

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WEB: WWW.COASTAL.CA.GOV



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original staff report

W15a

Prepared October 31, 2016 for November 2, 2016 Hearing

To: Commissioners and Interested Persons
From: Susan Craig, District Manager
Brian O'Neill, Coastal Planner
Subject: STAFF REPORT ADDENDUM for W15a
Application Number 3-16-0350 (St. Dennis SFD)

The purpose of this addendum is to modify the staff recommendation for the above-referenced item with respect to the open space restriction in Special Condition 3. In the time since the staff report was distributed, staff has consulted with the legal department to revise Special Condition 3 in a manner that will allow for a simpler and more streamlined condition compliance process. The changes to Special Condition 3 do not modify the basic intent of this condition or the staff recommendation, which is still approval with conditions. All Standard and Special Conditions, including modified Special Condition 3, will continue to be subject to the deed restriction requirements of Special Condition 6. Thus, the staff report is modified as shown below (where applicable, text in underline format indicates text to be added, and text in ~~strike through~~ format indicates text to be deleted).

a. Modify Special Condition 3 on staff report page 8 as follows:

3. *Open Space ~~Deed~~-Restriction.* *No development, as defined in Section 30106 of the Coastal Act shall occur in the Open Space Area (i.e., all areas outside of the approved building envelope described in Special Condition 1a) as 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:*

- (a) *Necessary utility lines to serve the residence, to the extent such lines cannot be contained within a single corridor underlying the approved building envelope pursuant to Special Condition 4.*
- (b) *Restoration and associated maintenance and monitoring activities conducted in accordance with the approved Dune Restoration Plan prepared for the property as required by Special Condition 2.*

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 metes and bounds legal description and a corresponding graphic depiction, both prepared by a licensed surveyor, of the portion of the subject property affected by this condition, i.e. the Open Space Area, which

~~*shall include all areas of this site outside of the development envelope authorized by Special Condition 1a. execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the designated open space area. The recorded document(s) shall include a legal description and corresponding graphic depiction of the legal parcel(s) subject to this permit and a metes and bounds legal description and a corresponding graphic depiction, drawn to scale, of the designated open space area prepared by a licensed surveyor based on an on-site inspection of the open space area.*~~

~~*The deed restriction shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner in perpetuity.*~~

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W15a

Filed: 8/22/2016
Action Deadline: 2/18/2017
Staff: Brian O'Neill - SC
Staff Report: 10/21/2016
Hearing Date: 11/2/2016

STAFF REPORT: CDP HEARING

Application Number: 3-16-0350, St. Dennis SFD

Applicant: Tom St. Dennis

Project Location: 1356 Pico Avenue, in the Asilomar Dunes neighborhood of Pacific Grove, Monterey County (APN 007-072-009-000)

Project Description: Demolition of an existing 1,371-square-foot single-family residence and a 272-square-foot one-story detached guesthouse; construction of a new two-story 3,600-square-foot residence with a basement, attached three-car garage, unpaved courtyard, exterior fireplace, and landscape restoration at 1365 Pico Avenue in the Asilomar Dunes neighborhood of Pacific Grove, Monterey County.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

The Applicant requests a coastal development permit (CDP) for the demolition of an existing, one-story, 1,371-square-foot single-family residence and a 272-square-foot detached guesthouse and construction of a new two-story 3,600 square-foot residence and attached garage on a 22,420-square-foot lot in the Asilomar Dunes neighborhood of the City of Pacific Grove. The proposed development also includes construction of a new driveway, two small patios; installation of stepping stones; undergrounding of overhead utilities; and native habitat

restoration.

The City has a certified Land Use Plan (LUP), but the Implementation Plan (and thus an overall Local Coastal Program (LCP)) has not yet been certified. Therefore, a coastal development permit for the project must be obtained from the Coastal Commission and the standard of review is Chapter 3 of the Coastal Act. The policies of the LUP, however, are looked to as guidance.

The Asilomar Dunes area is considered by the Commission to be an environmentally sensitive habitat area (ESHA) because it includes plant and animal life and related habitats that are rare, especially valuable, and easily disturbed and degraded by human activities and developments. The Applicant's parcel is comprised of this dune habitat mix and includes several sensitive plant species onsite. The Commission has a long history of protecting the Asilomar Dunes system ESHA, including through development and application of guiding Pacific Grove LUP policies that strike a balance between maximizing dune and related habitat protection and accommodating reasonable residential use on pre-existing subdivided parcels.

The total maximum lot coverage under the City's certified LUP is limited to 15 percent of the lot area for lots of the size at issue here (i.e., over one-half acre). The LUP also allows an additional maximum of up to 5 percent of the lot area for "immediate outdoor living area" that can be used for residential activities, but not otherwise covered with impervious surfaces (with structures, patios, etc.). Per the LUP, the remainder of any site must be preserved exclusively as dune habitat, including through restoration and grants of conservation easements. In addition, the LUP requires that areas of native dune habitat be restored and maintained adjacent to the site.

The Applicant proposes to reduce existing impervious site coverage to within the LUP coverage limitation, mostly through reductions in patio space. All told, the Applicant proposes to decrease impervious lot coverage from 18.1 percent to 15 percent of the lot. An additional 5 percent would be utilized as immediate outdoor living space. The Applicant has also incorporated into the project a dune restoration plan for the remainder of the site that will result in a net improvement of environmental conditions at the site.

The Commission has generally applied the guiding LUP coverage rule for cases where new development is proposed in Asilomar Dunes to address the Coastal Act's requirements to protect ESHA from non-resource dependent development, while avoiding an unconstitutional taking of private property without just compensation. In this case, the proposed development has been conditioned to stay within the LUP's coverage limits, and will result in development in an area that avoids the most sensitive areas of the site. Redevelopment of the site will involve temporary impacts to areas immediately surrounding the proposed development. However, coupled with the measures to avoid existing sensitive species, restore the remainder of the site and adjacent City-owned right-of-way, and prohibit development in the remaining dune areas, the project will not result in a significant disruption of the Asilomar Dunes ESHA. Overall, approval of the project with conditions will maximize ESHA protection, while still allowing reasonable redevelopment of the existing residential use.

In summary, as conditioned to implement the ESHA and related habitat protections, and to address other coastal resource issues (namely visual resources, water quality and archaeological resource impact avoidance), the project can be found consistent with the Coastal Act. The motion to act on this recommendation is found on page 4 below.

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Appendix A – Substantive File Documents

EXHIBITS

Exhibit 1 – Regional Location Map
Exhibit 2 – Aerial Photo of Project Site
Exhibit 3 – Assessor’s Parcel Map
Exhibit 4 – Photos of Existing Residence at Project Site
Exhibit 5 – Project Plans
Exhibit 6 – Pacific Grove LUP Land Habitat Sensitivity and Shoreline Access Map
Exhibit 7 – Pacific Grove Architectural Permit AP15-459 (Mitigation & Monitoring Plan)
Exhibit 8 – Correspondence

I. MOTION AND RESOLUTION

Staff recommends that the Commission, after public hearing, **approve** a coastal development permit for the proposed development. To implement this recommendation, staff recommends a **YES** vote on the following motion. Passage of this motion will result in approval of the CDP as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

***Motion:** I move that the Commission approve Coastal Development Permit Number 3-16-0350 pursuant to the staff recommendation, and I recommend a yes vote.*

***Resolution to Approve CDP:** The Commission hereby approves Coastal Development Permit Number 3-16-0350 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. STANDARD CONDITIONS

This permit is granted subject to the following 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 of 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Revised Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit two sets of revised final plans, for the Executive Director's review and approval, in substantial conformance with the plans submitted with the application (prepared by Eric Miller Architects, Inc., dated October 19, 2016), and as modified and supplemented as follows:
 - (a) **Building Envelope.** The plans shall include a final site plan that limits the aggregate site coverage to no more than 20% of the 22,420-square-foot lot (i.e., no more than 4,484 square-feet), with no more than 15% impervious coverage (i.e., a maximum of 3,363 square-feet), excluding the portion of the driveway located in the 20-foot front yard setback. The remaining 5% may be used for immediate outdoor living space if left in a natural condition or landscaped so as to avoid impervious surfaces. The area within this maximum 20% area shall be considered the building envelope, and all development, other than habitat enhancement development, shall be confined within this building envelope. All coverage calculations (i.e., for the residence, driveway, immediate outdoor living space, etc.) shall be provided and broken down by classification and accompanied by a site plan illustration keyed to each sub-type in closed polygon format. The remainder of the project site outside of the building envelope shall be restored to its native habitat condition pursuant to Special Condition 2, and restrictions placed upon it to ensure that only development consistent with the required habitat restoration activities may occur within this protected habitat area (Special Condition 3).
 - (b) **Grading.** The plans shall include a revised grading plan that limits all grading activities to the building envelope identified pursuant to subsection (a) above and the areas necessary to complete the utilities upgrade with one exception: sand to be excavated to accommodate the development may be placed outside of the building envelope, pursuant to the approved dune restoration plan (Special Condition 2), in a manner that replicates surrounding natural dune forms, provided that it is free of impurities or previously imported soil or fill material. The grading plan shall be accompanied by a determination by a qualified biologist or landscape professional that the placement of sand or changes to existing site contours outside of the building envelope, will support and enhance the restoration of natural habitat values, including avoiding direct impacts to sensitive plants. Any excess sands not used in conjunction with the native habitat restoration shall be made available for use within the Asilomar Dunes area of Pacific Grove.
 - (c) **Drainage and Erosion Control.** The plans shall include a drainage and erosion control plan that incorporates the following provisions:
 - (1) **Implementation of Best Management Practices During Construction.** The plans shall identify the type and location of the measures that will be implemented during construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. These measures shall be selected and designed in accordance with the California Storm Water Best Management Practices Handbook, and shall be located

entirely within the building envelope specified in accordance with subsection (a) above to the maximum degree feasible. Among these measures, the plans shall limit the extent of land disturbance to the minimum amount necessary to construct the project; designate areas for the staging of construction equipment and materials, including receptacles and temporary stockpiles of graded materials, which shall be covered on a daily basis; and provide for the installation of silt fences, temporary detention basins, and/or other controls to intercept, filter, and remove sediments contained in the runoff from construction, staging, and storage/stockpile areas. The plans shall also incorporate good construction housekeeping measures, including the use of dry cleanup measures whenever possible; collecting and filtering cleanup water when dry cleanup methods are not feasible; cleaning and refueling construction equipment at designated off site maintenance areas; and the immediate clean-up of any leaks or spills.

The plans shall indicate that PRIOR TO THE COMMENCEMENT OF GRADING, the Permittee shall delineate the approved construction areas with fencing and markers to prevent land-disturbing activities from taking place outside of these areas.

- (2) **Post-Construction Drainage.** Plans to control drainage after construction is complete shall include retaining runoff from the roof, driveway, decks, and other impervious surfaces onsite to the greatest degree feasible. Runoff shall be captured and directed into designated pervious areas, percolation pits or appropriate storm drain systems. The drainage plan shall demonstrate that the pervious areas, percolation pits, or drainage systems are sized and designed appropriately to accommodate runoff from the site produced from each and every storm event up to and including the 85th percentile 24-hour runoff event. In extreme storm situations (>85% storm) excess runoff shall be conveyed off-site in a non-erosive manner. Plan preparation shall be coordinated in conjunction with the Dune Restoration Plan (Special Condition 2) and the project biologist to determine the best suited location for percolation pits and drain systems to avoid any adverse impacts on native dune restoration activities.

- (d) **Landscaping and Irrigation Details.** The Plans shall include landscape and irrigation parameters prepared by a licensed Landscape Architect that shall identify all plant materials (size, species, and quantity), all irrigation systems, and all proposed maintenance. All plants used on-site shall be native species from local stock appropriate to the Asilomar Dunes planning area. Non-native and invasive plant species shall be removed and shall not be allowed to persist on the site. The planting of non-native invasive species, such as those listed on the California Invasive Plant Council's Inventory of Invasive Plants, is prohibited. All plant materials shall be selected to be complementary with the mix of native habitats in the project vicinity, prevent the spread of exotic invasive plant species, and avoid contamination of the local native plant community gene pool. The landscape plans shall also be designed to protect and enhance native plant communities on and adjacent to the site, including required restoration and enhancement areas. All landscaped areas on the project site shall be continuously maintained by the Permittee; all plant material shall be continuously maintained in a litter-free, weed-free, and healthy growing condition.

- (e) **Building Height.** Buildings shall be no higher than 25 feet above the finished floor elevation, and the plans shall provide detail necessary to ensure that this is the case.
- (f) **Permanent Fencing Prohibited.** All permanent fencing on the site shall be removed and any future permanent fencing is prohibited without an amendment to this Coastal Development Permit.

The Permittee shall undertake development in accordance with the approved Revised Final Plans.

2. Dune Restoration Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Applicant shall submit for the Executive Director's review and approval, two sets of dune restoration plans in substantial conformance with the plans submitted with the application (prepared by Thomas K. Moss, dated April 6, 2016, and dated received in the Coastal Commission's Central Coast District Office on April 18, 2016) that provide for dune and related habitat enhancement for all areas outside the approved building envelope (See Special Condition 1a) and all unimproved areas within the City-owned right-of-way adjacent to the property, and as modified and supplemented as follows:

- (a) Final contours of the site, after project grading, necessary to support dune restoration and development screening, shall be identified.
- (b) All required plantings shall be native dune plants and shall 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 restoration plan.
- (c) Installation of all plants shall be completed prior to occupancy of the new home. Within 30 days of completion of native dune plant installation, the Permittee shall submit a letter to the Executive Director from the project biologist indicating that plant installation has taken place in accordance with the approved restoration plan, describing long-term maintenance requirements for the restoration, and identifying the five- and ten-year monitoring submittal deadlines (see Special Condition 2d below). At a minimum, long-term maintenance requirements shall include site inspections by a qualified biologist annually, or more frequently on the recommendation of the biologist, to identify and correct any restoration and maintenance issues.
- (d) Five years from the date of initial planting under the Dune Restoration Plan, and every ten years thereafter, the Permittee or his 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 that the onsite restoration is in conformance with the approved Dune Restoration Plan, along with photographic documentation of plant species and plant coverage.
- (e) If the restoration monitoring report or biologist's inspections indicate the restoration is not in conformance with or has failed to meet the performance standards specified in the Dune Restoration Plan approved pursuant to this permit, the Permittee, or his 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. These measures, and any subsequent measures necessary to carry out the approved dune restoration plan, shall be carried out in coordination with the Executive Director until the approved dune restoration is established to the Executive Director's satisfaction.

The Permittee shall undertake development in accordance with the approved Dune Restoration Plan.

- 3. Open Space Deed Restriction.** No development, as defined in Section 30106 of the Coastal Act shall occur in the Open Space Area (i.e., all areas outside of the approved building envelope described in Special Condition 1a) as 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:

- (a) Necessary utility lines to serve the residence, to the extent such lines cannot be contained within a single corridor underlying the approved building envelope pursuant to Special Condition 4.
- (b) Restoration and associated maintenance and monitoring activities conducted in accordance with the approved Dune Restoration Plan prepared for the property as required by Special Condition 2.

PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI OF THIS PERMIT, the Applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the designated open space area. The recorded document(s) shall include a legal description and corresponding graphic depiction of the legal parcel(s) subject to this permit and a metes and bounds legal description and a corresponding graphic depiction, drawn to scale, of the designated open space area prepared by a licensed surveyor based on an on-site inspection of the open space area.

The deed restriction shall be recorded free of prior liens and any other encumbrances that the Executive Director determines may affect the interest being conveyed. The deed restriction shall run with the land in favor of the People of the State of California, binding successors and assigns of the applicant or landowner in perpetuity.

- 4. Utility Connections.** All utility connections shall be placed underground, and shall be contained within a single corridor underlying the building envelope established pursuant to Special Condition 1a to the maximum extent feasible. When installing any new utility connections, care shall be taken to avoid and minimize disturbance outside of the building envelope, among other ways, by employing the best management practices specified in Special Condition 1c.
- 5. Incorporation of City's Mitigation Requirements.** The Mitigation and Monitoring Plan (Plan) adopted by the City of Pacific Grove for its final Mitigated Negative Declaration and for Architectural Permit AP15-459 for this project is attached as **Exhibit 7** to this permit. Conditions 9 a-g (archaeology), which address the protection of archaeological resources; Condition 10 1i, which addresses black legless lizards; and Conditions 10 1h, 10 2b, and 10

2f, which address the installation of temporary fencing and monitoring during construction; are hereby incorporated as conditions of this permit. Any of the incorporated mitigations requiring materials to be submitted to the City and/or otherwise requiring City approval (such as Development Director approval), shall also require the same materials to be submitted to, and/or the same approvals granted by, the Executive Director under the same review and approval criteria as specified in the Plan. For future condition compliance tracking purposes, the incorporated mitigations in **Exhibit 7** shall be considered subsections of this Special Condition 7. To the extent any such incorporated mitigations conflict with these conditions (i.e., standard conditions 1 through 5, and special conditions 1 through 4 and 6), the conditions of this CDP shall apply.

- 6. 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.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

Project Location

The proposed project is located at 1356 Pico Avenue in the Asilomar Dunes neighborhood of the City of Pacific Grove. The Asilomar Dunes neighborhood is mapped as the area bounded by Lighthouse Avenue, Asilomar Avenue, and the northern boundary of Asilomar State Park to the south, and is located in the Asilomar Dunes complex extending from Point Pinos at the Lighthouse Reservation in Pacific Grove through Spanish Bay and to Fan Shell Beach in the downcoast Del Monte Forest area (see **Exhibits 1, 2, and 3**).

The Applicant’s parcel is located in an area zoned by the City as R-1-B-4, Single-Family Low Density Residential.¹ Development within the surrounding area is characterized by one- and two-story single-family dwellings interspersed in the dunes. This low-density zoning and development on relatively large lots is part of what gives this Asilomar Dunes residential area its

¹ The City’s zoning has not been certified by the Commission as part of the LCP.

open-space character. In this case, the lot is over one-half acre (22,420 square feet) and is currently developed with a 1,371-square-foot two-story house and a 272-square-foot detached guesthouse (see **Exhibit 4**). In terms of site coverage, the existing residence and guesthouse, combined with other impervious coverage (walkways, decks, and driveway), cover 4,060 square feet, or 18.1 percent of the lot. Another 196 square feet, or 0.9 percent of the lot, is utilized as a fenced garden that constitutes outdoor living space. The existing residential development footprint leaves 81 percent of the lot undeveloped.

As discussed below, the entire site is an environmentally sensitive habitat area (“ESHA”), as are all lots within dune habitat located in the Asilomar Dunes.² This is due in part to the existence of up to ten plant species and one animal species 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 subject lot is adjacent to other lots that have been restored and replanted with native species conditioned as part of prior development projects. As a result, native dune species, including two sensitive species, are found along the western and southeastern portions of the project site. The site is also located within a highly sensitive archaeological area.

Project Description

The existing residence and detached guesthouse would both be completely demolished and removed. A new 3,600-square-foot residence would be constructed that would include an attached three-car garage, partial second-floor living space, second floor decks, and a partial basement.

Beyond the demolition of the existing residence listed above, the proposed project also includes removal of all existing concrete patios and the driveway. A new permeable driveway and two small back patios would be constructed, and various stepping stones would be installed (see project plans attached as **Exhibit 5**). The Applicant originally proposed a fenced in courtyard at the front of the house and an additional barbecue area at the back of the house. After discussions with Commission staff, the Applicant agreed to submit a new design that consolidated all outdoor living space immediately adjacent to the front entrance of the house and removed all associated fencing. The Applicant submitted a draft revised project plan (**Exhibit 5**), which is the project that is being analyzed in this report, and has agreed to submit final plans in accordance with the recommended conditions and in substantial conformance with the draft revised project plans.

