

CALIFORNIA COASTAL COMMISSION

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COASTAL DEVELOPMENT PERMIT APPLICATION**Application number**3-04-021**Applicant**.....J.H. & Wendy J. Evans**Project location**.....398 Calle de los Amigos, in the Asilomar Dunes area in Pacific Grove, Monterey County (APN 007-061-18).**Project description**Remodel and addition to an existing 2,997 square foot single family residence and 546 square foot garage; increase in building footprint of 140 sf; removal of 770 sf of walkways, and landscape restoration of 79% of site.

	Existing	Proposed
Project Site =	26,505 square feet	26,505 square feet
Structural Coverage =	2,222 square feet (8.4%)	2,362 square feet (8.9%)
Non-Structural Impervious Area =	2,754 square feet (10.4%)	2,278 square feet (8.6%)
Total Lot Coverage =	4,976 square feet (18.8%)	4,640 square feet (17.5%)

Local approval.....City of Pacific Grove: Architectural Review Board (ARB); final architectural approval on 2/24/04 (AA #3284-03).**File documents**.....Botanical Survey Report by Thomas Moss (08/24/2003); Landscape Restoration Plan by Thomas Moss (08/24/03); Revised Landscape Restoration Plan by Thomas Moss (02/25/04); Preliminary Cultural Resources Reconnaissance (July 2003); Adopted Mitigation Monitoring Program (02/24/04); City of Pacific Grove certified Land Use Plan.**Staff recommendation** ...**Approval with Conditions**

Summary: The applicant proposes to remodel an existing, two-story, 3,543 square foot single-family residence and garage, and add approximately 140 square feet of floor area on a 26,505 square foot lot in the Asilomar Dunes neighborhood of the City of Pacific Grove (See Exhibits A, B and C). In addition to the proposed remodel, the applicant proposed to remove 770 square feet of impervious materials from the site and restore 79% of the site to its natural condition. The City has a certified Land Use Plan (LUP), but the Implementation Plan has not yet been certified. Therefore, a coastal development permit for the project must be obtained from the Coastal Commission and the proposal is subject to the policies



California Coastal Commission
August 11, 2004 Meeting in San Pedro

Staff: M. Watson Approved by: *DL*

of Chapter 3 of the Coastal Act. The policies of the City's LUP can also be looked to for guidance. However, the present structure was built prior to the Coastal Act and certification of the Land Use Plan, and therefore was not subject to the standards in the certified LUP.

The Asilomar Dunes area has a number of unique biological and geological resources, including at least ten plant and one animal species of special concern, and dune landforms that are comprised almost entirely of quartz sand. Dunes are considered environmentally sensitive habitat areas (ESHA) because they include plant or animal life or their habitats, which are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. The subject parcel is comprised of dune habitat, and contains the existing house and appurtenant structures.

In order to minimize disturbance to the unique, environmentally sensitive dune habitat that characterizes this area while still allowing an economic use of the property, the total maximum aggregate lot coverage under the City's LUP is limited to 15 percent of the lot area. As defined in the LUP, calculation of the maximum aggregate lot coverage includes buildings, driveways, patios, decks that do not allow for the passage of water and light to the dune surface, and any other features that eliminate native plant habitat. Additionally, the certified LUP allows another 5% of the property to be retained in "immediate outdoor living area" if landscaped to avoid impervious surfaces. Taken together, the LUP provides that total "disturbance" of the environmentally sensitive dune habitat shall not exceed 20% of the lot, 80% must be retained in permanent open space.

The maximum allowable aggregate lot coverage for the 0.61-acre (26,505-sf) project site is 3,976 square feet. The existing coverage on site consists of the ground level of a single-family dwelling (1,676 sf), a two-car garage (546 sf), driveway (710 sf), walkways and patio area (1,983 sf), and a bomb shelter (61 sf). These developed areas currently total 4,976 square feet of coverage (18.8%). The proposed project includes a remodel of the existing house, a small (140 sf) addition to the residence, a new deck (394 sf), realignment and slight lengthening of a walkway (276 sf), removal of a second walkway (806 sf), and immediate outdoor living space (455 sf). Thus, the total aggregate coverage as proposed is 4,640 square feet, or 17.5%. Though the proposed development exceeds the 15 percent maximum aggregate lot coverage allowed standard, it does represent an improvement over the existing aggregate lot coverage. Additionally, the applicant proposes approximately 890 square feet of immediate outdoor living space and restoration of that portion of the site outside of the development envelope with native dune habitat. Total aggregate lot coverage/immediate outdoor living area disturbance results in 20.9% of the project site unavailable for dune protection and restoration, 79% of the site restored to native dune habitat.

As conditioned to limit combined site coverage/immediate outdoor living area to 20% of the site and restore and preserve the remaining 80% portion of the site as dune habitat, the project will comply with the intent of the certified LUP, and mitigate for impacts to environmentally sensitive habitat. The project is also consistent with Coastal Act policies protecting scenic and archaeological resources. Therefore, as conditioned, Staff recommends approval.



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I. Staff Recommendation on CDP Application

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

Motion. I move that the Commission approve Coastal Development Permit Number 3-04-021 pursuant to the staff recommendation.

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

Resolution to Approve a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development as conditioned, although not in conformity with the policies of Chapter 3 of the Coastal Act can be approved to avoid an impermissible taking of private property. Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to lessen significant adverse effects of the development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

II. Conditions of Approval

A. Standard Conditions

- 1. Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
- 2. Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
- 3. Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
- 4. Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.



5. **Terms and Conditions Run with the Land.** These terms and conditions shall be perpetual, and it is the intention of the Commission and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions.

B. Special Conditions

1. **Incorporation of City's Mitigation Requirements.** The Mitigations and Mitigation Monitoring Program adopted by the City of Pacific Grove for its final Mitigated Negative Declaration for this project are attached as Exhibit J to this permit; these mitigations are hereby incorporated as conditions of this permit.

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

2. **Revised Landscape Restoration Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for the Executive Director's review and approval, two sets of revised landscape restoration plans for the entire lot outside of the building envelope (Landscape Restoration Area) as described and depicted on the submitted site plans and shown on Exhibit K. The revised landscape restoration plan shall be in substantial conformance with the approved February 25, 2004 Landscape Restoration Plan prepared by Thomas K. Moss and amended to include the undeveloped areas due east of the existing garage and driveway for dune restoration using California native plant species appropriate to the site. The plan shall include an analysis by a qualified expert that considers the specific condition of the site including soil, exposure, temperature, moisture, and wind, as well as restoration goals. At a minimum, the plan shall demonstrate that:

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

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

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



Implementation of the Landscape Restoration Plan shall commence prior to final building inspection. Installation of all plants shall be completed within one year following final building inspection approval. 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 Revised Landscape Restoration 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.

The Landscape Restoration Area shall be maintained in a healthy, growing condition for the life of the project.

3. Uses Permitted in the Landscape Restoration Area.

A. No development, as defined in section 30106 of the Coastal Act shall occur in the Landscape Restoration Area described and depicted in an Exhibit attached to the Notice of Intent to Issue Permit (NOI) that the Executive Director issues for this permit except for:

1. Restoration, protection, and enhancement of native habitat and/or sensitive resources as specifically called for in Special Condition 2, the Revised Landscape Restoration Plan.
2. Temporary fencing to protect restoration areas and perimeter fencing around the immediate outdoor living area;
3. Utilities necessary to serve the residential use;

B. PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI OF THIS PERMIT, the Applicant shall submit for review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, which shall include all portions of Assessor Parcel 007-061-018 outside of the approved development footprint, as generally described and shown on Exhibit K attached to this staff report.



4. Deed Restriction. 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 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.

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Description

1. Project Location

The site of the proposed demolition and reconstruction is a 26,505 square foot lot located at 398 Calle de los Amigos in the Asilomar Dunes neighborhood of the City of Pacific Grove. The Asilomar Dunes neighborhood is mapped as the area bounded by Lighthouse Avenue, Asilomar Avenue, and the northern boundary of Asilomar State Park to the south (See Exhibits A, B and C).

The parcel is located in an area zoned R-1-B-4, Single Family Residential, with a minimum parcel size of 20,000 square feet. Development within the surrounding neighborhood is characterized by one and two-story single-family dwellings. Similar to the surrounding residences, the existing house is sited relatively close to the road, leaving roughly 78% of the lot in undeveloped dune habitat. This low-density zoning on relatively large lots gives this area an open-space character consistent with the zoning and low-density residential Land Use Plan designation.

The entire site is considered to be environmentally sensitive habitat area (ESHA), as are all lots located within the Asilomar Dunes area. This is due in part to the existence of up to ten plant species and one animal specie of special concern that have evolved and adapted to the harsh conditions found in the Asilomar Dunes system. Increasing development pressure has reduced the amount of available habitat and thus the range of these species. The site is also located within an archaeologically sensitive area (see



Exhibit E). Therefore, an archaeological survey was conducted for the subject parcel and a report prepared by Susan Morely in July 2003.

2. Project Description

The applicants propose to remodel an existing 2,997 square foot, two-story single family residence and 546 square foot garage, and construct approximately 140 square feet of additional floor area in the Asilomar Dunes neighborhood of the City of Pacific Grove (Exhibit G). The existing development on site consists of 2,222 square feet of structural coverage and 2,754 square feet of impervious surface, resulting in total site coverage of 18.8%. As designed, the new project's total site coverage, which includes the residence, the garage, a patio, walkway, and a paved driveway (17.5% total), exceeds the 15% maximum aggregate lot coverage (4,640 square feet for the .61-acre lot) allowed under the City's approved LUP. However, the existing residence was constructed pre-coastal act and prior to certification of the certified LUP. The coverage factor does not take into account the immediate outdoor living areas (3.4%), which although permeable, is typically landscaped with exotic non-native species and not readily available for restoration to dune ESHA.

According to the site plans, remodeling of and addition to the residence will take place primarily within the footprint of the existing dwelling and lot coverage, with the exception of 165 square feet of decking and a 276 square foot walkway. The biological report states the entire property was searched for the presence of rare plants of the Asilomar Dunes, with the primary focus of the plant survey being the area proposed for the new coverage. One protected plant species, Tidestrom's lupine, was found approximately 20 – 30 feet from the proposed addition; no other species of concern were observed on the site. Though, no sensitive plants were found in the project area, the potential for high-quality habitat on this site is excellent. Monterey pines occur naturally on site in the swale south of the residence, and elsewhere around the existing residence. No trees will be affected by or removed during the course of construction.

B. Standard of Review

The Asilomar Dunes portion of the City of Pacific Grove is within the coastal zone, but the City does not have a certified LCP. The City's Land Use Plan (LUP) was certified in 1991, but the zoning, or Implementation Plan (IP) portion of the LCP has not yet been certified. The City is currently working to complete the IP. Because the City does not yet have a certified LCP, the Coastal Commission must issue coastal development permits, with the standard of review being the Coastal Act, although the certified LUP may serve as an advisory document.

C. Issue Analysis

1. Environmentally Sensitive Habitat Areas

a. Applicable Environmentally Sensitive Habitat Area (ESHA) Policies



Coastal Act Section 30240, states:

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

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

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

While Coastal Act policies are the standard of review for coastal development permits until the City completes its LCP, the City's LUP also provides guidance to the Commission as it considers proposals for development in the Asilomar Dune neighborhood. With regards to environmentally sensitive habitat areas, the LUP contains the following relevant policies:

LUP Policy 2.3.5.1. New development in the Asilomar dunes area (bounded by Asilomar Avenue, Lighthouse Avenue, and the boundary of Asilomar State Park) shall be sited to protect existing and restorable native dune plant habitats... No development on a parcel containing esha shall be approved unless the City is able to find that, as a result of the various protective measures applied, no significant disruption of such habitat will occur.

LUP Policy 2.3.5.1.d. The alteration of natural land forms and dune destabilization by development shall be minimized. Detailed grading plans shall be submitted to the City before approval of coastal development permits.

