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COASTAL DEVELOPMENT PERMIT APPLICATION 3-03-029

Applicant.....Ed Kwiatowski

Project location.....1805 Sunset Drive, Pacific Grove, Monterey (APN 07-072-12).

Project description.....Replace existing 1,776 square foot residence and 861 square foot garage on 26,215 square foot lot with residence having 5,257 square feet of floor area and a 3,793 square feet of footprint (not including driveway and outdoor uses), involving approximately 500 cubic yards of grading. As approved by the City of Pacific Grove, the project also includes restoration and maintenance of all areas of the site outside the development envelope as native dune habitat.

	Existing (Project Site = 26,215 sq. ft.)	**Proposed**	**Staff Recommendation**
Building Coverage (Home and garage)	2,637 sq. ft. (10.1%)	3,793 sq. ft.(14.5%)	Limit total site coverage (other than portion of maximum 12 ft. wide driveway within 75 front setback area) and outdoor living area to **20%** of the lot, **(5,243 sq. ft.)**. Limit to extent of new coverage outside the existing 7,806 sq.ft, developed area to no more than 10% (i.e., 781 sq. ft).
Non-Structural Coverage (Driveways and impervious surfaces)	3,135 sq. ft. (12%) 2,235 sq. ft. (8.5%) with exception for portion of driveway within front setback	1,971 sq. ft. (7.5%) 1,221 sq. ft. (4.6%) with exception for portion of driveway within front setback	
Outdoor Living Area (Backyard, landscaped, and pervious areas)	2,034 sq. ft. (7.8%)	818 sq. ft. (3.1%)	
Total Lot Coverage	**7,806 sq. ft. (29.8%)** **6,906 sq. ft. (25.3%) with exception for portion of driveway in front setback**	**6,582 sq. ft. (25.1 %)** **5,832 sq. ft (22.2 %) with exception for portion of driveway in front setback**	

Local approval.....City of Pacific Grove Use Permit No. 2670-00, Variance No. 01-1613, and Tree Removal Permit No. CDD 3484

File documents.....Coastal Development Permit Application File 3-03-029; City of Pacific Grove Certified Land Use Plan.

Staff recommendation ...Approval with Conditions

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

Coastal Act Section 30240 protects ESHA from significant disruption or degradation, limits development in ESHA to uses dependent upon the resources, and requires development adjacent to ESHA and recreation areas to be compatible with their continuance. One of the ways the certified LUP applies this standard to the sensitive habitats of the Asilomar dunes is by limiting total maximum aggregate lot coverage to be limited to no more than 15% of the lot area.[1] The LUP allows an additional 5% of the lot to be used for outdoor living purposes, provided that is to be left in a natural condition, or landscaped so as to avoid impervious surfaces.

The proposed project is inconsistent with these requirements because it unnecessarily involves new non-resource dependent development within ESHA, and exceeds the coverage limits established by the LUP. Notwithstanding the non-conformity of the existing site coverage (due to the presence of two gravel driveways and over 2,000 square feet of outdoor living area), the replacement of the existing development must comply with current development standards. LUP coverage limits provide important guidance for carrying out Coastal Act Section 30240, as they have provided a standardized method to ensure new development, including significant redevelopment, will not disrupt or degrade the sensitive dune habitats of the Asilomar area.

To ensure the protection and continuance of habitat and recreation areas consistent with Coastal Act Section 30240(b), the recommended conditions of approval require final plans that reduce the maximum aggregate site coverage (other than the portion of the driveway within the 75 foot front setback) to no more than 20% of the lot (5,243 square feet). In addition, the recommended conditions requires all new site coverage to be sited mostly (90%) within the existing developed area, in order to minimize non-resource dependent development in ESHA, as required by Coastal Act Section 30240(a).[2] Other recommended conditions of approval carry out Coastal Act and LUP ESHA protection policies by ensuring that the proposed habitat preservation area outside of the permitted development envelope will be effectively restored and maintained, and by regulating construction procedures in a manner that will avoid and minimize the disturbance of the surrounding habitat areas and sensitive biological resources.

The proposed project is also inconsistent with Coastal Act policies protecting scenic resources. Coastal Act Section 30251 requires the scenic and visual qualities of coastal areas to be protected as a resource

[1] As defined in the LUP, calculation of the maximum aggregate lot coverage includes buildings, driveways, patios, decks that do not allow for the passage of water and light to the dune surface, and any other features that eliminate native plant habitat. The LUP exempts the portion of the driveway from the street to the required 75-foot front setback from these coverage limitations.