In terms of building coverage, the proposed new residence will cover approximately 3,050 square feet or 13.6 percent of the lot, compared to the 1,371-square-foot existing house and 272-square-foot detached guesthouse, which cover 7.3 percent of the lot. However, overall site coverage will be reduced from 18.1 percent to 15 percent, which is accomplished mostly through reducing the size of the driveway and removal of various walkways and patios around the property. Total impervious coverage (structural and non-structural) for the site would be 3,363

² Original approval of the existing SFD predates the Coastal Act, and therefore any designation of the project site as ESHA.

square feet (not counting a 240-square-foot portion of the driveway within the 20-foot front yard setback³), a reduction of 697 square feet from existing impervious coverage.

The proposal also includes placement of existing overhead utilities underground, removal of a septic tank, and the installation of sewer connections into the public sewer line. The project includes restoration of all portions of the property not committed to residential use to its native dune condition, as well as restoration of the City-owned right-of-way (ROW) immediately adjacent to the property. Finally, the Applicant has incorporated various mitigations required by the City through the CEQA process into the project (see **Exhibit 7**). These address biological issues such as monitoring during construction activities, as well as archeological resource issues. These incorporated components are considered part of the proposed project.

B. STANDARD OF REVIEW

The Asilomar Dunes portion of the City of Pacific Grove is located within the coastal zone, but the City does not have a certified LCP. The City's 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 in the preliminary stages of updating its LUP and developing an IP. Because the City does not yet have a certified LCP, applicants for coastal zone development must apply to the Coastal Commission directly for coastal development permits. Although the certified LUP provides guidance during the review of such applications, the standard of review is the Coastal Act.

C. ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Applicable Policies

Coastal Act Section 30240, states:

Section 30240 Environmentally sensitive habitat areas; adjacent developments

- (a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.*
- (b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.*

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

Section 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.

³ Driveway components that are located within the 20-foot front setback area are treated differently under the LUP. Specifically, a 12-foot-wide portion of the driveway within the 20-foot front yard setback may be excluded from the coverage calculation if the entire driveway is comprised of pervious or semi-pervious materials.

As indicated previously, while Coastal Act policies are the standard of review for coastal development permits until the City completes its LCP, the City's certified LUP can provide guidance to the Commission as it considers proposals for development in the Asilomar Dunes neighborhood. With regards to environmentally sensitive habitat areas, the LUP contains various policies designed to protect the acknowledged dune ESHA of the Asilomar Dunes area:

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.** [emphasis added]*

LUP Policy 2.3.5.1.c. *During construction of new development, habitat areas containing Menzies' wallflowers or Tidestrom's lupine or other rare and endangered species shall be protected from disturbance. Temporary wire mesh fencing shall be placed around the habitat prior to construction and the protected area shall not be used by workers or machinery for storage of materials. Compliance inspection(s) will be made during the construction phase.*

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. *Utility connections shall be installed 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.

The siting of each new development and the expected area of disturbance around each residence shall be individually reviewed by the Site Plan Review Committee. Such review shall duly consider the minimization of dune destabilization and disturbance to endangered plants and their habitat.

In special cases, up to 20% aggregate lot coverage may be allowed as a conditional use if the City specifically finds that:

- a) An offsetting area of native dune plant habitat will be restored and maintained adjacent to the site, such that the total area which will be preserved, restored and permanently maintained under conservation easement or similar enforceable legal instrument, as provided in Section 2.3.5.1, is equal to at least 80% of the total area of applicant's lot; and,*
- b) The additional site coverage is essential for protecting public views (i.e., by maximizing front setback in the case of parcels facing Sunset Drive), or for avoiding hardships in the case of existing parcels of one-half acre or less which would otherwise suffer in comparison to adjacent similarly-sized developed parcels.*

Asilomar Dunes Resources

Coastal sand dunes constitute one of the most geographically constrained habitats in California. They only form in certain conditions of sand supply in tandem with wind energy and direction. Dunes are a dynamic habitat subject to extremes of physical disturbance, drying, and salt spray, and support a unique suite of plant and animal species adapted to such harsh conditions. Many characteristic dune species are becoming increasingly uncommon. Even where degraded, the Coastal Commission has typically found this important and vulnerable habitat to be ESHA due to the rarity of the physical habitat and its important ecosystem functions, including that of supporting sensitive species.

The proposed development is located in the Asilomar Dunes complex, an environmentally sensitive habitat area extending several miles along the northwestern edge of the Monterey Peninsula. The Asilomar Dunes complex extends from Point Pinos at the Lighthouse Reservation in Pacific Grove through Spanish Bay and to Fan Shell Beach in the downcoast Del Monte Forest area. Within Pacific Grove, this dunes complex extends through two protected areas, the Lighthouse Reservation area and Asilomar Dunes State Park, which sandwich a dune-residential community. Although this dune-residential area is often described as Asilomar Dunes more

broadly, it is only a part of the larger Asilomar Dunes complex.⁴

The Asilomar Dunes extend inland from the shoreline dunes and bluffs through a series of dune ridges and inter-dune swales to the edge of more urban development in some cases and the edge of the native Monterey pine forest in others. 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 habitat area, which spans almost five miles of shoreline and includes the Asilomar residential neighborhood in Pacific Grove, remain in a natural state. The balance of the original habitat has been lost or severely damaged by sand mining, residential development, golf course development, trampling by pedestrians, and the encroachment of non-indigenous introduced vegetation. While a number of preservation and restoration efforts have been undertaken (most notably at the Spanish Bay Resort, Asilomar State Beach, and in connection with previously approved residential developments on private lots), much of the Asilomar Dunes complex remains in a degraded state. Even so, it remains a valuable habitat area because it supports certain rare and/or endangered plants and animals characteristic of this environmentally sensitive and rare habitat.

The Asilomar Dunes complex 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 Tidestrom's lupine, which all 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 includes other dune 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. Native Monterey pine trees that comprise the forest-front, an area where the central dune scrub plant community intersects the native Monterey pine forest community, serve to minimize environmental stresses to the interior trees of the forest, reduce tree failures that result when trees are more directly exposed to wind, and are considered critical in maintaining the stability of the landward extent of the sand dunes. Because of these unique biological and geological characteristics of the Asilomar Dunes, the Commission has a long history of identifying all properties in the Asilomar Dunes area with these dune system features, both in the City of Pacific Grove and Monterey County, as being located within ESHA. Based on this understanding, the Pacific Grove LUP certified by the Commission includes a variety of policies, relevant policies which are cited above, to protect this identified dune ESHA.

Site Specific Resources

At the time of LUP development, the City of Pacific Grove conducted a comprehensive survey of existing dune resources on each parcel. At that time (1990), the Applicant's parcel was identified and characterized as "sand dune" with extreme sensitivity (see **Exhibit 6**). A botanical survey report prepared by coastal biologist Thomas K. Moss on April 6, 2016 states that the property can best be described as a mix of highly degraded sand dune habitat and patches of restored native plants. Exotic plants and aggressive invasive species such as ice plant are abundant in the areas surrounding the existing residence. Special status species, including

⁴ The Pacific Grove Asilomar Dunes dune-residential area is located between Lighthouse Avenue and State Parks' Asilomar Conference grounds, and between inland Asilomar Avenue and the Asilomar State Beach shoreline.

Tidestrom's lupine and Monterey spineflower, were found on the western and southeastern edges of the property. The report noted that the black legless lizard likely occurs on the property, but the site was not searched for its presence. The black legless lizard is listed on the California Department of Fish and Wildlife's "Species of Special Concern."

Commission staff has visited the site and confirmed that the site contains dune habitat, albeit degraded with non-native plants in some areas. Therefore, based upon the presence of dune habitat and special status species, and consistent with the City's LUP and prior Commission actions on other proposed development in the Asilomar Dunes, the Commission finds that the site is environmentally sensitive habitat as defined by Section 30107.5 of the Coastal Act.

Project Impacts

The proposed project will impact the dune ESHA on the site in two ways: (1) it will extend the life, and thus the impacts, of a residential use in dune ESHA for the foreseeable future, and (2) it will contribute to the cumulative loss of the Asilomar Dune system. Nonetheless, to avoid an unconstitutional taking of private property, the Commission must allow some beneficial economic use of the applicant's property, considering the fact that the applicant's entire property is located within ESHA (for which the Coastal Act normally limits development to resource-dependent uses). As discussed below, with onsite restoration, avoidance of sensitive dune species, and conditions to meet the coverage limitations of the LUP, the project is conditioned as much as possible to be consistent with Coastal Act Section 30240.

Extension of Residential Use in ESHA

The existing home on the Applicant's site pre-dates the Coastal Act, including Section 30240, the purpose of which is to protect environmentally sensitive habitat areas. Ordinarily the Coastal Act does not allow residential uses in ESHA, absent a need to comply with Section 30010 by avoiding an unconstitutional taking of private property. Thus, the existing condition of the residence in the Asilomar Dunes ESHA is "grandfathered" for purposes of compliance with Coastal Act Section 30240. However, demolition and reconstruction of the single-family dwelling would normally be incompatible with the requirements of Coastal Act Section 30240, which expressly states that "only uses dependent on [ESHA] resources shall be allowed within those areas." Still, considering that the Asilomar neighborhood was subdivided prior to passage of the Coastal Act; the R-1-B-4 zoning designation of the Applicant's property specifically allows for single-family, low-density residential dwelling; and further considering that the Commission must allow *some* economically-beneficial use of the Applicant's property to avoid an unconstitutional taking of private property without compensation, the Commission recognizes that approval of a single-family dwelling (as proposed here) better achieves the resource-protection policies underlying Section 30240 of the Coastal Act as compared to the existing single-family dwelling currently onsite.

As proposed, the project will result in a new structure on the site that will replace the existing residence. Although the application has not specifically addressed the life of the project, the Commission assumes that the new home will be on the site for at least 50 years, if not more. The Commission expects, therefore, that the impacts of the current residential use of the site will be extended into the future for as long as new house remains on the site.

Direct and Indirect ESHA Impacts

The extended impacts of the proposed residential use on ESHA are varied. First and foremost is the direct loss of dune ESHA onsite due to the proposed impervious development footprint of 3,363 square feet, or approximately 15 percent of the 22,420-square-foot site. The proposed residence and garage would cover 3,050 square feet of the site. Another 313 square feet of impervious surface includes two small patios at the back of the residence and stepping stones leading from the driveway to the front entrance.

However, it is worth noting that currently 4,060 square feet, or 18.1 percent of the property, is covered by building and non-building (impervious) coverage. Therefore, this proposal would reduce total impervious coverage by 697 square feet, or 3.1 percent, accomplished mostly by reducing the size of the driveway and removing various patios and walkways. The project also includes a significant amount of outdoor living space, 1,121 square feet total, where residential uses will be allowed. However, this area will not be covered by impervious surfaces and instead will be left in a natural condition. Additionally, the outdoor living space is located immediately adjacent to the front entrance of the house in order to limit adjacent habitat impacts and around the stepping stones, which would not function as high-quality habitat due to increased foot-traffic in the area. In total, the project would result in direct displacement of about 20 percent of the site (including impervious coverage and outdoor living area) or 4,452 square feet of dune habitat (though the project will still result in an overall reduction of impervious coverage by 3.1%). Much of this area is already disturbed by the existing residential use, and redevelopment of the site will necessarily disturb areas immediately adjacent to the existing development footprint. The following table summarizes the existing condition, the proposed project, and the LUP maximums related to site coverage.

Project Component	Existing	Proposed	LUP maximum
Building Coverage (home and garage)	1,643 sq. ft. (7.3%)	2,716 sq. ft.(14%)	
Other Coverage (driveways, sidewalks, etc.)	2,417 sq. ft. (10.8%)	756 sq. ft. (4%)	
Total Impervious Coverage	4,060 sq. ft. (18.1%)	3,363 sq. ft. (15%)	3,363 sq. ft. (15%)
Outdoor Living Area (backyard, landscaped, and pervious areas)	196 sq. ft. (0.9%)	1,121 sq. ft. (5%)	1,121 sq. ft. (5%)
Total Lot Coverage	4,256 sq. ft. (19%)	4,452 sq. ft. (20%)	4,484 sq. ft. (20%)

The other significant onsite impacts to ESHA are due to the location of the residential use immediately in and adjacent to the remaining habitat, without any buffers. To implement Coastal Act Section 30240, the Commission usually requires not only avoidance of ESHA but also the use of buffering to minimize the disruption of habitats from non-compatible uses. Such impacts include light and noise; shading of dune habitat; the potential introduction on non-native plants and invasive species; direct disturbance of habitat from residentially-related activities; and potential impacts on flora and fauna from domestic animals. In the case of dune habitat, the presence of residential development also results in a general impact to the ecological functioning of the dune system, including fragmentation of habitat and the prevention of sand movement that is an ongoing feature of dune habitat systems.

In this case, two protected plant species, Tidestrom's lupine and Monterey spineflower, are growing within the affected area of the proposed development. Thus, project-related construction

activities may result in damage and/or loss of sensitive plant species.

As with other parcels in the Asilomar Dunes system, the direct impacts to adjacent habitat are not avoidable if a residential use of the site is to continue because the entire site is dune ESHA. There is no feasible location that would also buffer the ESHA. Some of the impacts could perhaps be reduced, for example by making the home design more compact (smaller) in order to minimize coverage and maximize adjacent contiguous habitat. The project plans reduce total impervious coverage and are within the LUP maximum for impervious surfaces. Although the design of this house is less boxy and slightly more spread out than other recent approvals, such a design in this case is appropriate because the proposed house is clustered closer to the residence on the adjacent parcel and avoids areas where sensitive species are present. Outdoor living space has been consolidated within one contiguous area at the front of the house to limit impacts to adjacent habitat. However, the overall impacts of the existing residential use on the dune system cannot be eliminated without entirely eliminating the residential use of the Applicant's property.

Expanded Residential Use of Site

The new residential use and development will displace areas of previously undeveloped but highly degraded dune habitat. The project will also greatly expand residential use of the site. As detailed above, the project includes an additional 1,957 square feet of floor area, changing a relatively modest, three-bedroom, three-bathroom home to a four-bedroom, three-and-a-half-bathroom home complete with a wine cellar, office, and three-car garage. The expanded size of the new residence can be expected to support a larger family and greater number of persons, pets, cars, and other typical urban trappings. This generally equates to a greater amount of light, noise, and other disturbances that can impact ESHA.

Temporary ESHA impacts

The project will also result in direct temporary impacts to dune ESHA necessitated by the construction process. Inevitably the project will entail impacts to dune habitat beyond the proposed final development footprint, as it is not reasonably feasible to contain all of the construction activity within the development envelope itself. Although these areas will be restored at the end of the construction process, these impacts are, nonetheless, impacts to dune ESHA that must be accounted for. Related, the Commission also recognizes that any redevelopment of the site cannot reasonably be achieved without some necessary disturbance of the general area within which the existing residential use is located. Finally, the project will include utility trenching, septic removal, and sewer installations that will also result in a temporary disruption of ESHA, and can reasonably be expected to result in future disruption for necessary repairs and maintenance.

Cumulative Impacts to Asilomar Dunes System

The Applicant's project is located near the southern end of the Asilomar Dunes dune-residential area of Pacific Grove, an area now of approximately 60 acres where the dunes retain roughly their original contours. Although divided into about 95 lots and developed with 75 existing dwellings, the area still contains some of the best remaining examples of the original Asilomar Dunes landform and flora.

The cumulative impacts of additional residential development, both new and redevelopment, will have a substantial adverse impact on the unique ecology of the Asilomar Dunes, as each loss of

natural habitat area within the Asilomar Dunes formation contributes to the overall degradation of this finite and extremely scarce coastal resource. This cumulative impact includes direct loss of habitat, increased fragmentation and interference with ecological processes, and intensified impacts from expanded and intensified residential development immediately within the dunes system.

Consistency with the Coastal Act and LUP Guidance

The Commission has a long history of protecting the Asilomar Dunes system ESHA, including through development and application of guiding Pacific Grove LUP policies that strike a balance between maximum dune habitat protection and allowance of a reasonable residential use on pre-existing subdivided parcels in the Asilomar area. To minimize disturbance to the sensitive dune and related habitats, the total maximum aggregate lot coverage (not counting outdoor living space area) under the certified LUP is limited to 15 percent of the lot area for most lots (i.e., for lots greater than one-half acre in size). In cases where a lot is one-half acre or less, up to 20 percent aggregate lot coverage may be allowed provided that: 1) an offsetting area of native habitat will be restored and maintained adjacent to the site such that the total area preserved, restored, and maintained is equal to at least 80 percent of the total area of the lot, and 2) the additional coverage is necessary to avoid a hardship in the case of existing parcels of less than one-half acre, which would otherwise suffer in comparison to adjacent slightly larger developed parcels. As defined in the LUP, this 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 an additional maximum of 5 percent of the lot area for “immediate outdoor living area” that can be landscaped and within which residential activities are allowed. Per the LUP, the remainder of any site (i.e., 75-80 percent, once maximum coverage and outdoor living area are accounted for) must be preserved as dune habitat, including through restoration/enhancement as necessary to ensure maximum feasible habitat value.

In this case, the proposed redevelopment project is within the LUP-defined maximums, with an overall 3.1 percent reduction in impervious lot coverage compared to existing conditions. The proposed draft plans contemplate 20 percent total lot coverage (i.e., 15 percent impervious coverage and 5 percent outdoor living space), which is slightly above existing conditions but still within the established LUP maximum and includes the aforementioned reduction in impervious surfaces. The proposed 1,121 square-feet of outdoor living space is significant in size, but within the maximum allowed. In cases where outdoor living space significantly extends into dune areas, reducing the size of outdoor living space may be appropriate. However in this case the outdoor living space is consolidated near the front entrance of the house and around the stepping stones, thereby limiting impacts to adjacent habitat. The proposed residence otherwise avoids direct impacts to individual occurrences of endangered plant species by providing for a 20-foot development setback from identified sensitive plants.⁵ The project also incorporates mitigation measures to ensure the protection of sensitive species, including installation of temporary protective fencing prior to construction and daily inspections by a qualified biologist.

⁵ This does not account for potential seed bank present below the surface of the dunes on the site, but rather is focused on individual expressed above-ground plants. Given the shifting nature of these types of dunes, including shifting seed banks etc., it is generally presumed that expressed individuals indicate that seed stock for these species is present in the general area, and that the “habitat” for these species is not necessarily confined to individual expressed occurrences. That said, it has also been the Commission’s long-standing practice to avoid locations of individual sensitive plants that are identified on a site.

Additionally, the Applicant has incorporated into the project a dune restoration plan for the remainder of the site.

The Commission has generally applied the guiding LUP 15/5 percent (or 20/5 percent for lots less than half an acre in size) coverage rule cited earlier for cases in Asilomar where new development is proposed on vacant lots. This is to address the Coastal Act requirements to protect ESHA from non-resource dependent development, while avoiding a taking of private property. This intent is summarized in the Commission's 1988 findings for adoption of the LUP:

Over a period of 14 years, the Coastal Commission has considered several dozen coastal development requests in the Asilomar Dunes area...

Because of this existing pattern of use, it wasn't feasible to exclude residential development from existing vacant parcels. Therefore, the Commission has emphasized preservation and restoration of remaining habitat rather than strict prohibition ...Generally, this has meant that building and driveway coverage have been limited to 15% or less of the parcel area; some flexibility has been allowed where hardships resulted from very small lot sizes or similar circumstances...