LUP Policy 2.3.5.1.e If an approved development will disturb dune habitat supporting or potentially supporting Menzies' wallflower, Tidestrom's lupine or other rare or endangered species, or the forest front zone along Asilomar Avenue south of Pico Avenue, that portion of the property beyond the approved building site and outdoor living space (as provided in section 3.4.5.2) shall be protected by a written agreement, deed restrictions or conservation easement granted to an appropriate public agency or conservation foundation. These shall include provisions which guarantee maintenance of remaining dune habitat in a natural state, provide for restoration of native dune plants under an approved landscape plan, provide for long-term monitoring of rare and endangered plants and maintenance of supporting dune or forest habitat, and restrict fencing to that which would not impact public views or free passage of native wildlife. Easements, agreements or deed restrictions shall be approved prior to commencement of construction and recorded prior to sale or occupancy.

LUP Policy 2.3.5.1.g. Require installation of utilities in a single corridor if possible, and should avoid surface disturbance of areas under conservation easement.



LUP Policy 3.4.4.1. All new development shall be controlled as necessary to ensure protection of coastal scenic values and maximum possible preservation of sand dunes and the habitat of rare and endangered plants.

Section 3.4.5.2 of the LUP specifies the maximum aggregate lot coverage allowed for new development in the Asilomar Dunes area as follows:

LUP Policy 3.4.5.2. Maximum aggregate lot coverage for new development in the R-1-B-4 zoning districts is 15% of the total lot area. For purposes of calculating lot coverage under this policy, residential buildings, driveways, patios, decks (except decks designed not to interfere with passage of water and light to dune surface below) and any other features that eliminate potential native plant habitat will be counted. However, a driveway area up to 12 feet in width the length of the front setback shall not be considered as coverage if surfaced by a material approved by the Site Plan Review Committee. An additional 5% may be used for immediate outdoor living space, if left in a natural condition, or landscaped so as to avoid impervious surfaces, and need not be included in the conservation easement required by Section 2.3.5.1(e). Buried features, such as septic systems and utility connections that are consistent with the restoration and maintenance of native plant habitats, need not be counted as coverage.

b. ESHA Analysis

1. Description of Environmentally Sensitive Habitat

The proposed development is located in the Asilomar Dunes area, an environmentally sensitive habitat area located at the seaward extremity of the Monterey Peninsula. The Asilomar Dunes area is a sand dune complex located west of Asilomar Avenue between Lighthouse Avenue and the shoreline south of Asilomar State Park. It extends inland from the shoreline dunes and bluffs through a series of dune ridges and interdune swales to the edge of Monterey pine forest. The unusually pure, white quartz sand in this area was formerly stabilized by a unique indigenous dune flora. However, only a few acres of the original approximately 480-acre habitat area remain in a natural state. The balance of the original habitat has been lost or severely damaged by sand mining, residential development, golf course development, trampling by pedestrians, and the encroachment of non-indigenous introduced vegetation.

While a number of preservation and restoration efforts have been undertaken, most notably at the Spanish Bay Resort, Asilomar State Beach, and in connection with previously approved residential developments on private lots, certain plants and animals, characteristic of this environmentally sensitive habitat, have become rare or endangered. The Asilomar Dune ecosystem includes up to ten plant species and one animal species of special concern that have evolved and adapted to the desiccating, salt-laden winds and nutrient poor soils of the Asilomar Dunes area.

The best known of these native dune plants are the Menzie's wallflower, Monterey spineflower and the Tiedstrom's lupine, all of which have been reduced to very low population levels through habitat loss and are Federally-listed endangered species. Additionally, the native dune vegetation in the Asilomar Dunes area also includes more common species that play a special role in the ecosystem, for example: the bush lupine which provides shelter for the rare black legless lizard, and the coast buckwheat, which



hosts the endangered Smith's blue butterfly. Because of these unique biological and geological characteristics of the Asilomar Dunes, all properties in the Asilomar Dunes area are located within environmentally sensitive habitat areas (See Exhibit D).

A biological survey report has been prepared for the site (Thomas K. Moss, August 2003) to determine potential impacts of the proposed development. Though the surveys found no threatened or endangered species in the immediate project area. However, the report noted the existence of Tidestrom's lupine on the site, within 20 - 30 feet of the existing house. The report also states that no Tidestrom's lupine occur on the property near the proposed development, and no plant or animal species of special concern will be adversely impacted by the development. However, while there may not be any endangered plants in the building site presently, the nature of the dune habitat is such that they appear at different locations and times. Thus, the whole area is considered habitat as it all has the potential to sustain the endangered plants.

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

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

2. ESHA Impact Analysis

As described above, the entire area of the applicant's 26,505 square foot (0.61-acre) parcel is considered environmentally sensitive dune habitat, Coastal Act Section 30240 allows only resource-dependent uses in ESHA. The proposed development includes a remodel of the existing 3,543 square foot residence and garage, construction of 140 square feet of new floor area; a net decrease in impervious coverage, and a net increase in immediate outdoor living area. Though there is a net decrease in impervious coverage, the applicant is proposing decking and walkways that encroach into previously undisturbed areas of the dunes. The proposal essentially involves redevelopment in the existing developed area with a slight (i.e., less than 10%) expansion beyond the existing footprint. This is consistent with prior Commission decisions, which provided for modest exceptions to the ESHA standard when the project resulted in overall better protection of the ESHA (e.g., the applicant is willing to restore approximately 420 square feet of outdoor living space along with the entire balance of the project site outside the development envelope that will result in 80% of the site protected and restore to native dune habitat).

In order to minimize disturbance to the unique, environmentally sensitive dune habitat that characterizes this area and to allow for a reasonable economic use of the lots, the City's LUP limits the total maximum



aggregate lot coverage for new development to 15% of the lot area. As defined in the LUP, calculation of the maximum aggregate lot coverage includes buildings, driveways, patios, decks that do not allow for the passage of water and light to the dune surface, and any other features that eliminate native plant habitat.

The LUP also allows for an additional 5% coverage that may be used for immediate outdoor living space if it is left in a natural condition or landscaped so impervious surfaces are avoided. This policy creates the potential for roughly 80% of the dune habitat on a lot to be preserved/restored. It also represents an opportunity to bring into conformance non-conforming residences (i.e., existing residences that exceed the coverage and outdoor living space limits) when substantial remodels are proposed and/or when construction expands into previously undisturbed habitat areas.

Currently, the property has an aggregate lot coverage of 4,976 square feet, or 18.8%. The applicant is proposing to reduce the aggregate lot coverage to 4,640 square feet, or roughly 17.5% of the site. Additionally, the site currently has approximately 705 square feet or 2.7% of property dedicated to immediate outdoor living space (i.e., pervious area not restored to natural condition). The applicant is proposing an increase in immediate outdoor living area to approximately 890 square feet or 3.4% of the 26,505 square foot site. Combined, the total existing area of property developed and dedicated to immediate outdoor living space is 5,681 or 21.4% of the site. The applicant's proposal would reduce the amount of aggregate lot coverage and outdoor living area to 5,530 square feet or 20.9% of the site. The proposal represents a modest improvement over existing conditions but still does not conform to the LUP standards for total aggregate lot coverage (15%) and the combined aggregate lot coverage/immediate outdoor living area (20%).

The proposed residential remodel and addition is likewise inconsistent with the ESHA protection standards of the Coastal Act (Section 30240) because it introduces new impervious coverage in previously undisturbed areas and because it fails to conform to the City's certified LUP. The essence of policy 3.4.5.2, establishing the coverage and outdoor living space limits, is to set aside a minimum of 80% of the environmentally sensitive Asilomar dune habitat in permanent open space. Policy 3.4.4.1 similarly requires new development to provide the maximum possible preservation of sand dunes and habitat of rare and endangered plants. Policy 2.3.5.1.e guarantees the long-term maintenance of this dune habitat and provides for restoration of the dunes under an approved landscape plan by requiring a deed restriction, conservation easement, or a written agreement. As submitted, the proposed project is inconsistent with these policies because the project will affect more than 20% of the site (i.e., less than 80 % retained in open space), does not provide the maximum possible preservation of sand dunes, and does not include a deed restriction or other instrument guaranteeing long-term maintenance and restoration of the dune habitat.

Accordingly, several mitigating measures are needed to protect and restore dune habitat value onsite and bring the proposed project into conformance with the certified LUP and the Coastal Act. Special Condition 1 requires the incorporation of the Mitigation Monitoring Program and mitigation measures developed for the project and approved by the City. These measures include erecting temporary fencing to restrict access and disturbance of sensitive habitat, retaining a qualified Biologist to monitor construction and restoration activity, and written verification of mitigation compliance.



Secondly, in order to address project consistency with the LUP standards for preserving sand dunes and habitat of rare plants, the Commission is recommending that the applicant reduce the amount of outdoor living space and increase the amount of property dedicated to habitat restoration such that the proportion of restored area equates to at least 80% of the total property area. The applicant has indicated in discussions with staff, that he is willing to restore a portion of immediate outdoor living area generally east of the garage and west of the proposed walkway along with a narrow vegetated buffer adjacent to the eastside of the driveway to native dune restoration (see Exhibit K). Special Condition 2 requires the submittal of a revised Landscape Restoration Plan identifying the additional property to be restored along with restoration plans, performance criteria, and measures to remediate those portions of the original plan that fail or are not in conformance with the original approved plan.

In order to ensure long-term maintenance of the site, provide for restoration of the dune habitat, and prohibit uses that are inconsistent with habitat restoration and preservation, the Commission recommends Special Condition 3. Special Condition 3 establishes the permitted uses within the Landscape Restoration Area including the restoration activities identified in the Landscape Restoration Plan, temporary fencing included in Special Condition 2, and installation of utilities necessary to serve the development.

Special Condition No. 4 requires recordation of a deed restriction that restricts the use of the property and imposes all Standard and Special Conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the Property. In essence, the deed restriction would ensure that all of the area outside the designated building envelope and immediate outdoor living area shall be preserved in open space and subject to the terms of the permitted uses in Special Condition 2. The deed restriction effectively limits the combined aggregate lot coverage and immediate outdoor living space to 20% of the 26,505 square foot property and serves to prohibit any development or disturbance of the native dune vegetation other than to implement the revised dune habitat Landscaping Restoration Plan. The deed restriction runs with the land in order to ensure that future owners are aware of the constraints associated with this site. Furthermore, as the proposed development is very close to the maximum allowable lot coverage/outdoor living space limit (20%), under the terms of the deed restriction, an increase in the aggregate lot coverage will not be allowed in the future.

c. ESHA Conclusion

The project is proposed to intensify residential development in portions of the lot now occupied by open sand. The project includes a decrease in the amount of impervious surface and revegetation with native dune plants as mitigation.

The LUP standards provide guidance with respect to consistency with Coastal Act Section 30240, and the intensification of the existing residential use and associated impacts are inconsistent with Coastal Act Section 30240. In accordance with Coastal Act Section 30240, and with past Commission actions, it is appropriate to require a deed restriction to protect the environmentally sensitive native dune habitat areas over that portion (a minimum of 80% percent) of the lot not counted as building envelope and immediate outdoor living area. In order to ensure that the habitat values of the site will continue to be protected into the future, such a recorded document is necessary. The recordation of a deed restriction



also provides notice to future property owners regarding the constraints and obligations associated with this site. The deed restrictions allow only those uses necessary for, and consistent with, maintenance of the restricted area as a nature reserve under private stewardship.

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

To ensure that the objectives of the Landscape Restoration Plan are achieved over the long term, the applicant will also be required to record a deed restriction to implement the restoration plan. Future owners of the property would thus have the same obligation for protecting, maintaining and perpetuating the native vegetation on the site. This is consistent with previous Coastal Commission approvals in the Asilomar area, LUP policies and conditions of the City's approval and is necessary to ensure the long-term protection of this habitat consistent with Coastal Act Section 30240.

2. Visual Resources

a. Applicable Visual Resources Policies

Section 30251 of the Coastal Act requires that new development in highly scenic areas "such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation. . ." shall be subordinate to the character of its setting; the Asilomar area is one of those designated in the plan. The Coastal Act further provides that permitted development shall be sited and designed to protect views in such scenic coastal areas; and, in Section 30240(b), requires that development adjacent to parks and recreation areas shall be sited and designed to avoid degradation of those areas.

The City's certified Land Use Plan contains the following relevant policies:

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

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

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



LUP Policy 2.5.5.5. Landscape approval shall be required for any project affecting landforms and landscaping. A landscaping plan, which indicates locations and types of proposed plantings, shall be approved by the Architectural Review Board.

LUP Policy 2.5.5.6. ...Utilities serving new single-family construction in scenic areas shall be placed underground.

