the State of California

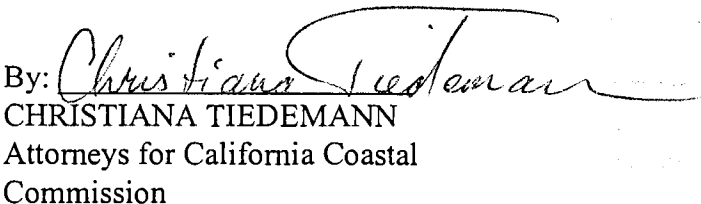
By: 
CHRISTIANA TIEDEMANN
Attorneys for California Coastal
Commission

EXHIBIT A

CONDITIONS OF APPROVAL FOR COASTAL DEVELOPMENT PERMIT **AS AMENDED**

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 amendment findings. 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 filed 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. Revised 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 are substantially similar to the "Settlement Proposal Site Plan" attached hereto as attachment 1 and which demonstrate the following:

(a) The aggregate lot coverage, including buildings, patios, driveways and all other paved surfaces, does not exceed 21.2% of the lot as depicted in "Area E" of the attached "Settlement Proposal Site Plan."

(b) The design, size, height, and first floor finished elevation of the new house shall be substantially similar to the plan set attached to the Settlement Proposal Site Plan.

(c) Deed-restricted habitat area and habitat restoration areas comprising 62% of the lot as depicted in "Area D" of the attached "Settlement Proposal Site Plan."

(d) Fencing on the front of the lot facing Seventeen Mile Drive only. Fencing shall not exceed six feet in height and shall be a minimum of 50% open design. All existing grape stake fencing shall be removed.

(e) A "no turf zone" comprising 16.8% of the lot as depicted in "Area F" of the attached "Settlement Proposal Site Plan." The area designated as the "no turf zone" shall not be paved in any way and shall contain no structures. No plants planted in the "no turf zone" shall be non-native invasive species.

2. 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, prepared by a qualified expert, for the deed restricted habitat area and habitat restoration area depicted as "Area D" on the attached "Settlement Proposal Site Plan." The restoration plan shall be prepared using California native dune plant species appropriate to the site. The plan shall include an analysis by a qualified expert that considers the specific conditions of the site including soil, exposure, temperature, moisture, and wind, as well as restoration goals. At a minimum, the plan shall provide that:

(a) With the exception of existing trees, 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 material to ensure continued compliance with the landscape plan.

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 used, the irrigation system, if any, the topography of the site, and all other landscape features.

(b) A schedule for installation of plants.

(c) A schedule for monitoring the health of the dune habitat in the restored area.

(d) A maintenance plan for the restored habitat.

(e) A plan for any proposed fencing on the west front of the lot facing 17 Mile Drive, with the fencing to be a minimum of 50% open to allow free passage of sand, seeds and wildlife.

(f) Measures to prevent disturbance of native groundcover and wildlife.

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.

Three years from the date of completion of the construction of the new residence, the permittee or successors in interest shall submit, for 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 Landscaping 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.

3. Open Space Restriction. No development as defined in section 30106 of the Coastal Act shall occur in the area depicted as "Area D" on the attached "Settlement Proposal Site Plan" and as described and depicted in a site plan to be attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for (1) necessary utility lines to serve the residence, (2) fencing on the west front of the lot as provided for in these Special Conditions, and (3) habitat restoration, maintenance, and monitoring activities pursuant to the Dune Habitat Restoration Landscaping Plan required by Special Condition 2 of this permit.

Prior to issuance of the NOI by the Executive Director, the applicant shall submit for the review and approval of the Executive Director a formal legal description and graphic description of the portion of the subject property affected by this condition which description shall include all property depicted as "Area D" on the attached "Settlement Proposal Site Plan." Upon approval by the Executive Director of the formal legal description and graphic description of the portion of the subject property affected by this condition, that description shall be attached as an exhibit to the NOI.

4. Fencing. Prior to commencement of construction, the permittee shall satisfy the following requirements: Permanent fencing shall be limited to the west front of the property facing 17 Mile Drive and shall be designed to be at a minimum 50% open to allow free passage of sand, seeds and wildlife. Any changes in fence design or placement 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. All existing fencing shall be removed.

5. No Turf Zone. All portions of the site depicted as "Area F" on the attached "Settlement Proposal Site Plan" shall be a no turf zone. There shall be no paving and no structures placed in the no turf zone. No plants planted in the no turf zone shall be non-native invasive species.

6. Archeological Mitigation. Following removal of the existing development and prior to any earth moving activities, a qualified archeologist and local Native American shall survey the site for cultural materials. In addition, the permittee shall retain a qualified archeologist, approved by the Executive Director, as well as a qualified local Native American, to monitor all earth disturbing activities. If an area of cultural deposits is discovered during the course of the project, all construction shall cease in the vicinity of the resource until a mitigation plan, prepared by a qualified professional archaeologist in consultation with local Native American

groups, is completed and implemented. Prior to implementation, the mitigation plan shall be reviewed and approved by the State Historical Preservation Office and by the Executive Director of the Commission. The plan shall include measures to avoid injury to the resources to the maximum extent practicable; provide mitigation of unavoidable archaeological impacts, and shall respond to the recommendations and requests of Native Americans to the satisfaction of the Executive Director. A report verifying that the approved mitigation plan has been completed shall be submitted to the Executive Director for review and approval prior to recommencing project construction.

7. Environmental Monitoring During Construction. Permittee shall employ an environmental monitor who is approved by the Executive Director and the County of Monterey's Planning Department 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.

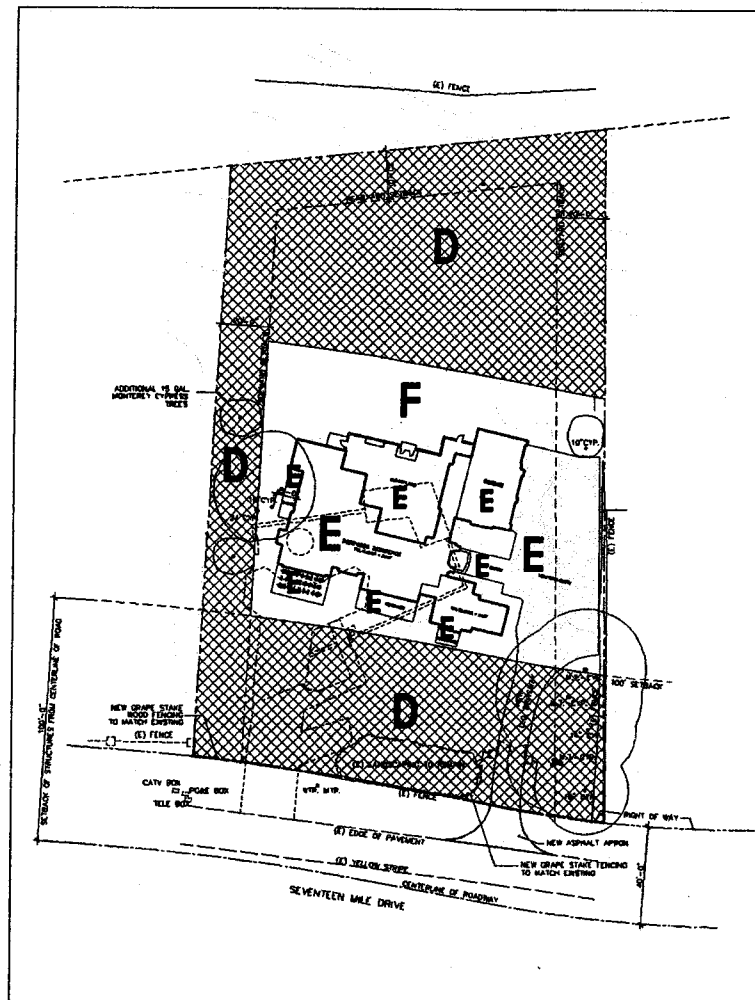
8. Utility Connections. All utilities and connections shall remain underground. When installing any new utility connections, care shall be taken to minimize disturbance of the deed-restricted vegetation in accordance with Special Conditions 2 and 3.

9. Incorporation of County Mitigation Requirements. All conditions of the County permit issued by the Board of Supervisors on May 28, 2002 imposed under an authority other than the Coastal Act remain in effect. Conditions 1, 2, 17, 18, 20, 21, 22, 23, 24, 25, 26, 29, 31, 32, 33 and 37 of the County permit are hereby deleted and superseded by the Special Conditions of this Permit.

10. Deed Restriction. Prior to issuance of the coastal development permit, the permittee shall submit to the Executive Director for review and approval documentation demonstrating that the permittee has executed and recorded against the parcel governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that pursuant to this permit the California Coastal Commission has authorized development on the property subject to terms and conditions that restrict the use and enjoyment of the property; and (2) imposing the Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall also indicate that in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification or amendment thereof remains in existence on the property.

- A** DEED RESTRICTED HABITAT AREA
- B** DEED RESTRICTED RESTORATION AREA REQUIRED BY COUNTY APPROVAL/SETTLEMENT
- C** DEED RESTRICTED PER COUNTY REQUIREMENT WITH VOLUNTARY RESTORATION PER CALIFORNIA COASTAL COMMISSION SETTLEMENT OFFER
- D** PER CALIFORNIA COASTAL COMMISSION SETTLEMENT OFFER, ALL OF THIS AREA TO BE DEED RESTRICTED AND RESTORED (DRIVEWAY AND GATE ALLOWED AS SHOWN)
- E** AGGREGATE COVERAGE (BUILDINGS, PATIOS, DRIVEWAY) PER CALIFORNIA COASTAL COMMISSION SETTLEMENT DESIGN PROPOSAL
- F** NO TURF ZONE

A+B+C = 48.6%
B = 7,000 SF
D = 62%
E = 21.2%
F = 16.8%



PROJECT DESCRIPTION:
CONSTRUCT NEW TWO STORY SINGLE FAMILY RESIDENCE
WITH ATTACHED 3 CAR GARAGE WITH BEDROOMS ABOVE.

PROJECT ADDRESS:
3105 SEVENTEEN MILE DRIVE
PEBBLE BEACH, CA. 93950

□ A.P.N. 008-012-007

LEGAL DESCRIPTION
LOT BLOCK

☐ PROJECT COMPLIANCE
 1. TITLE 24
 2. 2001 UBC, UMC, UPC
 3. 2001 NEC
 4. MONTEREY COUNTY ZONING ORDINANCE

CONSTRUCTION TYPE: Vn - FIVE NON-RATED

□ OCCUPANCY: R-3 / U-1

□ ZONING: LDR 1.5 D (CZ)

☐ TREE REMOVAL: NONE

□ MAX. ALLOWABLE BUILDING HEIGHT: 30'

□ TOPOGRAPHY: GENTLY SLOPING

▣ GRADING: APPROX. 350 C.YDS.

□ TOTAL SITE AREA: = 42,121 S.F. (.967 Ac.)

□ PROPOSED LOT COVERAGE	
BUILDING FOOTPRINT	= 3,873 S.F.
ENTRY PORTICO	= 63 S.F.
PROPOSED COVERAGE	= 3,936 S.F. (9.3%)
MAX. ALLOWABLE COVERAGE	= 6,318 S.F. (15%)

■ PROPOSED FLOOR AREA	
MAIN LEVEL	= 3,022 S.F.
UPPER LEVEL	= 1,834 S.F.
<u>TOTAL LIVABLE AREA</u>	<u>= 4,856 S.F.</u>
GARAGE	= 851 S.F.
<u>PROJECT TOTAL</u>	<u>= 5,707 S.F.</u>

□ PROPOSED FLOOR AREA RATIO = 5,707 S.F. (13.5 %)
 MAX. ALLOWABLE F.A.R. = 7,371 S.F. (17.5 %)

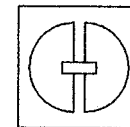
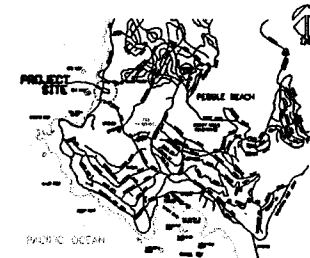
□ MSC.

TERRACES	= 2,231 S.F.
D.G. DRIVEWAY	= 2,763 S.F.

DUNE LANDSCAPING TO RESTORE = 26,115 S.F. (62%)
 LOT AREA UNRESTRICTED/ = 16,006 S.F. (38%)
 UNRESTORED

VICINITY MAP

N.T.S.



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93950

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CEL: 831.915.9518

CURT/GEORGESMITH
RESIDENCE

MURRAY & CAROL SMITH
3105 17 MILE DR.
PEBBLE BEACH, CA

DATA FILE

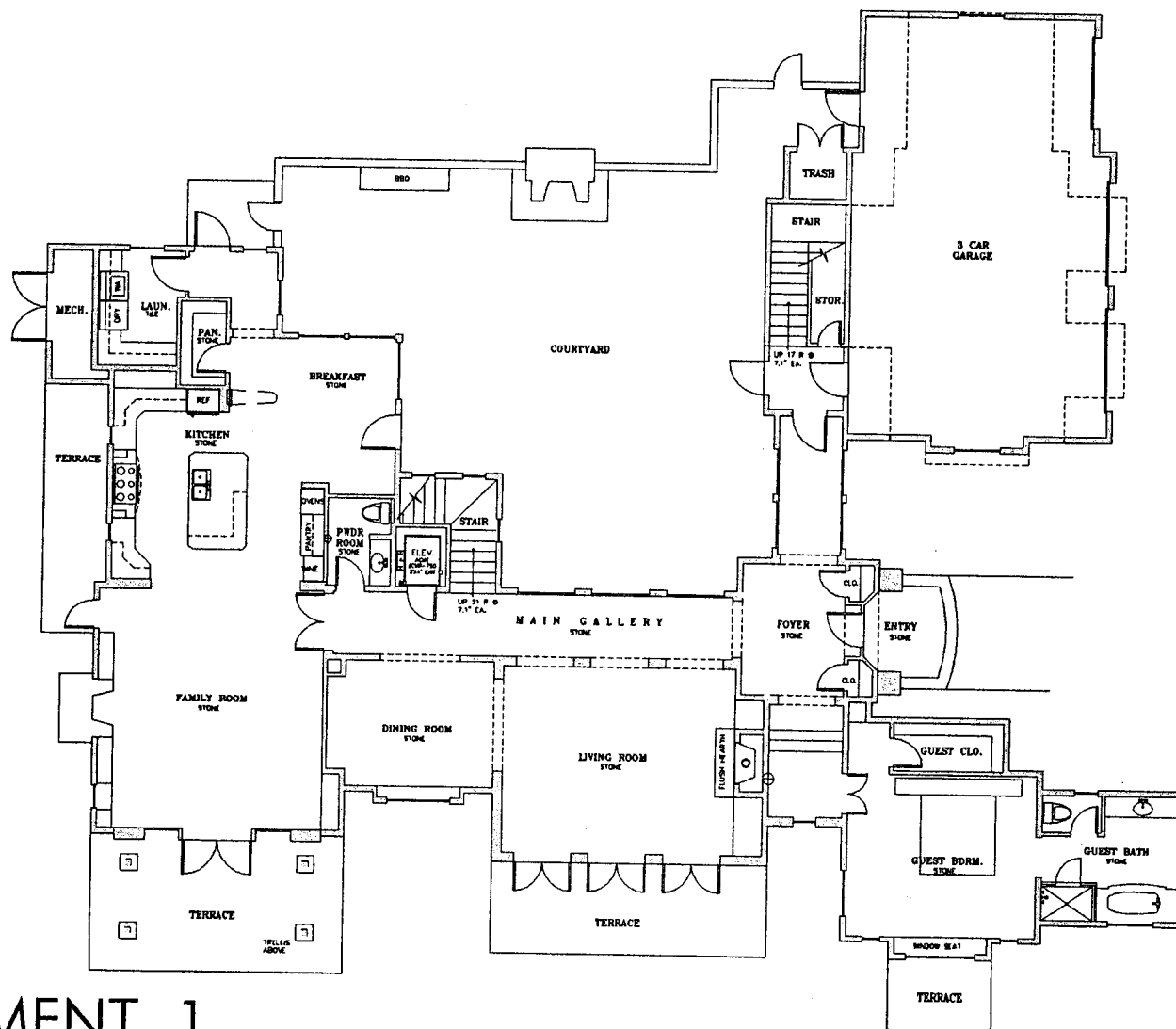
SITE PLAN

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<input checked="" type="radio"/> 04-07-04	C.C. PROPOSED RETIREMENT OFFER
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<input type="radio"/>	
<input type="radio"/>	
<input type="radio"/>	
<input type="radio"/>	
<input type="radio"/>	
DATE 04-07-04	
PROJECT NUMBER 0301	
D-511 NUMBER	

A1.0

ATTACHMENT 1
SETTLEMENT PROPOSAL SITE PLAN
SHEET 1 OF 5

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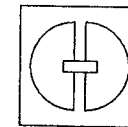


ATTACHMENT 1

SETTLEMENT PROPOSAL

SHEET 2 OF 5

MAIN LEVEL PLAN
SCALE: 1/4" = 1'-0"



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CLIENT/PROJECT

SMITH
RESIDENCE

MURRAY & CAROL SMITH
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PEBBLE BEACH, CA

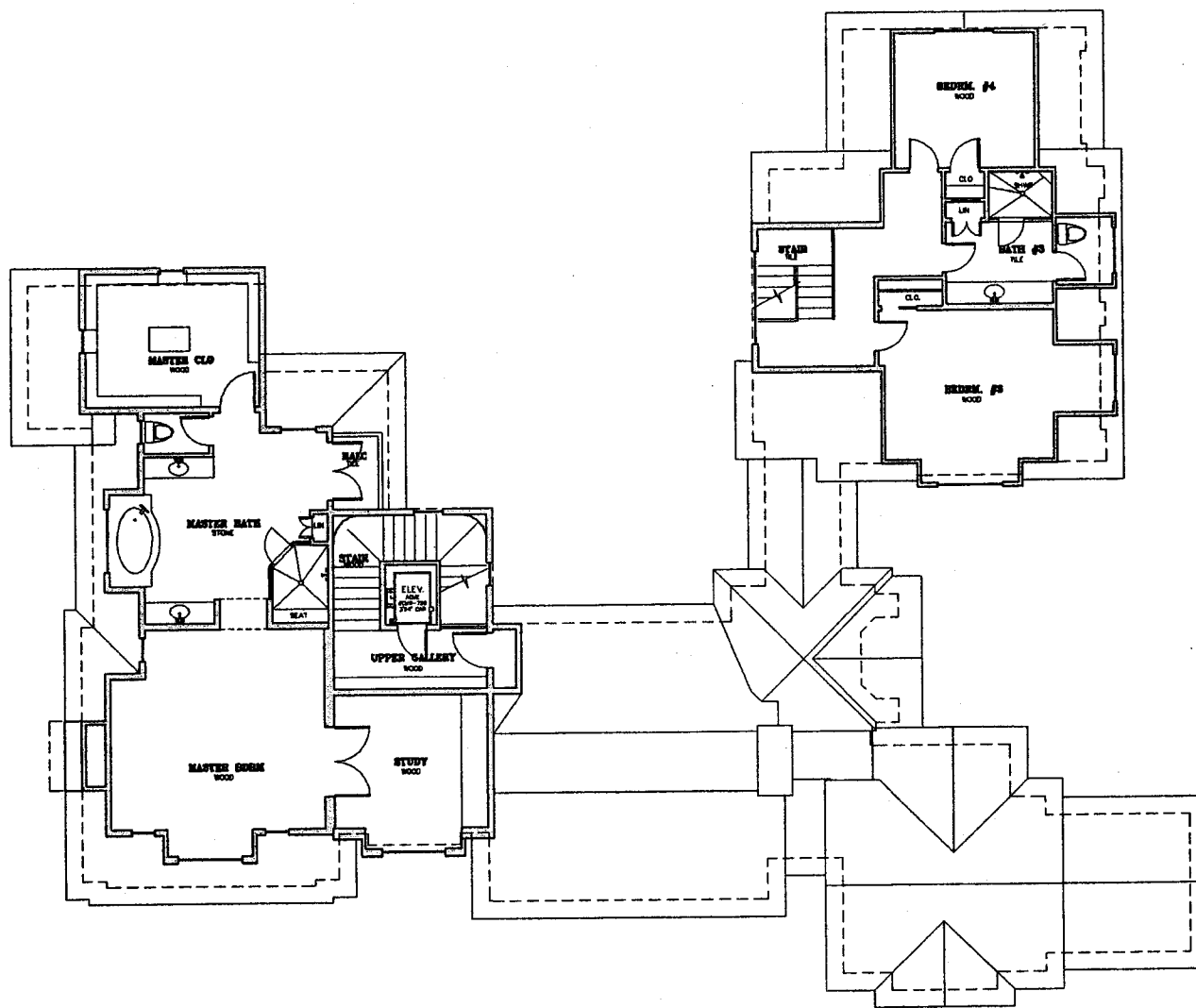
SHEET TITLE
MAIN LEVEL
PLAN

○ CHANGES	△ REVISIONS
○ 01-07-04	C.E. PROPOSED
○ 02-07-04	REVISIONS
○ 03-07-04	
○ 04-07-04	
△ 05-07-04	
△ 06-07-04	
△ 07-07-04	

DATE: 04-07-04
PROJECT NUMBER: 0301
SHEET NUMBER:

A2.0


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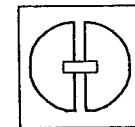


ATTACHMENT 1

SETTLEMENT PROPOSAL

SHEET 3 OF 5

 **UPPER LEVEL PLAN**
SCALE: 1/4"=1'-0"



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CLIENT PROJECT

SMITH RESIDENCE

MURRAY & CAROL SMITH
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PEBBLE BEACH, CA.