Since certification of the LUP, the Commission has continued the same general pattern of decision-making, with specific attention to limiting the total site coverage (excluding outdoor living space) of new residential development on vacant lots of record to 15 percent (e.g., 3-99-071 (Knight); 3-01-013 (Baldacci); 3-01-020 (Pletz)). As anticipated by the LUP, the Commission has allowed up to 20 percent coverage in cases involving smaller (less than one-half acre), more constrained lots (e.g., 3-90-123 (Naegle); 3-10-045 (DaCosta); 3-14-0981 (Carp)). The Commission has also approved a number of demolition and rebuilds or remodels of existing homes with a coverage limitation equal to the existing coverage, or with reduced coverage where the existing residential use was greater than the 15-20 percent LUP maximum for new development (e.g., 3-97-001 (Johnson); 3-03-029 (Kwiatkowski); and 3-09-049 (Wheeler); 3-14-1172 (White)).

More recently, in cases where there was new dune coverage, a coverage increase within the LUP maximum, and/or a coverage decrease for a remodel that was still above LUP maximums, the Commission has also required 2:1 off-site mitigation for such dune coverage (e.g., 3-10-029 (Johnston); 3-11-020 (Goins); and 3-14-0981 (Carp); 3-14-1172 (White)). For projects that constituted a replacement structure under Coastal Commission Regulations Section 13252 where 50 percent or more of an existing structure was replaced, the Commission approved each project with a condition to further reduce coverage to stay within the LUP maximum even where a reduction in coverage was already proposed (3-09-012 (White); 3-14-1186 (Griffith); 3-14-1591 (Grines)).

Another important aspect of the Commission's permitting history in Asilomar is the evolution and refinement of the application of Coastal Act Section 30240 to new residential development in dune ESHA. For example, as evidenced by the LUP finding cited above, the Commission has always been concerned with the need to provide for a residential use on existing vacant lots of record in Asilomar, notwithstanding the presence of dune ESHA. However, the Commission's more recent findings for such approvals have become more focused on the need to make such approvals to avoid a taking of private property pursuant to Coastal Act Section 30010 (e.g., 3-05-059 (Pletz) and 3-05-060 (Reinstedt); 3-14-0981 (Carp)). In addition, since the *Bolsa Chica*

decision in 1999,⁶ there has been increased attention on the need to more strictly apply the resource-dependent requirement of Section 30240. Although the practical effect may have been similar, earlier decisions in Asilomar focus more on the need to minimize significant disruption of dune habitat and less on the fact that residential development is not a resource dependent use.

The case at hand does not involve a vacant lot and thus the Commission is not obliged to approve the proposed residential expansion for reasons of avoiding a taking of private property. There is currently an approximately 1,371-square-foot residence and a 272-square-foot guesthouse on the Applicant's site that provides a reasonable economic use of the property. However, the Commission acknowledges that it has also approved redevelopment depending on the unique circumstances of each case, including whether there have been previous CDP requirements limiting future development. Here, the existing residential development pre-dates CDP requirements and a relevant factor to consider is the longstanding 20 percent maximum coverage guidance in the LUP for residential development on lots greater than one-half acre in size in the Asilomar Dunes area. The existence of this LUP standard is a unique situation that distinguishes the Asilomar cases from other protected ESHA systems along the coast that may not have such a standard already in place to account for non-resource dependent development in ESHA. This standard has been certified by the Commission as appropriate under the unique circumstances presented in this particular area, and it applies throughout the Asilomar Dunes area. Thus there is an argument for allowing each dune-residential parcel to enjoy the same limited benefits of some residential development in ESHA, up to the maximum coverage allowed by the LUP certified by the Commission.

In this case, there is already an existing non-resource dependent residential use on the site that pre-dates the Coastal Act. Redevelopment of the residence will occur in areas of highly degraded dune habitat with a 20-foot setback from identified sensitive plant species, thereby limiting impacts to surrounding ESHA. The redevelopment will necessarily involve impacts to areas immediately surrounding the existing envelope, but such impacts will be minimal and temporary. Recognizing the unique circumstances of dune protection in the Asilomar system, including the long-applied LUP guiding policies that clearly establish a maximum coverage limit, the project can be found as consistent as possible with Section 30240 if conditioned to address the direct, indirect, and cumulative impacts of the development. To assure maximum protection and thus minimize significant disruption of dune ESHA, and to mitigate new direct and cumulative impacts to dune ESHA, as required by both the Coastal Act and the LUP, onsite and offsite restoration of dune habitat is also necessary.

Special conditions have been attached to this permit that require the Applicant to submit final plans in substantial conformance with the draft revised plans that identify the maximum impervious site coverage to include no more than 15 percent of the lot (up to 3,363 square-feet) and no more than 5 percent outdoor living space (up to 1,121 square-feet), excluding the portion of the driveway located in the 20-foot front yard setback (see **Special Condition 1a**).

To best protect remaining dune habitat, special conditions are also attached to ensure that outdoor living areas immediately abutting native dune restoration areas are planted with native species from local stock appropriate to the Asilomar Dunes area. Specifically, **Special Condition**

⁶ *Bolsa Chica Land Trust v. Superior Court*, 71 Cal. App. 4th 493 (1999).

1d requires the submittal of final landscaping plans that, among other things, prohibit the planting of non-native, invasive species, require all plant materials to be complementary to the native habitats in the project vicinity (Central Coast Dune Scrub and Monterey Pine Forest), prevent the spread of exotic invasive plant species, and avoid contamination of the local native plant community gene pool. **Special Condition 1b** allows sand excavated during development to be placed outside of the building envelope in a manner that replicates surrounding natural dune forms, provided it will support and enhance the restoration of natural habitat values.

Special Condition 1f prohibits permanent fencing on the site, so as to ensure the maximum natural exchange of sand and seed stock and wildlife corridor continuity, thereby helping to facilitate continuous dune resource values. Although fencing consistent with protecting habitat preservation areas may be appropriate for a short time during construction, any other existing fencing for this site is not appropriate and must be removed. Any future permanent fencing contemplated for this site will require an amendment to this coastal development permit. Temporary exclusionary fences to protect the endangered Tidestrom's lupine and other sensitive native dune plant habitat areas outside of the building envelope during construction are a necessary mitigation measure and are required to assure protection of these environmentally sensitive habitat areas (**Special Condition 5**).

Because the project will adversely impact sensitive dune habitat areas in the manner described above, mitigation is required to offset these impacts. Specifically, dune habitat areas must be enhanced and protected over the long term to offset impacts to these areas from a non-resource dependent residential use and for the temporary impacts associated with the construction of the residence. The Applicant's proposed dune restoration plan can form the basis for such long-term enhancement and protection, provided it is modified to ensure its maximum effectiveness and to include the unimproved areas of the City-owned ROW adjacent to the site to help offset impacts from the proposed development. Accordingly, this approval requires a qualified biologist to prepare and implement a native dune restoration plan for the site (**Special Condition 2**) that includes performance standards, and long-term maintenance and monitoring of the undeveloped portions of the property and adjacent City ROW. In addition, the restoration area must be made off-limits to other than habitat-related development and uses; thus this approval prohibits development outside of the approved development envelope, other than restoration and utilities, and it requires protection and restoration of all of these areas through an open space deed restriction (see **Special Condition 3**). In order to ensure that future owners are aware of these prohibitions and to ensure the protection of these areas, the Commission also requires that a deed restriction be recorded against this property that will include all of the conditions of approval, including the habitat restoration plan and prohibition on development outside of the building envelope, as restrictions on the use of this property (see **Special Condition 6**). Defining a building envelope will help reduce adverse impacts to the environmentally sensitive habitat area, as well as minimize disruption to the sand dunes, throughout the life of the development.

To assure compliance with the native dune restoration plan, an environmental monitor must observe the site daily during earth disturbing activities and at least weekly during construction. Experience has shown that weekly monitoring helps ensure that workpeople and materials stay out of sensitive natural habitat areas. The City has required this monitoring as part of its Mitigation Monitoring Plan, consistent with LUP Policy 2.3.5.1(c) regarding compliance

inspections during the construction phase, and **Special Condition 5** incorporates the Mitigation Monitoring Plan as part of this permit.

Although none were found during project surveys, the site contains potential habitat for black legless lizards. To assure no adverse impacts to these lizards during construction activities, the City has adopted a pre-construction lizard survey and **Special Condition 5** incorporates this as a requirement of this permit.

In addition, **Special Condition 1c** requires implementation of construction best management practices (BMPs) both during and after construction to prevent erosion, sedimentation, and the discharge of pollutants during construction. **Special Condition 4** requires all utilities to be installed in a single corridor underlying the driveway, consistent with LUP Policy 2.3.5.1.g.

ESHA Conclusion

As conditioned to: limit the development footprint to an aggregate of 20 percent total site coverage with no more than 15 percent impervious coverage of the over one-half acre lot; require implementation of a native dune restoration plan; record an open space deed restriction clearly identifying the requirements for restoration and maintenance of natural dune habitat equivalent to at least 80 percent of the lot area; incorporate the City's mitigation measures; prohibit all permanent fencing; and prohibit any future development in the restored area outside of the coverage area, the proposed development is consistent with the certified LUP. Given the unique context of development within the Asilomar Dunes area, in which the Commission's certification of the LUP included an assessment of Coastal Act ESHA policies and established long-term planning policies that protect the dune ecosystem as a whole in this area, taking into account development potential of existing residentially designated legal lots, the project is also as consistent as possible with the Coastal Act's sensitive habitat policies while also allowing for the scale of residential development the Commission contemplated would be allowed when it certified the LUP for this area.

D. VISUAL RESOURCES

Applicable Policies

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. 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 and by local government shall be subordinate to the character of its setting.

The City's certified Land Use Plan, which is advisory in this case, also 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 2.5.5.4. *New development on parcels fronting Sunset Drive shall complement the open space character of the area. Design review of all new development shall be required. The following standards shall apply; ... Residential structures shall be single story in height and shall maintain a low profile complimenting the dune topography. In no case shall the maximum height exceed 18 ft. above natural grade within the foundation perimeter prior to grading.*

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 3.1.1.2. *New buildings shall be limited to two stories (25 ft.) in height unless otherwise specified by the Plan...*

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.*

Consistency Analysis

Both the Coastal Act and the LUP require that new development be compatible with and subordinate to the character of this important Asilomar Dunes viewshed. This viewshed is to be protected as a “resource of public importance.” The LUP provides guidance in this respect, including by limiting overall height to 18 feet for residences along Sunset Drive, 25 feet elsewhere, and by requiring that development maintain a low-profile that complements the dune topography. The existing residence and detached guesthouse are located four houses inland on the corner of Pico Avenue and La Calle Corte. The proposed project will add 1,957 square feet of floor area over existing conditions and includes a larger second story. Because it does not front Sunset Drive and is located inland of several other similarly sized two-story residences, the proposed project will be compatible with surrounding development and will generally fit into the dune-residential landscape (see **Exhibit 4 for photos of existing residential development**). As proposed, the residence would not block views of the ocean from public viewing areas defined in the LUP’s Shoreline Access Map (see **Exhibit 6**). The proposed residence conforms to the LUP’s 25-foot maximum height requirement. Also, because the proposed building footprint is further south of Pico Avenue than the existing residence, the proposed residence will be less visible from Sunset Drive than the existing residence, i.e. the proposed residence will only be visible from a small portion of Sunset Drive and the adjacent recreational coastal trail. Also, the mass and scale of the proposed project is similar to other surrounding residential development in the Asilomar Dunes area (see photos in **Exhibit 4**).

Accordingly, the proposed design is consistent with the visual protection provisions of Section 30251 of the Coastal Act and of the LUP. **Special Condition 1e** recognizes and formalizes the Applicant’s proposal and limits the overall ridge height of the project to 25 feet above finished

first floor elevation. Only a portion of the proposed house reaches the maximum 25-foot height limit. The remaining portions of the residence, and in particular, plate and ridge heights, shall remain in substantial conformance with the submitted plans (i.e., less than 25 feet in height).

Special Condition 4 requires all utilities to be undergrounded and placed within a single corridor underlying the building envelope.

As required by LUP Policy 2.5.5.4, final architectural approval was granted for the design by the City's Architectural Review Board on March 8, 2016 (see **Exhibit 7**). As previously described, all areas outside of the building envelope will be excluded from development by an open space deed restriction (**Special Condition 3**), which is required to protect the environmentally sensitive habitat on the remaining undeveloped portion of the property. This condition, and **Special Condition 2**, also will help to ensure visual consistency by maintaining the natural dune landform as much as possible in a restored state that will help offset the dichotomy of residential development in the dunes by ensuring that it is subordinate to the dune setting. As conditioned for habitat purposes, the project results in the maximum allowable site coverage for this site, and no future additions will be allowed that would increase the total aggregate site coverage or create additional view impacts. Again, this is also necessary to find visual consistency as additional development outside the development envelope would lead to inappropriate viewshed impacts. Thus, these conditions are also required for viewshed protection.

Visual Resources Conclusion

The proposed project should blend effectively within the dune aesthetic, including through restoration of the remainder of the site to help subordinate the residential development to the dune landscape in which it is located. The project will not block any ocean views from the LUP defined public viewing areas and fits within the surrounding residential development. Given its size and setting, the approved project will be compatible with its surroundings and will generally fit into the dune-residential landscape. Special Conditions limit overall height to 25 feet, and the required habitat conditions limit the total development area of the site, protecting visual resources as well. Accordingly, the project can be found consistent with Section 30251 of the Coastal Act and the LUP's visual resource policies.

E. ARCHAEOLOGICAL RESOURCES

Applicable 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.*

Consistency Analysis and Conclusion

The site is located within an archaeologically sensitive area, where potentially significant archaeological resources and artifacts have been discovered in the past. An archaeological survey was conducted for the subject parcel and a report prepared by Susan Morley in September, 2015. Site records indicate that the parcel is located within a ¼-mile radius of ten previously recorded archaeological sites, the closest of which is approximately 300 feet from the project site. No prehistoric or historic artifacts were discovered during a surface reconnaissance of the entire parcel, which suggests that the project is not located on an archeological site. Nonetheless, the report determined that the project may impact archeological resources due to the proposed excavation and grading associated with the project and its close proximity to multiple recorded sites. To ensure that archeological resources are protected, the report recommends that a qualified archeologist monitor all earth disturbing activities; and that construction work be suspended and a mitigation plan developed, to include data recovery and analysis, if archaeological materials are found. The City incorporated the report recommendations into the permit conditions, which are incorporated into this permit through **Special Condition 5**. As conditioned, the proposed development is consistent with Section 30244 of the Coastal Act and the LUP's archaeological resource policies.

F. WATER QUALITY/MARINE RESOURCES

Applicable Policies

Sections 30230 and 30231 of the Coastal Act state:

***Section 30230.** Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.*

***Section 30231.** The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats,*

and minimizing alteration of natural streams.

Similarly, LUP Policy 2.2.5.2 states:

To reduce the potential for degradation of the ASBS/Marine Gardens, the City shall require, where necessary, drainage plans and erosion, sediment and pollution control measures as conditions of approval of every application for new development.

Consistency Analysis and Conclusion

As recognized by the LUP, the rich and diverse marine habitat along the Pacific Grove Shoreline is an Area of Special Biological Significance (ASBS) designated by the State Water Resources Control Board. The project site is just uphill from these marine habitats. Drainage and stormwater runoff from the site, both during and after construction, have the potential to degrade coastal water quality and diminish biological productivity by contributing sediments and pollutants.

Therefore, to carry out the Coastal Act and LUP standards above, approval of the development has been conditioned to require grading and drainage plans that minimize site disturbance, prevent erosion, contain sediments and pollutants, and that retain, filter, and treat stormwater runoff on site to the maximum degree feasible (**Special Conditions 1b and 1c**). Only with these conditions is the project consistent with Coastal Act Sections 30230 and 30231 and LUP Policy 2.2.5.2.

G. LOCAL COASTAL PROGRAMS

Section 30604(a) of the Coastal Act states:

Prior to certification of the local coastal program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with Chapter 3 (commencing with Section 30200) and that the permitted development will not prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a local coastal program that is in conformity with Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for that conclusion.

Although the northern Asilomar Dunes area was originally included in the work program for Monterey County's 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 the City is currently working on both an LUP update and associated implementing ordinances. In the interim, the City has adopted an ordinance that requires that new projects conform to LUP policies. At this time, however, 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 (see previous findings). Additional measures to more clearly articulate coverage and outdoor living space standards in order to address ongoing residential uses within ESHA are currently being discussed by Commission and City staff during the LCP update process. The City's action on the project generally accounts for the proposed LUP policies.

Therefore, as conditioned, the proposed development is consistent with the policies contained in Chapter 3 of the Coastal Act and will not prejudice the ability of the City of Pacific Grove to prepare and implement a complete LCP.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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

On February 26, 2016 the City of Pacific Grove, acting as the lead CEQA agency, completed a mitigated negative declaration for the project that concluded that with the addition of mitigation measures the project would not have significant environmental impacts. The City incorporated said mitigation measures into its March 8, 2016 approval of the project.

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 relevant coastal resource issues with the proposal including impacts to environmentally sensitive habitats, visual resources, archeological resources, and water quality; and has recommended appropriate suggested modifications to avoid and/or lessen any potential for adverse impacts to said resources. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives nor feasible mitigation measures available that would substantially lessen any significant adverse environmental effects which approval of the proposed project, as modified, would have on the environment within the meaning of CEQA. Thus, if so modified, the proposed project will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).

APPENDIX A – SUBSTANTIVE FILE DOCUMENTS

1. *Botanical Survey Report St. Dennis Residence*, Thomas K. Moss. April 6, 2016.
2. *Landscape Restoration Plan St. Dennis Residence*, Thomas K. Moss. April 6, 2016.
3. *Preliminary Cultural Resources Reconnaissance of Assessor's Parcel Number 007-072-009, in the City of Pacific Grove, Monterey County, California*. Susan Morley, M.A., RPA. September, 2015.
4. *1365 Pico Avenue Initial Study and Mitigated Negative Declaration*. City of Pacific Grove. February 26, 2016.
5. *Architectural Permit AP15-459 for a property located at 1365 Pico Avenue*. City of Pacific Grove Community Development Department – Planning Division. March 8, 2016.