LUP Policy 3.4.4.1. All new development in the Asilomar Dunes area shall be controlled as necessary to ensure protection of coastal scenic values and maximum possible preservation of sand dunes and the habitat of rare and endangered plants.

The LUP identifies the Asilomar Dunes area bounded by Lighthouse Avenue, Asilomar Avenue and the Asilomar State Beach and Conference Grounds as a highly scenic area of importance and policies of the LUP as described above serve to protect public views and scenic resources in the Asilomar dunes area. The LUP indicates that south of Lighthouse Avenue, the Asilomar Dunes area has been substantially developed with single-family residential dwellings.

b. Visual Resources Analysis

As designed, the project will not detract from views of the ocean from public viewing areas defined on the Shoreline Access Map (Exhibit F). As the subject parcel is surrounded by other existing development, it is not located in an area that would block any significant existing public ocean views. The project site is visible from Asilomar Ave., Sunset Drive, Pico Avenue, and Calle De los Amigos. Nevertheless, because the project includes only a modest addition to an existing two-story residence, the proposed addition will not significantly obstruct public views to and along the shoreline. Additionally, as shown on the shoreline access map in the LUP (Exhibit F), a public viewing corridor is identified at the corner of Pico Boulevard and Asilomar Avenue. Staff site visit has confirmed that the addition is not visible from this area. Additionally, as the project design is proposed for the close to the maximum allowable site coverage, no future additions will be allowed that would increase the total aggregate site coverage and cause potential visual impacts.

As mentioned, the proposed structure will be mainly visible from Pico and Calle do los Amigos (See Exhibit I), however, it will not further block any views of the ocean, and it blends in with existing residential development. Additionally, the main view to be protected is of the ocean and along Sunset. This project does not interfere with views of the ocean or along Sunset Ave. The proposed development is consistent with the LUP policies described above. The residence has been designed to compliment the natural dune topography, and does not exceed 25 feet as measured from natural existing grade.

As required by LUP Policy 2.5.5.5, final architectural approval was granted by the ARB at the March 9, 2004 hearing. The project as proposed does not block additional views not already obstructed by the existing residence. Accordingly, the project can be found consistent with Section 30251 and 30240(b) of the Coastal Act and LUP visual resource policies.



3. Archaeological Resources

a. Applicable Archaeological Resources Policies

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

Land Use Plan Section 2.4 also provides guidance on this topic as follows:

LUP Policy 2.4.5.1. Prior to the issuance of any permit for development or the commencement of any project within the areas designated on Figure 3, the Archaeological Sensitivity Map, the City in cooperation with the State Historic Preservation Office and the Archaeological Regional Research Center, shall:

- (a) Inspect the surface of the site and evaluate site records to determine the extent of the known resources.*
- (b) Require that all sites with potential resources likely to be disturbed by the proposed project be analyzed by a qualified archaeologist with local expertise.*
- (c) Require that a mitigation plan, adequate to protect the resource and prepared by a qualified archaeologist be submitted for review and, if approved, implemented as part of the project.*

b. Archaeological Resources Analysis

As the subject site is located within an archaeologically sensitive area (See Exhibit E), an archaeological survey was conducted for the subject parcel, and a report prepared by Susan Morely, Registry of Professional Architects (July 2003). The survey results indicated that numerous archaeological sites are located within one kilometer of the project site. Field reconnaissance of the site, conducted July 9, 2003, resulted in no finding of materials frequently associated with prehistoric cultural resources (e.g., dark soil containing soil fragments, broken or fire-altered rocks, bone or bone fragments, etc) on the site. However, since construction activities may unearth previously undisturbed materials, the City has conditioned its permit to require preparation and implementation of an archaeological mitigation plan if archaeological resources are encountered. The City approved mitigation monitoring program including mitigation measures IV.2.1 – IV.2.5 (archaeological resources), have been incorporated as conditions of this permit by Special Condition 1.

c. Archaeological Resources Conclusion

As conditioned [by the City] and incorporated into staff's report via Special Condition 1 to require suspension of work and development of a mitigation plan if archaeological materials are found, the proposed development is consistent with Section 30244 of the Coastal Act and approved LUP



archaeological resource policies.

D. Local Coastal Programs

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

While the northern Asilomar Dunes area was originally included in the work program for the Del Monte Forest Area LUP (approved with suggested modifications, September 15, 1983), the area was annexed by the City of Pacific Grove in October, 1980, and therefore is subject to the City's LCP process. Exercising its option under Section 30500(a) of the Coastal Act, the City in 1979 requested the Coastal Commission to prepare its Local Coastal Program. However, the draft LCP was rejected by the City in 1981, and the City began its own coastal planning effort. The City's LUP was certified on January 10, 1991, and they are currently formulating implementing ordinances. In the interim, the City has adopted an ordinance that requires that new projects conform to LUP policies. (Of course, the standard of review for coastal development permits, pending LCP completion, is conformance with the policies of the Coastal Act.)

The LUP contains various policies that are relevant to the resource issues raised by this permit application, particularly with respect to protection of environmentally sensitive habitat and scenic resources. Finding 1 above summarizes the applicable habitat protection policies; Finding 2 addresses the LUP's visual resource policies; and Finding 3 discusses archaeological resource policies. The City's action on the project also found the project in conformance with LUP policies. Additionally, the conditions of this permit apply, particularly with respect to native plant restoration and maintenance.

Finally, the City of Pacific Grove does not have a certified Implementation Plan. In this case, the applicant is proposing a remodel and addition that modifies less than 5% of the existing structure, thus it is treated as an improvement to an existing single family residence. Furthermore, as conditioned to minimize and mitigate for the impacts associated with the development of a use inconsistent with Coastal Act Section 30240, the project does not prejudice the ability of the City of Pacific Grove to complete an LCP consistent with Chapter 3 of the Coastal Act, and is in conformity with Section 30604(a).

Therefore, as conditioned, the proposed development is consistent with the Coastal Act and will not prejudice the ability of the City of Pacific Grove to prepare and implement a complete Local Coastal Program consistent with Coastal Act policies.

E. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding must be made in conjunction with coastal development permit applications showing the application to be consistent with

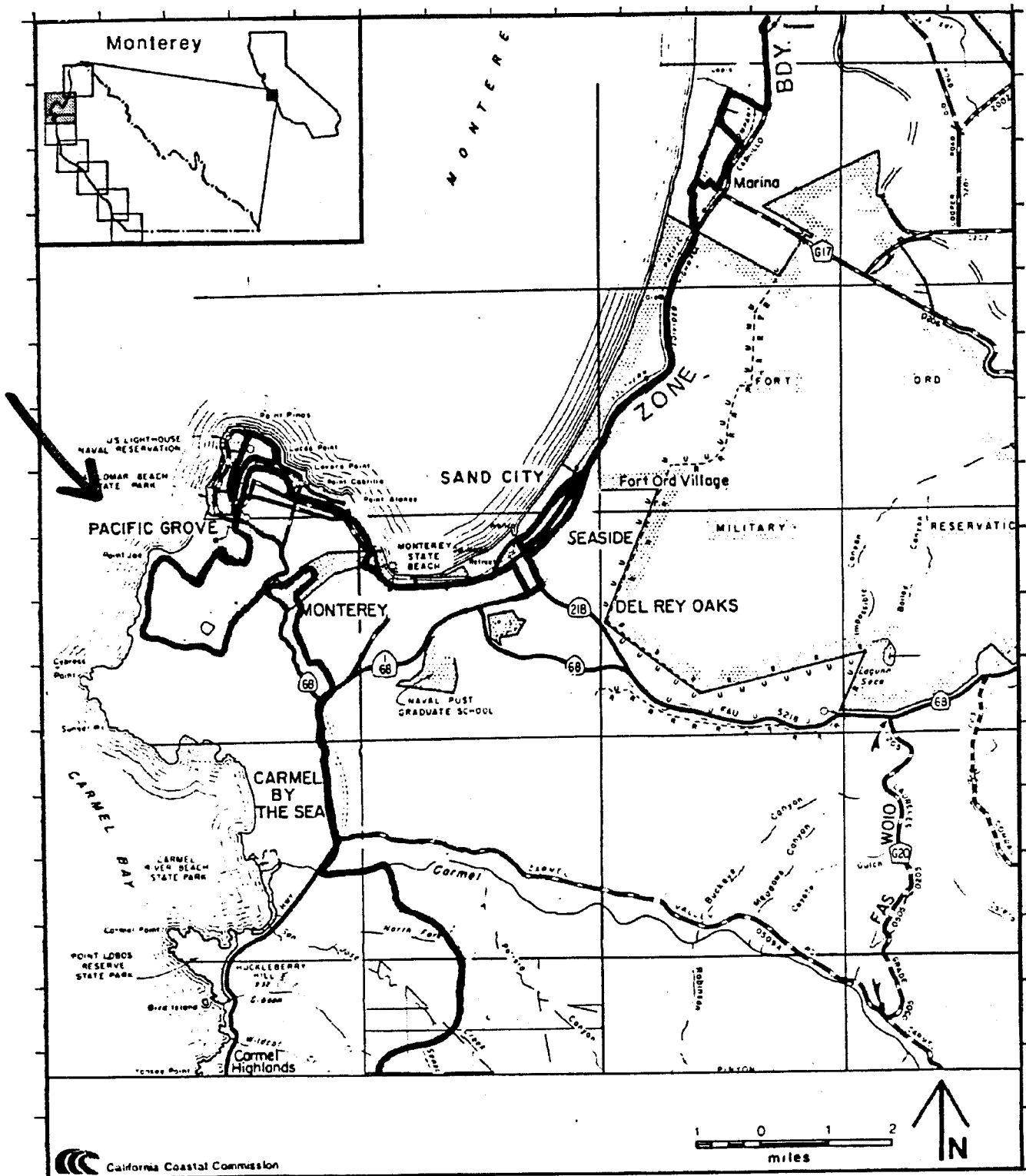


any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available that would substantially lessen any significant adverse effect that the activity may have on the environment.

The environmental review of the project conducted by commission staff involved the evaluation of potential impacts to relevant coastal resource issues, including environmentally sensitive dune habitat, visual resources and archaeologically sensitive resources. This analysis is reflected in the findings that are incorporated into this CEQA finding. No public comments were received by Commission staff.

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





CCC Exhibit A
 (page 1 of 1 pages)
 3-04-021

Project Location



SEE MAP 54

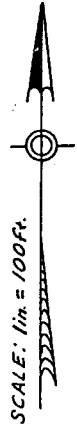
DETAIL

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CCC Exhibit (page 1 of 1 pages)