SHEET TITLE

UPPER LEVEL PLAN

NO.	DATE	REVISIONS
1	04-07-04	C.D. PROPOSED SETTLEMENT OFFER
2		
3		
4		
5		
6		
7		
8		

DATE 04-07-04

PROJECT NUMBER 0301

SHEET NUMBER

A2.1

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FRONT ELEVATION - WEST
SCALE: 1/8"=1'-0"



SIDE ELEVATION - SOUTH
SCALE: 1/8"=1'-0"

ATTACHMENT 1

SETTLEMENT PROPOSAL

SHEET 4 OF 5



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CLIENT/PROJECT

SMITH RESIDENCE

MURRAY & CAROL SMITH
3105 17 MILE DR.
PEBBLE BEACH, CA.

EXTERIOR ELEVATIONS

NO.	REVISIONS
1	04-07-04 E.C. PROPOSED SETTLEMENT OFFER
2	
3	
4	
5	
6	
7	
8	

DATE 04-07-04

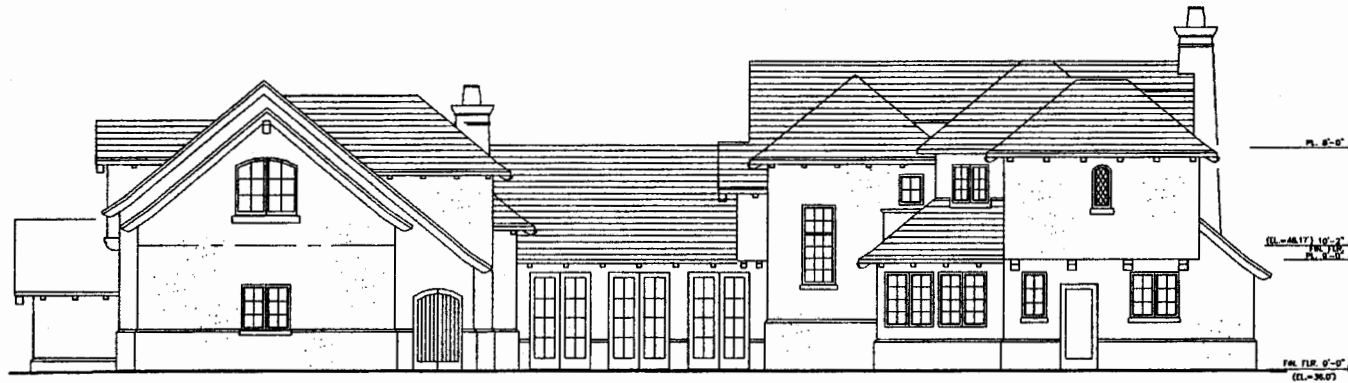
PROJECT NUMBER

0301

SHEET NUMBER

A5.0

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REAR ELEVATION - EAST
SCALE: 1/4"=1'-0"

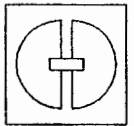


SIDE ELEVATION - NORTH
SCALE: 1/4"=1'-0"

ATTACHMENT 1

SETTLEMENT PROPOSAL

SHEET 5 OF 5



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CLIENT/PROJECT

SMITH RESIDENCE

MURRAY & CAROL SMITH
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PEBBLE BEACH, CA

SHEET TITLE EXTERIOR ELEVATIONS

REVISIONS	REVISIONS
01-07-04	C.C. PROPOSED SETTLEMENT OFFER
02-07-04	
03-07-04	
04-07-04	
05-07-04	
06-07-04	
07-07-04	
08-07-04	
09-07-04	
10-07-04	
11-07-04	
12-07-04	
DATE	04-07-04
PROJECT NUMBER	0301
SHEET NUMBER	

A6.0

CALIFORNIA COASTAL COMMISSION

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

W17a**Memorandum****Memo to:** Commissioners and Interested Parties**From:** Diane Landry**Re:** A-3-MCO-02-058, Murray Smith, Revisions to Condition 3, Open Space Deed Restriction

Please replace Special Condition 3 (Page 7 of the Staff Report dated 8/17/03) with the following revised version.:

3. Open Space Requirement.

A. No development, as defined in Section 30106 of the Coastal Act, including improved pathways and garden accessories (i.e. pools, fountains, benches) shall occur in the protected area (defined as all of the site that is outside of the building envelope described in Special Condition #1, and as described in an exhibit to the Notice of Intent To Issue Permit (hereinafter referred to as "NOI") to be issued by the Executive Director) except for:

1. Necessary utility lines to serve the residence.
2. Maintenance and restoration activities in accordance with the Dune Habitat Restoration Mitigation Plan approved pursuant to Special Condition #2 .
3. Fencing approved pursuant to Special Condition #4

B. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit for the review and approval of the Executive Director a legal description, which shall include both a metes and bounds and graphic depiction, for attachment as an exhibit to the NOI to be issued by the Executive Director, of the area of the subject property that is subject to the development prohibition set forth in Special Condition #3.A above.

And add new Special Condition 9 as follows;

9. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and approval documentation demonstrating that the applicant has executed and recorded a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment



EXHIBIT C
ORIGINAL ADOPTED FINDINGS
A-3-MCO-02-058

of that property (hereinafter referred to as the "Standard and Special Conditions"); and (2) imposing all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. The deed restriction shall include a legal description of the applicant's entire parcel or parcels. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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(831) 427-4863

W17a

STAFF REPORT: APPEAL DE NOVO FINDINGS

Filed: 08/01/02
49th day: 09/19/02
49 Day Waiver: 08/19/02
Staff: DSL/CL- SC
Staff report: 08/17/03
Hearing date: 09/08/03

Local government:Monterey County

Local Decision:Resolution 02-212 (PLN000239) Approved with conditions May 28, 2002 by the Monterey County Board of Supervisors .

Appeal NumberA-3-MCO-02-058

Applicant.....Murray & Carol Smith

Project location.....3105 Seventeen Mile Drive, Pebble Beach (APN 008-012-007) (See Exhibits A, B, C) Del Monte Forest (Monterey County).

Project description.....Demolition of existing, split level residence and construction of a new two-story (partial) single family residence with attached two-car garage, new driveway, motor court, court yard entry, addition and replacement of perimeter grape stake fence, new 6 ft. entry gate with stone columns and associated grading.

	Existing	As Approved by Monterey County	Applicant's Proposed Revised Plan	Staff Recommendation
Project Site	42,121 sq. ft.	42,121 sq. ft.	42,121 square feet	42,121 sq. ft.
Building Coverage	2,140 sq. ft. (5%)	4,568 sq. ft.(10.8%)	3,616 square feet (8.6%)	Total coverage not to exceed existing
Non-Structural Coverage	3,882 sq. ft. (9.2%)	5,554 sq. ft. (13%)	5,910 sq. ft. (14%)	New construction mostly (90%) within existing developed area
Total Lot Coverage	6022 sq. ft. (14.3%)	10,122 sq. ft. (24%)	9,526 sq. ft. (22.6%)	6,022 sq. ft. (14.2%)

File documents.....County coastal permit file PLN000239; Monterey County Board of Supervisors Resolution # 02-212; Monterey County Local Coastal Program, including *Del Monte Forest Land Use Plan* and *Monterey County Coastal Implementation Plan*.

Staff recommendation...Approval with conditions to reduce site coverage, restore and deed restrict remainder of the site.



California Coastal Commission
September 10, 2003 Meeting in Eureka

Staff: DSL/CL Approved by: DSL

Summary of Staff Recommendation

The project is located in the Del Monte Forest planning area of Monterey County (project vicinity and site location maps are shown in Exhibits 1 and 2, respectively). The County approved a project to demolish an existing 2,140 square foot, one-story single family home and guest house and to construct a 4568 sf, one-story single family home with three car garage, a new driveway that extended from 17 Mile Drive to the rear of the new home, a large motor court and courtyard entry, a new 6 ft. entry gate, and the repair and replacement of a 4 to 6 ft. grape stake perimeter fence on the 42,121 square foot site. Total site coverage for the County approved project was 10,122 square feet or 24% of the lot. The project now before the Commission, as revised by the applicant subsequent to the County approval, proposes to increase site coverage from the existing 6022 square feet (14.2% coverage) to approximately 9526 square feet (22.6% coverage) on a lot that is, except for the existing developed area, environmentally sensitive habitat (ESHA) in the form of remnant sand dunes.

Staff recommends that the Commission **approve** a coastal development permit with conditions to avoid ESHA by limiting site coverage to that currently occupied by existing development and to mitigate the project's impacts on adjacent sensitive coastal resources by restoring all of the area outside the building envelope to dune vegetation, restricting development within the restored area by deed restriction and revising the fence plan to require open fencing.

The site is located in a 22 parcel enclave (approximately 27 acres in size) that is part of the Asilomar Dune system that stretches four miles along the western edge of the Monterey Peninsula from Pacific Grove to Cypress Point in Del Monte Forest. The dune system has been severely degraded in the past by inappropriate development such as sand mining at Spanish Bay, residential uses and golf courses. Over the last two decades however, efforts to acquire and restore the dunes by State Parks have been successful on their extensive holdings in Pacific Grove. New development at Spanish Bay and in Pacific Grove has also resulted in significant restoration and permanent protection of a portion of the dunes. Thus while the dune system has been degraded and is in fragmented ownership, it is a unique coastal habitat that must be protected and can be restored as has been demonstrated by recent efforts.

The LCP requires protection of environmentally sensitive habitat areas (ESHA), among other ways, by mitigating the impacts of development located adjacent to ESHA, prohibiting non-resource dependent development in ESHA, limiting the amount of vegetation and land that can be disturbed, and requiring deed restrictions or permanent conservation easements over ESHA. The project, as conditioned, is consistent with these requirements because it limits site coverage to that occupied by the existing development and protects and enhances the remainder of ESHA on site by implementation of a restoration plan and a deed restriction prohibiting additional development or disturbance of the native vegetation.

The LCP also requires protection of visual resources by requiring new development to minimize alteration to natural landforms and to be subordinate to and harmonize with the natural setting. The LCP also protects visual resources by requiring structures to be sited and designed to blend in with the natural setting, and for screening of new development in visually sensitive areas. While the proposed house is greater in height and thus more visually intrusive than the existing house, as conditioned to reduce the



building envelope by generally occupying the same footprint as the existing home and lowering the finish grade, the proposed house can be found consistent with LCP visual policies relevant to design. The potential for screening the structure from public view, is, in this case inappropriate because it would require the introduction of non native plants which would be inconsistent with the goal of protecting the native, low-growing dune vegetation.

LCP Policy requires the preservation of historical cultural resources. While the house proposed for demolition provides an example of early Wrightian modern architecture, and is the only home of this type in the Pebble Beach area, an historian evaluated the house and determined that it is not of significant historical value. Thus, its demolition does not have a significant impact on historic resources. Finally, Staff notes that the new house, as conditioned, will be similar in size to many of the existing homes in the area and will be one of five two story, or partial two story homes in the 22 parcel enclave. (Please see Exhibit 3)

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VIII. Exhibits

1. Vicinity Map
2. Site Location Map
- 3a. House Size Exhibit
- 3b. Original permit authority for houses in enclave
4. Driveway/Parking Configurations
5. Easements
6. Site Coverages
7. Site Plan for new home
8. Elevations
9. Existing Site Plan (with new development superimposed)
10. Photos of houses
11. Chart of Fanshell Beach lot information

I. Staff Recommendation on the Coastal Development Permit

MOTION: Staff recommends a "YES" vote on the following motion:

"I move that the Commission approve Coastal Development Permit No. A-3-MCO-02-058 pursuant to the staff recommendation."

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a YES vote. Passage of this motion will result in approval of the 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 THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the 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.

II Special Conditions

1. **Revised 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 illustrating (1) that building, paving and outdoor living area does not exceed existing site coverage of 6022 square feet (2) the building and paving (either impervious or semi pervious) envelope is generally within the existing envelope with a minimum of 90% overlap (3) that the first floor finished elevation of the new house is at no greater than 34 feet USGS elevation and (4) the second story element does not exceed 26' in height as measured from finish grade and the second story square footage is no greater than 50% of the first floor square footage.
 - (b) Final site plan demarcating (1) the building envelope which shall include the building footprint and all other areas covered by impervious or semi pervious surfaces and the habitat restoration areas (all areas outside the building/paving envelope). Any additional



changes to these plans shall require Executive Director review and approval or an amendment to this permit

- (c) Perimeter fencing only. Fencing shall be of an open design, i.e. split rail. Fencing along the front (17 Mile Drive) shall not exceed 6 feet in height; side and rear property line fencing shall not exceed 4 feet in height. Fencing shall be a minimum of 75% open. All existing grape stake fencing shall be removed.

2. 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, prepared by a qualified expert, for the entire lot outside of the building envelope as designated on the final site plans required by Special Condition #1. The restoration plan shall be prepared using California native dune 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 provide 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,

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

- 1. A map showing the type, size, and location of all plant materials that will be used, the irrigation system (if any), topography of the site, and all other landscape features
- 2. A schedule for installation of plants
- 3. A schedule for monitoring the health of the dune habitat in the restored area
- 4. A maintenance plan for the restored habitat

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.

3. Open Space Deed Restriction.

A. No development, as defined in Section 30106 of the Coastal Act, including improved pathways and garden accessories (i.e. pools, fountains, benches) shall occur in the protected area (all of the site that is outside of the building envelope described in Condition #1) except for:

1. Necessary utility lines to serve the residence.
2. Perimeter fencing as shown on the approved revised plans

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 in 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 (i.e. 14.2 % of the lot), as shown in the final site plans required by Special Condition #1. The deed restriction shall include provisions to prohibit all development outside of the approved building envelope, including benches, walkways and patios; and requiring that the maximum aggregate lot coverage (which includes the building footprint, driveway and any other paved areas, decks and terraces) shall not exceed 14.2% of the lot area.

The only exception to the prohibition of development outside of the approved building envelope is for utilities necessary to serve the residential use and perimeter fencing approved as part of this project. 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 to secure entry for monitoring of the restored area.

B. For measures to implement the approved Dune Habitat Restoration Landscaping Plan prepared for the subject property as required by Special Condition #2.



4. **Fencing.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall satisfy the following requirements:
 - A. Permanent fencing shall be limited in design to 25% closed and 75% open area (i.e. split rail fence) to allow free passage of sand, seeds and wildlife. Any changes in fence design or placement 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. All existing fencing shall be removed.
5. **Archaeological Mitigation.** Following the removal of the existing development and prior to any earth moving activities, a qualified archaeologist and local Native American shall survey the site for cultural materials. In addition, the applicant shall retain a qualified archaeologist, approved by the Executive Director, as well as a qualified local Native American, to monitor all earth disturbing activities. If an area of cultural deposits is discovered during the course of the project, all construction shall cease in the vicinity of the resource until a mitigation plan, prepared by a qualified professional archaeologist in consultation with local Native American groups, is completed and implemented. Prior to implementation, the mitigation plan shall be reviewed and approved by the State Historical Preservation Office and by the Executive Director of the Commission. The plan shall include measures to avoid the resources to the maximum extent practicable; provide mitigation of unavoidable archaeological impacts; and shall respond to the recommendations and requests of Native Americans to the satisfaction of the Executive Director. A report verifying that the approved mitigation plan has been completed shall be submitted to the Executive Director for review and approval prior to recommencing project construction.
6. **Environmental Monitoring During Construction.** Permittee shall employ an environmental monitor who is approved by the Executive Director and the County of Monterey's Planning Department 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.
7. **Utility Connections.** All utilities and connections shall remain underground. When installing any new utility connections, care shall be taken to minimize disturbance of the deed-restricted vegetation in accordance with Special Conditions 2 and 3.
8. **Incorporation of County Mitigation Requirements.** All conditions of the County permit imposed under an authority other than the Coastal Act remain in effect. Conditions 17, 18, 20, 21 25, 26, 29, 31-33 and 37 are hereby deleted and superseded by the Special Conditions of this permit.

III. Standard of Review

On May 8, 2003, the Commission found that the County's action on this project presented a substantial



issue regarding consistency with the Monterey County LCP, Del Monte Forest Portion and took jurisdiction over the project. The standard of review is the certified LCP and, because the project is located between the first public road and the sea, the Public Access and Recreation policies of the Coastal Act.

IV. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Description and Location

County Approved Project: The project approved by the County consists of demolition of the existing single family home, guest house and associated driveway and patios, (14.2% total site coverage) and replacement with a 4568 square foot single family home, including an attached three-car garage, extensive paved areas (5554 square feet) including a motor court, courtyard entry and a long driveway extending from 17 Mile Drive to the motor court at the rear of the house, repair and replacement of a 4 to 6 foot grape stake fence, the addition of a 6-foot entry gate and an "outdoor living area" of 3522 square feet. A total of 13,644 square feet (32%) of the 42,121 square foot site was thus approved to be paved, built upon or landscaped with non native vegetation. The County permit required the restoration and permanent protection of the dune habitat on 16.6% (7000 square feet) of the site. Uses on the remaining 21,477 square feet of the site were not specified although it can be inferred that these areas would not be actively restored because this portion of the site is not included in the area required for restoration and protection.

Applicant Revised Project: In response to the concerns expressed by the various appellants and prior to the May hearing, the applicant revised the project by eliminating one of the garage bays, reducing the size of the motor court and the footprint of the house, going from a one story design to a partly two story design and offering to restore and deed restrict the remaining 77.4 % of the site for open space/habitat protection. The revised project proposed site coverage of 9526 square feet (22.6%) of the lot.

May 2003 Commission Staff Recommended Project: Commission staff prepared a report for the May 2003 Commission meeting that recommended the Commission take jurisdiction over the project and approve it with conditions limiting site coverage to 8245 square feet (19.5%), restoration and permanent protection of the remaining 80.5% of the site in dune habitat and limitations on fencing.

May 2003 Commission Action and Direction: The Commission took jurisdiction over the project but continued the hearing on the Coastal Development Permit with direction to staff to obtain additional information about the pattern of development (coverage of existing homes, extent of protective easements, design of existing homes, potential for demolitions and rebuilds) in the enclave and to look into further limiting site coverage on the Smith parcel. Of particular concern was the amount of coverage required by the circuitous driveway design and generous motor court parking area. Staff has researched the development pattern in the 22 parcel enclave and offers the following information in chart form regarding existing development. The lots in the enclave are numbered 1 to 22 (Please see



Exhibit 3, 4, 5, and 6) for easy reference. The information is displayed on the chart attached to this report (Please See Exhibit 11) and Exhibits 3,4,5 and 6 was obtained from a variety of sources including County and Commission permit files and plans, a photometric survey provided by the applicant, photographs provided by the appellants, Monterey County GIS data (particularly for sites developed before the passage of the Coastal Act), TRW data and Commission staff site visits. The information given on the chart may not reflect all development on every parcel as records may be incomplete for some additions that occurred after the initial permit for home construction was obtained nor may it include all violations however it is reasonably accurate and indicative of the pattern of development within the enclave.