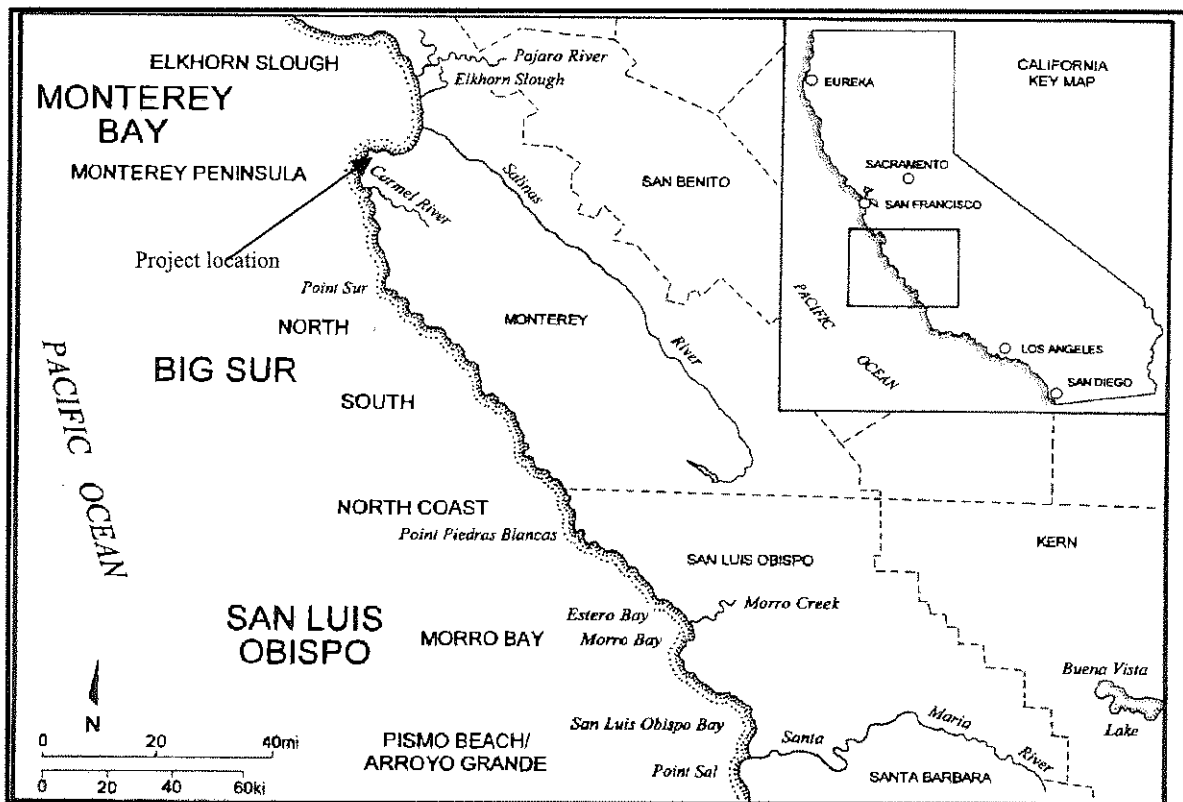
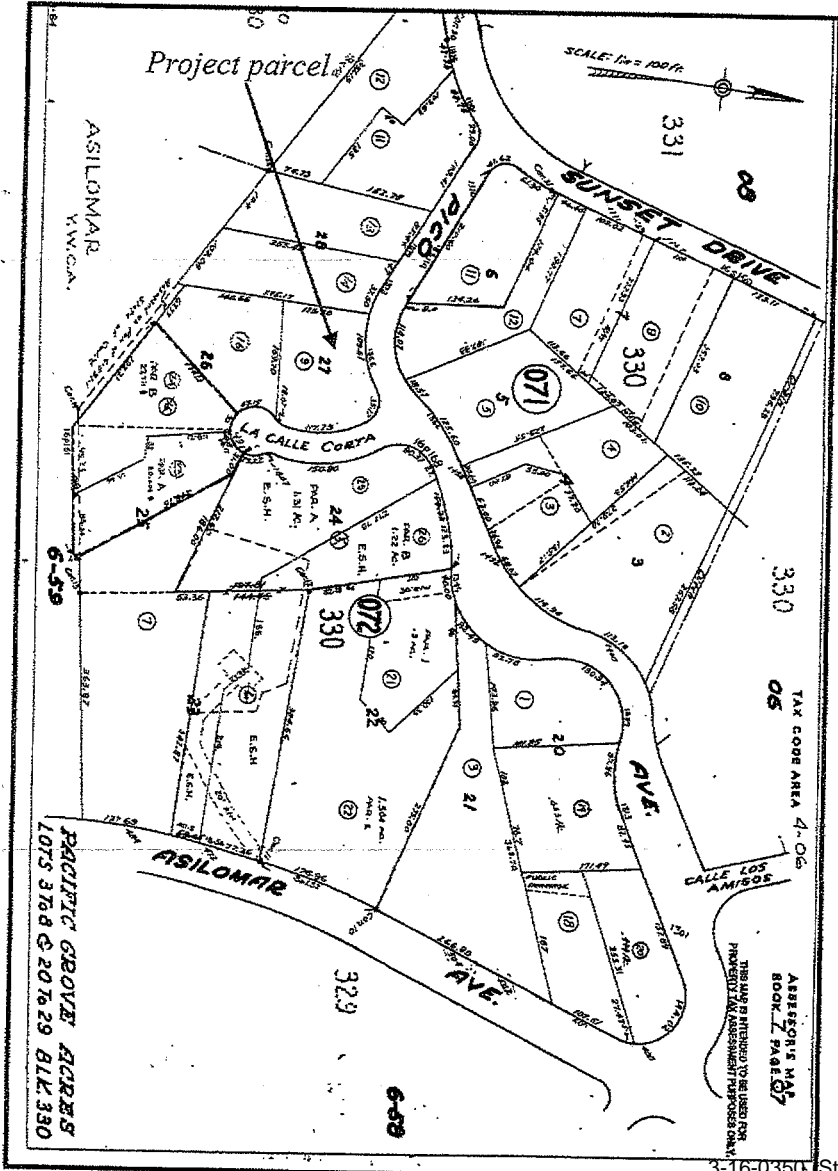
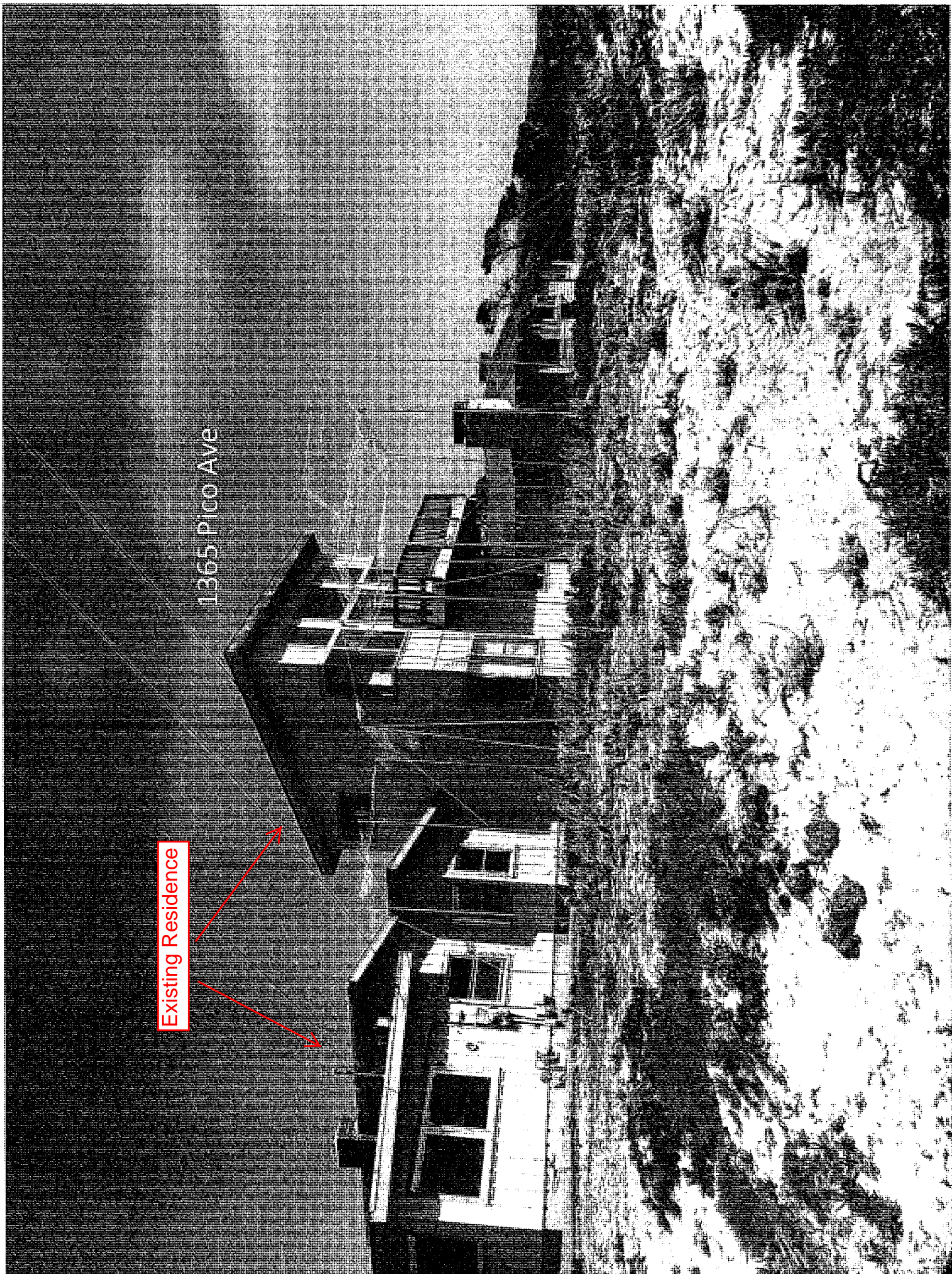


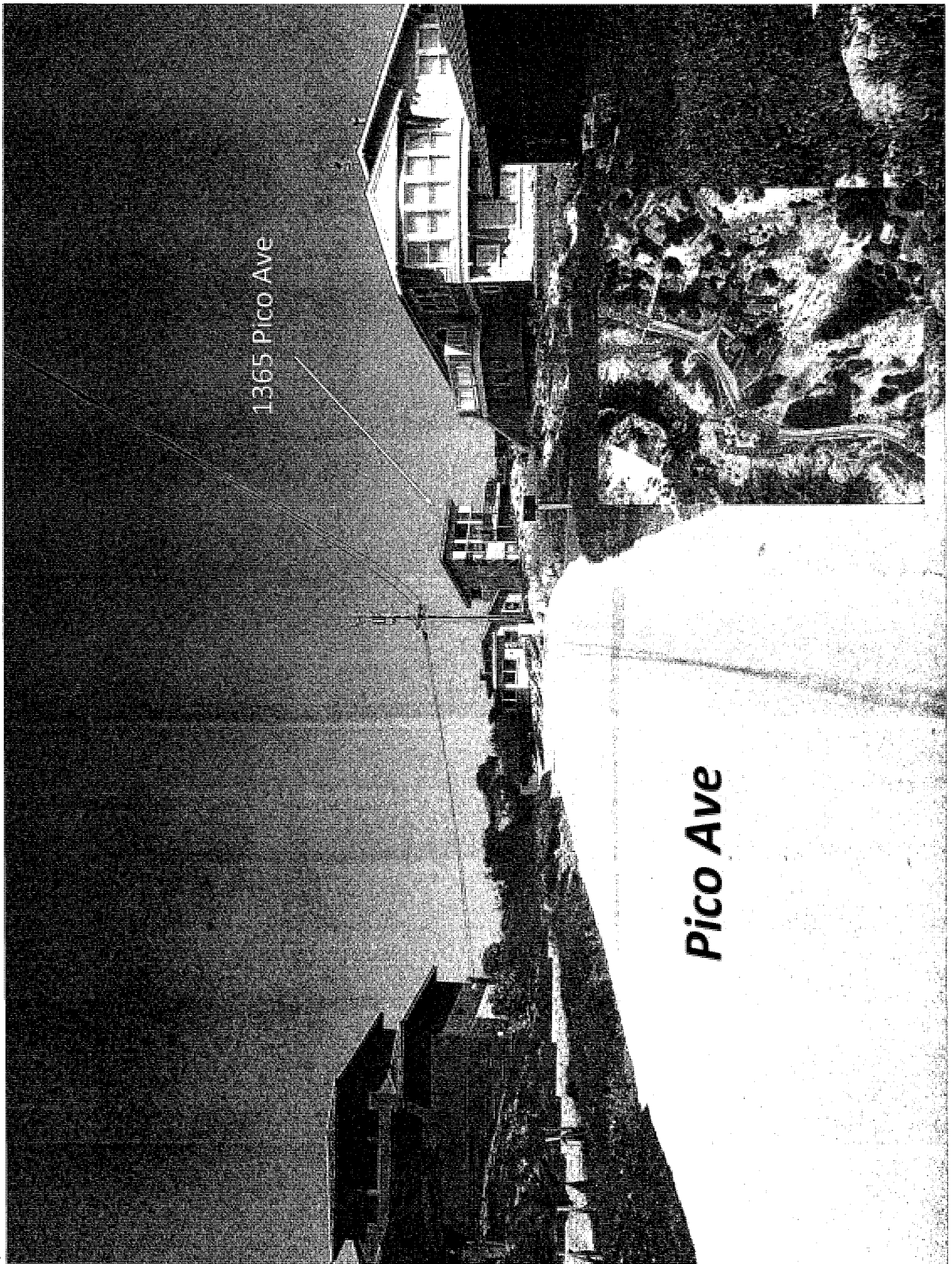
Figure 1: Regional Location Map for the City of Pacific Grove, California