3-04-021

B



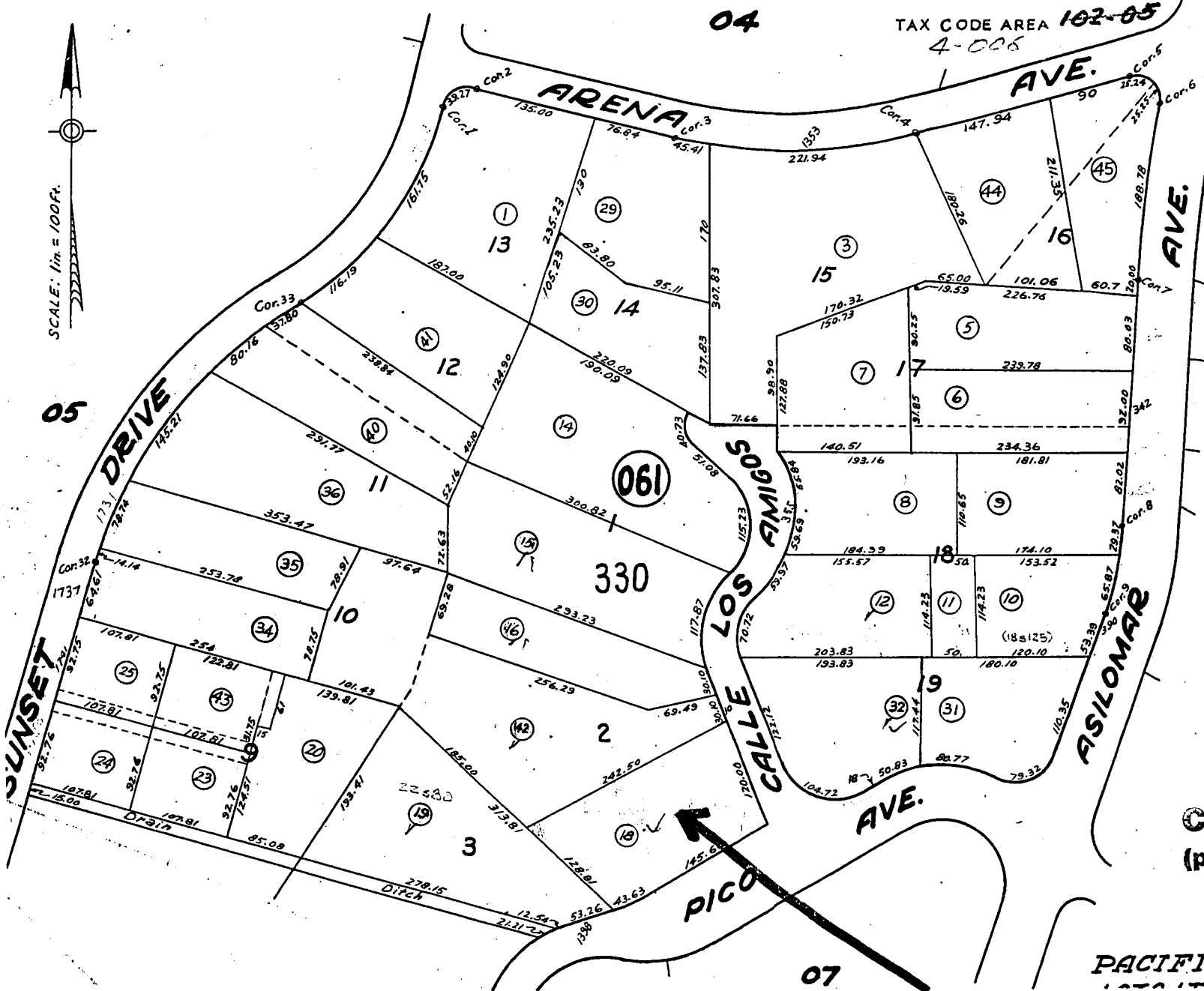
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04

TAX CODE AREA 102-05
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ASSESSOR'S MAP
BOOK 7 PAGE 06

THIS MAP IS INTENDED TO BE USED FOR
PROPERTY TAX ASSESSMENT PURPOSES ONLY.



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6-39

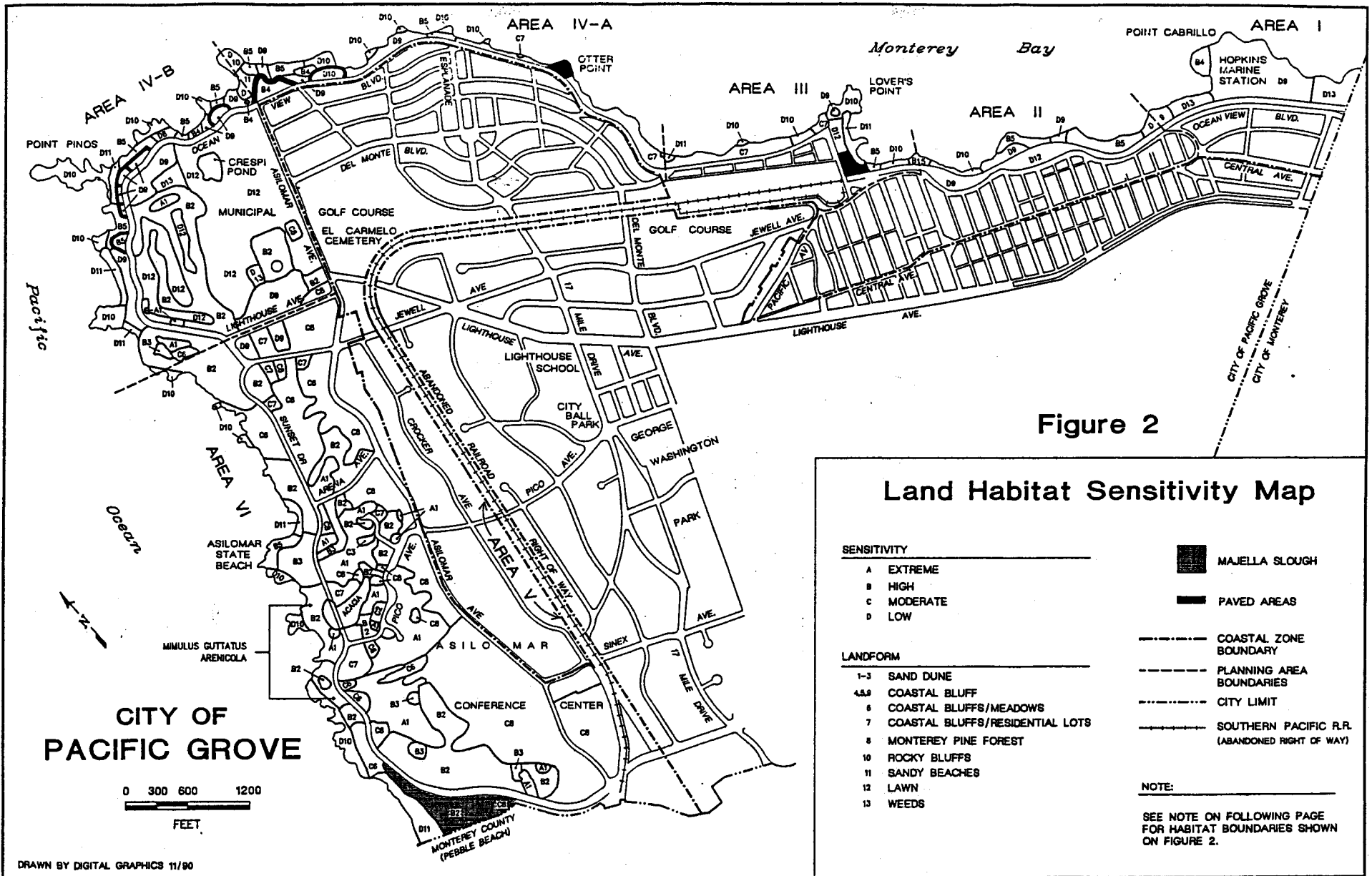
CCC Exhibit C
(page 1 of 1 pages)

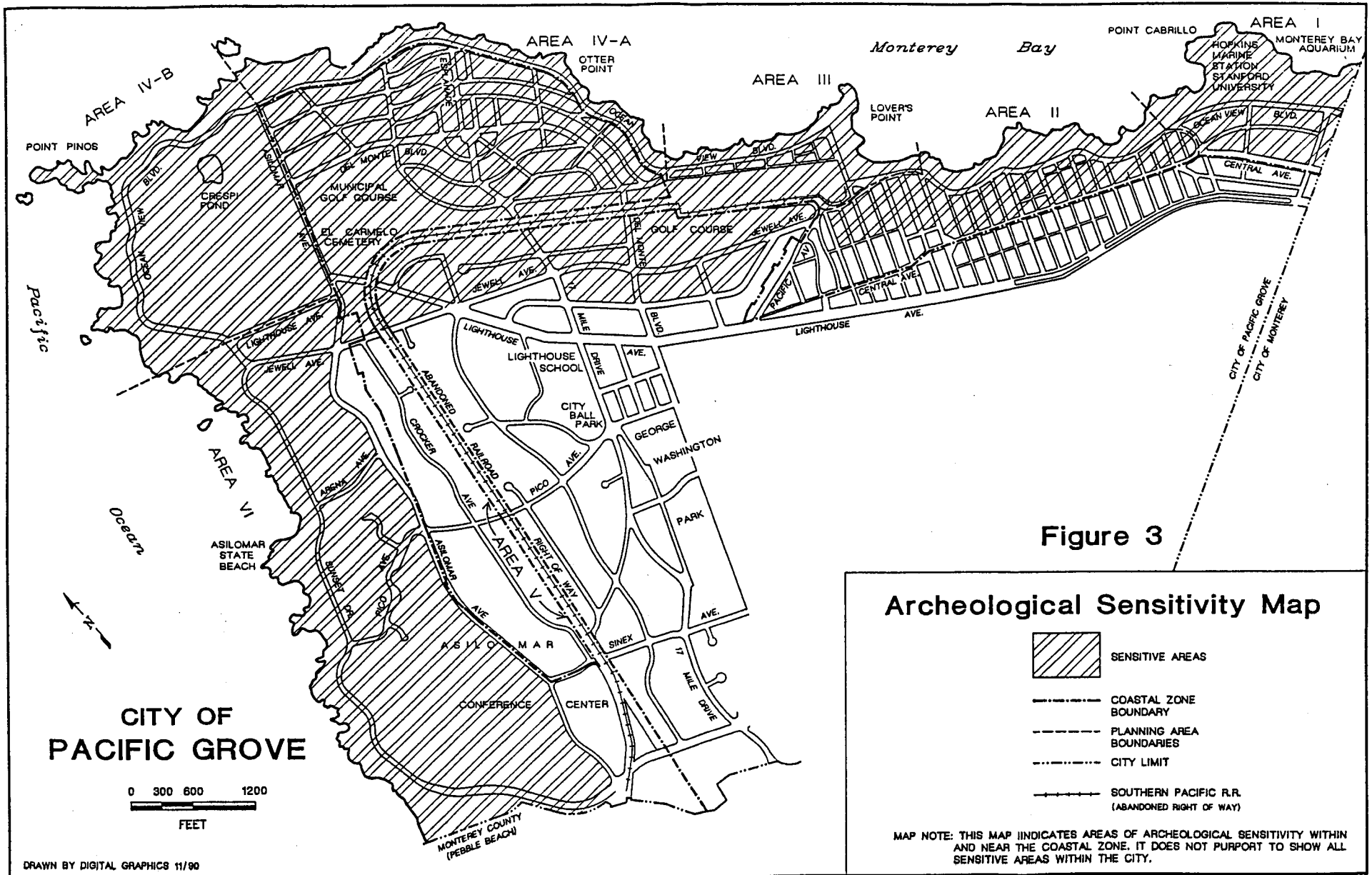
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07