Summary of Development Pattern: The research shows that over half of the initial development of the enclave (13 lots out of 22) occurred before the Coastal Initiative (1972) or Coastal Act (1976) was passed. Since the passage of the Coastal Initiative and Act, seven houses have been built under Coastal Development Permits issued by the Regional or State Coastal Commission and one built under a local CDP issued by Monterey County. Six of the CDP's issued by the Commission included limitations on site coverage ranging from 10% to 20%, and a requirement to protect and restore dune habitat on the remainder of the lot. All of the easements required by the Commission have been accepted by the Del Monte Forest Foundation. The single County issued CDP also limited building coverage, required restoration outside building and paving areas and obtained an easement over the portion of the site located between the house and 17 Mile Drive. (Lot 1). It is unknown if this easement has been accepted. This project was not appealed to the Commission.

The enclave is developed with a mix of one story, split level and two story homes. One story homes predominate on the thirteen parcels immediately adjacent to 17 Mile Drive. Of these parcels, one is vacant, six are one story, four are split level and two have two story elements. Most of these houses are set back at least 80 to 100 feet from the centerline of 17 Mile Drive. Second tier houses, located one lot back from 17 Mile Drive are a mix of one story, split levels and two story homes. (Please See Exhibit 3) Driveway configurations vary from simple, direct access with limited on site parking areas to circuitous accesses with more on site parking than is typical of single family residential uses. Based on a staff field visit, driveways and parking areas on ten of the lots can be characterized as providing simple and direct access with the normal amount of parking for single family homes. The other eleven lots that are developed in the enclave have much greater areas given over to driveways and/or parking (Please see Exhibit 4).

House design within the enclave is eclectic ranging from relatively simple ranch style homes to more ornate architectural statements. Few of the homes appear to have been sited or designed to be subordinate to and compatible with, the dune landscape. House sizes are universally large. For the homes for which accurate information is available, the average size seems to be around 4800 square feet.

Efforts to restore and protect the dune habitat are uneven within the enclave. Most of the parcels developed prior to the Coastal Initiative are landscaped with a variety of non native and invasive plants, ice plant being a common species. With some exceptions, the owners of parcels developed under Coastal Permits have restored and are now maintaining dune vegetation on their sites.

With over half the houses in the enclave having been built over thirty years ago, there is clearly a high potential for extensive re-development on many of the lots as new owners come in and want larger and



more modern homes in this prime location as is the case with the project currently before the Commission.

Nearby Land Use and Physical Setting: Seventeen Mile Drive winds along the western boundary of the enclave and is a highly visited scenic drive prized for its expansive views of the Pacific Ocean, that also provides fairly low cost visitor recreational opportunities. Fan Shell Beach also popular with visitors is directly across 17 Mile Drive. A 20-acre dune restoration area is located just to the north of the site. The Spyglass Hill Golf Course is located slightly inland of the site, and the Cypress Point Golf Links is located to the south. Physically, the area is generally comprised of remnant sand dunes, which change gradually into Monterey pine forest. The residential enclave and neighboring lands are part of the Asilomar dune system, which stretches roughly 4 miles from Point Pinos in the north to Fan Shell Beach to the south, and has the same physical characteristics including the same types of rare vegetation and animal species. (Please see Exhibit 1)

B. Analysis of Appeal Issues

1. Environmentally Sensitive Habitat Resources

Site Location and Characteristics: The project site is located within the Asilomar dune complex, on the east side of 17 Mile Drive in a fairly large sand dune system referred to as the Spyglass Hill sand dune area. The Asilomar Dune complex is approximately 4 miles long and extends from Point Pinos on the north end, south to Fan Shell Beach. Asilomar and most of the Monterey area coastline is formed by Santa Lucia granodiorite. This dense, hard rock is comprised of large rectangular crystals of feldspar, quartz, and mica. It was exposed through massive uplifts and this movement caused it to crack. The cracks weaken the integrity of the rock, making it more vulnerable to erosion. During severe winter storms the sand is moved from the shoreline into the ocean where it forms sandbars just off shore. In spring, the gentler waves redeposit the sand onto the beach. In late spring, the winds blow the unusually pure, white quartz sand, farther inland where it is caught by plants in the foredunes.

The Asilomar Dune system, including the project site, is an environmentally sensitive habitat area for several reasons. First, coastal dunes are an extremely limited environmental resource of statewide significance. Oceanfront dunes provide unique, sensitive habitat values. Throughout its history, the Commission has placed a high priority on the protection and preservation of dune systems, including the Asilomar Dune system (Examples include Bonnanno, Griggs & Miller 3-83-110; Page 3-96-102; Knight 3-99-071 Baldacci 3-01-013 and Child 3-02-023). The native landscape of the Asilomar Dunes comprises a community of coastal plants and associated animal life distinct from all other areas of California. For these reasons, this landscape is worthy of maximum protection and restoration.

Coastal dune ecosystems are threatened by the loss, fragmentation and disruption of habitat associated with development. For example, of the 27 dune fields in coastal California, the Monterey Bay dune system is one of the largest covering about 40 square miles. However, less than half of the dune field has



survived urbanization, conversion to military or agricultural uses, sand mining, and shoreline erosion.

The Department of Fish and Game (DFG) has identified the Spyglass Hill area as a "significant natural area." Pursuant to a list of criteria including: 1) the occurrence of extremely rare species or natural communities and, 2) an ensemble of three or more rare species or natural communities within 500 meters of each other, this area has been mapped on the DFG Significant Natural Areas map for Monterey County. The Significant Natural Areas program was established to identify high-priority sites for the conservation of California's biological diversity and to inform decision makers about the importance of these sites. The programs goals include: 1) identifying the most significant natural areas in California; 2) ensuring the recognition of these areas; and 3) seeking the long-term perpetuation of these areas.

Coastal staff conducted a reconnaissance-level biological survey of the site on September 4, 2002. The plant community observed on-site can be classified as central dune scrub (Holland 1986), characterized by medium to low shrubs on exposed slopes of poor soil. Common plant species observed in the habitat include mock heather (*Ericameria ericoides*), beach sagewort (*Artemesia pycnocephala*), and beach primrose (*Camissonia cheiranthifolia*). Central dune scrub was identified as having "highest inventory priority" in 1986 by DFG. This plant community is limited in distribution throughout its range and is considered rare.

One of the most critical functions of the dune system is its role as a habitat for a very unique flora and fauna. Species present in this habitat are specially adapted to the conditions and opportunities found in dunes. Dune plants in particular play a special role by both stabilizing the dunes from the effects of wind erosion and hosting rare fauna. However, as the natural dune system has been reduced and fragmented, the risk of extinction has increased for many of these species. Thus, each new impact within the dunes system has and will continue to contribute to the cumulative decline of these species.

A review of the California Natural Diversity Database (CNDDB) to evaluate the special-status species that have been documented in the vicinity of the Smith Property was conducted by Coastal staff. A number of listed and declining sand endemic species have been observed near the site (Tables 1 and 2). This is an area rich in biodiversity and high in endemism and therefore, there are many special-status species that occur in the dune habitat.

Table 1. Special-Status Animal Species Known to Occur in the Spyglass Hill Area

Common Name	Scientific Name	Status
Black legless lizard	<i>Aniella pulchra nigra</i>	State Species of Special Concern
Smith's blue butterfly	<i>Euphilotes enoptes smithi</i>	Federal Endangered Species
Globose dune beetle	<i>Coelus globosus</i>	Federal Species of Special Concern



Table 2. Special Status Plant Species Known to Occur in Spyglass Hill Area

Common Name	Scientific Name	Status
Coastal dunes milk-vetch	<i>Astragalus tener</i> var. <i>titi</i>	State and Federal Endangered Species
Monterey spineflower	<i>Chorizanthe pungens</i> var. <i>pungens</i>	Federal Threatened Species
Menzies's wallflower	<i>Erysimum menziesii</i> ssp. <i>menziessii</i>	State and Federal Endangered Species
Sand gilia	<i>Gilia tenuiflora</i> ssp. <i>arenaria</i>	State Threatened and Federal Endangered Species
Beach layia	<i>Layia carnosa</i>	State and Federal Endangered Species
Tidestrom's lupine	<i>Lupinus tidestromii</i>	State and Federal Endangered Species
Monterey Indian paintbrush	<i>Castilleja latifolia</i>	CNPS List 4

According to surveys conducted on the property for special-status plant species on August 15 and 22, 2000, and May 8, 2001 (Study by G, Ferreira 2000, 2001), the site is currently known to support at least one listed plant species, the federally listed Threatened Monterey spineflower (*Chorizanthe pungens* var. *pungens*). Monterey spineflower was listed by the US Fish and Wildlife Service in 1994 due to threats to its persistence from: industrial, residential and golf course development, recreational use, dune stabilization projects, agricultural conversion, and military activities (Federal Register 1994). This plant species is only found scattered on sandy soils along and adjacent to the coast of southern Santa Cruz County and northern Monterey Counties and inland to the coastal plain of Salinas Valley (Federal Register 1994).

Monterey spineflower is vulnerable to random fluctuations or variation (stochasticity) in annual weather patterns and other environmental factors (Federal Register 1994). This species is an annual plant and a portion of the seeds produced each year lay dormant in the upper layer of sand in what is referred to as the "seedbank." Only a small fraction of the seeds produced by a plant each year become seedlings, thus locations of individual plants vary from year to year. Due to this phenomena, it is critical that conservation efforts for the species focus on protecting the ecosystem within which the plant occurs rather than focusing on where a few individuals are observed in a given year. This approach will allow the species to shift in distribution over time, an inherent aspect of the species ecology.



The long term probability of the conservation of Monterey spineflower is dependent upon the protection of existing population sites, and the maintenance of ecological functions within these sites, including connectivity between sites within close geographic proximity to facilitate pollinator activity and seed dispersal mechanisms, and the ability to maintain disturbance factors (i.e., dune dynamics) that maintain the openness of vegetative cover on which the species depends (Federal Register 2002). Fragmentation of habitat (e.g. through the construction of roads or certain types of fencing) must be minimized so that seed dispersal agents may move the seed (Federal Register 2002) and to facilitate pollinator activity as well. Therefore, it is important to preserve all areas that currently support the species since it has already undergone a reduction in the range which places great importance on the conservation of all known remaining sites (Federal Register 2002).

Since this population is the southern most occurrence of the species along the coast, the individuals may have genetic characteristics that have allowed them to survive under slightly different environmental conditions than the other populations. This potential uniqueness may be important for the long-term survival of the species (Federal Register 2002).

The surveys conducted by Elkhorn Native Plant Nursery did not reveal the presence of any other special-status plant species. However, due to the transient nature of some of these plant species, it is possible that they may exist in the seed bank on the site.

It is also noted that, the survey report prepared by Elkhorn Native Plant Nursery overlooked the presence of Monterey Indian paintbrush on the site. This species was observed on the site by consulting biologist, Jeff Norman, and coastal staff confirmed its presence. This species is identified on CNPS List 4, which is designated for species that are significant locally. The presence of this species is an indication of a plant community that is maintaining biological integrity.

Several animal species also have the potential to occur on the site including; Smith's blue butterfly (*Euphilotes enoptes smithi*), globose dune beetle (*Coelus globosus*) and black legless lizard (*Anniella pulchra nigra*). While these three species were discussed in the applicant's biological report, their potential occurrence was dismissed, inappropriately, without having conducted surveys.

Smith's blue butterfly is a federally-listed Endangered butterfly that once ranged along the coast from Monterey Bay south through Big Sur to near Point Gorda, occurring in scattered populations in association with coastal dune, coastal scrub, chaparral, and grassland habitats. They spend their entire lives in association with two buckwheat plants in the genus *Eriogonum*. Emerging in late summer and early autumn, the adults mate and lay eggs on the flowers of these host plants. The eggs hatch shortly thereafter and the larvae begin to feed on the flowers of the plant. Important habitat for the Smith's Blue is threatened by development and the invasion of non-native plants. Dune buckwheat (*Eriogonum parvifolium*), a Smith's blue butterfly host plant, has been documented on the project site.

The globose dune beetle, a federal species of special concern, is endemic to California's coastal dune system. These beetles are primarily subterranean, tunneling through sand underneath dune vegetation. The species is fairly widely distributed in spite of the fact that the adults lack functional wings, however, due to habitat losses, there is some concern about its continued existence. Therefore, this species requires careful monitoring. Although no globose dune beetles were observed on the property by



Elkhorn Native Plant Nursery, surveys were not conducted for species and therefore it is not possible to rule out their potential presence.

The black legless lizard is a fossorial (burrowing) animal that typically inhabits sand or loose soil. This species is regarded as a Species of Special Concern by DFG because of habitat loss due to human impacts to coastal dune habitats (Jennings and Hayes 1994). The potential for this species to occur on the site was identified in the biological report prepared for the applicant (See Exhibit G, Ferreira 2000). Ms. Ferreira states "if the lizard is present on the site, they would likely be near the mature mock heather shrubs in the 'Habitat' area." However, knowledge of the longevity, movement, and microhabitats of these lizards is incomplete because studying them in their underground habitat is difficult. Recent studies have shown that the legless lizards can utilize many different microhabitats and may reside in the soil/sand at a maximum depth of 11.5 cm. Therefore, assumptions of species/habitat affinities stated in the biological report may not be based on current knowledge of the species ecology, and its potential presence cannot be dismissed.

In conclusion, based on the above evidence, including the location of the site within the significant and sensitive Asilomar dune ecosystem, the existing resources on site, biology reports prepared for the project site, and the fact that a rare plant community, a federally-listed threatened plant, and potentially several other sensitive species occur on the site, the Commission finds that, outside of the developed area of the lot, the project site meets the definition of ESHA established in the LCP.

Local Coastal Program Policies and Implementing Ordinances: The LCP includes a number of policies and ordinances that apply to new development in or adjacent to ESHA. Core policies mirror the Coastal Act by limiting development within ESHA to resource dependant uses and providing adequate buffers for non- resource dependant uses located adjacent to ESHA. Other policies provide specific directions for protecting ESHA and include requirements to properly survey the resource, in this case dune habitat, prepare a restoration plan by a qualified professional to protect the resource, ensure that new development adjacent to ESHA observes a 100' buffer and is compatible with the long term maintenance of the resource, limit site coverage by, among other measures, limiting driveways and parking areas to simple and direct access and protect restoration and buffer areas through easements. These full text of these policies and ordinances are as follows:

Policy 8 Environmentally sensitive habitat areas that are not designated as rehabilitation areas shall be protected against any significant disruption of habitat values. Within environmentally sensitive habitat areas, new land uses shall be limited to those that are dependent on the resources therein. Land uses immediately adjacent to environmentally sensitive habitat areas shall be compatible with long-term maintenance of the resource; development shall be sited and designed to prevent impacts which would significantly degrade the protected habitat...

Policy 13 The protection of environmentally sensitive habitats shall be provided through deed restrictions or permanent conservation or scenic easements granted to the Del Monte Forest Foundation. Where developments are proposed within or near areas containing environmentally sensitive habitat, such restrictions or easements shall be established through the development review process...



Policy 14 Near environmentally sensitive habitat areas, the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) shall be restricted to the minimum amount necessary to accommodate development....

Policy 15 The use of non-invasive plant species and appropriate native species shall be required in landscape materials used in projects, especially in developments adjoining environmentally sensitive habitat...

Policy 17 Prior to approval of development on existing legal lots of record, protection of rare, endangered, and sensitive native plant and animal habitats which potentially occur in the area shall be ensured by the following means:

- A site survey shall be conducted by a qualified botanist (or biologist in the case of animal habitat) for the purpose of determining the presence of rare, endangered, or unique plants and developing appropriate mitigation. This survey should be conducted in April or May, as it must be designed to detect the presence of any of the habitats listed in Appendix A of this Plan. Performance standards covering building locations, lot setbacks, roadway and driveway width, grading, and landscaping shall be established as a means of carrying out the recommendations of the site survey. The purpose of this is to isolate building sites from identified locations of rare or endangered plants or other environmentally sensitive habitat.

- Scenic or conservation easements covering the environmentally sensitive habitat shall be dedicated to the Del Monte Forest Foundation as provided by policy 13 above.

Policy 18 Uses of the remnant native sand dune habitat shall be limited to low-intensity scientific, educational, or recreational activities dependent on the resource, except in Spanish Bay rehabilitation area, where policy 93 shall apply. Particular attention shall be given to protection of rare and endangered plants from trampling...

Title 20 Section 20.147.040 A, 20.147.040 B(1)(3)(4)(6)(7)(8) and 20.147.040 C(1) (a)
Environmentally Sensitive Habitat Development Standards.

A. Biological Survey Requirements

1. No residential subdivision immediately adjoining environmentally sensitive habitat areas is allowed unless first demonstrated through biological/botanical surveys that applicable for each new residential lot, including normal residential development, driveway and utility connections, is feasible without damage to any environmentally sensitive habitat and is compatible with protection and maintenance of these resources. Development of parcels adjoining designated environmentally sensitive habitat areas shall be maintained at the minimum density designated for the site by the Del Monte Land Use Plan. Conformance to the applicable Open Space Advisory Committee maintenance standards shall be required wherever open space lands are affected (Ref. Policy #10 Del Monte Forest Area Land Use Plan).

2. A biological survey shall be required for all proposed development which can be described



using one or more of the following criteria:

- a. the development is located within an environmentally sensitive habitat, as shown on Figure 2 "Environmentally Sensitive Habitat Areas" contained in the Del Monte Forest Land Use Plan or other current available resource information or through the planner's on-site investigation;
 - b. the development is potentially located within an environmentally sensitive habitat, according to available resource information and/or on-site investigation;
 - c. the development is or may potentially be located within 100 feet of an environmentally sensitive habitat and/or has the potential to negatively impact the long-term maintenance of the habitat as determined through project review or;
 - d. there is disagreement between staff and the applicant as to whether the proposed development meets one of the above criteria.
3. The survey shall be required, submitted and be approved by the Planning Department prior to the application being determined complete. Two copies of the survey shall be Department.
4. The survey shall be prepared by a qualified biologist, as selected from the County's list of Consulting Biologists. Report preparation shall be at the applicants' expense.
5. See Attachment 2 of this ordinance for required format and content of the biological/botanical report.

B. Development Standards

1. A minimum 100 foot open space buffer is required when development is proposed on lands immediately adjoining areas shown to contain environmentally sensitive habitats (Ref. Policy #17 Del Monte Forest Area Land Use Plan). Within buffer zones, the following uses may be permitted: a) uses permitted in riparian corridors: b) residential uses on existing legal lots of record, setback a minimum of 20 feet from the limit of riparian vegetation, only if no feasible alternative exists, and only if there is no other building site on the parcel: and, c) residential structures or impervious surfaces only if no feasible alternative exists. No new residential parcels shall be created whose only building site is in the buffer area.

Uses permitted in the buffer zone shall be required to: a) minimize removal of vegetation: b) conform to natural topography to minimize erosion potential; c) make provisions (such as catch basins) to keep run-off and sedimentation from exceeding pre-development levels; d) replant where appropriate with native and non-invasive exotic species: e) prevent discharge of toxic substances, such as fertilizers and pesticides, into the riparian corridor: and, f) require motorized machinery to be kept to less than 45 DBA at any wetland boundary."

The 100 foot buffer shall be measured from the edge of the environmentally sensitive habitat, as determined through the biological survey prepared for the project. Uses which may be located within the setback area shall not adversely impact the long-term maintenance of the environmentally sensitive habitat, as determined through the biological survey prepared for the project.



3. Where rare/endangered and/or threatened species are encountered on the site-of a. proposed development, the following mitigation measures (as determined necessary by Planning Department staff and/or contained as mitigation measures in the biological/botanical report) must be undertaken:

a. Performance standards covering building locations, lot setbacks, grading, roadway and driveway width, and landscaping shall be established as a means of carrying out the recommendations of the site survey. These standards are intended to isolate building sites from identified locations of rare or endangered plants or other environmentally sensitive habitats.

b. Scenic or conservation easements covering the environmentally sensitive habitat shall be dedicated to the Del Monte Forest Foundation as provided by Development Standard #7 of this section (Ref. Policy #17 Del Monte Forest Area Land Use Plan). The easement may also be extended to cover the buffer area required in Section 20.147.040.B.1, upon recommendation in the biological survey prepared for the project pursuant to Section 20.147.040-A as needed to protect the habitat's long-term maintenance.

4. Environmentally sensitive habitat areas designated as rehabilitation areas shall be protected against disruption of habitat values.

New land uses within environmentally sensitive habitat shall be limited to resource-dependent uses, including education, research, fish and wildlife management activities, trails where no adverse impact will result, and (where there is no feasible alternative) pipelines, and repair or maintenance of roads, road crossing, or bridges.