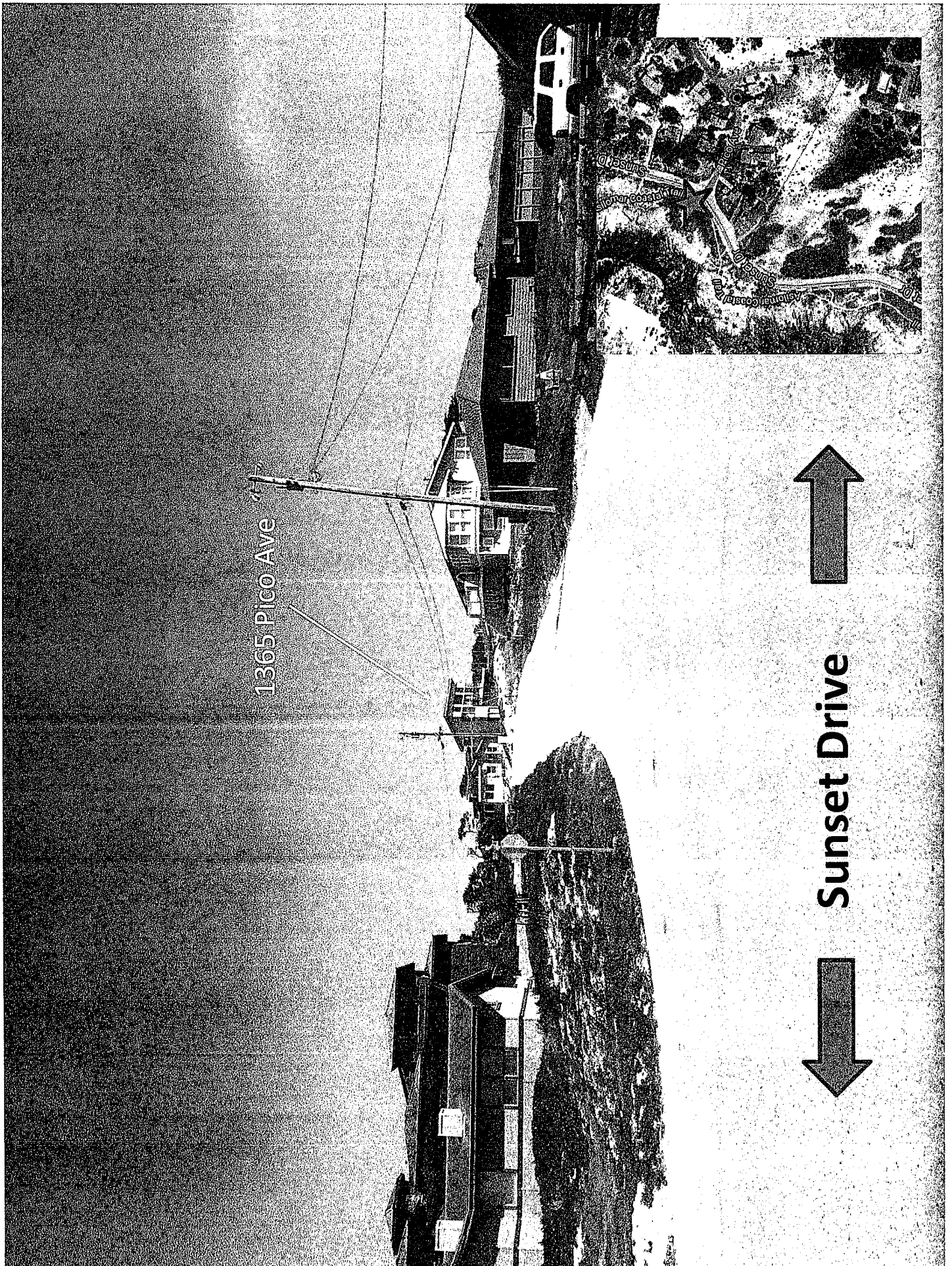


Project Site









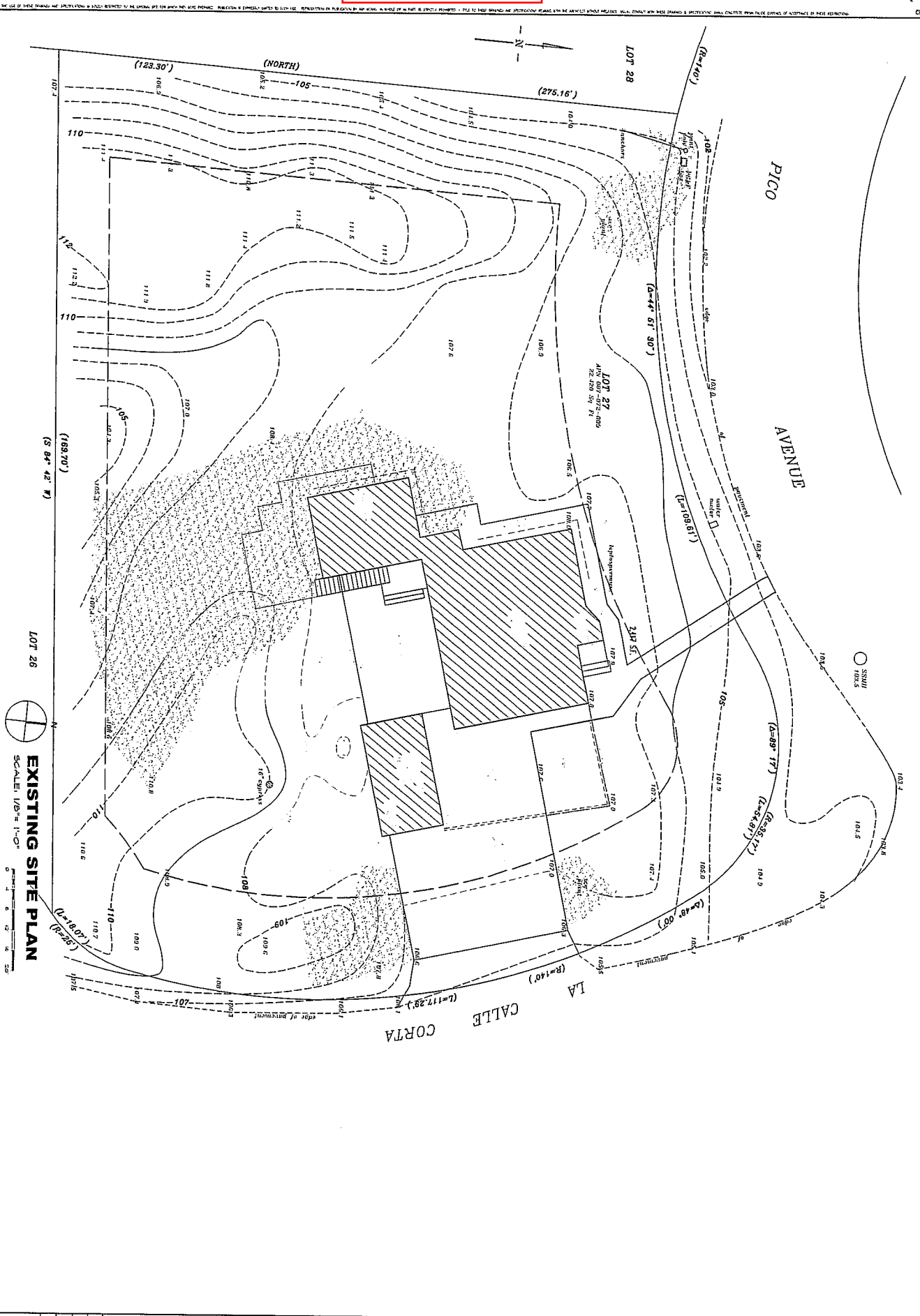






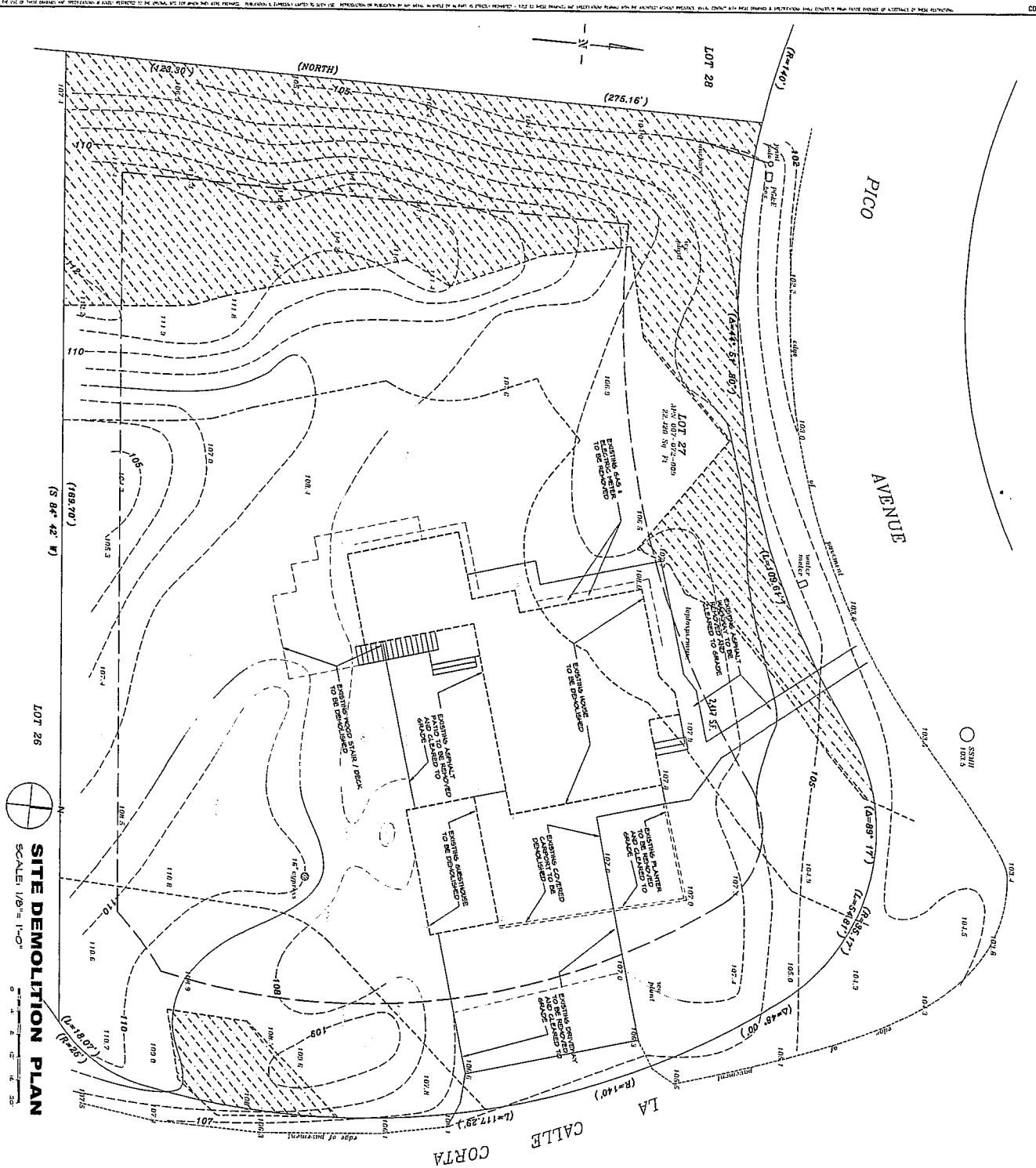


Existing Site Plan



EXISTING SITE PLAN
 SCALE: 1/8" = 1'-0"
 SHEET 1 OF 2

A-1.0 SHEET 1 OF 2	EXISTING SITE PLAN JOB NAME: St. Dennis Residence 1365 Pico Avenue Pacific Grove, CA A.P.N. 007-072-009-000	ARCHITECT ERIC MILLER ARCHITECTS, INC. 211 HOFFMAN AVENUE MONTEREY, CA 93940 PHONE (831) 372-6410 • FAX (831) 372-7940 • WEB: www.ericmillerarchitects.com	CONSULTANT: Exhibit 5 16-0350 (St. Dennis SF-D) 2 of 12
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SITE DEMOLITION PLAN
SCALE, 1/8" = 1'-0"

A-1-1

SITE DEMOLITION PLAN

JOB NAME: St. Dennis Residence
1365 Pico Avenue
Pacific Grove, CA
A.P.N. 007-072-009-000

ARCHITECT

ERIC MILLER ARCHITECTS, INC.

211 HOFFMAN AVENUE MONTEREY, CA 93940
PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

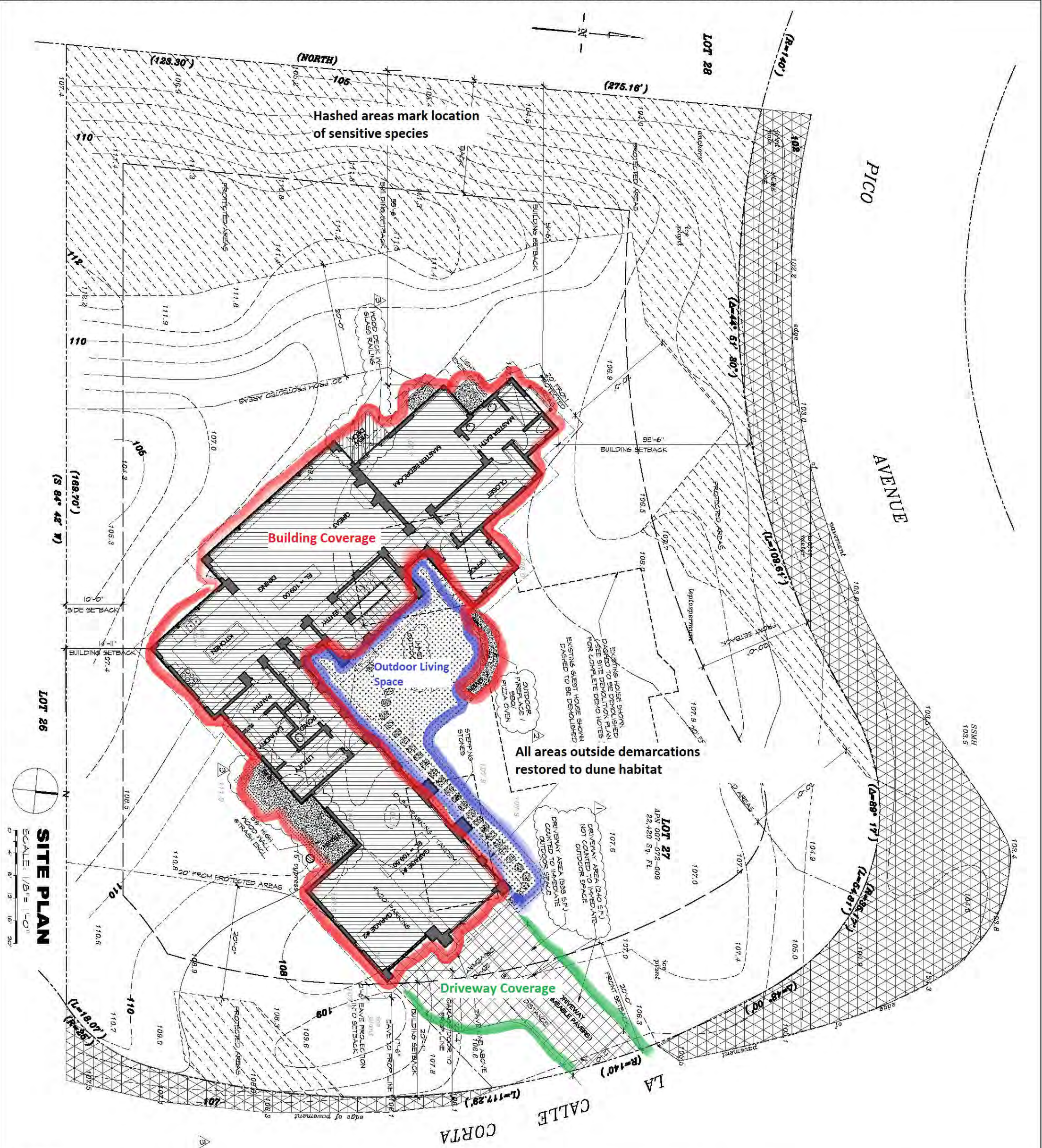
CONSULTANT:

Exhibit 5

16-0350 (St. Dennis SFD)

3 of 12

N.T.S. on 8.5 x11



PROJECT INFO:

PROJECT ADDRESS: 1865 PICO AVENUE
PACIFIC GROVE, CA 93950

APN: 007-072-004

LOT 21, BLOCK 350 OF PACIFIC GROVE ACRES SUBDIV.

LOT AREA: 22,420 S.F.

PROJECT DESCRIPTION:

DEMOLITION OF SINGLE FAMILY RESIDENCE AND DETACHED GUESTHOUSE & CARPORT. CONSTRUCTION OF NEW 2-STORY SINGLE FAMILY RESIDENCE WITH ATTACHED 3-CAR GARAGE & BASEMENT.

NOTES:

1. ALL UTILITY LINES SHALL BE LOCATED UNDERGROUND.
2. NEW SEWER LATERAL TO CONNECT TO EXISTING CITY SEWER SYSTEM.
3. NO TREES TO BE REMOVED.

LEGEND

HATCH TYPE	DESCRIPTION	AREA
[Hatch]	SITE COVERAGE (SEE TABLE BELOW FOR AREA BREAKDOWN) BUILDING FOOTPRINT (HOUSE & GARAGE) NON-BUILDING FOOTPRINT	3,092 S.F. (13.81%) 311 S.F. (1.39%)
[Hatch]	EXTR. FIREPLACE + BBQ + PIZZA OVEN TRASH ENCL. + SINK LIGHT WELLS & STEPPING STONES WOOD DECK W/ GLASS RAILING	511 S.F. (2.28%)
[Hatch]	TOTAL BUILDING & NON-BUILDING COVERAGE ALLOWED	3,965 S.F. (17.68%) ALLOWED = 3,965 S.F. (17.68%)
[Hatch]	IMMEDIATE OUTDOOR SPACE PERMEABLE PAVING DRIVEWAY IMMEDIATE OUTDOOR	383 S.F. (1.71%) (2,240 S.F.) 2 W/ 12' SETBACK 788 S.F. (3.52%)
[Hatch]	NET IMMEDIATE OUTDOOR SPACE ALLOWED	1,121 S.F. (5.00%) ALLOWED = 1,121 S.F. (5.00%)
[Hatch]	EXISTING UNIMPROVED RIGHT OF WAY PROTECTED AREAS	2,540 S.F. 1,971 S.F. (8.78%) 272 S.F. (1.21%)
[Hatch]	EXISTING BUILDING FOOTPRINT (TO BE DEMOLISHED) MAIN RESIDENCE GUESTHOUSE EXISTING OUTDOOR LIVING SPACE (TO BE DEMOLISHED) DRIVEWAY + WALKWAYS CARPORT + PATIOS	1,971 S.F. (8.78%) 272 S.F. (1.21%) 2,417 S.F. (10.78%)

NEW SITE COVERAGE AREA BREAKDOWN

HOUSE	= 2,482 S.F.
GARAGE	= 600 S.F.
SUB-TOTAL	= 3,082 S.F.
EXTR. FIREPLACE + BBQ + PIZZA OVEN	= 50 S.F.
TRASH ENCL. + SINK	= 116 S.F.
LANDINGS TO COURTYARD (2)	= 26 S.F.
STEPPING STONES (24 @ 13 S.F.)	= 312 S.F.
LIGHTWELLS (3)	= 91 S.F.
VIEW DECK	= 44 S.F.
SUB-TOTAL	= 511 S.F.
TOTAL	= 3,965 S.F.

PROPOSED SITE PLAN

JOB NAME: **St. Dennis Residence**
1865 Pico Avenue
Pacific Grove, CA
A.P.N. 007-072-004-000

DATE: 10/14/16
SCALE: 1/8" = 1'-0"
DRAWN: DM, JM
JOB NUMBER: 1438

ARCHITECT
ERIC MILLER ARCHITECTS, INC.
211 HOFFMAN AVENUE MONTEREY, CA 93940
PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com

CONSULTANT:

REVISION	NO.
1	1
2	2
3	3
4	4
5	5

Exhibit 5
3-16-0350 (St. Dennis SFD)
4 of 12



LEGEND

NEW SITE COVERAGE AREA BREAKDOWN

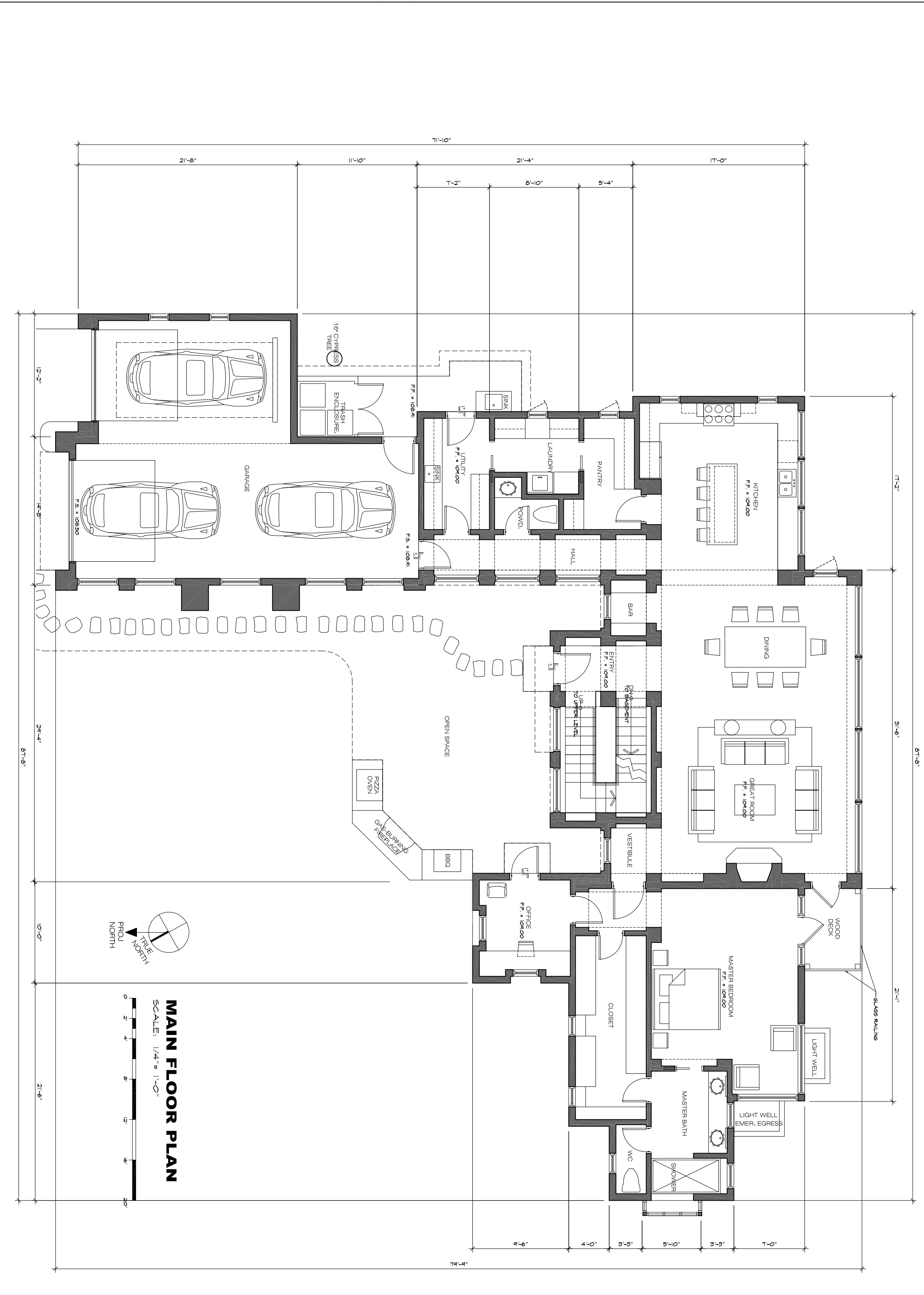
PROPOSED SITE PLAN

ARCHITECT

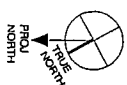
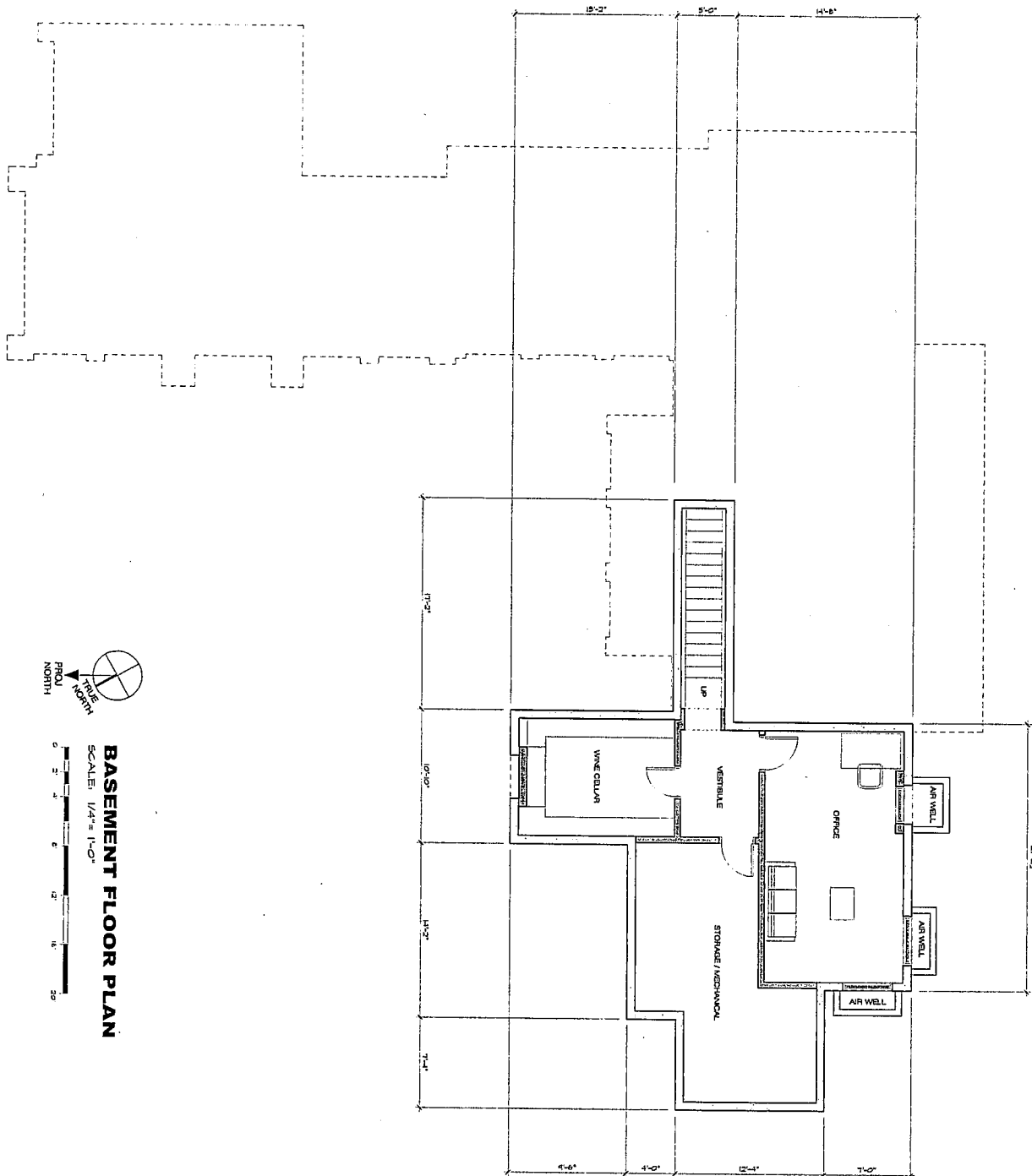
211 HOFFMAN AVENUE MONTEREY, CA 93940
PHONE (831) 372-0410 ■ FAX (831) 372-7840 ■ WEB: www.ericmillerarchitects.com