Project Location





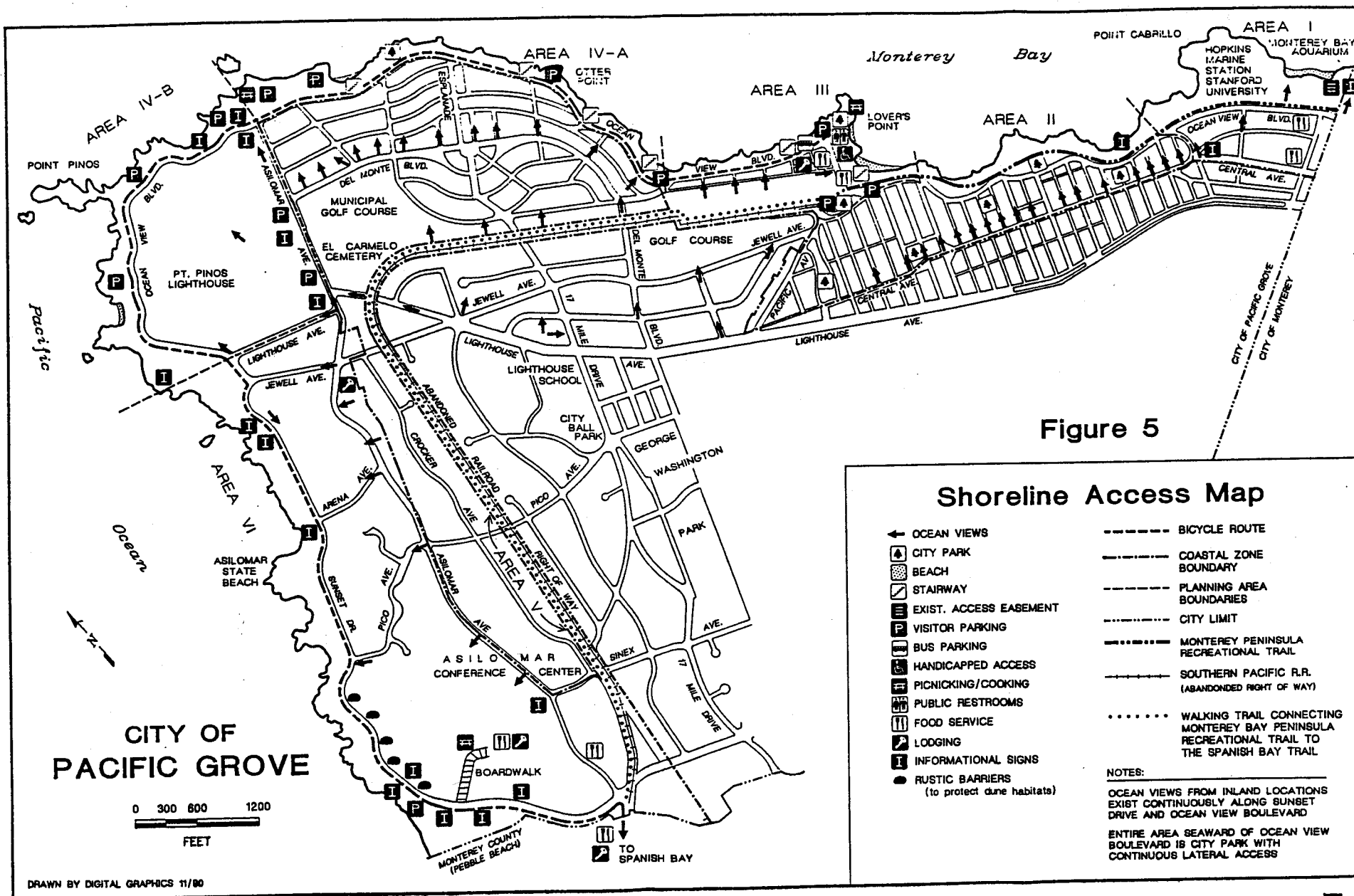
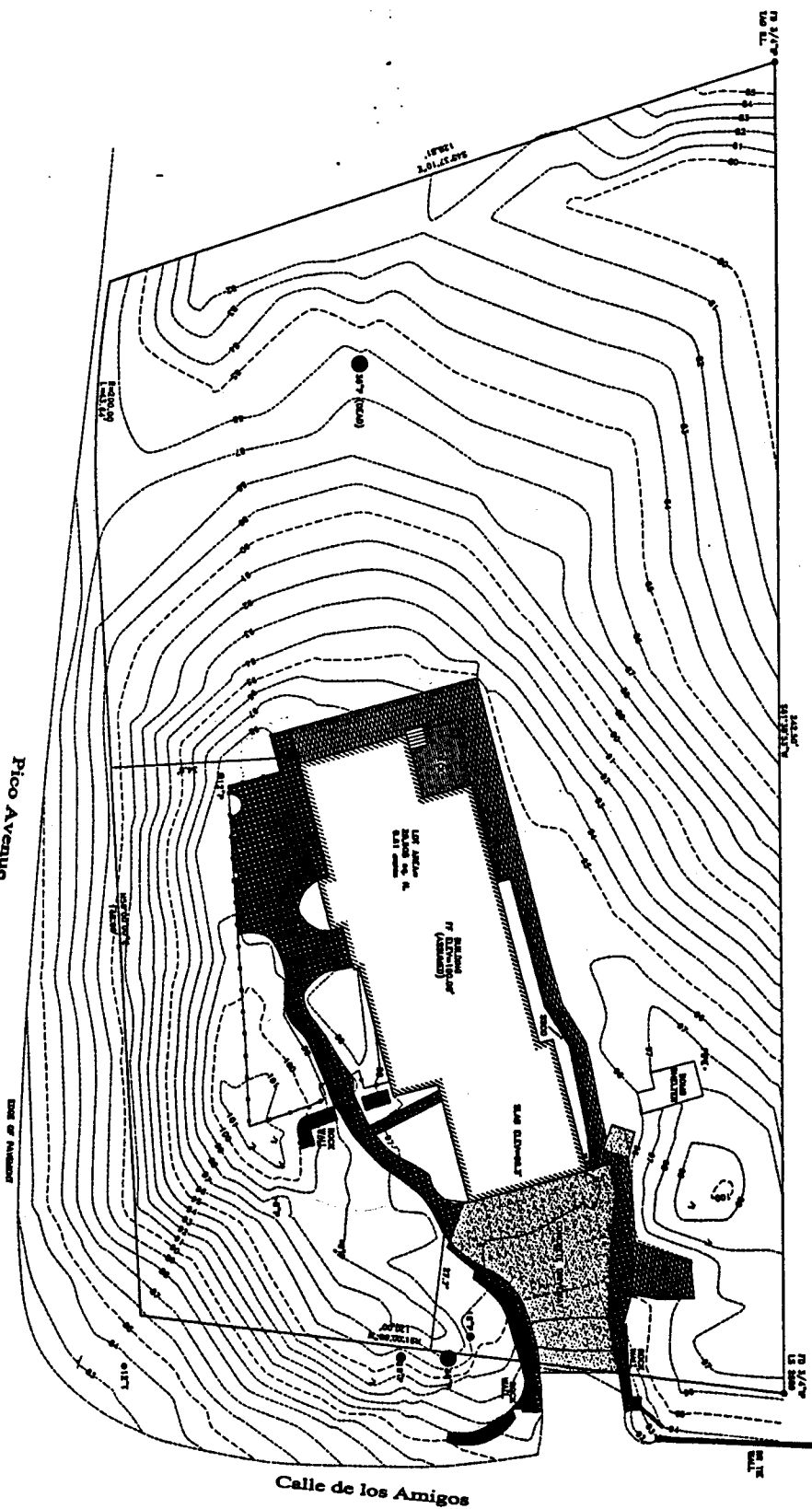


Figure 5

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Existing Side Plan

EV/MS



1 SHEETS
SHEET 1
OF

SITE PLAN
APN 007-061-018
398 Calle de los Amigos, Pacific Grove, Ca.
 prepared for:
John & Wendy Evans

DRAWN BY: MS
 APPROVED BY: MTD
 N. GOOLITTLE
 L.S. 6432
 REVISION:
 SCALE: 1"=10'
 DATE: 02-28-03

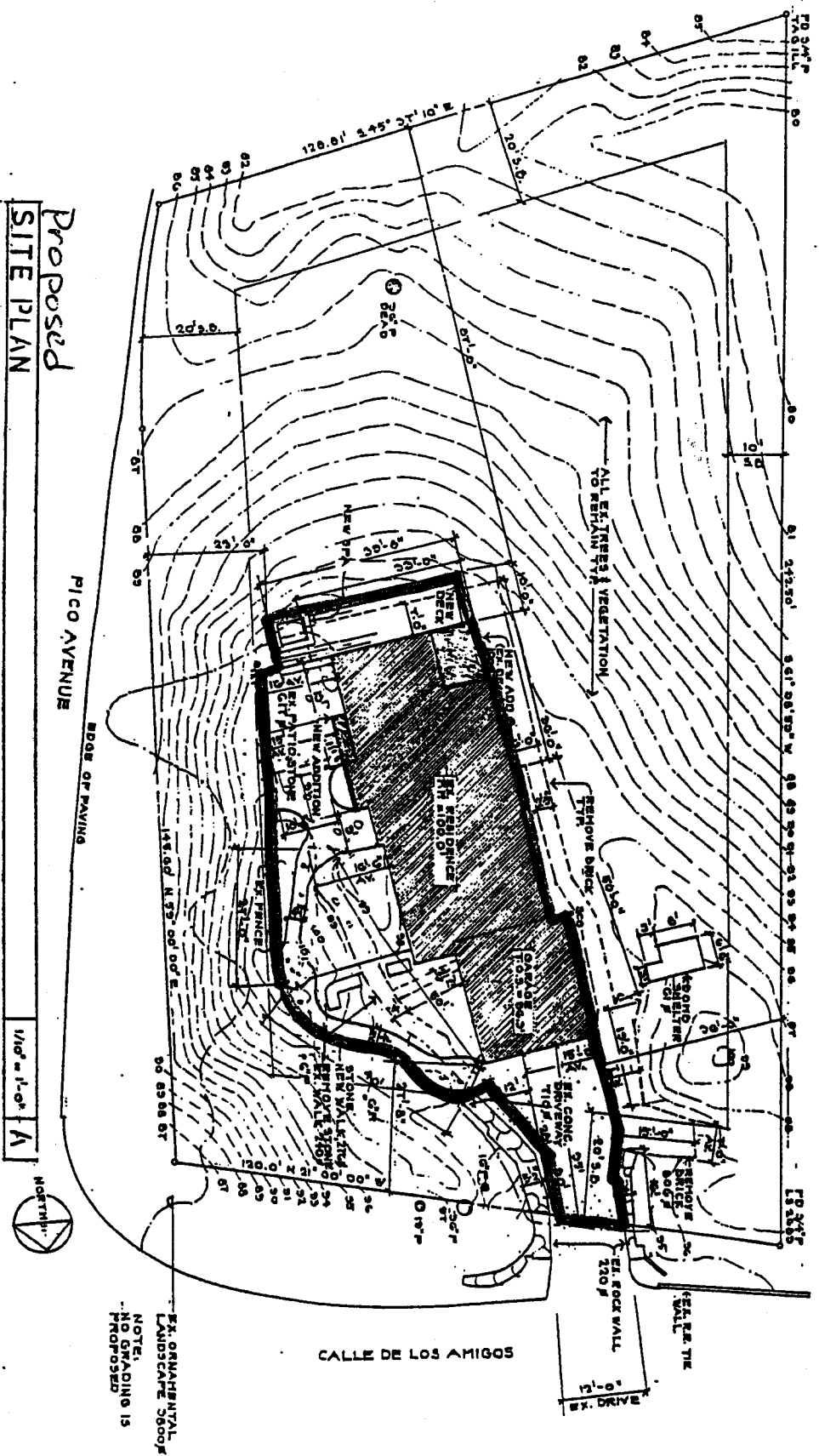
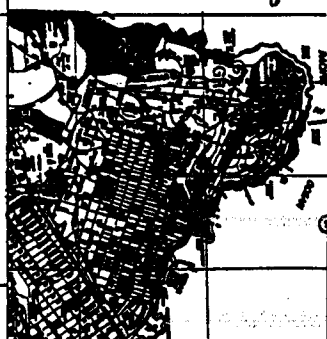
TOPOGRAPHIC SURVEYS
 ALTA SURVEYS
 831-479-2299 PH.
 281 HOFFMAN AVENUE, SUITE 2
 MONTEREY, CALIFORNIA 93940



CONSTRUCTION STAKING
 LAND DEVELOPMENT
 FAX 831-375-2294

CCC Exhibit G
 (page 1 of 3 pages)
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A-2	LOWER PLAN	3-2	FOUNDATION		
A-3	UPPER PLAN	3-3	UPPER (ROOF FRAM)		
A-4	ELEVATIONS	3-4	SECTIONS		
A-5	ELEVATIONS	3-5	DETAILS		
A-6	SCHEDULES				
A-7	INTERIORS				
A-8	MECH/ELECT				
A-9	MECH/ELECT				
A-10	MECH/ELECT				
A-11	MECH/ELECT				
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Proposed
SITE PLAN

1/16" = 1'-0"
A



NOTE:
NO GRADING IS
PROPOSED

DFW NOTE:
NO WORK SHALL OCCUR
IN RIGHT OF WAY

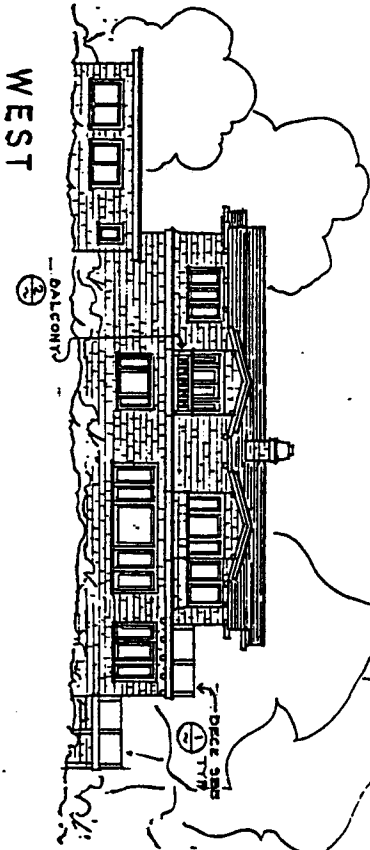
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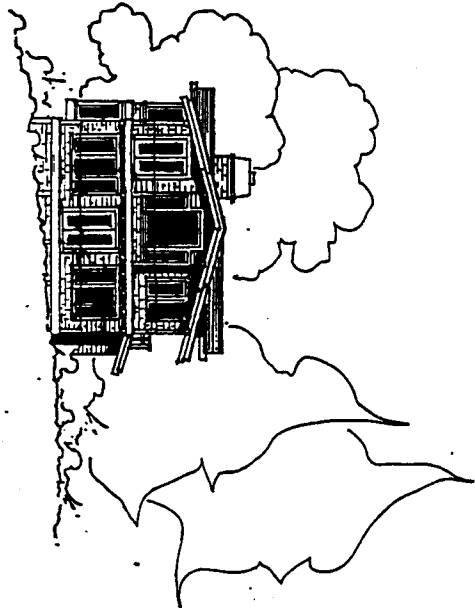
GLENN E. WARNER - ARCHITECT
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OCC Exhibit G
(page 2 of 3 pages)
3-04-021