Land uses immediately adjoining environmentally sensitive habitat areas shall be compatible with long-term maintenance of the resource:

development shall be sited and designed to prevent impacts having the potential to significantly degrade the protected habitat. As stated in Section 20.147.040.B.1, a minimum 100 foot setback shall be maintained between any proposed development and the environmentally sensitive habitat. In designated open space areas, conformance to the applicable Open Space Advisory Committee Plan maintenance standards shall determine the consistency of the proposal with development standards contained in this Ordinance (Ref. Policy #8 Del Monte Forest Area Land Use Plan).

6. Contiguous areas of undisturbed land in open space uses shall be maintained wherever possible to protect environmentally sensitive habitat areas and associated wildlife values. Development density of sensitive habitats areas shall be as low as possible, consistent with other planning criteria (e.g., drainage design, roadway design, and public safety). In subdividing property adjacent to environmentally sensitive habitats, the parcel configuration shall maintain the maximum amount of contiguous open space adjacent to the habitat. Techniques such as clustering of structures, with open space areas placed in open space easement, shall be required where resulting in the maximum amount of open space. Conformance to applicable open space advisory committee maintenance standards shall be the test of consistency with this development standard. (LUP Policy #11)



7. The protection of environmentally sensitive habitats shall be provided through deed restrictions or permanent conservation or Scenic easements granted to the County of Monterey. Parcels proposed for development containing areas of environmental sensitive habitats shall require, as a condition of approval, that the sensitive habitat area (including an 100 foot buffer around the sensitive habitat area) be placed in an scenic or consecration easement. Except in the case of voluntary easements, each instrument for effecting such restriction or easement shall be subject to approval by the County as to form and content; shall provide for enforcement, if need be, by the County or other appropriate enforcement agency; and shall name the Del Monte Foundation as beneficiary in event the County is unable to adequately manage these easements for the intended purpose of natural habitat preservation (Ref. Policy #13 Del Monte Forest Area Land Use Plan).

8. In properties adjoining environmentally sensitive habitat areas, the removal of indigenous vegetation and land disturbance (grading, excavation, paving, etc.) shall be restricted to the minimum amount necessary to accommodate development. This development standard shall not restrict the activities of the Del Monte Forest Foundation in implementing Open Space Advisory Committee Plan maintenance standards. Refer also to Section 20.147.030, Water and Marine Resources Development Standards (Ref. Policy #14 Del Monte Forest Area Land Use Plan).

C. Specific Development Standards

1. Terrestrial Plant and Wildlife Habitats

a. The remnant native sand dune habitat along the shore in the Spanish Bay planning area, on Signal Hill, and adjacent to 17-Mile Drive in the Spyglass Cypress planning area, shall be preserved through scenic easement or conservation easement, and shall be conveyed to the Del Monte Forest Foundation, as provided by Development Standard #6 above, at the time development occurs in adjacent areas. Lots of record in these dune areas may be developed, provided that the proposed development complies with the mitigation measures provided in the biological/botanical report prepared for the proposed development. When the prepared biological/botanical states that there are unmitigatable impacts to the resource from development, the minimum level of development shall be allowed, as agreed upon by the Planning staff with the developer. (Ref. Policy #16 Del Monte Forest Area Land Use Plan).

Section 20.147.090 A (1) and (3), Land Use And Development Standards.

A. General Development Standards

(1). New residential driveways and other road surfaces are required to be designed with the minimum length and width required to provide simple and direct access.

Circular driveways; parking spaces above the number needed for the specific application in question and other types of extraneous impervious surfaces shall not be allowed. Other paved areas are limited to a minimum required to meet daily parking needs.

Development shall be modified as necessary for location and siting where such modifications will result in reduction of driveway length, road surfaces, and other impervious surfaces. This



development standard shall not be read to preclude safe bicycle lanes nor adequate parking for commercial visitor serving development and access points. (Ref. Policy #1, Del Monte Forest Area Land Use Plan).

(3). Environmentally sensitive habitat areas shall be protected from both direct and indirect adverse impacts of development.

Consistency of all proposed projects shall be determined using the policies contained in the Del Monte Forest Land Use Plan, this ordinance, and the prepared biological/botanical reports required of the development and the Open Space Advisory Committee maintenance standard presented in the Del Monte Forest Land Use Plan (Ref. Policy #69 Del Monte Forest Area Land Use Plan).

Also relevant is the LCP's definition of ESHA: "Environmentally sensitive habitat areas are those in which plant or animal life or their habitats are rare or especially valuable due to their special role in an ecosystem. These include rare, endangered, or threatened species and their habitats; other sensitive species and habitats such as species of restricted occurrence and unique or especially valuable examples of coastal habitats; riparian corridors; rocky intertidal areas; nearshore reefs; offshore rocks and islets; kelp beds; rookeries and haul-out sites; important roosting sites; and Areas of Special Biological Significance (ASBS)."

In the Del Monte Forest Area, examples of terrestrial, aquatic, and riparian habitats which have been determined to be entirely or in part environmentally sensitive include: the rare Monterey cypress and endangered Gowen cypress forest communities, the endemic Monterey pine/Bishop pine association, remnants of the indigenous coastal sand dunes, (emphasis added) riparian corridors, wetlands, and sites of rare and endangered plants and animals associated with these and other habitats. A complete listing is included as Appendix A of this Plan. The locations of these are shown in Figure 2.

Analysis: Approximately 2000 square feet of the proposed development (as revised by the Applicant) will be located within the area currently occupied by the existing home. This area is not considered ESHA because it is currently covered by building and paving. It is however, immediately adjacent to ESHA on the remainder of the site. The bulk of the proposed project will encroach into the ESHA portion of the site and result in the loss of approximately 7500 square feet of habitat. (Please see Exhibit 9). This figure is somewhat mitigated by the planned removal of 3500 square feet of the existing building, driveway and patio area that is not co-terminus with the new development footprint, resulting in a net encroachment into ESHA of 4000 square feet. As discussed in the preceding portions of this finding, the undeveloped areas of this site are part of the Asilomar Dune system and, as such are ESHA. The LCP contains numerous policies designed to protect environmentally sensitive habitat areas such as these indigenous remnant coastal sand dunes. Policy 8 prevents disruption of ESHA and restricts development to that which is resource dependent, such as nature study, and LCP Policy 18 specifically limits use of remnant sand dune habitat to "low-intensity scientific, educational, or recreational activities dependent on the resource...". Additionally, Policies 13 and 17 require conservation easements over the sensitive habitat areas, and Policies 14 and 15 restrict removal of indigenous vegetation and the use of non-native plant species for landscaping. Policy 17 also provides for change in building design and location to avoid impacts



to ESHA.

As shown in the revised applicants project plans, the project involves the expansion of an existing house (through demolition and rebuild) into sensitive dune habitat. The project is thus inconsistent with LCP policies 8 and 18 because it involves residential development that is not resource dependent, nor a scientific, educational or recreational use, in remnant dune ESHA. The revised proposal provides for less site coverage than that approved by the County but still would increase coverage from approximately 14.2% of the lot (6022 square feet), to 22.8% (9628 sq ft). This proposal allows an unnecessary increase in the building footprint for a residential (i.e. non resource dependent) use in ESHA. In addition to a significant increase in the house size, its design includes a large motor court in the rear of the house and longer driveway than currently exists. Also, the proposed 6-8 foot tall grape stake fence and gate is not consistent with avoiding impacts to the dune habitat system because its closed design prohibits the free movement of sand and seeds required for a healthy dune system. Although site plans show an existing fence around the perimeter of the property, a staff site visit confirmed that the existing fence does not surround the property, leaving the dune habitat in the rear of the property easily accessible to animals and the dispersal of seeds.

The revised proposal to restore and permanently protect all of the remainder of the lot outside the building envelope is more consistent with LCP policies 13 and 17 than the project approved by the County which only protected a small fraction of the site but still falls short because additional ESHA should be included in this area. The reconciliation of new development and ESHA restoration and protection in this southernmost area of the Asilomar Dunes Complex is likely to continue to be of concern, making size and placement of structures and obtaining conservation easements and deed restrictions even more critical. The area contains twenty-two lots with existing houses, only seven of which have scenic and conservation easements or deed restrictions (See Exhibit 5). The balance of the homes are pre Coastal Act, and because they older structures and generally smaller in size than newer development, it is likely that they will be sold in the foreseeable future to people who plan to demolish the existing house and rebuild. With the turnover of these older homes, the opportunity arises to protect sensitive dune habitat through minimization of lot coverage and placement of the remainder of the lot in a conservation easement or deed restriction.

Moreover, the project has not been designed and sited to avoid impacts to ESHA, inconsistent with LCP policies 17 and 8. For example, the construction of a larger house and driveway/motor court will result in the removal of ESHA; an impact that could be avoided by siting and designing the home to be similar in size and location to the existing home. Section 20.147.090 (A) (1) requires that *"new driveways and other road surfaces are required to be designed with the minimum length and width to provide simple and direct access.....parking spaces above the number needed for the specific application in question and other types of extraneous impervious surfaces shall not be allowed"* partly in order to protect the *"rich environmental resources"* of Del Monte Forest. As proposed, the project is clearly inconsistent with this requirement because the driveway access is not simple and direct and because the large motor court will accommodate many more cars than required for on site parking in the Low Density Residential, 1.5 acre minimum parcel size (LDR) zone district. (LDR District Regulations require two on site parking spaces for residential uses, Section 20.58.040). The project is similarly inconsistent with LCP policy 14 because the removal of



indigenous vegetation and land disturbance near ESHA has not been minimized. Finally, the project is inconsistent with Policy 15 because the local approval does not limit landscaping material to native plants although the applicant is willing to accept a condition requiring that only native plants be used. Thus, the project does not adequately protect the dune habitat resources along Seventeen Mile Drive in the Del Monte Forest, and is not consistent with LCP policies 8,13, 14, 15, 17, and 18 and LCP Implementing Ordinances 20.147.040 and 20.147.090.

The proposed redevelopment of the site is also inconsistent with LCP policies and ordinances relevant to development adjacent to ESHA. As discussed earlier, the existing developed area on the site is immediately adjacent to dune habitat. The LCP requires that new development adjacent to ESHA must observe a 100' set back from the resource, limit site coverage and ensure that the development is compatible with the long term maintenance of the ESHA. In this case, it would be impossible to set back new development on this site 100' from ESHA because the lot is all ESHA outside of the relatively small currently developed portion of the parcel. If the existing developed footprint was larger, it would be possible to provide some buffer area when the new house was built as some of the currently developed area could be used as buffer with a smaller area being given over to a house and associated paving. In this instance, however, a meaningful buffer area is not practical as it would result in no house at all if strictly applied or, assuming even a 20' buffer, would leave a building site of less than 2000 square feet. Keeping the existing development is an option but it is also possible to approve the new project if adequate mitigation is achieved to offset construction impacts and rebuilding of a new structure that will also not have a buffer from ESHA. As conditioned to require adequate mitigation, the proposed project can be approved.

The demolition of the existing house and redevelopment of the site can however be found consistent with the ESHA protection policies if the site coverage is reduced to that which currently exists (14.2%) and the new house is mostly located within the existing disturbed area. Limited (10% or less) development outside the current envelope can be accommodated because demolition and site clearing will, of necessity, result in some additional disturbance around the perimeter of the existing developed area and thus construction will not result in any long term impacts if a commensurate amount of the currently developed area is returned to habitat in exchange. Restoration, permanent protection of the remainder of the site and an open fencing design will adequately mitigate impacts of construction on adjacent ESHA by ensuring that the new development will be compatible with the long term maintenance of the resource. As conditioned, the project can be found consistent with the resource protection policies of the certified LCP and can be approved.

2. Visual Resources

Project Design and Neighborhood setting: The site is located adjacent to 17 Mile Drive and is identified in the certified LCP as being within a "visually prominent setting". The project originally approved by the County was for a one story tudoresque home spread across the middle of the site and a long driveway, large motor court and courtyard entry at the rear of the house. The revised project now proposed by the applicant provides for a reduced foot print (9628 square feet as opposed to 10,122 square feet) and moves the structure closer to 17 Mile Drive but still proposes a generously sized motor court and driveway access to the rear of the house. The revised house plan has gone from a one story



structure to a mostly two story building in an effort to maintain size while reducing the footprint. The site is located on 17 Mile Drive and due to the topography, any house constructed on the lot will, like the house presently on the site and its neighbors, be visible from 17 Mile Drive.

The lot is located in a residential enclave of 22 similarly sized parcels that are developed with a mix of one story, split level and two story homes. One story homes predominate on the thirteen parcels immediately adjacent to 17 Mile Drive. Of these parcels, one is vacant, eight are one story, three are split level and one is two story. Most of these houses are set back at least 80 to 100 feet from the centerline of 17 Mile Drive. Second tier houses, located one lot back from 17 Mile Drive are a mix of one story, split levels and two, two story homes. (Please See Exhibit 4) Driveway configurations vary from simple, direct access with limited on site parking areas to circuitous accesses with more on site parking than is typical of single family residential uses. Approximately half the sites access could be characterized as having simple access and the other half having much greater areas given over to driveways and/or parking (Please see Exhibit 4). Paving and building coverage vary greatly within the enclave with some lots having as little as 9% coverage while others are built out to 36% coverage. (Please See Exhibit 6)

House design within the enclave is eclectic ranging from relatively simple ranch style homes to more ornate architectural statements. Few of the homes appear to have been sited or designed to be subordinate to and compatible with, the dune landscape. House sizes are universally large. For the homes for which accurate information is available, the average size seems to be around 4800 square feet.

Efforts to restore the appearance of the natural dune habitat are uneven within the enclave. Most of the parcels developed prior to the Coastal Initiative or Coastal Act are landscaped with a variety of non native and invasive plants, ice plant being a common species. With some exceptions, the owners of parcels developed under Coastal Permits have restored and are now maintaining dune vegetation on their sites.

Local Coastal Plan Policies and Implementing Ordinances: The following policies and ordinances are relevant to an analysis of the projects impacts on visual resources.

- *Policy 51 Areas within visually prominent settings identified on the LUP Visual Resources Map, when proposed for development, should be developed so that the lots and/or buildings are situated to allow the highest potential for screening from view the development and its access roads....*
- *Policy 55 Areas within the viewshed of scenic corridors identified on the LUP Visual Resources Map shall be zoned with a district, which requires adequate structural setbacks (generally a minimum of 50), the siting and design of structures to minimize the need for tree removal and alterations to natural landforms. New structures shall be designed to harmonize with the natural setting and not be visually intrusive.*
- *Policy 56 Design and siting of structures in scenic areas should not detract from scenic values of the forest, stream courses, ridgelines, or shoreline. Structures, including fences, shall be subordinate to and blended into the environment, using appropriate materials, which will achieve that effect. Where necessary, modifications shall be required for siting, structural*



design, shape, lighting, color, texture, building materials, access, and screening.

- *Policy 57 Structures in scenic areas shall utilize native vegetation and topography to provide screening from the viewing area. In such instances, the least visible portion of the property should be considered the most desirable building site location, subject to consistency with other siting criteria (e.g., proximity to environmentally sensitive habitat areas and safe access).*
- *CIP Section 20.147.070.C. General Development Standards 1 Development, along with related access roads, within visually prominent settings as identified on Figure 2C "Visual Resources" in the Del Monte Forest Area Land Use Plan shall be sited on the least visible area of the lot, subject to consistency with other development standards of this implementation ordinance and as determined by staff field review of the proposed development on its' impact of visual sensitivity. Structures shall be screened from view using native vegetation and topography (Ref. Policy #50 Del Monte Forest Area Land Use Plan.)*
- *CIP Section 20.147.070.C. General Development Standards 2*
C. General Development Standards
2. All structures shall be subordinate to and blended into the environment, using appropriate construction and landscaping materials to achieve that effect. A list of appropriate landscaping materials is contained in the brochure "The Look of the Monterey Peninsula" which is available from the Monterey County Planning Department, and also those endemic species listed in the Del Monte Forest Land Use and Open Space Advisory Committee Plan. Where deemed necessary by staff, modifications shall be required for siting, structural design, shape, lighting, color, texture, building materials, access, and screening, 'subject to the approval of the Director of Planning. (Ref. Policy #56 Del Monte Forest Area Land Use Plan).

Issue Analysis: The protection of visual resources in the Del Monte Forest planning area is of high concern. There are numerous LCP policies designed to protect visual resources in this planning area, especially along scenic corridors and other sensitive visual areas, such as those visible from Point Lobos State Park. The visual Policy Guidance Statement describes 17-Mile Drive as an important visitor destination and lists the objective of the Plan as the protection of the area's "magnificent scenic and visual resources." Also found in the Policy Guidance Statement are the guiding principles of avoiding incompatible development and to encourage improvements that complement the natural scenic assets. This statement explicitly states, "only compatible development along 17-Mile Drive should be allowed."

The project does not block views to the shoreline from 17-Mile Drive, but, by virtue of its size and bulk, will be significantly more visible from the drive than the existing house on the site, and this is potentially inconsistent with Policy 56. The maximum height of the proposed structure is 26 feet, with a steep sloping roof, as opposed to the existing structure's one story and flat roofs with stepped increases to the full height (Please see Exhibit 8 for site elevations). However, due to the topography of the site and the requirement to limit landscaping to low-growing dune vegetation, it would be nearly impossible to place a structure on the site that would be invisible or even substantially screened from 17-Mile Drive or the Bird Rock viewing area. The eclectic (Tudor/Norman elements) design of the house makes for a



strong architectural statement that is not particularly subordinate to the dune setting and thus presents conflicts with the LCP requirement that new development “*shall be subordinate to and blended into the environment*” (Section 20.147.070 C (2)) The proposed fence is also inconsistent with this policy because its formal design does not blend with the landform and will breakup the relatively expansive views along the inland side of 17 Mile Drive and scenic corridor. Additionally, the project is inconsistent with Policies 51 and 57 which require maximum screening with native vegetation and topography because the new house, as mentioned earlier, is unable to be adequately screened with native low growing dune vegetation

The project can, however, be made more consistent with the direction of the visual resource policies by lowering the first finish floor elevation by a minimum of three feet thus setting the structure more into the dune landscape and making it less obtrusive. The elimination of the long driveway and reduction in building footprint required by an earlier finding on ESHA will also help to reduce the dominance of the development as will the requirement for less imposing fencing. The screening option is limited on this site because the higher priority is to retain and restore dune vegetation that by its nature is very low growing and of little use as a screen. Some screening will be provided by the mature cypress trees located adjacent to the building site. Therefore, as conditioned, the proposed project is consistent with the visual resource policies of the LCP and can be approved.

3. Archaeological and Historic Resources

Setting: The project site is located in an area of Del Monte Forest that is known to contain archaeological resources. It also is presently developed with a home, dating from the 1950's, that was designed by a follower of Frank Lloyd Wright and may have some historical significance

As part of the County action on this item, the Applicant was required to prepare an archaeological report by a qualified professional. The archaeological report prepared by Archaeological Consulting on July 31, 2000 states that no evidence of cultural resources were found on the parcel. Project methodology consisted of a literature search of files of the Northwest Regional Information Center of the California Archaeological Inventory located at Sonoma State University and a search of Archaeological Consulting's personal files and maps. Field reconnaissance was also conducted on July 18, 2000. In addition, the California Inventory of Historical Resources, California Historical Landmarks, and the National Register of Historic Places were checked for cultural resources that might be present other than archaeological resources. None were discovered.

Although no archaeological resources have been identified on the site, some of the project Appellants have raised the question of whether the existing home to be demolished may have *historic* significance, based on its architectural type, that merits an evaluation under LCP Policy 63 and IP section 20.147.080.D. The Commission notes that the policies and ordinances cited seem to apply to *archaeological* resources rather than historic buildings from the modern era. In any event, a letter submitted by a historian hired by one of the appellants of this project describes the existing house on the site, constructed in 1952-1953, as a Usonian house. According to the historian, this type of architecture, termed modern, was developed by Frank Lloyd Wright in the 1930's as a means to provide affordable housing in America. Usonian houses are characterized by low or flat roofs, finishes using natural



materials, carports and the lack of basements, along with a flow of internal spaces, and a brick utility core with a massive chimney stack. The existing house was not designed by Wright himself, but by one of his protégés, and is possibly the only example of a Wrightian Usonian house in Monterey County. According to the historian, the house in question, along with two others in the area, provide notable examples of modern architecture in close vicinity to the site (Pers. Comm. Kent Seavey 9/6/02).

Given the potential historic architectural design of the structure, a more in-depth review of its regional significance was performed by another historian, who concluded that the structure's architecture was not of significant historic value. The second review concluded that the existing structure is not a regionally significant historic resource, and it does not meet the National Register criterion of being older than fifty years and of exceptional importance.