CONSULTANT:

REVISION	No.
COASTAL COMMENT 7/19/16	①
COASTAL COMMENT 8/23/16	②
COASTAL COMMENT 10/19/16	③



A-2.1 SHEET OF	MAIN FLOOR PLAN		ARCHITECT ERIC MILLER ARCHITECTS, INC. 211 HOFFMAN AVENUE MONTEREY, CA 93940 PHONE (831) 372-0410 ■ FAX (831) 372-7840 ■ WEB: www.ericmillerarchitects.com	CONSULTANT:	REVISION		No.				
	JOB NAME: St. Dennis Residence				1						
	1365 Pico Avenue Pacific Grove, CA A.P.N. 007-072-009-000				2						
					3						
	DATE: 10/19/16				DRAWN: DM, JM			JOB NUMBER: 1458		Exhibit 5 3-16-0350 (St. Dennis SFD)	
	SCALE: 1/4"=1'-0"				DATE: 10/19/16			JOB NUMBER: 1458		6 of 12	



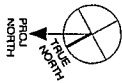
BASMENT FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 0 2 4 6 8 10 12 14 16 18 20

BASMENT FLOOR PLAN	
DATE	3/14/06
SCALE	1/4" = 1'-0"
DRN	DM, JH
JOB NUMBER	1439
A-2.0	
SHEET OF	

JOB NAME: St. Dennis Residence 1965 Pico Avenue Pacific Grove, CA A.P.N. 007-072-009-000	
ARCHITECT ERIC MILLER ARCHITECTS, INC. 211 HOFFMAN AVENUE MONTEREY, CA 93940 PHONE (831) 372-0410 • FAX (831) 372-7940 • WEB: www.ericmillerarchitects.com	

CONSULTANT:	
REVISION	No.
1	
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Exhibit 5
 16-0350 (St. Dennis SFD)
 7 of 12

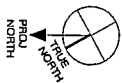
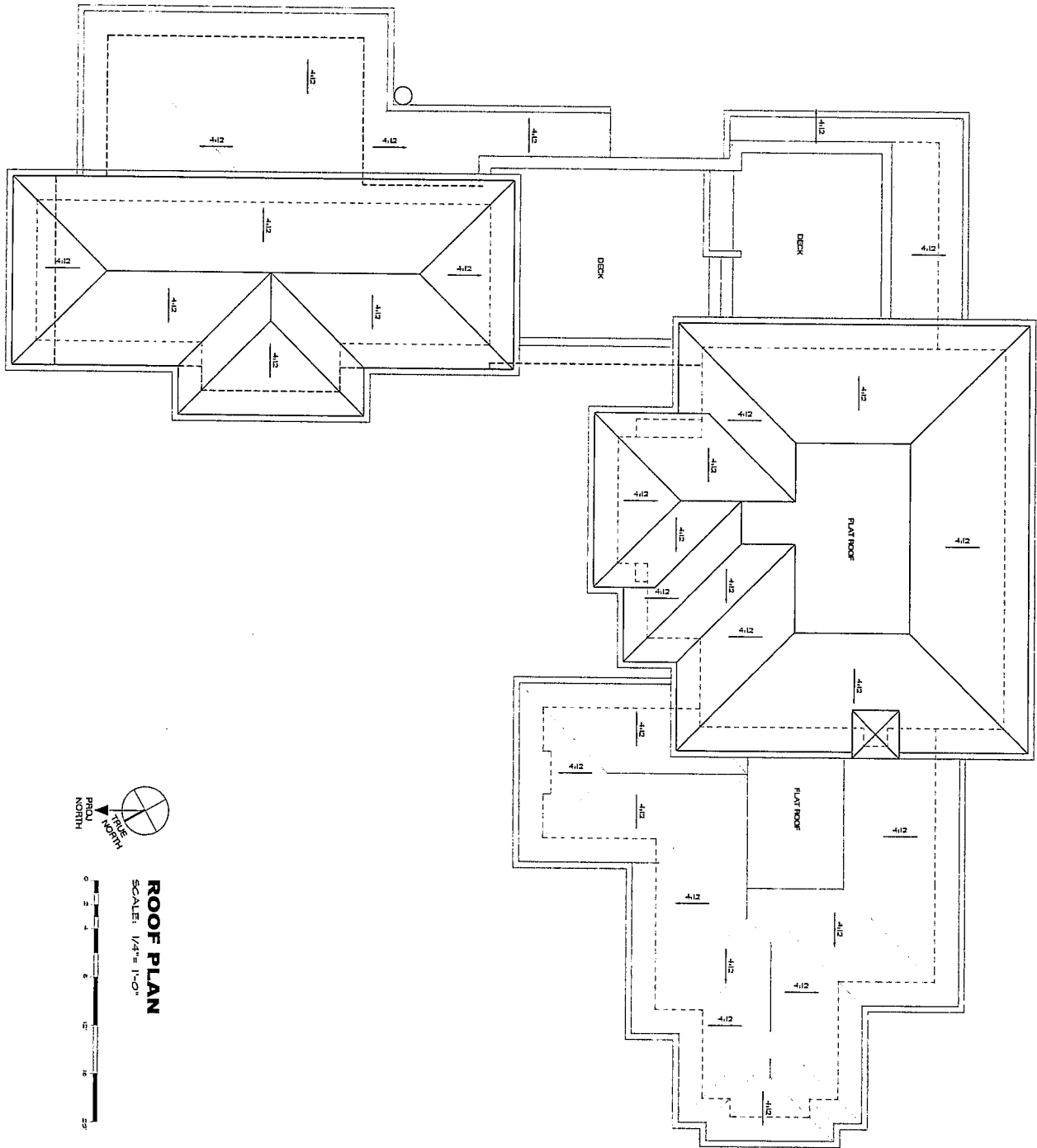


SCALE: 1/4"=1'-0"

100

100

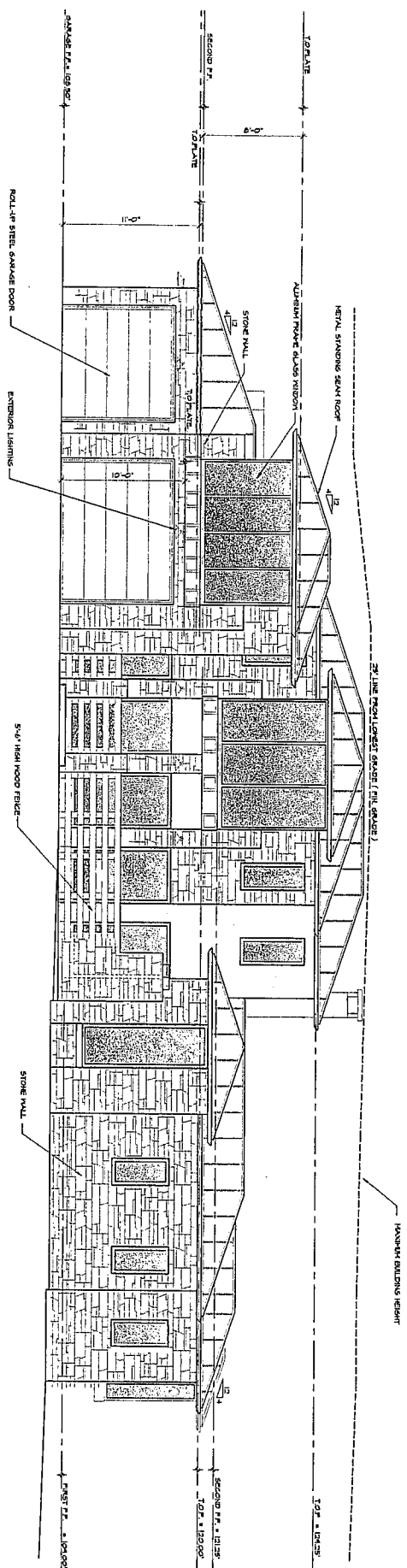
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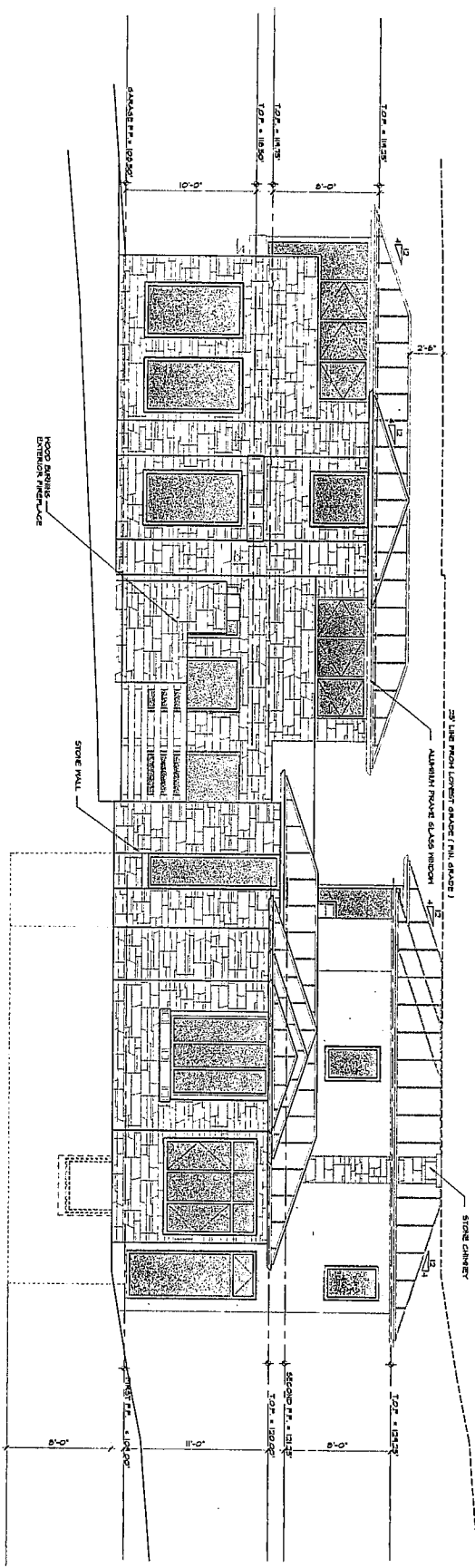
ROOF PLAN
SCALE: 1/4" = 1'-0"

N.T.S. on 8.5 x 11

<p>A-2.3</p>	<p>ROOF PLAN</p> <p>JOB NAME: St. Dennis Residence</p> <p>1365 Pico Avenue Pacific Grove, CA</p> <p>A.P.N. 007-072-009-000</p>	<p>ARCHITECT</p> <p>ERIC MILLER ARCHITECTS, INC.</p> <p>211 HOFFMAN AVENUE MONTEREY, CA 93940</p> <p>PHONE (831) 372-0410 • FAX (831) 372-7840 • WEB: www.ericmillerarchitects.com</p>	<p>CONSULTANT:</p> <p>Exhibit 5</p> <p>16-0350 (St. Dennis SFD)</p> <p>9 of 12</p>
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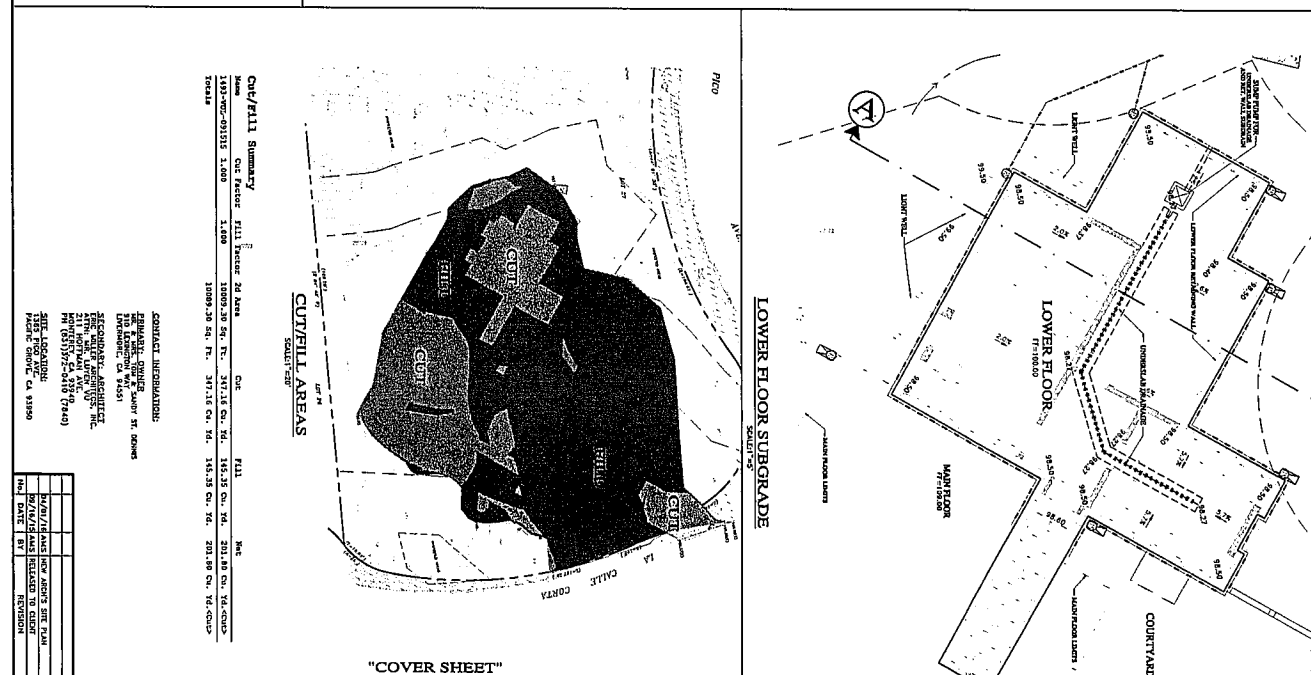
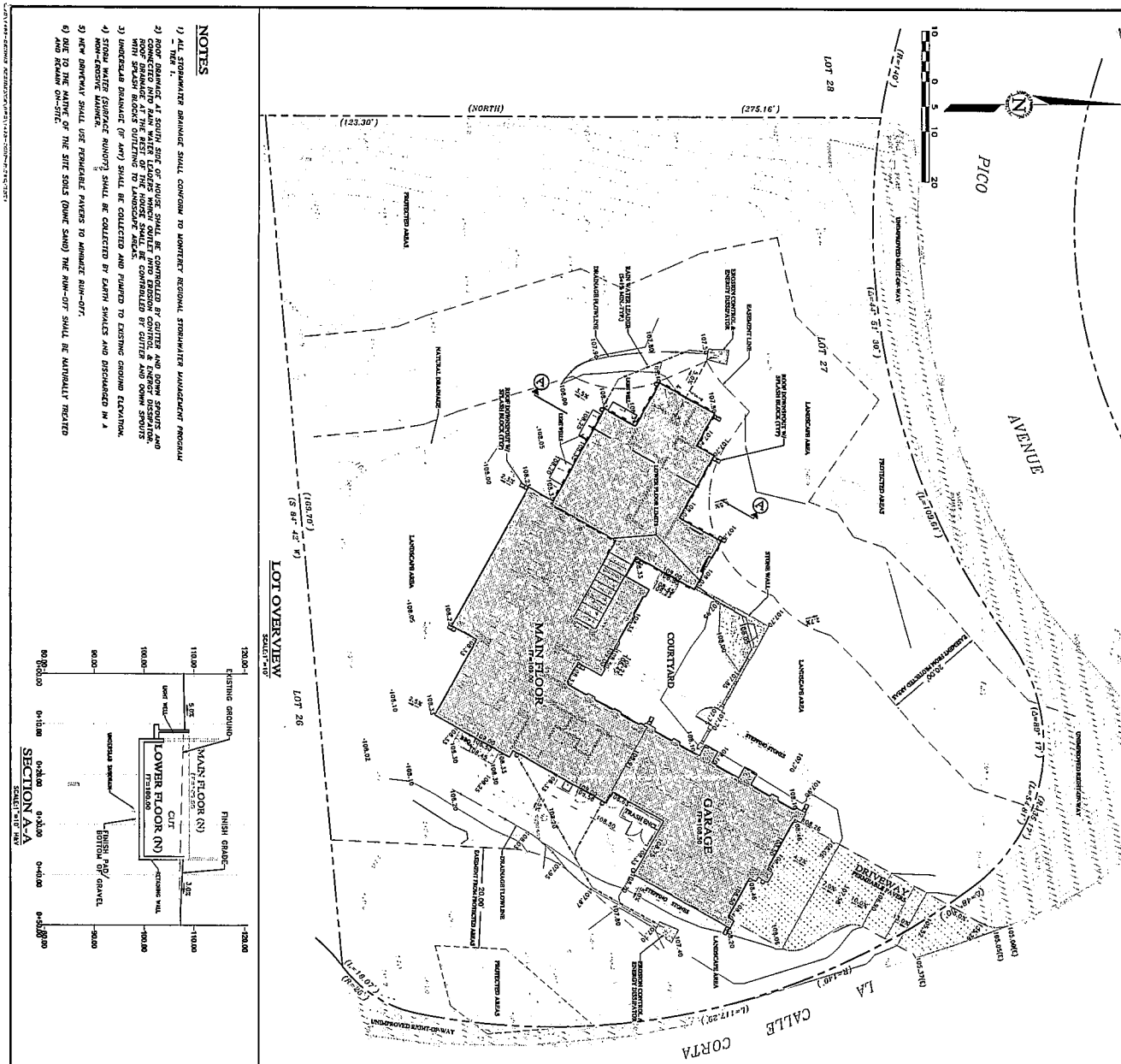
NORTH (FRONT) ELEVATION
SCALE: 1/4" = 1'-0"



WEST (RIGHT SIDE) ELEVATION
SCALE: 1/4" = 1'-0"



<p>A-3.1</p> <p>SHEET 01 OF 02</p>	<p>EXTERIOR ELEVATIONS</p> <p>JOB NAME: St. Dennis Residence</p> <p>1965 Pico Avenue Pacific Grove, CA</p> <p>A.P.N. 007-072-009-000</p>	<p>ARCHITECT</p> <p>ERIC MILLER ARCHITECTS, INC.</p> <p>211 HOFFMAN AVENUE MONTEREY, CA 93940</p> <p>PHONE (831) 372-0418 • FAX (831) 372-7940 • WEB: www.ericmillerarchitects.com</p>	<p>CONSULTANT:</p> <p>16-0350 (St. Dennis SFD)</p> <p>Exhibit 5</p> <p>10 of 12</p>	<p>REVISION</p> <p>NO.</p>
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CONCEPTUAL GRADING & DRAINAGE PLAN
LANDS OF ST. DENNIS
A.P.N.: 007-072-009
PACIFIC GROVE, MONTEREY COUNTY, CALIFORNIA
FOR
MR. & MRS. TOM & SANDY ST. DENNIS

APPROVED BY:

Exhibit 5
 3-16-0950 (St. Dennis SFD)

NOTES

- 1) ALL STORMWATER DRAINAGE SHALL CONFORM TO MONTEREY REGIONAL STORMWATER MANAGEMENT PROGRAM - TIER 1.
- 2) ROOF DRAINAGE AT SOUP SIZE OF HOUSE SHALL BE CONTROLLED BY GUTTERS AND DOWN SPOUTS AND ROOF DRAINAGE AT THE REST OF THE HOUSE SHALL BE CONTROLLED BY GUTTERS AND DOWN SPOUTS WITH SPACED ROCKS OUTLETING TO LANDSCAPE WELLS.
- 3) UNDERGROUND DRAINAGE (IF ANY) SHALL BE COLLECTED AND PUMPED TO EXISTING DRAINAGE ELEVATION.
- 4) STORMWATER DRAINAGE (WHICH) SHALL BE COLLECTED BY CATCH BASINS AND DISCHARGED IN A LANDSCAPE WELLS.
- 5) NEW ASPHALT SHALL USE PERMEABLE PAVES TO MINIMIZE RUN-OFF.
- 6) DUE TO THE NATURE OF THE SITE SOILS (SOME SAND) THE RUN-OFF SHALL BE NATURALLY TREATED AND DRAIN ON-STE.