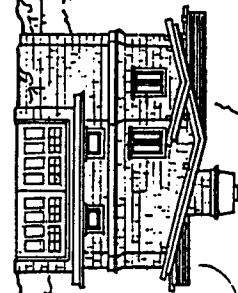
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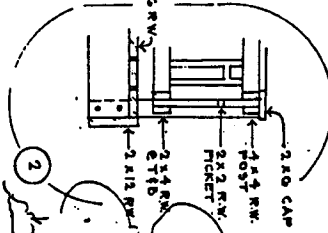
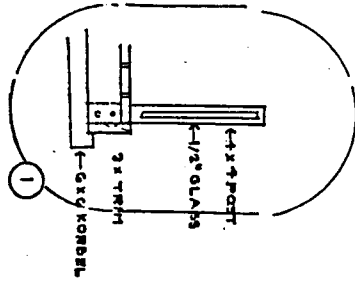
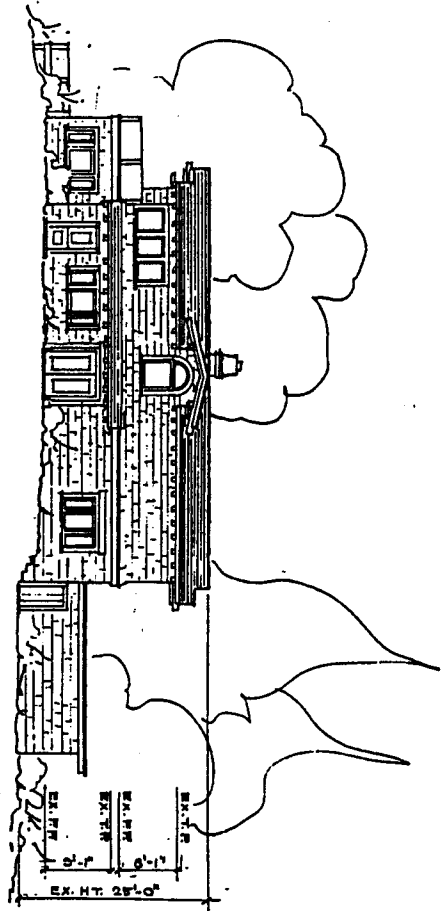
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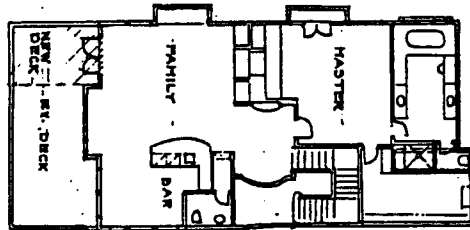


EAST

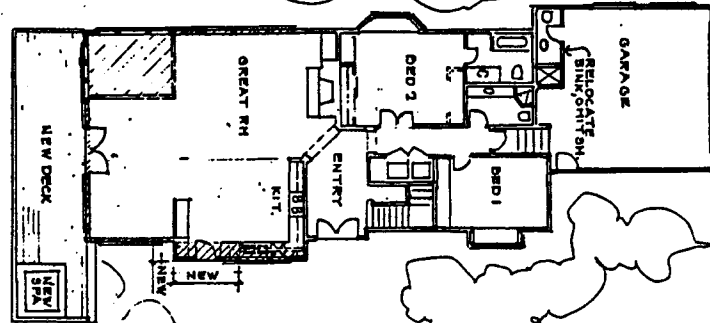


MATERIALS:
 EX. ASPHALT SHINGLE ROOF
 EX. CEDAR SHINGLE SIDING
 MATCH EX. WOOD DOORS, WINDOWS
 (TRIM)

UPPER



LOWER



3-04-021

Evans Residence
398 Calle de Los Amigos

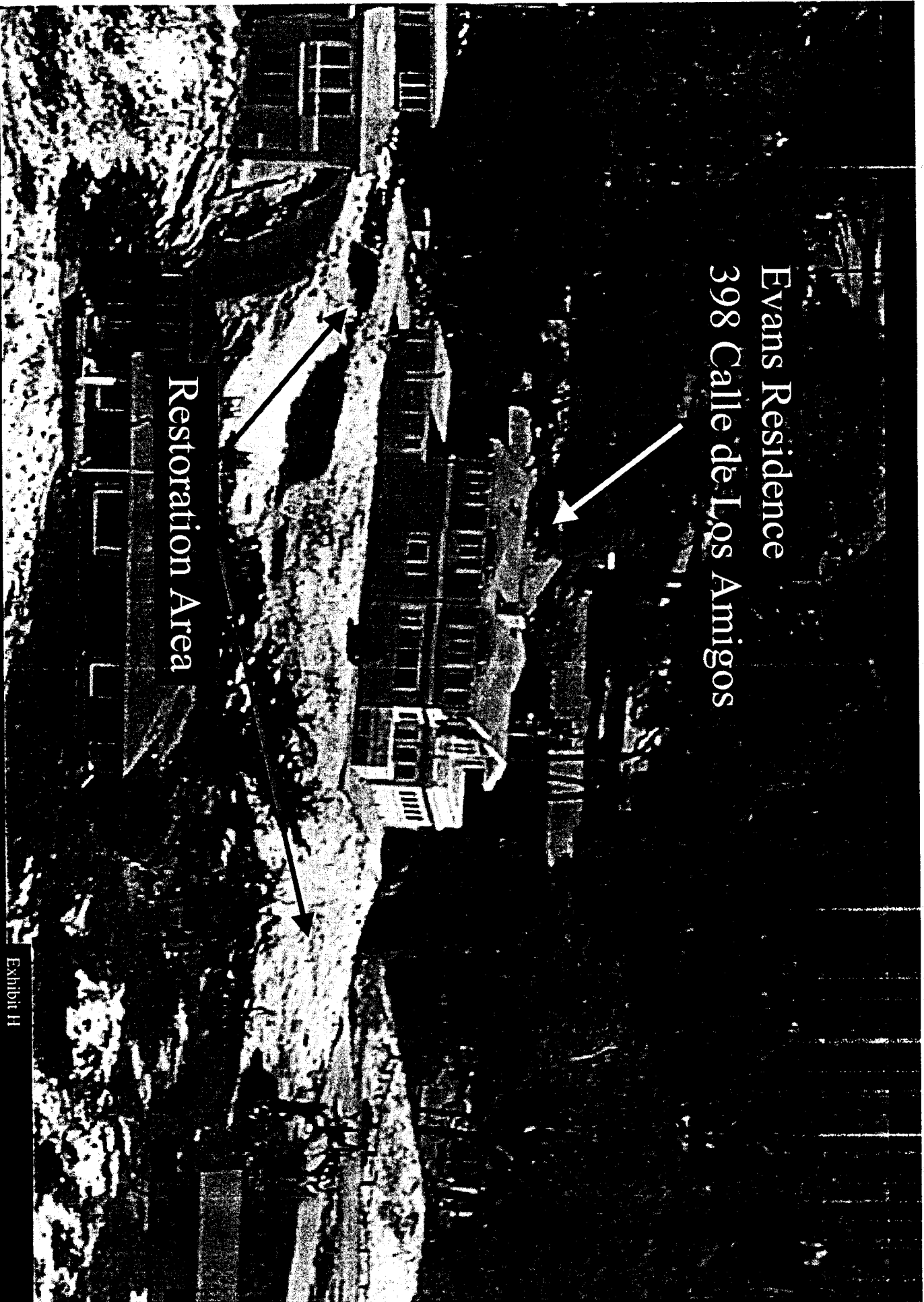


Exhibit H
Item W11e; 3-04-021
Source: California Coastal Records Slide 13753

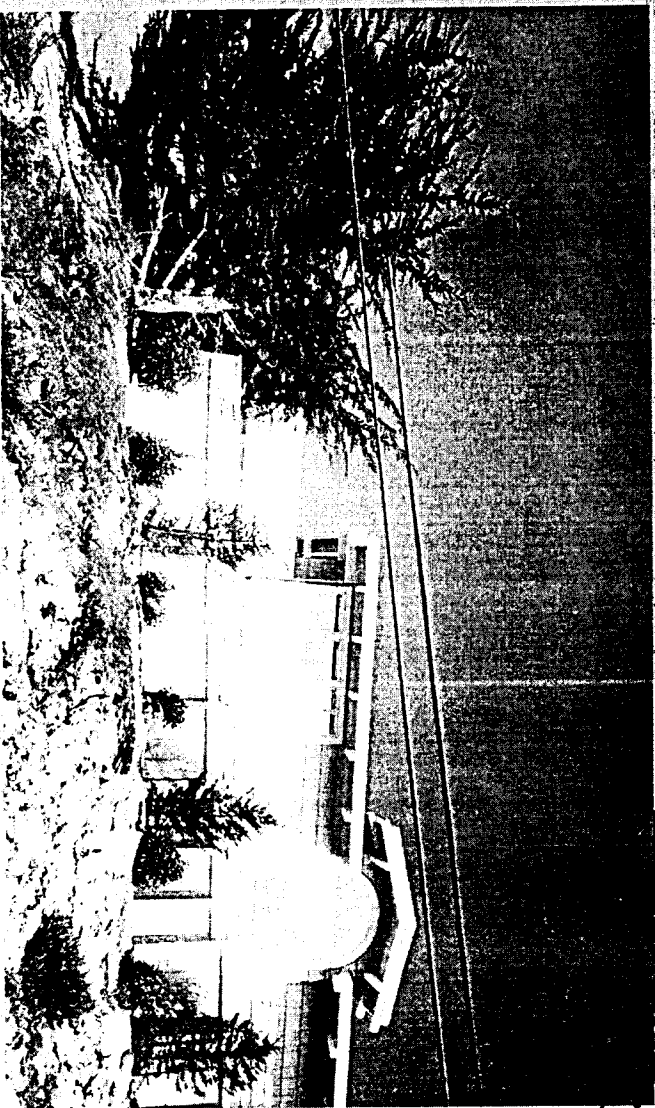
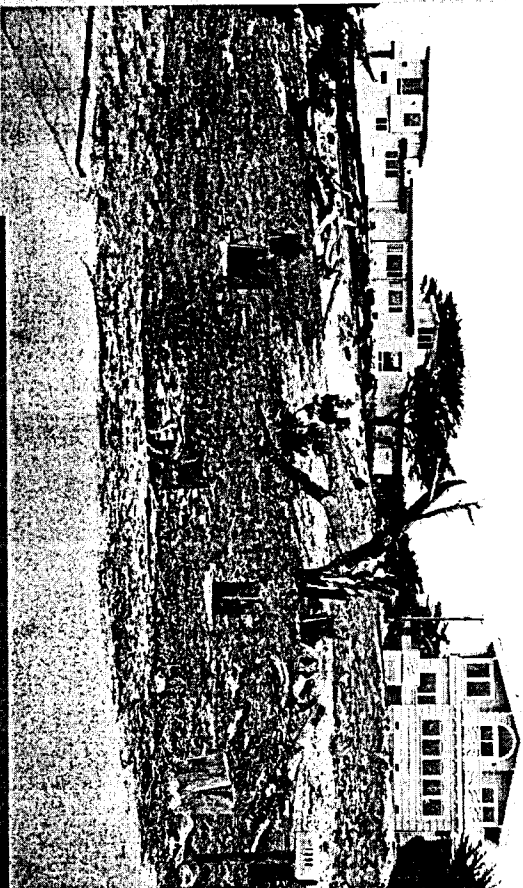


Exhibit I: Project Photos
Item W11c; 3-04-021
Evans Remodel

MITIGATION MONITORING PROGRAM

for:

**EVANS SINGLE-FAMILY RESIDENCE REMODEL
LOCATED AT 398 CALLE DE LOS AMIGOS**

Project Proponent(s):

**JOHN AND WENDY EVANS
(Property Owners)
GLENN WARNER
(Architect)**

Lead Agency:



**CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPARTMENT**

RECEIVED

MAR 2 2 2004

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

MITIGATED NEGATIVE DECLARATION
ADOPTED: BY ARB 2/24/04
MITIGATION MONITORING PROGRAM

CCC Exhibit J
(page 1 **of** 13 **pages)**

3-04-021

INTRODUCTION

BACKGROUND

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

PURPOSE

The purpose of the mitigation monitoring program for the remodel and additions to the single-family dwelling at 398 Calle De Los Amigos is to ensure that all mitigation measures adopted as part of project approval are implemented and completed during and after construction. This program will be used by the City of Pacific Grove to verify that all required mitigation measures are incorporated into the project and will serve as a convenient tool for logging the progress of mitigation measure completion and for determining when required mitigation measures have been fulfilled.