Local Coastal Plan Policies and Implementing Ordinances: The Land Use Plan and Coastal Implementation Plan contain policies designed to protect archaeological and cultural resources as follows. The LCP does not contain any policies specifically directed to the identification and preservation of historic buildings.

- *Policy 63 When developments are permitted on parcels where archaeological or other cultural resource sites are located, project design shall be required which avoids impacts to such sites. Where the site has religious significance, emphasis should be placed on preserving the entire site; likewise, where the site is of known regional significance, consideration shall be given to nominating the site to the National Register and preserving it.*
- **CIP Section 20.147.080.B**
 - B. Archaeological Report Requirements*
 - 1. An archaeological survey report shall be required for all development.*
 - 2. The survey report shall be required by, submitted to and approved by the County prior to the application being considered complete. Two (2) copies of the report shall be submitted.*
 - 3. The survey report shall be prepared, at the applicants' expense, by a qualified archaeologist, as included on the County's list of archaeological consultants or as a member of the Society of Professional Archaeologists.*
 - 4. The report shall be prepared according to the report standards of the Society of Professional Archaeologists and must include, at a minimum, a field survey by the archaeologists, survey of available Information Center of the California Archaeological Inventory, description of the site's sensitivity and levels of development for the site and recommended mitigation measures. The report may be required to include additional information according to the circumstances of the particular site.*
 - 5. The archaeological survey report may be waived by the Director of Planning under the following circumstances:*
 - a. a previous report was prepared for the site by a qualified archaeologist, as included on the*



County's list of archaeological consultants or as a member of the Society of Professional Archaeologists: and

b. the report clearly and adequately included the currently-proposed development site within the scope of the survey.

Analysis: The site is located within an area where archaeological resources have been found. Consistent with CIP Section 20.147.080, an archaeological survey was prepared for the lot. The report found that there were no resources on the site, however, because of its location, a condition requiring that site disturbance work be monitored by an archaeologist and work stop until a mitigation plan can be prepared should resources be discovered is appropriate in this case. (Please see Condition 5)

Although there may be other regulations relevant to the issue of historic buildings, the LCP does not contain any policies specifically directed to the identification and preservation of potentially historic buildings in Del Monte Forest and thus the Commission makes no finding relevant to the historical value, if any, of the house proposed for demolition.

4. Public Access and Recreation

Background: The site is located in the Del Monte Forest. All of the road system within the forest is privately owned and maintained by the Pebble Beach Company. The public is allowed to drive on the road system by payment of a fee. The nearest *public* road paralleling the shoreline in this area is Highway One on the eastern side of Del Monte Forest. The project, located on the inland side of 17 Mile Drive on a roughly one acre parcel within a small residential enclave, is thus sited between the first public road and the sea. For projects located between the first public road and the sea, the Commission must make a finding regarding the developments consistency with the Public Access and Recreation policies of the Coastal Act.

Del Monte Forest is a well known and very popular visitor destination. The forest offers a number of recreation options available to the public, including six golf courses all, with the exception of Cypress Point, open for public use, numerous public events (ATT Golf Tournament, Concours d'Elegance etc.), an extensive hiking and equestrian trail system, beach access to much of the northern portion of the Del Monte Forest shoreline (as required by the certified LCP and Spanish Bay CDP) and a variety of visitor serving facilities (Overnight accommodations, shops and restaurants). Access to the forest is controlled by the Pebble Beach Company but this control is subject to the terms of the LCP that place limits on closure and fees. Currently vehicular access for non residents cost \$8.25. Pedestrian and bicycle access is free.

Coastal Act Public Access and Recreation Policies: The following policies are relevant to an analysis of Public Access and Recreation issues:

Section 30210 Access; recreational opportunities; posting



In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

(Amended by Ch. 1075, Stats. 1978.)

Section 30211 *Development not to interfere with access*

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212 *New development projects*

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) It is inconsistent with public safety, military security needs, or the protection of fragile coastal resources,

(2) Adequate access exists nearby, or,

(3) Agriculture would be adversely affected. Dedicated accessway shall not be required to be opened to public use until a public agency or private association agrees to accept responsibility for maintenance and liability of the accessway.

(b) For purposes of this section, "new development" does not include:

(1) Replacement of any structure pursuant to the provisions of subdivision (g) of Section 30610.

(2) The demolition and reconstruction of a single-family residence; provided, that the reconstructed residence shall not exceed either the floor area, height or bulk of the former structure by more than 10 percent, and that the reconstructed residence shall be sited in the



same location on the affected property as the former structure.

(3) Improvements to any structure which do not change the intensity of its use, which do not increase either the floor area, height, or bulk of the structure by more than 10 percent, which do not block or impede public access, and which do not result in a seaward encroachment by the structure.

(4) The reconstruction or repair of any seawall; provided, however, that the reconstructed or repaired seawall is not a seaward of the location of the former structure.

(5) Any repair or maintenance activity for which the commission has determined, pursuant to Section 30610, that a coastal development permit will be required unless the commission determines that the activity will have an adverse impact on lateral public access along the beach.

As used in this subdivision "bulk" means total interior cubic volume as measured from the exterior surface of the structure.

(c) Nothing in this division shall restrict public access nor shall it excuse the performance of duties and responsibilities of public agencies which are required by Sections 66478.1 to 66478.14, inclusive, of the Government Code and by Section 4 of Article X of the California Constitution.

(Amended by: Ch. 1075, Stats. 1978; Ch. 919, Stats. 1979; Ch. 744, Stats. 1983.)

Section 30212.5 Public facilities; distribution

Wherever appropriate and feasible, public facilities, including parking areas or facilities, shall be distributed throughout an area so as to mitigate against the impacts, social and otherwise, of overcrowding or overuse by the public of any single area.

Section 30213 Lower cost visitor and recreational facilities; encouragement and provision; overnight room rentals

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.



The commission shall not: (1) require that overnight room rentals be fixed at an amount certain for any privately owned and operated hotel, motel, or other similar visitor-serving facility located on either public or private lands; or (2) establish or approve any method for the identification of low or moderate income persons for the purpose of determining eligibility for overnight room rentals in any such facilities.

(Amended by: Ch. 1191, Stats. 1979; Ch. 1087, Stats. 1980; Ch. 1007, Stats. 1981; Ch. 285, Stats. 1991.)

Section 30214 Implementation of public access policies; legislative intent

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other



responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

(Amended by: Ch. 919, Stats. 1979; Ch. 285, Stats. 1991.)

Section 30220 *Protection of certain water-oriented activities*

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 *Oceanfront land; protection for recreational use and development*

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

(Amended by Ch. 380, Stats. 1978.)

Section 30222 *Private lands; priority of development purposes*

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30222.5 *Oceanfront lands; aquaculture facilities; priority*

Ocean front land that is suitable for coastal dependent aquaculture shall be protected for that use, and proposals for aquaculture facilities located on those sites shall be given priority, except over other coastal dependent developments or uses.

(Added by Ch. 1486, Stats. 1982.)



Section 30223 Upland areas

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Analysis: The project site consists of a 41,000 square foot parcel that is currently developed with a single family home. It is located in a small, 22 lot residential enclave of similarly sized parcels. With the exception of one vacant lot, all of the enclave is developed with single family homes in individual ownerships. The residential enclave is virtually surrounded by recreational development that is all available for public use. Spyglass Golf Course is immediately inland of the residential area. 17 Mile Drive, popular with visitors, is immediately seaward. Fanshell Beach and Bird Rock, also popular shoreline accesses are adjacent to 17 Mile Drive. There is also a pedestrian and equestrian trail bordering the enclave.

The site is thus not needed to provide additional public access and passive recreational opportunities in this area. Due to the small size of the lot and the fact that, outside of its developed area, it is all ESHA, the location of any visitor serving facilities on the parcel would be inappropriate. The project is, therefore consistent with the Public Access and Recreation Policies of the Coastal Act and can be approved.

5. California Environmental Quality Act (CEQA)

Section 13096 of the Commission's administrative 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 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.

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.



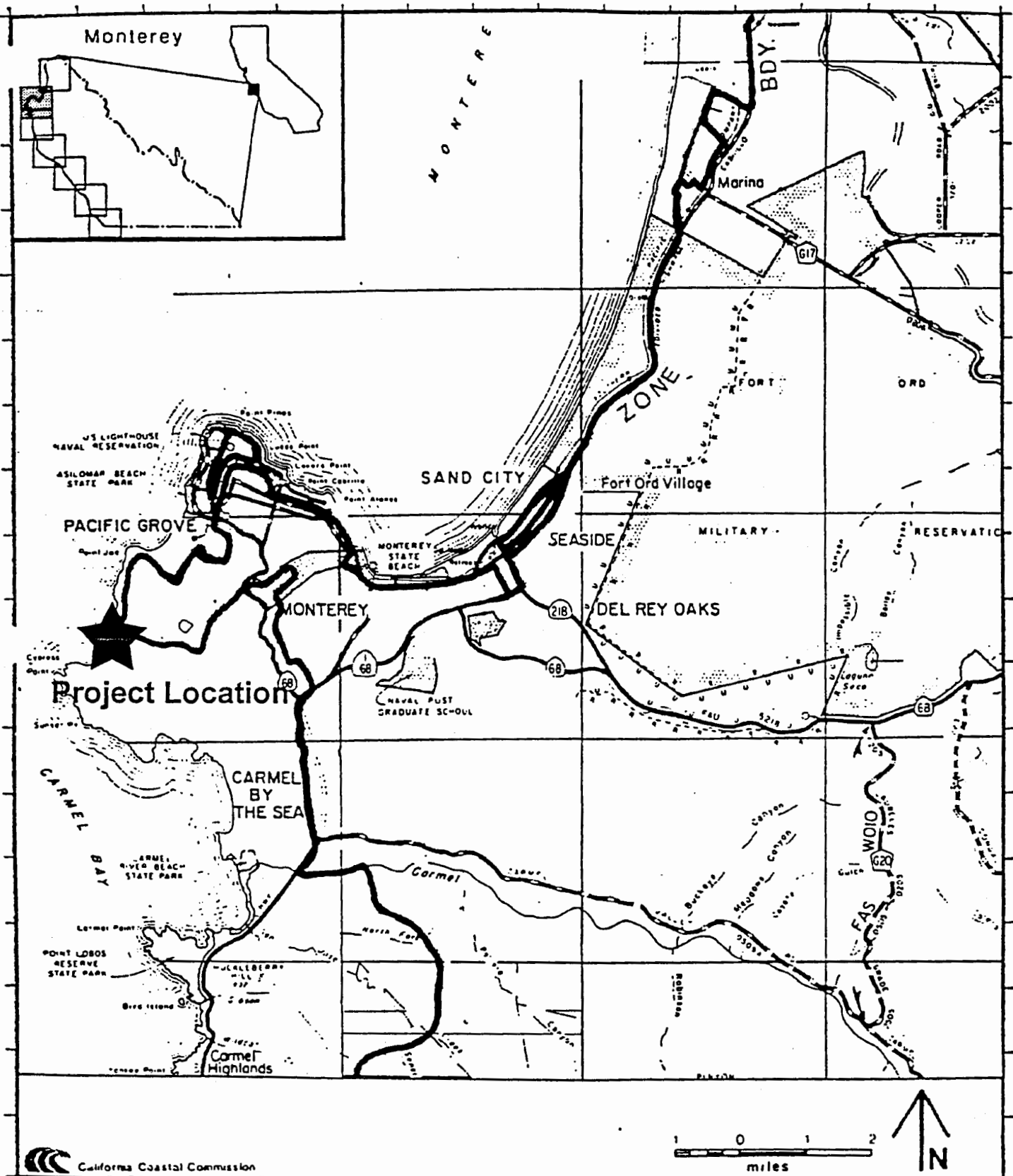


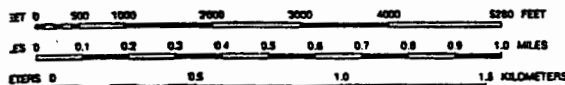
Exhibit 1
 Location Map
 Smith Demo/Rebuild Appeal
 A-3-MCO-02-058

Carmel Monterey and Vicinity

LEGEND

- | | |
|----------------------|------------------------------------|
| FREEWAY | STATE HIGHWAY |
| EXPRESSWAY | COUNTY ROAD |
| HIGHWAY | BLOCK NUMBER |
| MAIN ROAD | HOSPITAL (WITH EMERGENCY SERVICES) |
| 17 MILE DRIVE | PUBLIC SCHOOL |
| UNDER CONSTRUCTION | GOVT. CAMPGROUND |
| ONE-WAY STREET | PICNIC AREA |
| OFFICIAL SCENIC HWY. | PUBLIC BOAT LAUNCH |

SCALE



1 INCH = 2200 FEET
ELEVATIONS ARE SHOWN IN FEET

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CALIFORNIA STATE AUTOMOBILE ASSOCIATION
150 VAN NESS AVENUE SAN FRANCISCO, CA 94102

6-00

Ocean

PROJECT
LOCATION

EXHIBIT NO. **2**

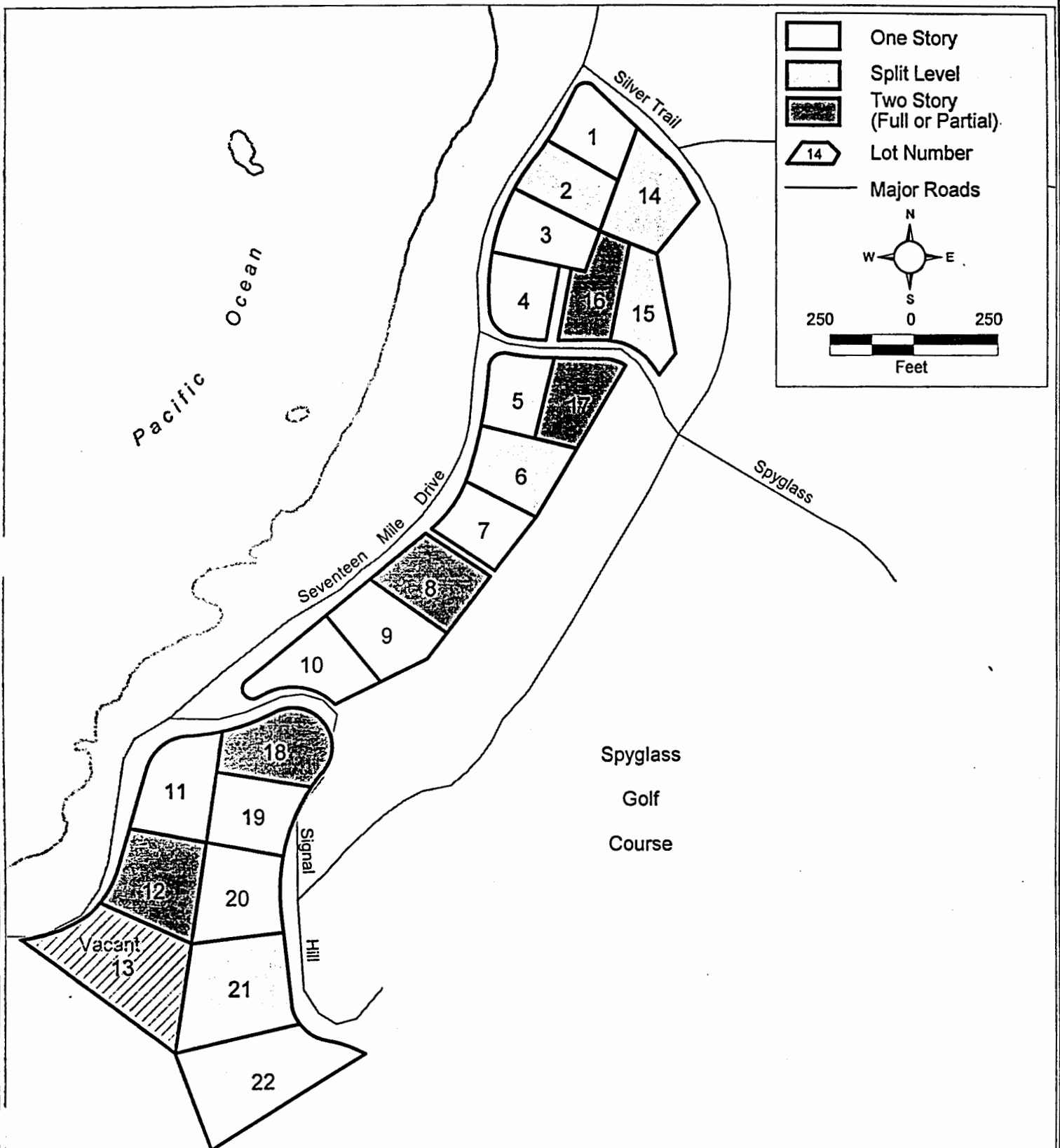
APPLICATION NO.