LOT OVERVIEW
 SCALE: 1"=10'

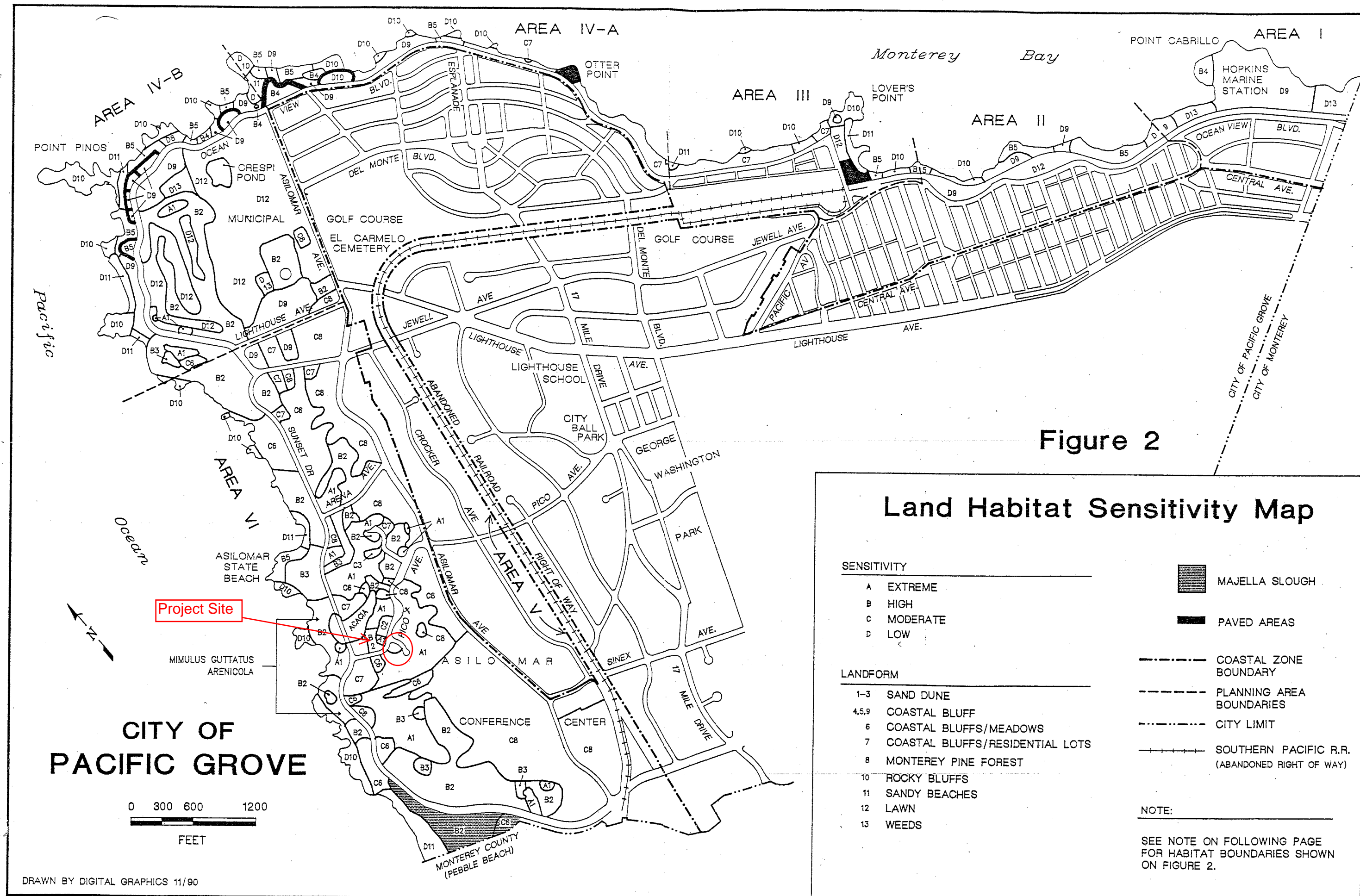
SECTION A-A
 SCALE: 1"=10'

CUT/FILL SUMMARY

ITEM	DESCRIPTION	AMOUNT	UNIT
1	CUT FILL - FILL	24.00	CU YD
2	CUT FILL - FILL	1.00	CU YD
3	CUT FILL - FILL	1.00	CU YD
4	CUT FILL - FILL	1.00	CU YD
5	CUT FILL - FILL	1.00	CU YD
6	CUT FILL - FILL	1.00	CU YD
7	CUT FILL - FILL	1.00	CU YD
8	CUT FILL - FILL	1.00	CU YD
9	CUT FILL - FILL	1.00	CU YD
10	CUT FILL - FILL	1.00	CU YD
11	CUT FILL - FILL	1.00	CU YD
12	CUT FILL - FILL	1.00	CU YD
13	CUT FILL - FILL	1.00	CU YD
14	CUT FILL - FILL	1.00	CU YD
15	CUT FILL - FILL	1.00	CU YD
16	CUT FILL - FILL	1.00	CU YD
17	CUT FILL - FILL	1.00	CU YD
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19	CUT FILL - FILL	1.00	CU YD
20	CUT FILL - FILL	1.00	CU YD
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22	CUT FILL - FILL	1.00	CU YD
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CONTRACT INFORMATION

OWNER: MR. & MRS. TOM & SANDY ST. DENNIS
 ADDRESS: 10000 N. ST. DENNIS, PACIFIC GROVE, CA 93950
 PHONE: (805) 435-1111
 FAX: (805) 435-1111
 EMAIL: tom@stdennis.com
 DATE: 08/01/09
 SCALE: AS SHOWN
 SHEET: C1
 OF: 1 SHEETS



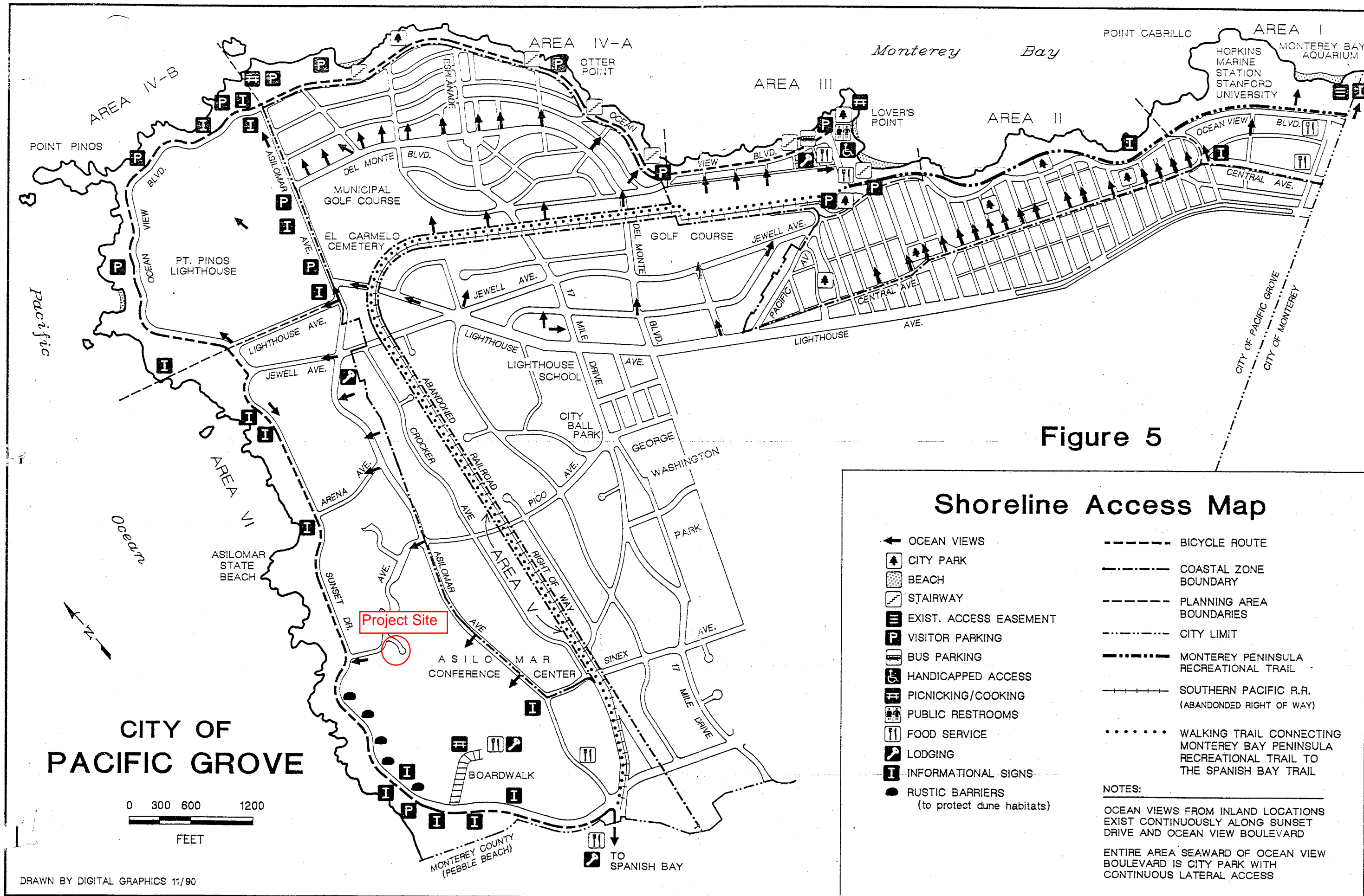


Figure 5



CITY OF PACIFIC GROVE

Community Development Department – Planning Division

300 Forest Avenue, Pacific Grove, CA 93950

T : 831.648.3183 • F : 831.648.3184 • www.ci.pg.ca.us/cdd

RECEIVED

JUN 17 2016

CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

ARCHITECTURAL PERMIT (AP) NO. 15-459

FOR A PROPERTY LOCATED AT 1365 PICO AVE, PACIFIC GROVE, CA 93950 TO ALLOW A NEW 3,600 SQUARE FOOT SINGLE FAMILY RESIDENCE. THE PROJECT INCLUDES THE DEMOLITION OF THE EXISTING 1,643 SQUARE FOOT RESIDENCE, DETACHED GARAGE, AND GUEST HOUSE TO CONSTRUCT A NEW TWO-STORY HOUSE WITH AN UNDERGROUND BASEMENT AND ATTACHED THREE-CAR GARAGE. THE SITE IS LOCATED IN THE ASILOMAR DUNES ENVIRONMENTALLY SENSITIVE HABITAT AREA AND ARCHAEOLOGICAL OVERLAY ZONE. THE PROPOSED HOME WILL CONSIST OF 3,348 SQUARE FEET OF SITE COVERAGE INCLUDING A 3,052 SQUARE FOOT BUILDING FOOTPRINT, 296 SQUARE FEET OF NON-BUILDING FOOTPRINT (WALLS, EXTERIOR FIREPLACE, PORCHES, TRASH ENCLOSURE, LIGHT WELLS, STEPPING STONES), 363 SQUARE FEET OF PERMEABLE DRIVEWAY PAVERS, AND A 706 SQUARE FOOT UNPAVED COURTYARD FOR A TOTAL SITE COVERAGE OF 15%.

FACTS

1. The subject site is located at 1365 Pico Ave, Pacific Grove, 93950 APN 007-031-018
2. The subject site is approximately 0.51 gross acres.
3. The subject site is developed with one single family residence that was constructed prior to the Local Coastal Program Land Use Plan.
4. The property is serviced by an existing septic sewer system.
5. The subject site has a designation of Low Density Residential 5.4 DU/AC on the adopted City of Pacific Grove General Plan Land Use Map.
6. The subject site is located in the R-1-B-4 zoning district.
7. The property is located in the Coastal Zone in Asilomar Dunes Environmentally Sensitive Habitat Area and subject to the Local Coastal Program Land Use Plan.
8. A Preliminary Cultural Resources Reconnaissance by Susan Morley dated September 2015 concluded that the project area does contain evidence of potentially significant cultural resources.
9. A Botanical Survey Report by Tom Moss, dated August 24, 2015 concluded special status species may be found on the property.
10. A Landscape Restoration Plan by Thomas K. Moss dated September 9, 2015 was prepared for the project.
11. An Initial Study and Mitigated Negative Declaration were prepared and circulated for this project.

FINDINGS

1. The proposed development will meet the development regulations set forth in the R-1-B-4 zoning district, including but not limited to heights, parking and setbacks.
2. The Local Coastal Program Land Use Plan (LUP) allows a maximum site coverage of 15% for building coverage and an additional 5% for immediate outdoor areas per Policy 3.4.5 and the proposal conforms to the required site coverage. The site is required to restore the property landscape in accordance with the Landscape Restoration Plan, by Thomas K. Moss dated August 24, 2015.
3. The architecture and general appearance of the completed project are compatible with the neighborhood because the proposed exterior will be compatible with the size, scale and proportions of the existing residence and other residences in the neighborhood, in that the proposal is consistent with Architectural Review Guidelines Nos 5, 7, 9, 10, 13.

4. The completed project will neither be detrimental to the orderly and harmonious development of the city nor impair the desirability of investment or occupation in the neighborhood because the project will be improving the subject property, and
5. The Board has been guided by and has made reference to applicable provisions of the Architectural Review Guidelines in making its determinations on single-family residences.

PERMIT

Architectural Permit AP15-459 to allow a new 3,600 square foot single family residence. the project includes the demolition of the existing 1,643 square foot residence, detached garage, and guest house to construct a new two-story house with an underground basement and attached three-car garage. The site is located in the Asilomar Dunes Environmentally Sensitive Habitat Area and in the archaeological overlay zone. The proposed home will consist of 3,348 square feet of site coverage including a 3,052 square foot building footprint, 296 square feet of non-building footprint (walls, exterior fireplace, porches, trash enclosure, light wells, stepping stones), 363 square feet of permeable driveway pavers, and a 706 square foot unpaved courtyard for a total site coverage of 15%.

CONDITIONS OF APPROVAL

1. **Permit Expiration.** This permit shall expire and be null and void if a building permit has not been applied for within one (1) year from and after the date of approval. Application for extension of this approval must be made prior to the expiration date.
2. **Construction Compliance.** All construction must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff, and may require Architectural Review Board approval.
3. **Terms and Conditions.** These terms and conditions shall run with the land, and it is the intention of the CDD Director and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions, unless amended. Amendments to this permit may be achieved only if an application is made and approved, pursuant to the Zoning Code.
4. **Public Works, Fire and Building.** Review and approval by the Public Works, Fire and Building Departments are required prior to issuance of a building permit. Work taking place in the public right-of-way shall require an encroachment permit prior to issuance of the building permit.
5. **Conformance to Plans.** Development of the site shall conform to approved Architectural Permit plans entitled "St. Dennis Residence" dated 02/02/2016, on file with the Community Development Department and to the Building Code, with the exception of any subsequently approved changes.
6. **Tree Protection Standards During Construction:** Pursuant to Municipal Code Chapters 12.20 and 12.30, and the *Urban Forestry Standards*, all trees that are otherwise protected and will be impacted as a result of Development, both proposed for pruning or removal and where the development will impact the critical root zone of the tree are protected. Prior to issuance of the building permit, the Project Arborist shall review grading, drainage, utility, building and landscape plans to determine impacts to individual Trees, to determine required minimum Tree protection standards during construction and submit a report to the City Arborist for review and approval.
7. **Coastal Development Permit.** An approval Coastal Development Permit from the Coastal Commission is required prior to the issuance of building permits.

8. **Exterior Lighting.** Exterior lighting must be full cut off and in compliance with Architectural Review Guidelines Nos. 10, 11, 12.

9. **Archeology.**

- a. A qualified archaeological monitor shall be present during project excavations. The monitor shall recover cultural materials that may be found in the excavated soil. Soil may be screened through 1/8" mesh to assist in such data recovery.
- b. If, at any time, potentially significant cultural features are encountered, work shall be halted until the monitor or principal archaeologist can evaluate the discovery. If the feature is determined to be significant, work will remain halted until an appropriate mitigation is developed, with the concurrence of the lead agency, and implemented.
- c. If, at any time, human remains are identified, work must be halted and the Monterey County Coroner must be notified immediately. If the Coroner determines that the remains are likely to be Native American, the Native American Heritage Commission will be notified as required by law. The designated Most Likely Descendant will provide recommendations for treatment of Native American human remains.
- d. If sufficient quantities of cultural materials are recovered during monitoring/data recovery, appropriate professional analysis of those materials shall be performed. This might include processes including, but not limited to, radiocarbon dating, faunal analysis, and lithic analysis.
- e. Following monitoring and data recovery, a report suitable for compliance documentation shall be prepared. This report shall document the field methodology and findings and make management recommendations.
- f. If analysis of cultural materials is undertaken, a Final Technical Report documenting the results of all scientific studies shall be completed within a year following completion of monitoring and data recovery field work.
- g. Cultural materials recovered during the project shall be processed and curated in the public domain at a suitable research facility. Artifacts shall not be turned over to Native American groups or other special interests unless specifically required under the provisions of the Public Resources Code.

10. **Biological**

Planning and Pre-Construction Period

BIO-1a

All new utility and sewer lines will be shown on the project plans and reviewed by the Project Biologist. All underground utilities shall be installed in a single-corridor that is located in the driveway, rather than traversing the undeveloped portion of the property.

BIO-1b

All drain lines from roof gutters, if any, or surface drains, including any drain pits, will be shown on the plan and reviewed by the Project Biologist.

BIO-1c

All walkways, patios, decks and other surfaces that may reduce open space coverage will be shown on the project site plan and building plans. Landings, walkways or stepping stones shall be shown on the site plan extending from all exterior doors and steps off of decks and patios and included in the coverage calculations. The addition or modification of any walkways, decks patios or fences subsequent to issuance of a Coastal Development permit will require the consent of the City of Pacific Grove and the Coastal Commission.