MANAGEMENT

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

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

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

BASELINE DATA

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

DISPUTE RESOLUTION

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

ENFORCEMENT

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

PROGRAM

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

FUNDING

For the remodel and additions to the single-family dwelling at 398 Calle De Los Amigos, the project proponent(s) shall be responsible for the costs of implementing and monitoring the mitigation measures.

GCC Exhibit J
(page 3 of 13 pages)

3-04-021

Mitigation Measures for the Mitigated Negative Declaration for 398 Calle De Los Amigos:

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
I.3.1 If the property owner chooses to repaint the exterior of the entire structure as part of the proposed project, earth tone color schemes or a natural finish shall be required to blend with the dune environment, subject to the approval of the Architectural Review Board.	Applicant or Applicant's Representative	Prior to Final Inspection	Community Development Department	
III.1.1 All sediments shall be contained on the construction site as much as feasible to prevent substantial construction-related runoff and sediment from migrating to sensitive habitat areas on or off the site, and to prevent sediments and runoff from entering off-site storm drains or natural drainage areas.	Applicant or Applicant's Representative	Prior to Final Inspection	Community Development Department	2/26/04 - SEE ATTACHED
III.1.2 The property owner shall retain a qualified biologist, approved by the City, to act as the Project Biologist. The Project Biologist shall monitor construction and required landscape restoration activities and shall provide oversight to the implementation of the approved project landscape restoration plan.	Applicant or Applicant's Representative	Prior to Final Inspection	Community Development Department	11/04/03 - MOSS
III.1.3 The landscape restoration plan shall be prepared by a qualified biologist (approved by the Community Development Department) prior to final architectural ^{BUILDING PERMIT APPROVAL} approval, and shall define procedures and minimum performance standards for restoration, long-term maintenance, and monitoring of the undeveloped portions of the property. The plan shall include provisions for the planting of appropriate species of special concern as identified in the botanical report.	Applicant or Applicant's Representative	Prior to Building Permit issuance ^{FINAL}	Site Plan Review Committee, Community Development Department	

AMENDED
BY ARB.
2/24/04

Evans Residence Remodel
Mitigation Monitoring Program

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
<p>III.1.4 Prior to the issuance of the building permit, a pre-construction meeting shall be held on the site with, at minimum, the project biologist, the owner or their representative, the general contractor, and Community Development Department staff to review the roles and responsibilities of each party and implementation of the mitigation monitoring program for the approved project.</p>	<p>Applicant or Applicant's Representative</p>	<p>Prior to Building Permit Issuance</p>	<p>Community Development Department</p>	
<p>III.1.5 Prior to site preparation activities, the project biologist shall search the construction zone for black legless lizards. If any are found they shall be captured and released into a suitable habitat area on the site.</p>	<p>Applicant or Applicant's Representative</p>	<p>Prior to site preparation activities Ongoing</p>	<p>Project Biologist, Community Development Department</p>	<p>11/04/03 - Moss</p>
<p>III.1.6 The project proponent shall obtain a permit from the City Forester prior to any trimming of trees on the site.</p>	<p>Applicant or Applicant's Representative</p>	<p>Prior to Issuance of the Building Permit. See Mitigation No. III.1.3</p>	<p>Project Biologist, Community Development Department</p>	
<p>III.1.7 All trees within 10' of the building shall be afforded protection by erecting guideline fencing (stakes and nylon rope or mesh) 3x the trunk diameter to prevent inadvertent damage to tree root systems during construction activities.</p>	<p>Applicant or Applicant's Representative</p>	<p>Prior to Issuance of Building Permit</p>	<p>Community Development Department</p>	
<p>III.1.8 Prior to the onset of site preparation activities, temporary fences that identify the project boundary and restrict access to habitat areas shall be installed under the direction of the project biologist, to protect nearby dune habitat and sensitive plant species. Fencing locations shall be included on the final site map.</p>	<p>Applicant or Applicant's Representative</p>	<p>Prior to project-related grading</p>	<p>Project Biologist</p>	<p>JAN. 04</p>

CCG Exhibit
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3-04-04

Evans Residence Remodel
Mitigation Monitoring Program

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
<p>III.1.9 The project biologist shall place signs on the temporary fencing clearly stating that access is prohibited unless approved by the project biologist and Community Development Department staff.</p>	<p>Applicant or Applicant's Representative</p>	<p>Ongoing during construction</p>	<p>Community Development Department</p>	
<p>III.1.10 Fencing installed to protect biological resources on the site shall be maintained in good condition and remain in place until all construction activity on the site is completed. Removal or changing the location of the fence requires the approval of the project biologist and Community Development Department staff.</p>	<p>Applicant or Applicant's Representative</p>	<p>Prior to Building Permit Issuance</p>	<p>Project Biologist, Community Development Department</p>	
<p>III.1.11 All activities associated with construction, trenching, storage of materials, and disposal of construction wastes and excavated soil shall not impact areas protected by fencing. The areas protected by fencing shall remain in a trash free condition and shall not be used for material stockpiling, storage, disposal or vehicle parking. All construction personnel are prohibited from entering the fenced area.</p>	<p>Applicant or Applicant's Representative</p>	<p>Prior to Building Permit Issuance</p>	<p>Project Biologist, Community Development Department</p>	
<p>III.1.12 A formal staging area for the storage of materials shall be identified on the final site plan prior to building division plan review. The staging area shall be used for the storage and stockpiling of construction materials and its location is subject to the review and approval of the project biologist and Community Development Department staff.</p>	<p>Applicant or Applicant's Representative</p>	<p>Ongoing during construction</p>	<p>Project Biologist, Community Development Department</p>	

CCG Exhibit J
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Evans Residence Remodel
Mitigation Monitoring Program

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
<p>III.1.13 No paint, cement, joint compound, cleaning solvents or residues from other chemicals or materials associated with construction will be disposed of on-site. The general contractor shall be responsible for complying with this requirement and shall clean up and dispose of properly any spills or contaminated ground in accordance with Monterey Regional Waste Management requirements and to the full satisfaction of the Project Biologist and the Community Development Department staff.</p>	Applicant or Applicant's Representative	Ongoing	Project Biologist, Community Development Department	
<p>III.1.14 All excavated soils from the site shall either be stockpiled for re-use or disposed of in a manner that will not adversely affect any existing vegetation on or off the site in a location approved by the project biologist and Community Development Department staff.</p>	Applicant or Applicant's Representative	Ongoing during construction	General Contractor, Project Biologist, Community Development Department	
<p>III.1.15 To protect the integrity of Asilomar sands on and off the site soils from outside the asilomar dune complex or soil amendments shall not be imported to the site.</p>	Applicant or Applicant's Representative	Ongoing during construction	Project Biologist, Community Development Department	
<p>III.1.16 Off-site disposal of excess soils remaining from excavation shall occur only at an approved receiver site in the Asilomar Dunes Planning area. The project proponent shall submit written verification of the receiver site location prior to excavation activities on the site.</p>	Applicant or Applicant's Representative	Prior to Planning sign off of building permit application	Project Biologist, Community Development Department	

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3-04-021

Evans Residence Remodel
Mitigation Monitoring Program

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
<p>III.1.17 During the construction phase of the project, the project biologist shall inspect the site no less than once per week to ensure compliance with all provisions for protection of the surrounding environment. Any activity or condition not in compliance with the prescribed mitigation measures shall immediately be brought to the attention of the owner or their representative, the general contractor, and the Pacific Grove Community Development Department. The temporary fencing shall be removed only upon approval of the project biologist and Community Development Department staff.</p>	<p>Applicant or Applicant's Representative</p>	<p>Ongoing</p>	<p>Project Biologist, Community Development Department</p>	
<p>III.1.18 During construction, the project biologist shall submit written verification of mitigation compliance on a monthly basis to the Planning Division of the Community Development Department.</p>	<p>Applicant or Applicant's Representative</p>	<p>Ongoing during construction</p>	<p>Project Biologist, Community Development Department</p>	
<p>III.1.19 City of Pacific Grove Community Development Department staff, the California Coastal Commission, the California Department of Fish and Game or their agents may visit the property and recommend additional work where deficiencies occur if the property does not appear to be in compliance with the conditions of the development permit.</p>	<p>Applicant or Applicant's Representative</p>	<p>Ongoing</p>	<p>Project Biologist, Community Development Department</p>	

Evans Residence Remodel
Mitigation Monitoring Program

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
<p>III.1.20 The property shall be resurveyed and potential impacts re-evaluated for species of special concern (including animal species) if development of the proposed project does not commence within one year from the date of building permit issuance.</p>	<p>Applicant or Applicant's Representative</p>	<p>Ongoing</p>	<p>Project Biologist, Community Development Department</p>	
<p>IV.2.1 If intact archaeological artifacts or cultural features are encountered at any time during project implementation, earth-disturbing work shall be immediately halted within 10 meters (30') of the find and the Community Development Department Director shall be immediately notified before work on the site may proceed.</p>	<p>Applicant or Applicant's Representative</p>	<p>Ongoing during project-related excavation</p>	<p>Project Contractor, Community Development Department</p>	
<p>IV.2.2 Earth-disturbing work shall not recommence within the designated area until the find is evaluated by the Project Archaeologist and the Lead Agency (City of Pacific Grove) project planner. If the Lead Agency determines that development impacts to the resource can be reasonably avoided, or that the resource is not a significant unique archaeological or paleontological artifact, earth-disturbing work may be allowed to proceed.</p>	<p>Applicant or Applicant's Representative</p>	<p>Ongoing during project-related excavation</p>	<p>Project Contractor, Community Development Department</p>	

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(page 9 of 13 pages)

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Evans Residence Remodel
Mitigation Monitoring Program

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
<p>IV.2.3 Should human remains or significant unique or intact archaeological resources be encountered during project-related earth-disturbing activities, work shall be immediately halted within 50 meters (150') of the find, the Community Development Department Director shall be immediately notified, and work shall not recommence until the find can be evaluated by a qualified professional archaeologist with local expertise, approved by the City. If the find is determined to be significant, appropriate mitigation measures (mitigation plan) shall be formulated.</p>	<p>Applicant or Applicant's Representative</p>	<p>Ongoing</p>	<p>Project Contractor, Community Development Department</p>	
<p>IV.2.4 The mitigation plan shall be prepared at the applicant's expense, by an archaeologist with local expertise. The mitigation plan shall be submitted to and approved by the Director of the Community Development Department before work can proceed within the designated area.</p>	<p>Applicant or Applicant's Representative</p>	<p>One year after Building Permit Issuance if construction does not take place.</p>	<p>Community Development Department</p>	
<p>IV.2.5 The mitigation plan shall emphasize preservation in place and include recommended preservation measures in accordance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission, and an estimate of the costs of mitigation.</p>	<p>Applicant or Applicant's Representative</p>	<p>Ongoing during project-related excavation</p>	<p>General Contractor, Project proponent</p>	
<p>V.4.1 All sediments shall be contained on the construction site as much as feasible to prevent substantial construction-related runoff and sediment from entering storm drains or natural drainage areas which ultimately deposit runoff into the Monterey Bay or Pacific Ocean. Performance standards to achieve maximum containment shall be outlined in the project mitigation monitoring program.</p>	<p>Applicant or Applicant's Representative</p>	<p>Ongoing during construction</p>	<p>General Contractor</p>	<p>2/26/04 - SEE ATTACHED</p>

DOC Exhibit
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3-04-021

Evans Residence Remodel
Mitigation Monitoring Program

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION DATE:
IX.4.1 Days and hours of demolition and construction activities shall be limited to 7:30 a.m. to 7:30 p.m. Monday through Saturday, interior work excepted.	Applicant or Applicant's Representative	Ongoing during construction	General Contractor	
IX.4.2 All power equipment shall be in good operating condition and properly maintained.	Applicant or Applicant's Representative	Ongoing during construction	General Contractor	
IX.4.3 All equipment and tools powered by internal combustion engines shall have mufflers that meet or exceed manufacturer specifications.				