A-3-MCG-02-058

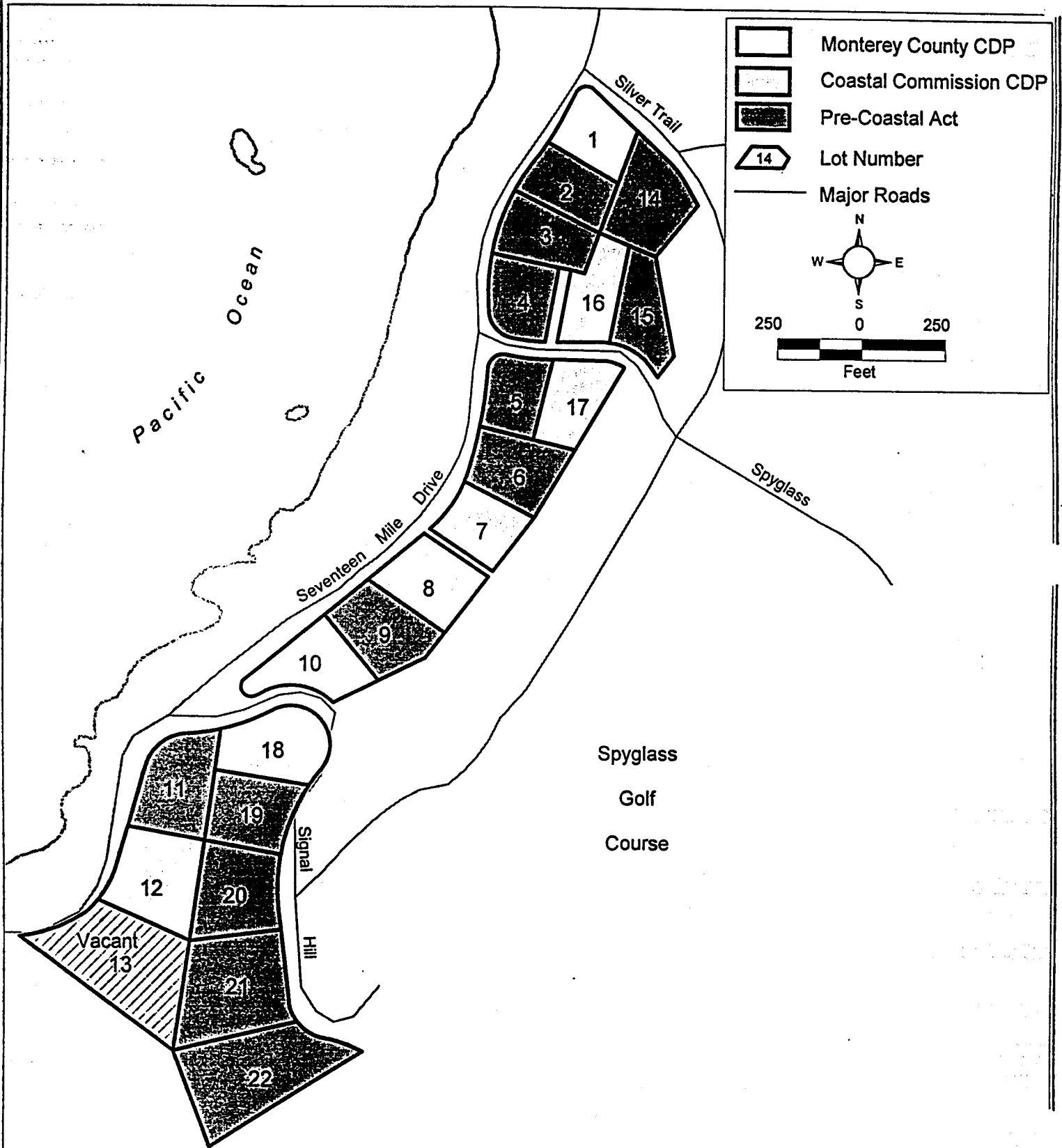
Smith Dam/Rebuild

House Sizes

Fanshell Beach Residential Enclave



Original Permits for Homes Fanshell Beach Residential Enclave



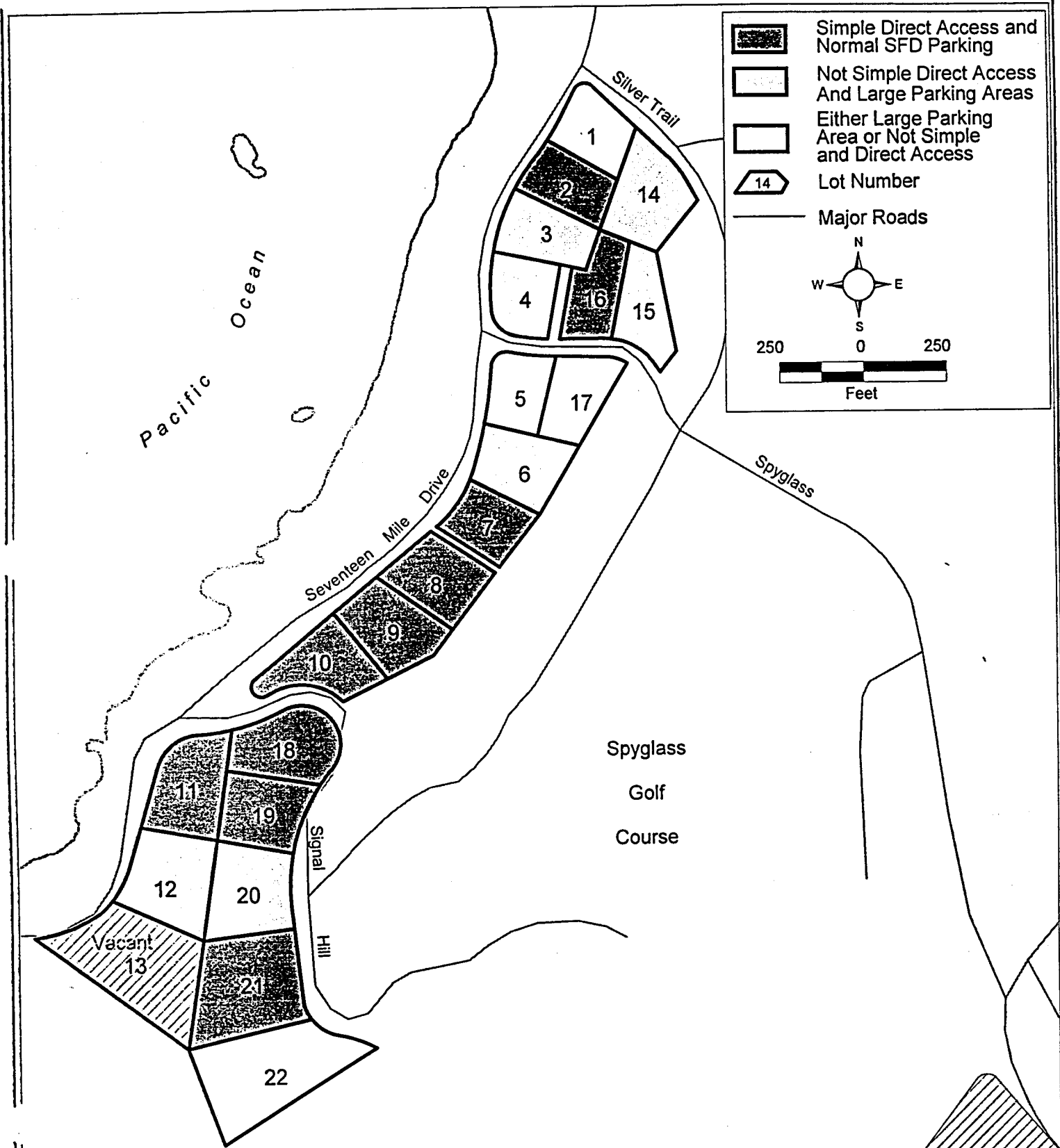
CALIFORNIA
COASTAL COMMISSION

Data and Base Map Source: Monterey
County Planning Department, 2002.

Exhibit 3b

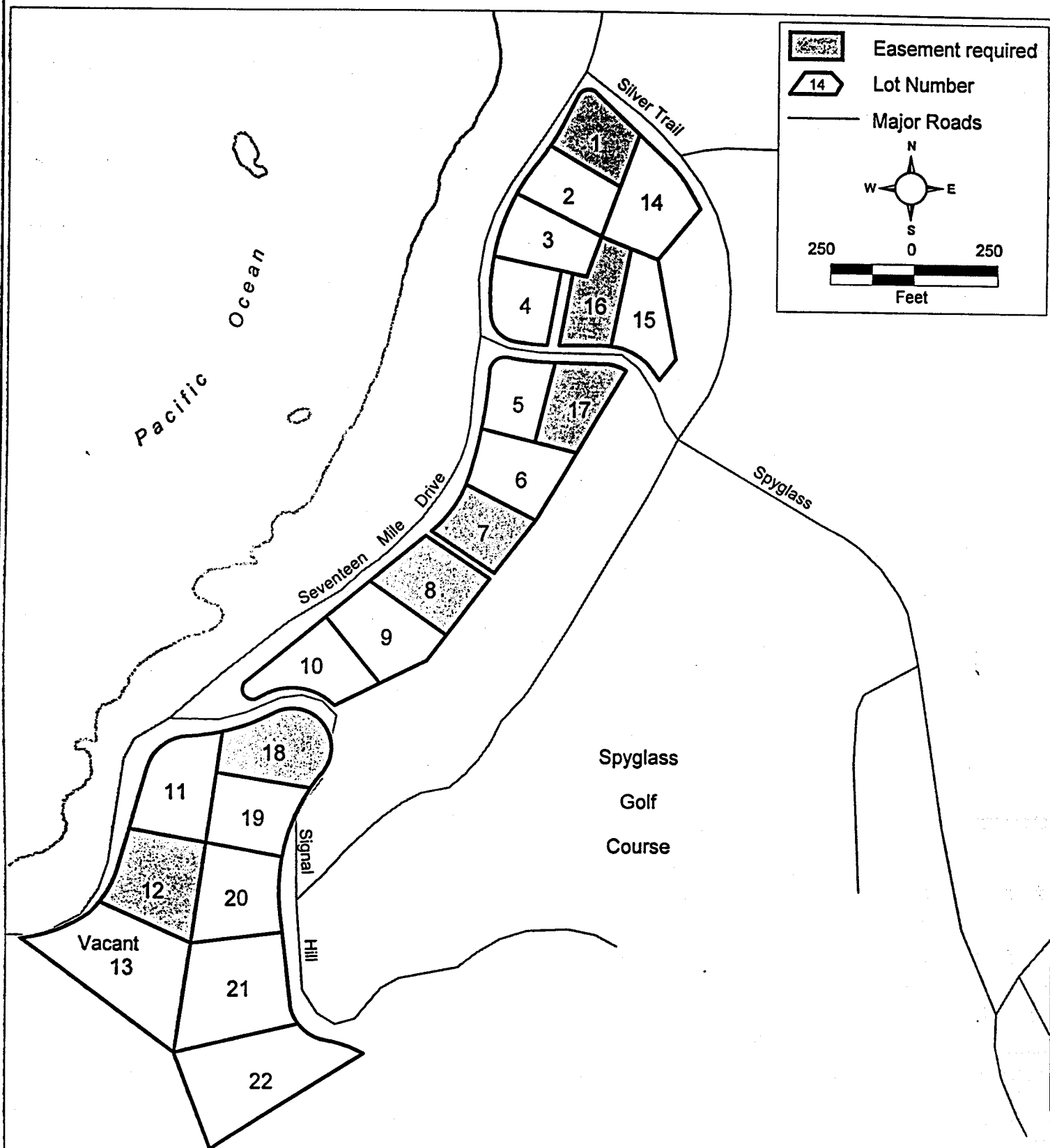
Parking / Driveways

Fanshell Beach Residential Enclave



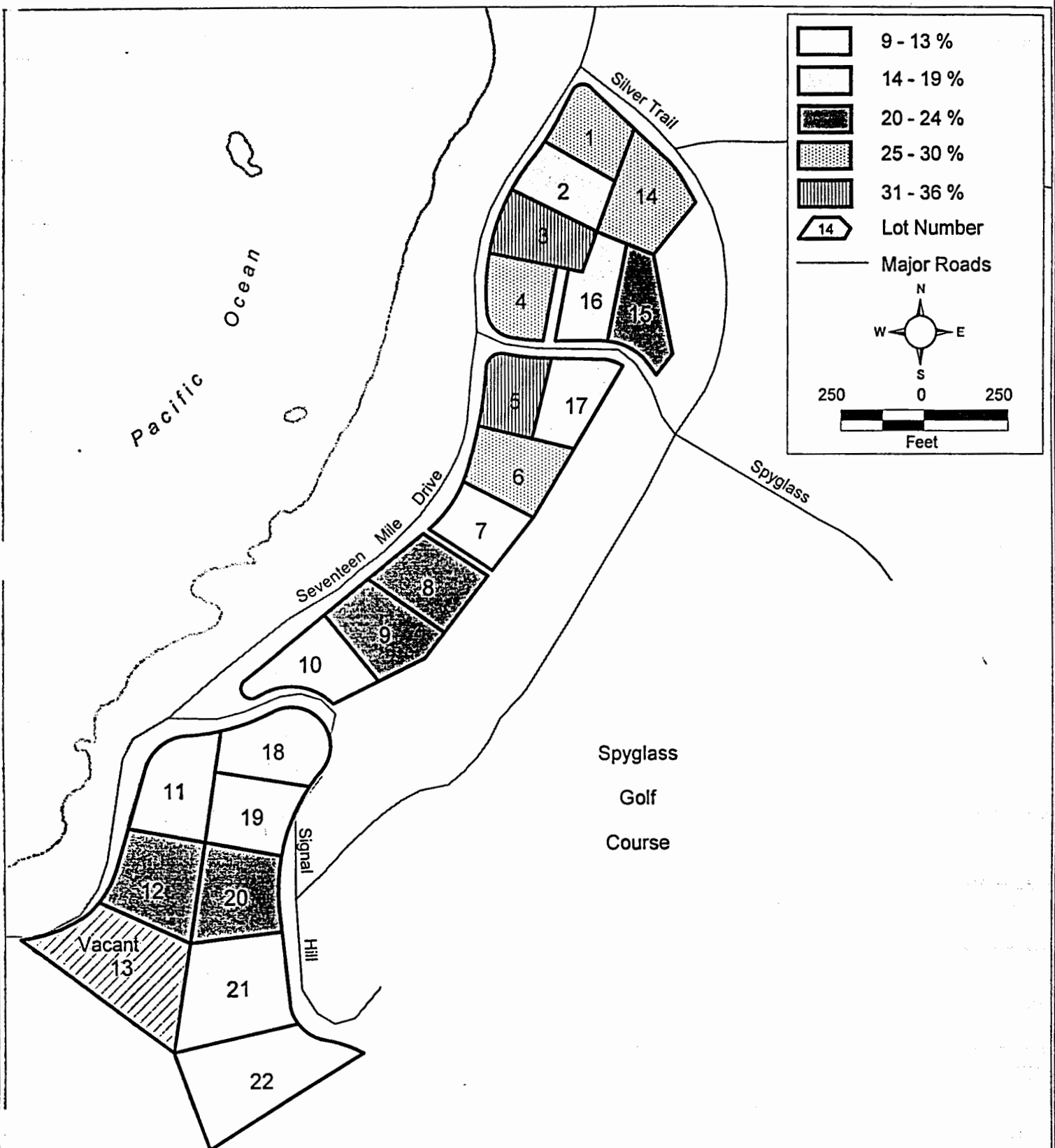
Lots Subject to Open Space Easements

Fanshell Beach Residential Enclave



Site Coverage (Building and Paving)

Fanshell Beach Residential Enclave



This architectural elevation drawing shows a two-story building with a complex roofline featuring multiple gables and four chimneys. The central entrance is highlighted by a small, covered porch. To the left, a balcony is visible on the second floor. The drawing includes vertical dimension lines on the left side, indicating heights in feet and inches. The building's facade is characterized by a mix of window styles, including large arched windows and smaller dormer windows.

VIEW FROM 17-MILE DRIVE

SCALE 3/16"=1'-0"

- 2 SLATE ROOF
- 3 COPPER FLASHING, VENTS, CUTTERS AND DOWNSPOUTS
- 4 BX, JOX ON 12X STAINED WOOD TRUSSELS & CORBELS
- 5 EXTERIOR STONE VENEER
- 6 CERAMIC CLAY CHIMNEY POT
- 7 EXTERIOR PLASTER 1/2 SHOOTIN "WISHOM" FINISH
- 7 WINDOWS PLASTER BOIES 1/2 PLASTER FINISH
- 8 CLAD WOOD EXTERIOR DOORS & WINDOWS
- 8 STANDING SEAM COPPER SLATE METAL ROOF
- 9 WROUGHT IRON GATES (CALF AND PAINTED)
- 11 WOOD VENEER ROLL-UP GARAGE DOORS, STAINED
- 12 SHAPED FOAM-MOLDED CORNICE 1/2 PLASTER FINISH

ARCHITECT

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FAX: 031 622 0326
E-MAIL:

RESIDENCE FOR:
MURRAY & CAROL SMITH
3105 SEVENTEEN MILE DR. PEBBLE BEACH, CA.

○ 4월 1일 △ 4월 10일
① 3-21-22 23 24 25 26
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EXTERIOR ELEVATIONS

A6.O



~~FROM COURTHA~~
~~A-3-MCO-02-058~~

SCALE 1/16"=1'-0"

Smith Demo and Reconstruction Appeal

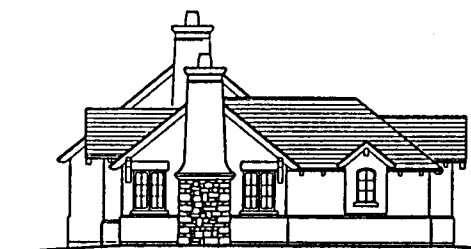
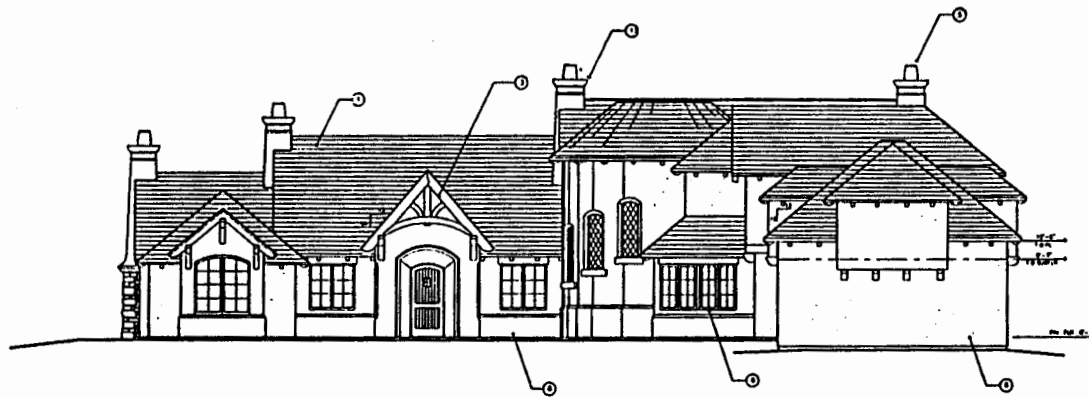


Exhibit 8 SOUTH ELEVATION

SCALE 1/16"=1'

Architectural drawings are the property of the Architect and are to be used only for the project and site for which they were prepared. They are not to be reproduced, copied, or used for any other purpose without the written consent of the Architect. The Architect assumes no responsibility for the construction of the project or for the safety of the project.

EX. 8



EAST ELEVATION

SCALE 3/16"=1'-0"



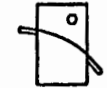
NORTH ELEVATION

SCALE 3/16"=1'-0"

EXTERIOR FINISH LEGEND

- 1 SLATE ROOF
- 2 COPPER FLASHING, VENTS, CUTTERS AND DOWNSPOUTS
- 3 BK. 102 OR 122 STAINED WOOD TRUSSELS & CORBELS
- 4 EXTERIOR STONE VENEER
- 5 CERAMIC CLAY CHIMNEY POT
- 6 EXTERIOR PLASTER 3/4" SMOOTH "MISSION" FINISH
- 7 WINDOW PLANTER BOXES 3/4" PLASTER FINISH
- 8 CLAD WOOD EXTERIOR DOORS & WINDOWS
- 9 STANDING SEAM COPPER SHEET METAL ROOF
- 10 WROUGHT IRON CLAYES (RAILY, AND PAVING)
- 11 WOOD VENEER ROLL-UP GARAGE DOORS, STAINED
- 12 SHAPED FOAM-BOLDED CORNICE, 3/4" PLASTER FINISH

EXTERIOR ELEVATION NOTES



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3105 SEVENTEEN MILE DR. PEBBLE BEACH, CA

○	WALLS	△	WOODWORK
○	5-15-02	○	5-15-02
○		○	
○		○	
△		△	
△		△	
△		△	

EXTERIOR
ELEVATIONS

A6.1

A-3-MCO-02-058
Smith Demo and
Reconstruction Appeal

Exhibit 8

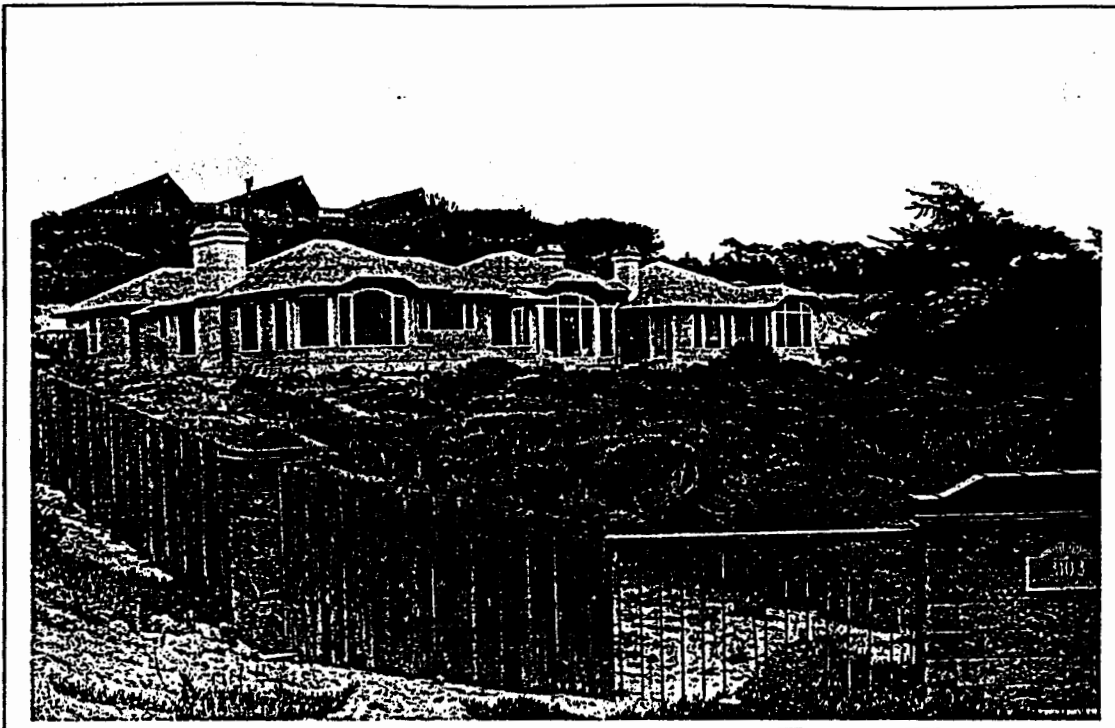


Photo 1. Lot 1: Monterey County CDP; easement on front portion of site; 30% coverage.