BIO-1d

Except in certain circumstances where fences are essential to protect sensitive habitat in public use areas, construction of permanent fences are not permitted by the California Coastal Commission in the Asilomar Dunes.

BIO-1e

A Landscape Restoration Plan will be prepared by a qualified biologist that defines procedures and standards for restoration, maintenance and monitoring of the undeveloped portion of the property.

BIO-1f

A qualified biologist will be retained by the property owner to serve as the Project Biologist for the purposes of providing input on the development plans and the monitoring construction and restoration of the landscape.

BIO-1g

All exotic plants on the project site will be killed with an appropriate herbicide according to specifications described in the approved Landscape Restoration Plan prior to the start of demolition, construction or any ground excavation.

BIO 1h

Prior to the start of construction, temporary fencing will be installed to delineate the construction zone for the purposes of protecting the surrounding dune habitat. In addition, temporary fencing will be installed in proximity to the project along Pico Ave. and La Calle Corte to prevent workers from parking partially on the adjacent dunes. The fence will be installed by the Project Biologist.

BIO-1i

Immediately prior to the start of construction, the project area will be searched for black legless lizards. If any are found, they shall be relocated to nearby suitable habitat.

BIO-1j

The Project Biologist will provide a letter to the City of Pacific Grove verifying that the temporary fences have been installed, all of the exotics have been eradicated, and the construction area has been searched for black legless lizards prior to the start of demolition or construction.

Construction Period**BIO – 2a**

After the building permit is obtained, a pre-construction meeting will be held between the owner or their representative, the general contractor, the city planner and the Project Biologist to review the project permits and all environmental compliance requirements.

BIO 2b

Fencing installed to protect sensitive species and habitat will be maintained in good condition and remain in place until all construction on the site is completed. Removal or changing the location of the fence will require the concurrence of the Project Biologist.

BIO 2c

All activities associated with construction, trenching, storage of materials, and disposal of construction wastes and excavated soil will not impact areas protected by fencing. The area protected by the fence will remain in a trash free condition and not used for material stock piling, storage or disposal or vehicle parking. All construction personnel will be prohibited from entering the areas protected by fencing.

BIO 2d

No construction materials or debris associated with the project (i.e., paint, cement, gravel, nails, grout, cleaning solvents or residues from other chemicals, etc.) will be disposed of or left on-site. The General Contractor will

be responsible for complying with this requirement and will clean up any spills or contaminated ground to the full satisfaction of the Project Biologist.

BIO 2e

If any excavation spoils (sand only) are generated by the project, it will be disposed of either on-site, at the direction of the Project Biologist, or off-site (preferably within the Asilomar Dunes). Sand will be placed in a way that will not negatively affect any existing native vegetation. The proposed location(s) for disposing of excess sand will be reviewed and approved by the City of Pacific Grove and the California Coastal Commission prior to the start of construction.

BIO 2f

The Project Biologist will inspect the site daily during any excavation or other ground disturbing activities and no less than one time each week for the duration of the project, to ensure compliance with all provisions for protecting the surrounding environment. Any activity or condition not in accord with the provisions of this report or approved permits will be brought to the attention of the owner or their representative, the General Contractor and, if necessary, the City of Pacific Grove Community Development Department and the California Coastal Commission.

BIO 2.g

A qualified biologist will be retained to implement the project's Landscape Restoration Plan, including overseeing and supervising each step of the restoration process, as described in the plan.

Post-construction Period

BIO 3a

At the conclusion of all construction and project related work, and with the concurrence of the Project Biologist, the temporary fence will be removed.

BIO 3b

Landscaping will be installed according to the specifications described in the Landscape Restoration Plan and completed prior to receiving final building inspection approval.

BIO 3c

No exotic plants or non-local native plants will be planted on the property. Only plants that are listed in the Landscape Restoration Plan will be used on the property.

BIO 3d

When installation of the landscape has been satisfactorily completed, the Project Biologist will prepare a letter to notify the City of Pacific Grove and the Coastal Commission.

BIO 3e

A qualified biologist will be retained by the property owner to monitor the landscape restoration project on an annual basis for the first five years following completed implementation of the project and once every 10 years thereafter.

BIO 3f

Project monitoring reports will be submitted to the City of Pacific Grove Community Development Department and the California Coastal Commission, either annually for the first five years or once after five years, as determined by the California Coastal Commission, and once every 10 years following completed implementation of the restoration project.

BIO 3g

The native landscape will be maintained as specified in the Landscape Restoration Plan, including removing exotic plants and planting and caring for additional plants, if needed.

BIO 3h

If the property should change ownership, future owners of the property will have the same obligation for preserving, maintaining and perpetuating the native landscape on site.

11. **Mitigation Monitoring Plan.** This permit shall serve as a mitigation and monitoring plan.
12. **Sanitary Sewer:** The existing septic system shall be abandoned and replaced with a connection to a City Sewer in accordance with Pacific Grove Municipal Code S. 9.20.050.
13. **During-Construction Pollution Prevention (a):** During construction, the developer shall employ storm water best management practices (BMPs) for erosion and sediment control, prevention of non-stormwater discharges, and implement good housekeeping and construction waste management practices to protect the storm drainage system and water quality as required by City Code Section 9.30.130(c), the City Phase II NPDES Permit, State Water Resources Control Board (SWRCB) Construction General Permit (CGP), and the Monterey Regional Storm Water Management Program (MRSWMP). Plans for during-construction storm water management and BMPs, such as a Storm Water Pollution Prevention Plan (SWPPP), shall be submitted to the City and subject to review and approval of the Public Works/Community Development Director and Building Official prior to issuance of a grading and/or building permit.
14. **During-Construction Pollution Prevention (b):** Construction activities subject to BMP requirements shall continuously employ measures to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality, contamination, or unauthorized discharge of pollutants.
15. **During-Construction Pollution Prevention (c):** Whenever construction activity is being done contrary to and in violation of Municipal Code Chapter 9.30, the Public Works/Community Development Director may order that construction activity to stop by posting a written notice on the premises. All persons shall immediately stop such work unless or until the public works director authorizes removing the stop work order and allows construction activity to proceed.
16. **Post-Construction Design Requirements for Storm Water:** Pursuant to Municipal Code Chapter 9.30.130(d), the City Phase II NPDES Permit, and Monterey Regional Storm Water Management Program (MRSWMP), the site design shall adhere to Post Construction Requirements for Low Impact Development and Mandatory Design Standards for storm water. Runoff shall be dispersed to landscape areas.
17. **Storm Water Maintenance Agreement:** Prior to finalization of the Building Permit, the developer shall enter into a legal agreement or covenant with the City to provide verification of maintenance of any necessary post-construction storm water facilities constructed on the site. The legal agreement or covenant shall be subject to review and approval of the City Engineering and City Attorney. The provisions in the agreement shall run with the land and the document shall be recorded with the County Recorder.
18. **Construction Hours:** Construction hours shall be limited to Monday through Friday, 8-5:30pm.

19. **Construction Parking and Staging Plan:** A construction staging and parking plan that minimizes impacts to the neighborhood and Environmentally Sensitive Habitat Area shall be submitted for approval by the Community and Economic Development Director prior to issuance of a Building Permit.

NOW, THEREFORE, BE IT RESOLVED BY THE ARCHITECTURAL REVIEW BOARD OF THE CITY OF PACIFIC GROVE:

1. The Board determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Permit.
2. The Board authorizes adoption of the Mitigated Negative Declaration and APPROVAL of an Architectural Permit AP 15-459.
3. This permit shall become effective upon the expiration of the 10-day appeal period.
4. This permit shall not take effect until the owner acknowledges and agrees to all terms and conditions and agrees to conform to and comply with those terms and conditions.

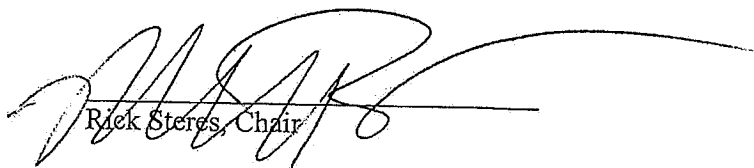
Passed and adopted at a regular meeting of the Architectural Review Board of the City of Pacific Grove on the 8th day of March 2016, by the following vote:

AYES: Doocy, Gunby, Edmonds, Lane

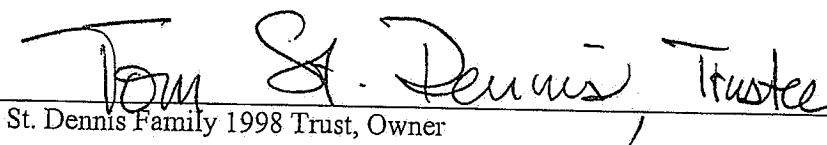
NOES: None

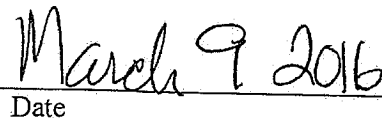
ABSENT: Steres, Boyle

APPROVED:


Rick Steres, Chair

The undersigned hereby acknowledge and agree to the approved terms and conditions, and agree to fully conform to, and comply with, said terms and conditions.

 Tom St. Dennis, Trustee
St. Dennis Family 1998 Trust, Owner

 March 9 2016
Date

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
WWW.COASTAL.CA.GOV



November 19, 2015

Ashley Hobson
City of Pacific Grove
300 Forest Avenue
Pacific Grove, CA 93950

Subject: Draft Mitigated Negative Declaration (MND) for the Demolition and Reconstruction of a Single Family Residence at 1365 Pico Avenue (Application Number 15-0459).

Dear Ms. Hobson:

Thank you for forwarding the Draft MND for the demolition and reconstruction of a single family residence at 1365 Pico Avenue. The proposed project would demolish an existing 5,750-square-foot residence, construct a new approximately 3,721-square-foot residence, and restore all areas outside of the building footprint with native dune plants. The proposed project will need a coastal development permit (CDP), with the Coastal Act as the applicable standard of review, and the City of Pacific Grove's certified Land Use Plan (LUP) serving as guidance. Based on our review, it appears that the proposed project raises significant coastal resource protection issues, including with respect to biological resources, land use, and visual resources/aesthetics that are not adequately addressed in the MND.

In regard to biological resources, the MND does not specifically state that the entire site is considered an Environmentally Sensitive Habitat Area (ESHA). All areas with the potential to provide native dune habitat for sensitive species are considered ESHA under the City's certified LUP and Coastal Act Sections 30107.5 and 30240. As past projects in the Asilomar neighborhood demonstrate, previously developed sites can be restored to fully functional dune habitat with proper planning and maintenance. Therefore, the Commission considers the entire Asilomar dunes complex to be ESHA, not just those areas where sensitive species have already been identified.

In regard to land use, because the entire site is dune ESHA, the LUP provides robust development policies that are applicable to this project. For parcels greater than one-half acre in size (i.e. 21,780 square feet or greater) LUP Policy 3.4.5.2 limits site coverage to 15% of the total lot area, with an additional 5% of the site allowed for Outdoor Living Space (OLS).¹ The MND states that the project complies with the LUP but does not specifically discuss if the project is consistent with these LUP coverage requirements; thus, we cannot determine whether the project meets the coverage limits with the information provided, for the following reasons.

¹ The LUP states that the 15% site coverage calculation must include "residential buildings, driveways, patios, decks (except decks designed not to interfere with the passage of water and light to the dune surface below), and any other feature which eliminate potential native plant habitat." The LUP defines OLS as an area "left in a natural condition, or landscaped to avoid impervious surfaces."

First, our research on the Realquest property database indicates that the total lot area for this project is 22,300 square feet. This would limit site coverage to a maximum of 3,345 square feet (15% of 22,300 square feet) and 1,115 square feet for OLS (5% of 22,300 square feet). However, the project plans suggest that the site is 22,420 square feet in size and proposes 3,363 square feet of site coverage (15% of 22,420 square feet). Please explain the discrepancy between lot sizes, including the source from which the project plans identified 22,420 square feet as the applicable lot size. The Applicant must submit confirmation of the lot size from a certified land surveyor in order to determine the exact site coverage allowed for this site.

Second, the plans do not provide adequate detail to understand all aspects of the proposed coverage. Because the LUP is very specific with respect to what structural elements do and do not count in terms of allowable maximum site coverage, the Applicant must submit plans with precise coverage calculations broken down into each aspect of the proposed development including building, driveway, patios, walkways, stepping stones, etc. Additionally, there are discrepancies between the MND and project plans with regard to coverage. For example, the MND states that impervious coverage is proposed at 3,311 square feet, while the project plans list impervious coverage at 3,363 square feet. The MND states the proposed driveway is 674 square feet, while the project plans list the driveway as 667 square feet. The lack of adequate information and discrepancies make it difficult to determine whether the project is consistent with the LUP.

Third, we do not believe that the proposed courtyard qualifies as OLS. The courtyard is completely enclosed by a 5 1/2-foot-tall stone wall that isolates that portion of the site from other dune areas, which will prevent the area from retaining its natural condition as the OLS designation requires. The stone wall would prevent seed dispersal, wildlife migration, and sand transfer through this area of the site. We consider the completely enclosed courtyard an extension of the residential building rather than a natural outdoor space. Moreover, even if the courtyard were considered OLS, the 5 1/2-foot-tall enclosure is essentially an impenetrable fence that is contrary to LUP Policy 2.3.5.1(e), which prohibits certain fencing within dune ESHA. We only support minimal fencing that is necessary to protect native dune habitat. The proposed stone wall is not consistent with that standard.

Finally, LUP Policy 2.3.5.1(e) requires all areas outside of the approved development footprint to be restored and protected in perpetuity by deed restriction or conservation easement. The MND states that the areas outside of the development footprint will be restored and maintained according to the Landscape Restoration Plan that was prepared for the project, but does not specifically state that the restored areas will be protected in the long-term through a deed restriction or conservation easement. The MND must discuss the long term dune protection measures required by the LUP.

With regard to aesthetics, the MND correctly states that the project site is in a designated scenic area. However, we cannot determine whether the project adequately protects scenic resources. The project site is visible from Sunset Drive and the proposed heights may extend above the crest of the dunes and above the trees of the forest-front zone located behind the house, which

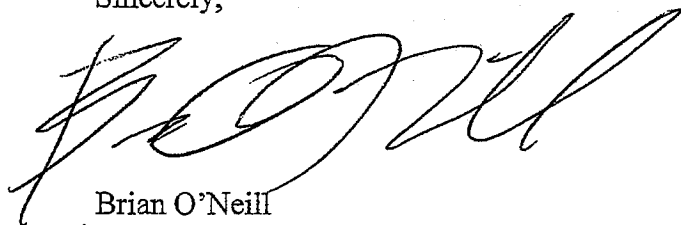
Ashley Hobson
Draft MND 1365 Pico Avenue
November 19, 2015
Page 3

could severely degrade public views as seen from Sunset Drive. The Applicant should install story poles to depict the outline of the proposed project in order to facilitate proper view analysis and submit photographs of the story poles as seen from Sunset Drive.

Additionally, the proposed project does not meet the 25-foot height limitation set forth in LUP Policy 3.1.1.2. The project plans indicate that the proposed chimney will extend to 27 feet. There is no exception for chimneys to extend beyond the 25-foot height limitation and the project is therefore inconsistent with the LUP height limitation.

Thank you for considering our comments. If you have any questions or would like to discuss these issues further, please contact me at (831) 427-4863 or Brian.O'Neill@coastal.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'B. O'Neill', written in a cursive style.

Brian O'Neill
Coastal Planner



DEPARTMENT OF FISH AND WILDLIFE

Central Region
1234 East Shaw Avenue
Fresno, CA 93710
(559) 243-4005
www.wildlife.ca.gov

CHARLTON H. BONHAM, Director



November 30, 2015

Mark Brodeur
Community and Economic Development Director
City of Pacific Grove
300 Forest Avenue
Pacific Grove, California 93950
mbrodeur@cityofpacificgrove.org

**Subject: 1365 Pico Avenue, Residential Demolition and Reconstruction
SCH No. 2015101101**

Dear Mr. Brodeur:

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study and Mitigated Negative Declaration (IS/MND) your organization has prepared for the 1365 Pico Avenue, Residential Demolition and Reconstruction (Project). The Project is a new 3,721 square foot single family residence located at 1365 Pico Avenue (APN 007-072-009). The Project includes the demolition of the existing 5,750 square foot residence, detached garage, and guest house to construct a new two-story house with an underground basement and attached three-car garage. The site is located in the Asilomar Dunes Environmentally Sensitive Habitat Area and in the City of Pacific Grove Archaeological Overlay zone. The proposed home will consist of 3,311.4 square feet of site coverage including a 3,077 square foot building footprint, 286 square feet of non-building footprint (walls, exterior fireplace, porches, trash enclosure, light wells, stepping stones), 667 square feet of permeable driveway pavers, and a 677 square foot unpaved courtyard.

The IS/MND lists one plant listed as endangered pursuant to the California Endangered Species Act (CESA), Tidestrom's lupine (*Lupinus tidestromii* var. *tidestromii*), and one plant listed as threatened pursuant to CESA, sand gilia (*Gilia tenuiflora* ssp. *arenaria*), as having an occurrence on the Project site or on nearby properties. In addition, the Monterey spineflower (*Chorizanthe pungens* var. *pungens*), a plant listed as threatened pursuant to the federal Endangered Species Act, is also reported on the Project site. Based on the information provided in the IS/MND and the proposed mitigation measures, CDFW cannot conclude that "take" (as defined pursuant to Section 86 of the Fish and Game Code) of Tidestrom's lupine or other CESA-listed species resulting from demolition and construction activities will be avoided. In addition, the Project's landscape and restoration plan requires removal of Tidestrom's lupine hybrids. Elimination of hybrids without take authorization from CDFW is a violation of CESA. CDFW recommends the Project consult with us to discuss the Project to determine if it

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can avoid take of CESA-listed species. If take cannot be avoided, then an Incidental Take Permit (ITP) or other take authorization is necessary to comply with CESA.

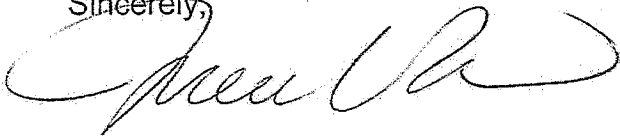
Department Jurisdiction

Trustee Agency Authority: CDFW is a Trustee Agency with the responsibility under the California Environmental Quality Act (CEQA) for commenting on projects that could impact plant and wildlife resources. Pursuant to Fish and Game Code Section 1802, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. As a Trustee Agency for fish and wildlife resources, CDFW is responsible for providing, as available, biological expertise to review and comment on environmental documents and impacts arising from project activities, as those terms are used under CEQA.

Responsible Agency Authority: The Department has regulatory authority over projects that could result in the take of any species listed by the State as threatened or endangered, pursuant to Fish and Game Code Section 2081. If the Project could result in the take of any species listed as threatened or endangered under the CESA, the Department may need to issue an ITP for the Project. CEQA requires a Mandatory Finding of Significance if a project is likely to substantially impact threatened or endangered species (sections 21001{c}, 21083, Guidelines sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports Statement of Overriding Consideration (SOC). The CEQA Lead Agency's SOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code Section 2080.

If you have any questions, please contact Craig Bailey, Senior Environmental Scientist (Supervisor), at the address provided on this letterhead, by telephone at (559) 243-4014, extension 227, or by electronic mail at craig.bailey@wildlife.ca.gov.

Sincerely,



Julie A. Vance
Regional Manager