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Best Management Practices Construction Drainage and Erosion

MITIGATION:

Biological Resources

- III.1.1 All sediments shall be contained on the construction site as much as feasible to prevent substantial construction-related runoff and sediment from migrating to sensitive habitat areas on or off the site, and to prevent sediments and runoff from entering off-site storm drains or natural drainage areas.

Hydrology and Water Quality

- V.4.1 All sediments shall be contained on the construction site as much as feasible to prevent substantial construction-related runoff and sediment from entering storm drains or natural drainage areas which ultimately deposit runoff into the Monterey Bay or Pacific Ocean.

PERFORMANCE STANDARDS (To be implemented and maintained by the project contractor):

- A. Areas used for the stockpiling of materials, excavation spoils and equipment shall be clearly identified on the final project plans (WITH BUILDING PERMIT APPLICATION SUBMITTAL);
- B. All erosion and sediment controls shall be in place prior to the commencement of project-related grading activities (PRIOR TO BUILDING PERMIT ISSUANCE);
- C. Silt fences or other devices to capture sediments shall be installed at the perimeter of stockpiled excavation spoils on the site (PRIOR TO ISSUANCE OF THE BUILDING PERMIT);
- D. All excavated or fill materials stockpiled on the site shall be covered during non-work hours (DAILY);

The use of straw bales is discouraged. The following Best Management Practices (BMPs) may be used individually or in combination to achieve successful mitigation:


COG EXHIBIT
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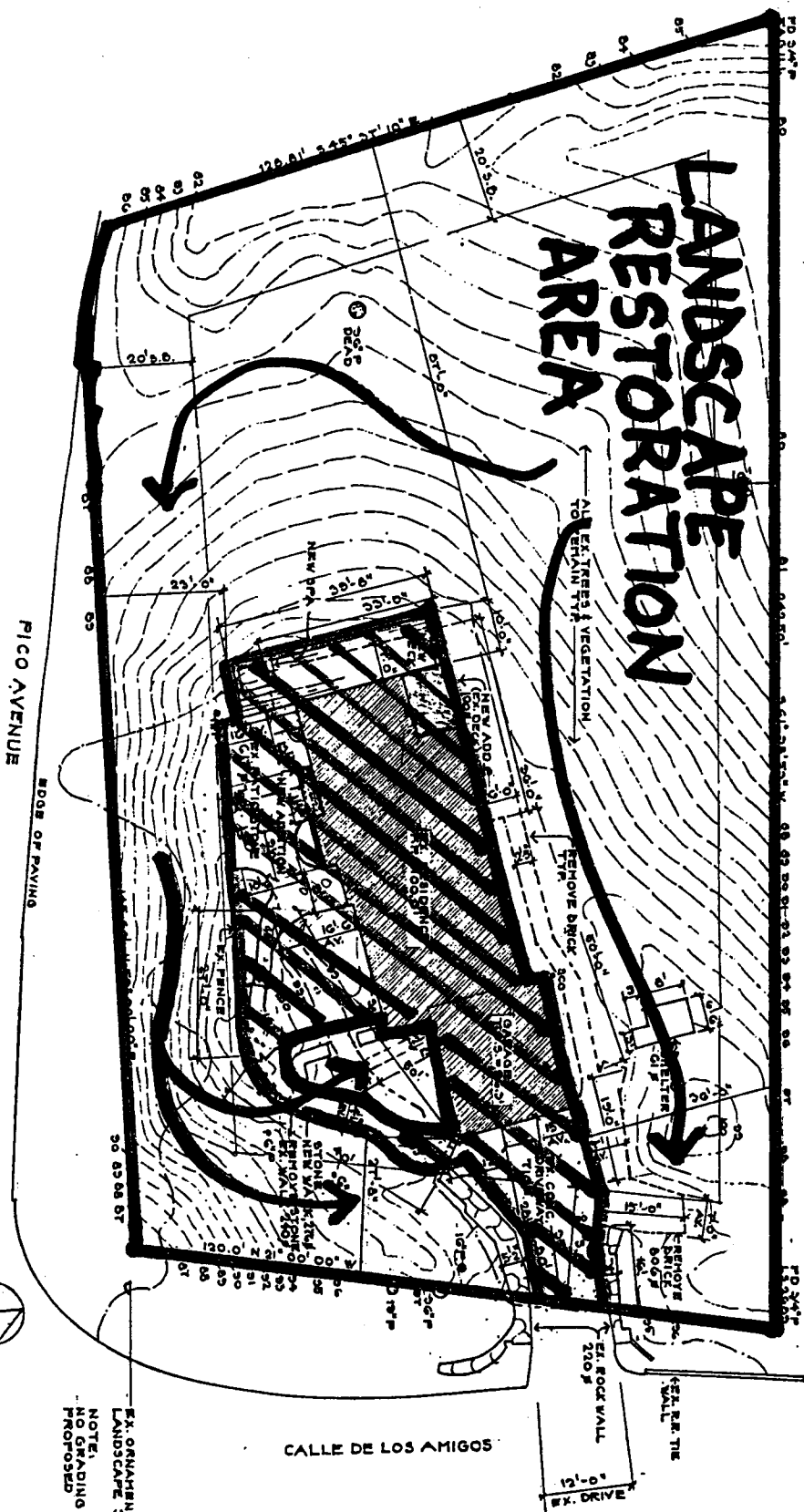
BMPs:

1. Filter Fabric, for less than 1 acre with a less than 5% slope;
2. Block and Gravel Filter, for flows greater than 0.5 cfs;
3. Gravel and Wire Mesh Filter, for use on curb or drop inlets where construction equipment may drive over the inlet;
4. Sand Bag Barrier, can be used to create small sediment traps upstream of inlets on sloped paved surfaces.

MAINTENANCE (To be conducted by the project contractor):

1. Inspect weekly and after each rain;
2. Replace clogged Fabric or Stone filters immediately;
3. Remove sediments when depth exceeds half the height of the filter, or half the depth of the sediment trap;
4. Paved areas impacted by excavation and fill materials shall be thoroughly swept and cleaned as much as feasible.

INDEX	D	DATA	C	VICINITY	B
A-1 SITE PLAN 3-1 NOTES A-2 LOWER PLAN 3-2 FOUNDATION A-3 UPPER PLAN 3-3 UPPER FLOOR A-4 ELEVATIONS 3-4 SECTIONS A-5 ELEVATIONS 3-5 DETAILS A-6 SCHEDULES A-7 INTERIORS EN1 ELECTR/MECH EN2 ELECTR/MECH EN3 ELECTR/MECH EN4 ELECTR/MECH EN5 ELECTR/MECH EN6 ELECTR/MECH EN7 ELECTR/MECH EN8 ELECTR/MECH EN9 ELECTR/MECH EN10 ELECTR/MECH EN11 ELECTR/MECH EN12 ELECTR/MECH EN13 ELECTR/MECH EN14 ELECTR/MECH EN15 ELECTR/MECH EN16 ELECTR/MECH EN17 ELECTR/MECH EN18 ELECTR/MECH EN19 ELECTR/MECH EN20 ELECTR/MECH EN21 ELECTR/MECH EN22 ELECTR/MECH EN23 ELECTR/MECH EN24 ELECTR/MECH EN25 ELECTR/MECH EN26 ELECTR/MECH EN27 ELECTR/MECH EN28 ELECTR/MECH EN29 ELECTR/MECH EN30 ELECTR/MECH EN31 ELECTR/MECH EN32 ELECTR/MECH EN33 ELECTR/MECH EN34 ELECTR/MECH EN35 ELECTR/MECH EN36 ELECTR/MECH EN37 ELECTR/MECH EN38 ELECTR/MECH EN39 ELECTR/MECH EN40 ELECTR/MECH EN41 ELECTR/MECH EN42 ELECTR/MECH EN43 ELECTR/MECH EN44 ELECTR/MECH EN45 ELECTR/MECH EN46 ELECTR/MECH EN47 ELECTR/MECH EN48 ELECTR/MECH EN49 ELECTR/MECH EN50 ELECTR/MECH EN51 ELECTR/MECH EN52 ELECTR/MECH EN53 ELECTR/MECH EN54 ELECTR/MECH EN55 ELECTR/MECH EN56 ELECTR/MECH EN57 ELECTR/MECH EN58 ELECTR/MECH EN59 ELECTR/MECH EN60 ELECTR/MECH EN61 ELECTR/MECH EN62 ELECTR/MECH EN63 ELECTR/MECH EN64 ELECTR/MECH EN65 ELECTR/MECH EN66 ELECTR/MECH EN67 ELECTR/MECH EN68 ELECTR/MECH EN69 ELECTR/MECH EN70 ELECTR/MECH EN71 ELECTR/MECH EN72 ELECTR/MECH EN73 ELECTR/MECH EN74 ELECTR/MECH EN75 ELECTR/MECH EN76 ELECTR/MECH EN77 ELECTR/MECH EN78 ELECTR/MECH EN79 ELECTR/MECH EN80 ELECTR/MECH EN81 ELECTR/MECH EN82 ELECTR/MECH EN83 ELECTR/MECH EN84 ELECTR/MECH EN85 ELECTR/MECH EN86 ELECTR/MECH EN87 ELECTR/MECH EN88 ELECTR/MECH EN89 ELECTR/MECH EN90 ELECTR/MECH EN91 ELECTR/MECH EN92 ELECTR/MECH EN93 ELECTR/MECH EN94 ELECTR/MECH EN95 ELECTR/MECH EN96 ELECTR/MECH EN97 ELECTR/MECH EN98 ELECTR/MECH EN99 ELECTR/MECH EN100 ELECTR/MECH		OWNER: JOHN & WENDY EVANS 7012 HILLCREST DR HOUSTON, CA, 95026 PROJECT SURNAME: NEW DECK, ADD TO KITCHEN, FLOOR, STAIRS, REPAIR DECK, EXISTING PATIO INT., ADD TO GREAT ROOM. AREAS: EX. LOWER 1076 EX. GARAGE 546 EX. UPPER 1321 NEW LOWER 1170 (EX. 100) NEW DECK LOWER 337 (EX. 100) EX. UPPER DECK 340 EX. BOND SHELTER 91 NEW UPPER DECK 176 CONC. DRIVE TO REMAIN 110 (EX. 70) PATIO & WALLS TO REMAIN 110 (EX. 100) EX. COVERAGES: LOT 6 + 546 + 100 + 51 + 710 + 185 77976 / 20505 = 18.0% LOT COVERAGES: NEW LOT 6 + 546 + 170 + 337 + 51 + 710 + 1110 = 4570 77976 / 20505 = 17.5% FAR: 1076 + 546 + 1321 + 170 = 2603 77976 / 20505 = 12.9% APN: 007-061-016 PROJECT ADDRESS: 378 CALLE DE LOS AMIGOS DIST & FILL: 2 YDS DISTRIBUTE AT REMOVED PAVING			



SITE PLAN

1/10" = 1'-0" A



EX. ORNAMENTAL LANDSCAPE 2000'±
 NOTE: NO GRADING IS PROPOSED

BUILDING ENVELOPE AND LOT COVERAGE

CCC Exhibit K
 (page 1 of 1 pages)
 3-04-021

FIRE NOTE:
 -EX. WALLS: 605' 0" ST. 0"
 -ALTERED WALLS 87' 0"
 7146

DPW NOTE:
 NO WORK SHALL OCCUR
 IN RIGHT OF WAY