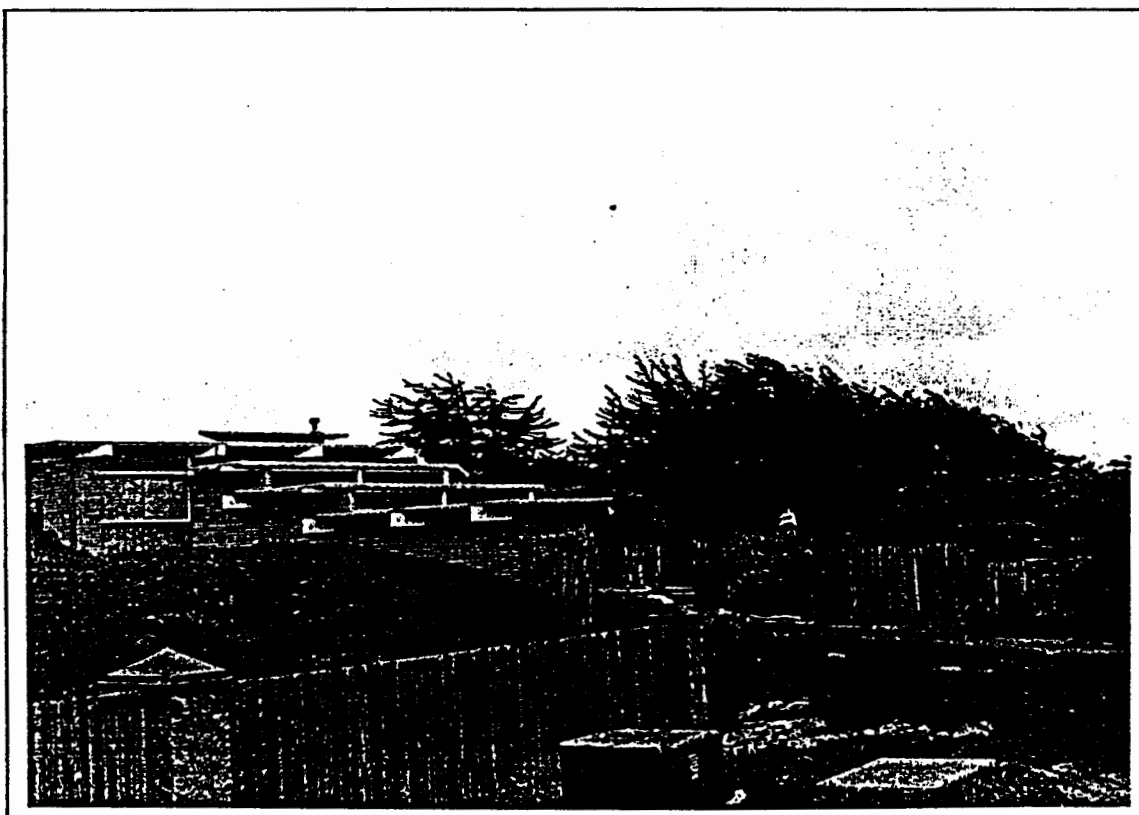


Photo 2. Lot 2: Existing Development on Smith site; 14% coverage.



CALIFORNIA COASTAL COMMISSION

Photos of Fanshell Beach Residential Enclave

EXHIBIT
10a

Murray Smith
A-3-MCO-02-058

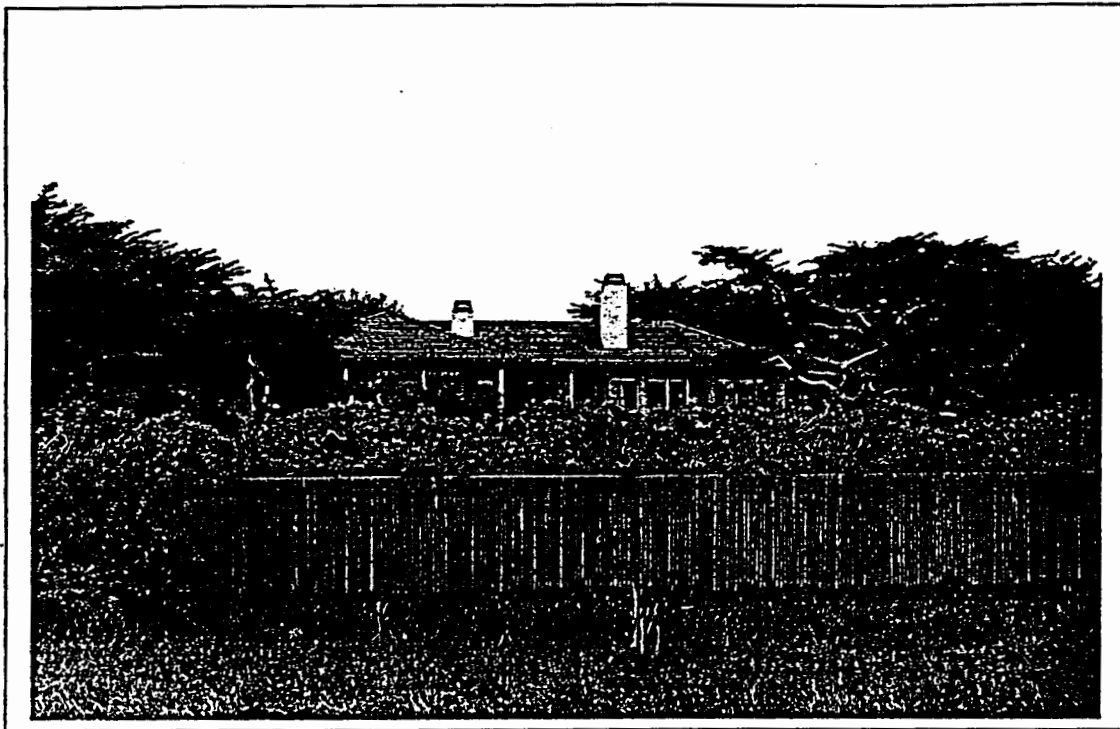


Photo 3. Lot 3: Pre-Coastal Act home adjacent to Smith site; 34% coverage.

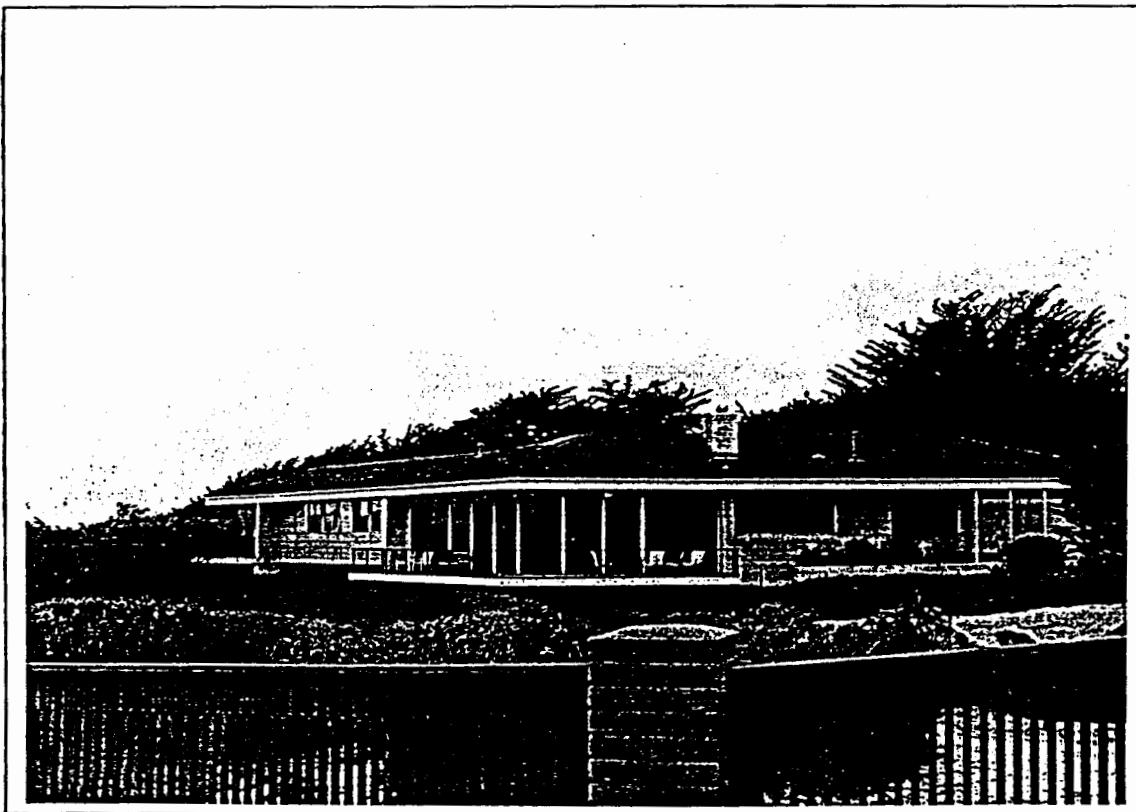


Photo 4. Lot 4: Pre-Coastal Act home; 26% coverage.



CALIFORNIA COASTAL COMMISSION

Photos of Fanshell Beach Residential Enclave

EXHIBIT
10b

Murray Smith
A-3-MCO-02-058

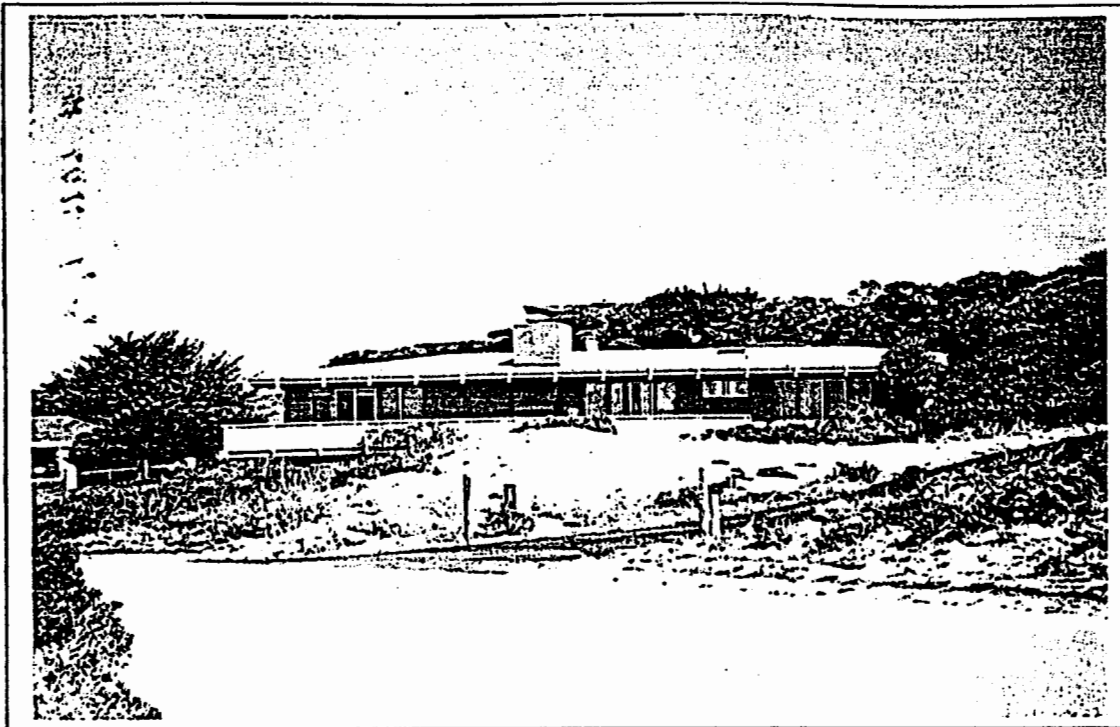


Photo 5. Lot 5: Pre-Coastal Act; 36% coverage.

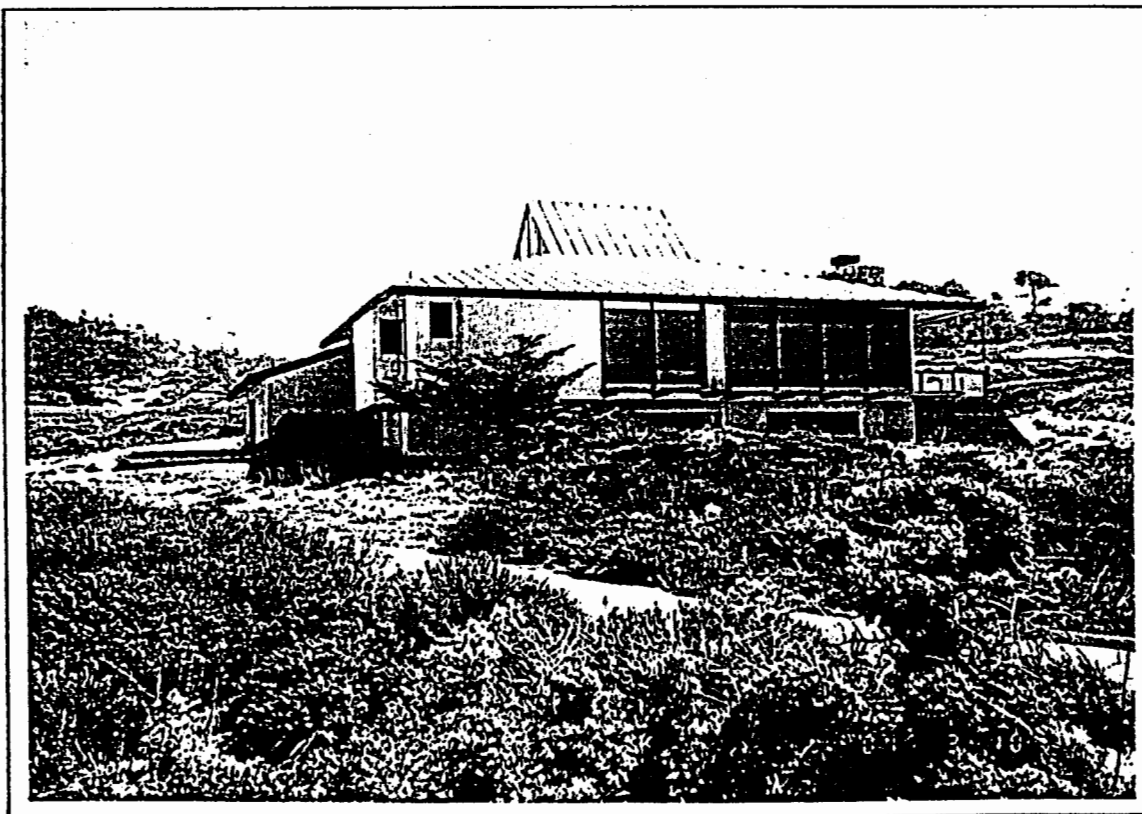


Photo 6. Lot 7: Coastal Commission CDP; 10% coverage.



CALIFORNIA COASTAL COMMISSION

Photos of Fanshell Beach Residential Enclave

EXHIBIT
10c

Murray Smith
A-3-MCO-02-058



Photo 7. Lots 7, 8, and 10 initial Coastal Commission CDP with 10%, 21% and 17% coverage; Lot 9 pre-Coastal Act with 23% coverage.

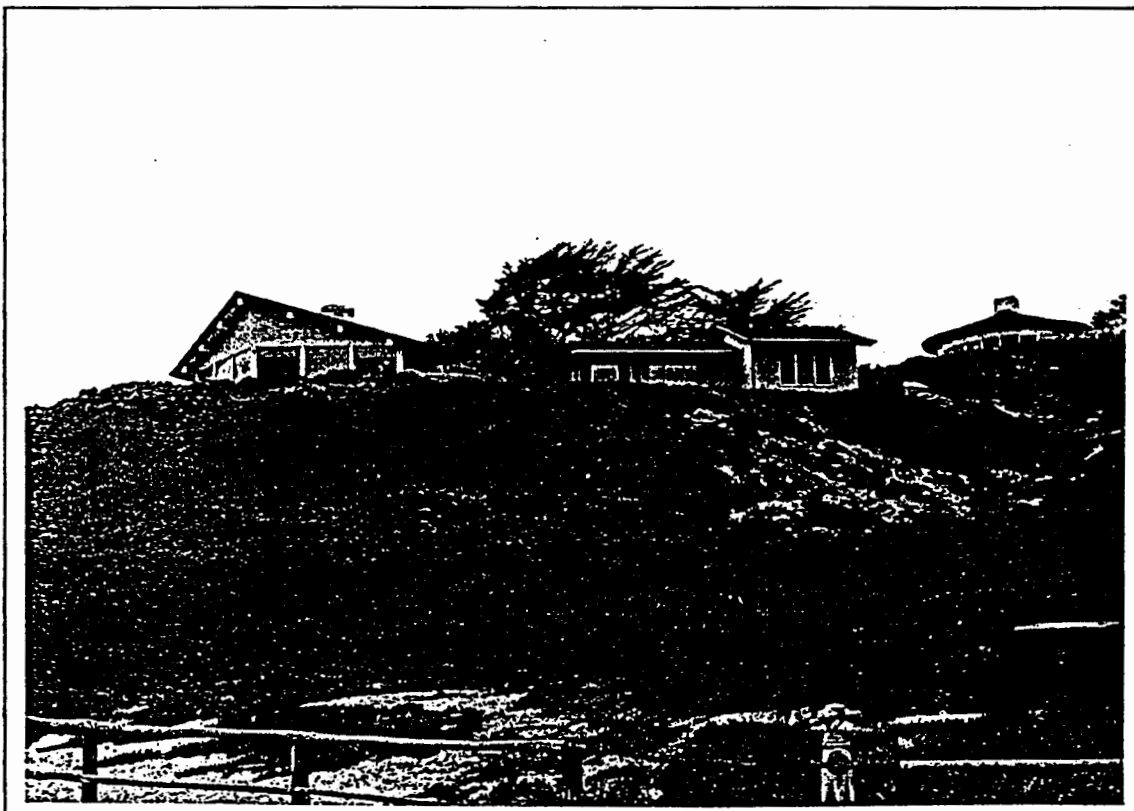



Photo 8. Lot 11: Pre-Coastal Act; 17% coverage.

 <p>CALIFORNIA COASTAL COMMISSION</p>	<p>Photos of Fanshell Beach Residential Enclave</p>	<p>EXHIBIT 10d</p>
		<p>Murray Smith A-3-Mco-02-058</p>

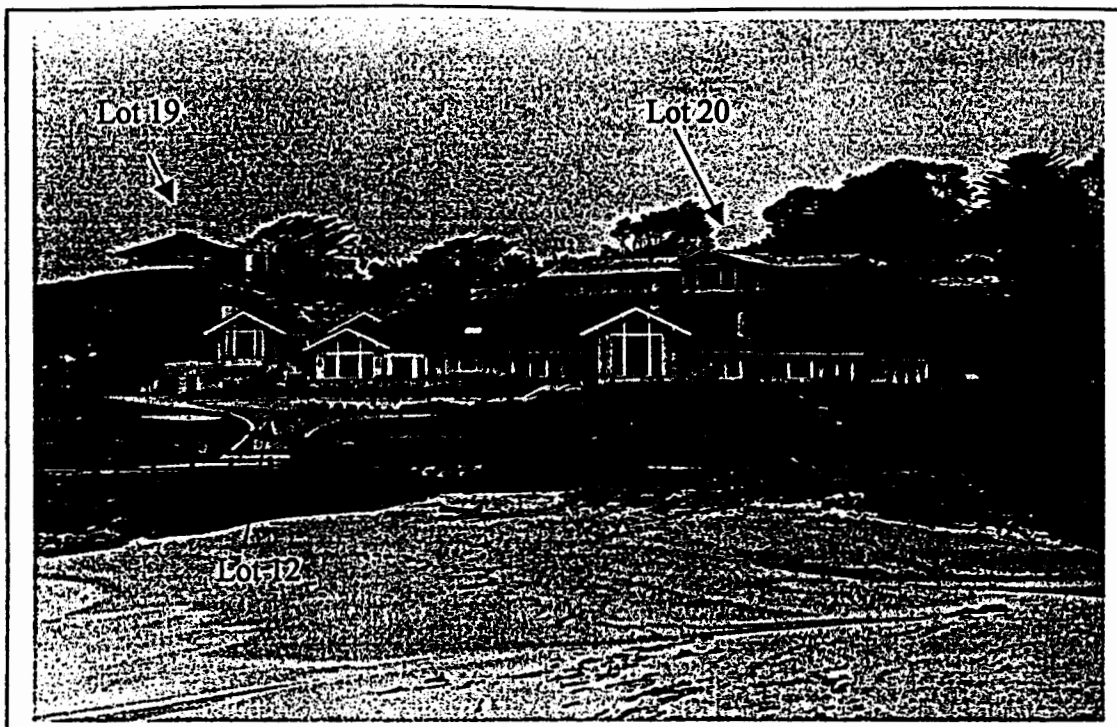


Photo 9. Lot 12 (foreground) CCC CDP; 20% coverage; Lots 19 and 20 (background) Pre-Coastal Act; 17% and 22% coverage.

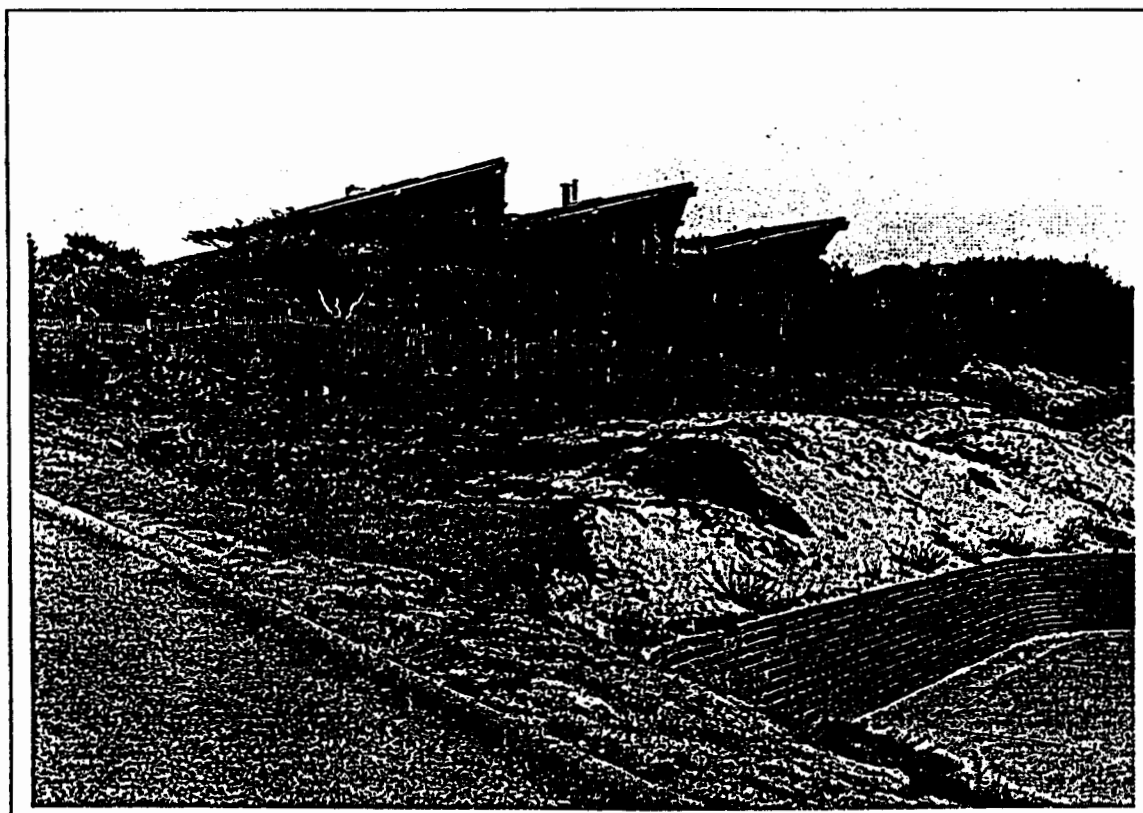


Photo 10. Lot 14: Pre-Coastal Act; 28% coverage.



CALIFORNIA COASTAL COMMISSION

Photos of Fanshell Beach Residential Enclave

EXHIBIT
10e

Murray Smith
A-3-MCO-02-58

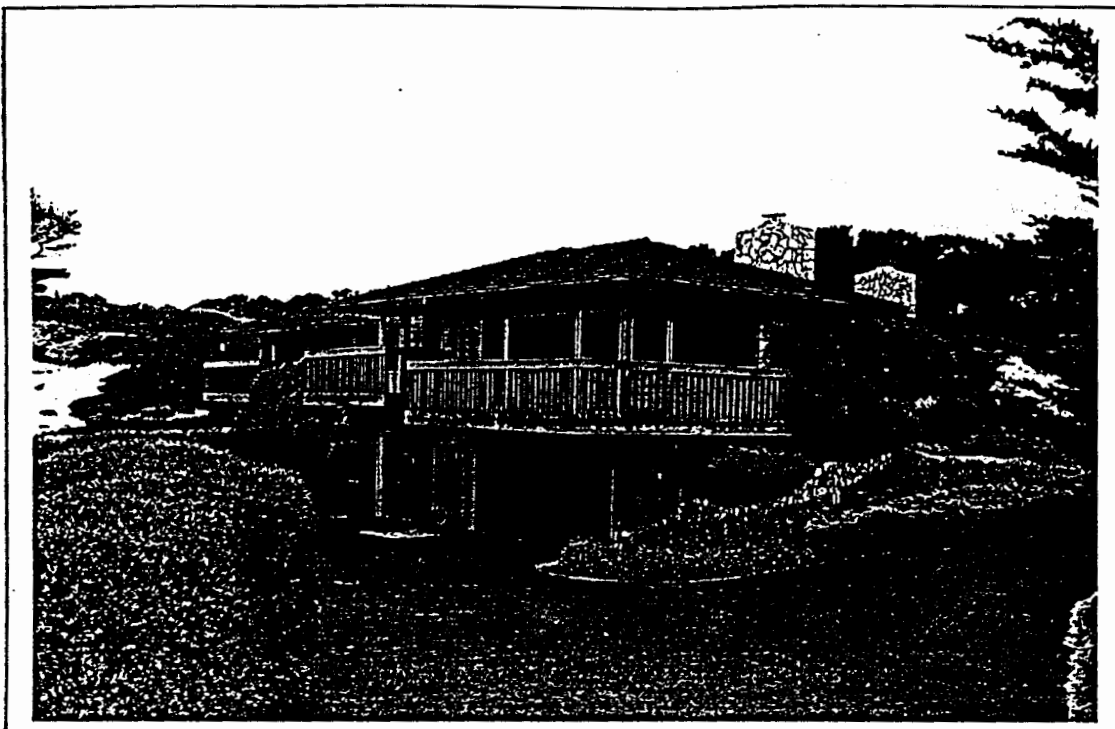


Photo 11. Lot 15: Pre-Coastal Act; 23% coverage.

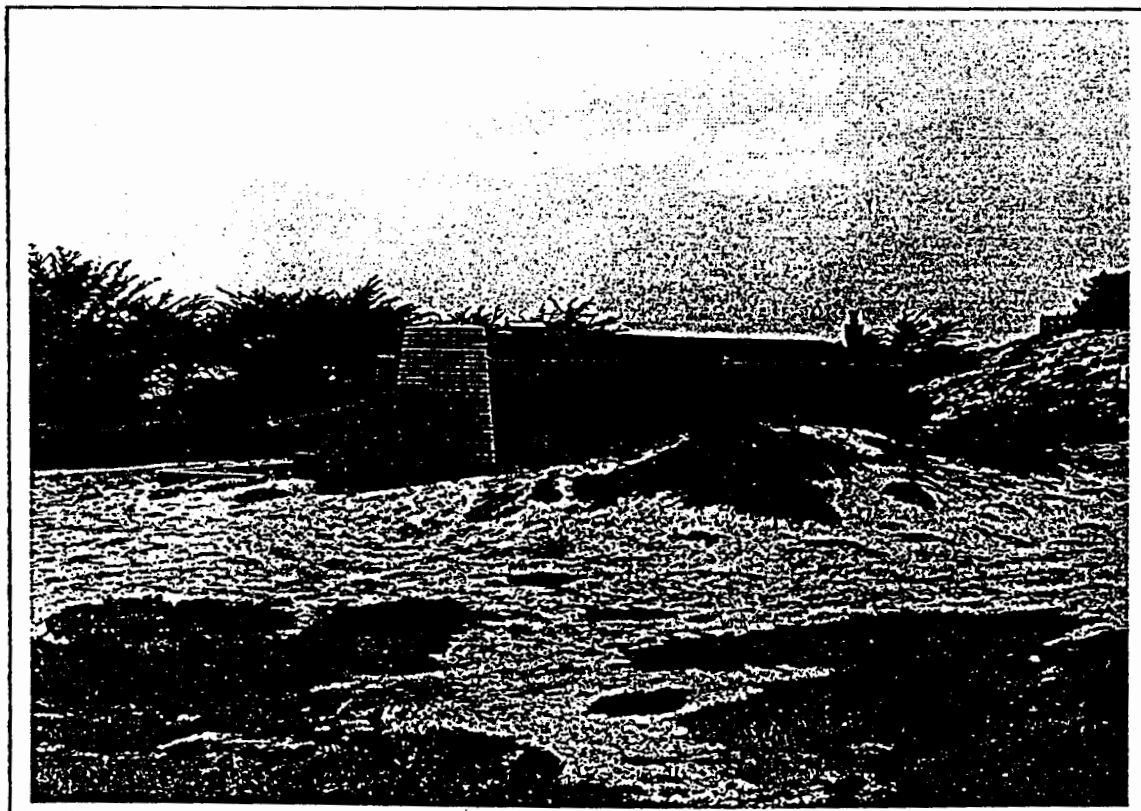



Photo 12. Lot 16: Coastal Commission CDP: 14% coverage.

 <p>CALIFORNIA COASTAL COMMISSION</p>	<p>Photos of Fanshell Beach Residential Enclave</p>	<p>EXHIBIT 10f</p>
		<p>Murray Smith A-3-MCO-02-058</p>

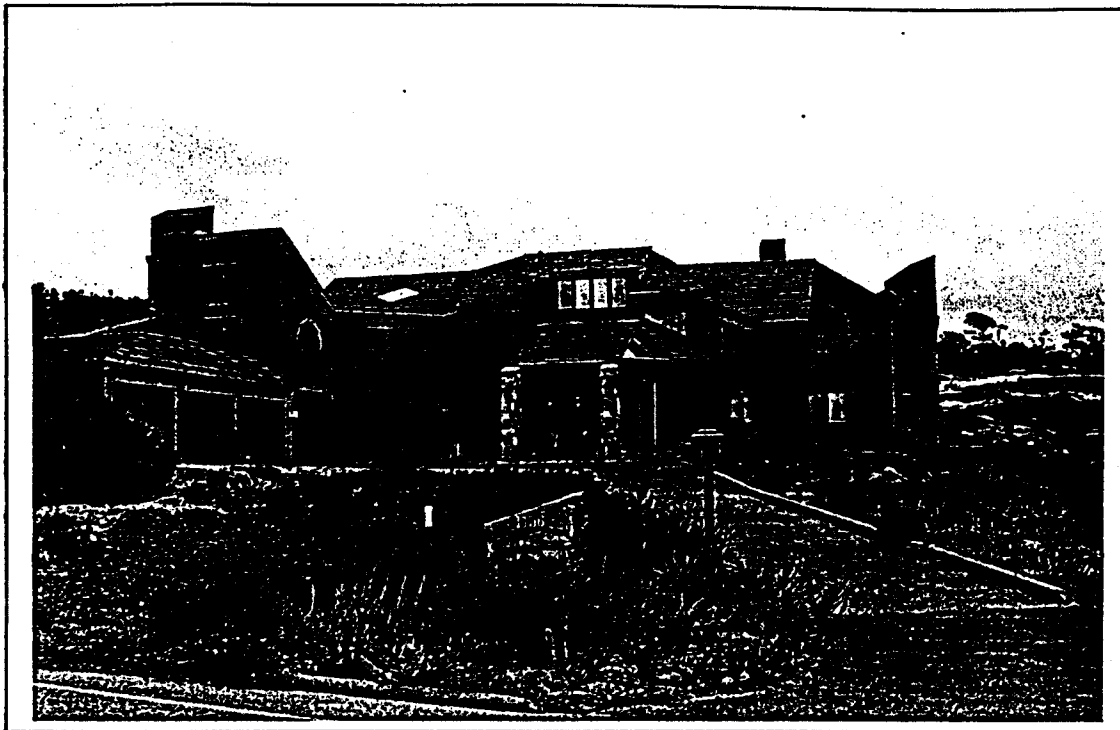


Photo 13. Lots 17: Coastal Commission CDP; 19% coverage.

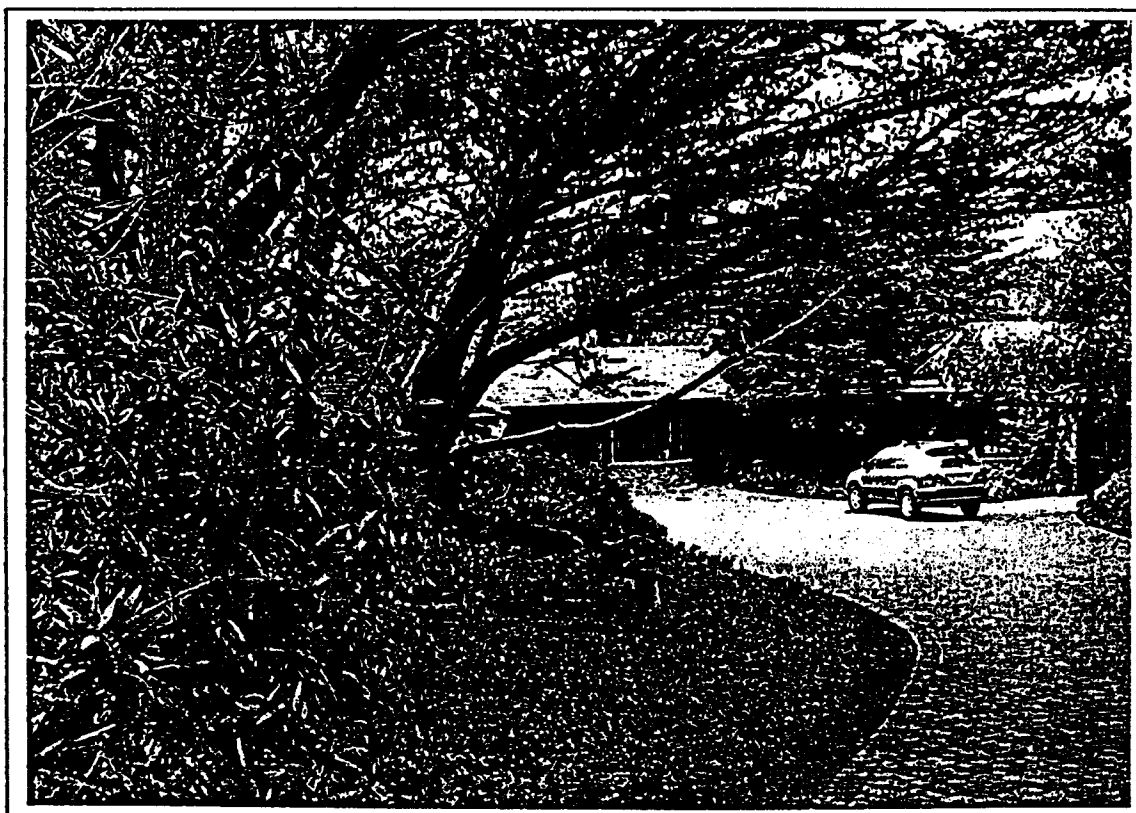


Photo 14. Lot 22: Pre-Coastal Act; 9% coverage.



CALIFORNIA COASTAL COMMISSION

Photos of Fanshell Beach Residential Enclave

EXHIBIT
10g

Murray Smith
A-3-MCO-02-058

Fanshell Beach Residential Enclave*

Lot #	Owner	Original Permit	Year Built	Lot Size(SF)	House Footprint (SF)	Other Coverage (SF)	Percent Coverage	Easement Area (%)	Easement Accepted	House Type	Driveway Parking	APN	Other Permits
1	Berglass	MCO 1996	1996	40,279	6,470	3,912	26%	60%	Yes	One Story	SD BP	008-012-001	No
2	Smith	PCA	1953	42,121	2,140	3,882	14%	None	No	Split Level	SD NP	008-012-007	Subject Project
3	Berolz Heimer	PCA	1961	49,644	6,419	10,324	34%	No	No	One Story	NSD BP	008-012-006	MCO 1998 D.A. 0021
4	Sanders	PCA	1952	41,500	4,472	6,538	26%	None	No	One Story	NSD BP	008-012-005	No
5	Findlay	PCA	1959	39,600	Total coverage 15,840		40%	None	No	"Dug in" Split level home	SD BP	008-263-007	MCO 1989 Caretaker Unit
6	Davis	PCA	1972	51,920	Total coverage 14,124		27%	None	No	"Dug in" Split level home	NSD BP	008-263-006	
7	Peters	CCC 1980	1980	41,500		4,150	10%	90%	Yes	"Dug in" Split level home	SD NP	008-263-005	
8	Barret Simonson	CCC 1981	1981	51,439	7,715	3,340	21%	87%	Yes	Split Level Two Story	SD NP	008-263-003	MCO 1991 4356 SF Add.
9	Ford	PCA	1954	55,440	Total coverage 12,804		23%	None	None	One Story	SD NP	008-263-002	
10	O'Brien	CCC 1973	1973	51,480	Total coverage 8,932		17%	None	None	One Story	SD NP	008-263-001	
11	O'Sullivan	PCA	1956	62,480	Total coverage 10,560		17%	None	None	One Story	SD NP	008-261-003	
12	Feduniak Bonanno	CCC	1985	71,500	7,500	7,000	20%	86%	Yes	Partial Two Story	NSD BP	008-261-002	MCO 1996 Caretaker Unit + Pav.
13	Collin & Carol Peters			103,237	Vacant Lot			None	None	None		008-261-001	MCO 2001 Well Denied
14	Vimig	PCA	1970	55,000	5,757	9,949	28%	None	No	"Dug in" Split level home	NSD BP	008-012-013	No
15	Napoli Inn.	PCA	1972	44,440	3,420	6,757	23%	None	No	"Dug in" Split level home	NSD BP	008-012-015 & 012	No
16	Olvis	CCC 1981	1981	44,000	2,569	3,633	14%	70%	Yes	Two Story	SD NP	008-012-014 & 011	No
17	Robinson Dunwoodie	CCC 1983	1984	42,600	5,848	2,221	19%	81%	Yes	Two Story	SD BP	008-263-008	MCO D.A. 95-138 Add.
18	Littlefield	CCC 1983	1983	56,873	Total coverage 8,530		15%	85%	Yes	Partial Two Story	SD NP	008-261-004	
19	Booze	PCA	1953	53,240	Total coverage 9,020		17%	None	No	One Story	SD NP	008-261-005	MCO 1989 441 SF Garage
20	Kim Doo	PCA	1955	63,800	Total coverage 14,212		22%	None	No	One Story	NSD BP	008-261-006	
21	Mettler	PCA	1959	93,720	Total coverage 11,660		12%	None	No	"Dug in" Split level home	SD NP	008-261-007	
22	Reeves	PCA	1948	103,400	Total coverage 9,548		9%	None	No	One Story	SD BP	008-261-010	

* See next page for chart notes and legend

Exhibit 11

Chart Notes (Exhibit 11)

1. PCA (Initial permit was issued before coastal initiative), CCC (Commission CDP); MCO (Monterey County CDP); SD (Simple Direct Driveway Access); NSD (Not Simple Direct Access); NP (Normal Amount of Parking for Single Family Home); BP (Large Amount of Parking for Single Family Home)
2. Calculations regarding site coverage, house height (stories), lot size, and driveway configuration for lots 1, 2, 3, 4, 14, 15, and 16 were made from photometric survey Monterey County assessor parcel maps, plans in commission files and field observation.
3. Calculations regarding site coverage, house height (stories), lot size, and driveway configuration for lots 5, 6, 9, 10, 11, 19, 20, 21, and 22 were made from Monterey County GIS information, Monterey County assessor parcel maps, and field observation.
4. Calculations regarding site coverage, house height (stories), lot size, and driveway configuration for lots 7, 8, 12, 17, and 18 were made from information and plans in commission files, Monterey County assessor parcel maps and field observations.
5. Assumptions: One acre=44,000 SF (for GIS calculations), separate building and paving coverages included where possible (information from photometric survey, actual building plans, staff reports), building and paving coverages are combined for sites for which only GIS information was available and are best estimates.
6. Easement information was obtained from Monterey County staff reports and California Coastal Commission.
7. Lot 8 Figures on chart are for original approval by commission, subsequent MCO permit brings coverage to 22% (1991 addition of +/- 3931 structure and 1000 SF.).
8. Lot 12 Figures on chart are for original approval by commission, subsequent MCO permit brings coverage to 22% (1996 addition of garage/caretaker unit plus paving, +/- 1500 SF.).
9. M.N. will supply info