[2] Limited (10% or less) development outside the current envelope can be accommodated because demolition and site clearing will, of necessity, result in some additional disturbance around the perimeter of the existing developed area and thus construction will not result in any long term impacts if a commensurate amount of the currently developed area is returned to habitat in exchange.

of public importance, among other ways, by protecting views to and along the ocean and scenic coastal areas, requiring visual compatibility, minimizing landform alterations, and restoring degraded areas. The project, as proposed, is inconsistent with these requirements because the larger structure will block the public views of the ocean, most notably from an overlook that is part of the Asilomar Conference Center trail system (please see the photographic visual analysis submitted by the applicant and attached as Exhibit 3). In addition, the inconsistencies with LUP coverage limitations discussed above will result in a more massive structure that is not compatible with surrounding development. Recommended conditions limiting new site coverage are therefore needed to protect existing ocean views. Combined with a requirement to place utilities underground, the recommended conditions avoid adverse impacts on visual resources and achieve consistency with Coastal Act Section 30251.

The recommended special conditions of approval also seek to protect coastal water quality consistent with Coastal Act Policy 30231 by requiring the development to provide appropriate drainage controls during and after construction. Finally, the conditions implement Coastal Act Policy 30244 protecting archaeological and paleontological resources by requiring the implementation of specific monitoring and mitigation measures. Only with these conditions will the development be consistent with the Chapter 3 policies of the Coastal Act

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I. Staff Recommendation on CDP Application

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

Motion. I move that the Commission approve Coastal Development Permit Number 3-03-029 pursuant to the staff recommendation.

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

Resolution to Approve a Coastal Development Permit. The Commission hereby approves the coastal development permit on the ground that the development as conditioned, will be in conformity with the policies of Chapter 3 of the Coastal Act. Approval of the coastal development permit complies with the California Environmental Quality Act because either: (1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the amended development on the environment; or (2) there are no feasible mitigation measures or alternatives that would substantially lessen any significant adverse effects of the amended development on the environment.

II. Conditions of Approval

A.Standard Conditions

1. **Notice of Receipt and Acknowledgment.** The permit is not valid and development shall not commence until a copy of the permit, signed by the Permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.

2. **Expiration.** If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.

3. **Interpretation.** Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.

4. **Assignment.** The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.

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

B.Special Conditions

1. **Incorporation of City's Mitigation Requirements.** The Mitigations and Mitigation Monitoring Program adopted by the City of Pacific Grove for its final Mitigated Negative Declaration for this project are attached as Exhibit 4 to this permit; these mitigations are hereby incorporated as conditions of this permit.

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

2. **Final Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit two sets of final plans, for the Executive Director's review and approval, which modify and supplement the plans submitted with the application (prepared by Case Associates, dated 2/24/03) as follows:

(a) **Lot Coverage**. The plans shall include a final site plan that locates all aspects of the development within a building envelope that does not to exceed 20% of the 26,215 square foot lot (i.e., 5,243 square feet) and does not extend outside the existing 7,806 square foot development envelope by development envelope by more than 10% (781 square feet). Structural coverage shall not exceed the currently proposed 3,793 square feet (14.5 % of the lot), and the gross floor area of the house shall not exceed the currently proposed 5,257 square feet.

(b) **Grading.** Final plans shall include a revised grading plan that limits all grading activities to the building envelope identified pursuant to subsection (a), above, with one exception: sand to be excavated to accommodate the development may be placed outside of the building envelope 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 any changes to existing site contours, outside of the building envelope, will support and enhance the restoration of natural habitat values. In no case shall the placement of sand block views of the ocean available from the Asilomar Conference Center grounds.

(c) **Drainage and Erosion Control.** Final plans shall include a drainage and erosion control plan that incorporates the following provisions:

Implementation of Best Management Practices During Construction. The Drainage and Erosion Control 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; 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 applicant shall delineate that the approved construction areas with fencing and markers to prevent land-disturbing activities from taking place outside of these areas.

Post Construction Drainage. Plans to control drainage after construction shall retain runoff from the roof, driveway, decks, and other impervious surfaces shall onsite to the greatest degree feasible. Runoff shall be captured and directed into designated pervious areas, percolation pits or appropriate storm drain systems. Drainage shall not be directed onto Sunset Drive or Asilomar Conference Center grounds. 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.

3. **Dune Habitat Restoration Landscaping Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for the Executive Director's review and approval, two sets of dune habitat restoration plans for the entire lot outside of the building envelope designated pursuant to Special Condition 2. The restoration plan shall be prepared using California native plant species appropriate to the site. The plan shall include an analysis by a qualified expert that considers the specific condition of the site including soil, exposure, temperature, moisture, and wind, as well as restoration goals. At a minimum, the plan shall demonstrate that:

   (a) All vegetation planted on the site will consist of dune plants native to the Asilomar area,

   (b) All required plantings will be maintained in good growing conditions throughout the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan, and

   (c) Final contours of the site, after project grading, will support restoration efforts.

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

   (a) A map showing the type, size, and location of all plant materials that will be on the developed site, the irrigation system (if any), topography of the developed site, and all other landscape features, and

   (b) A schedule for installation of plants within the first growing season after completion of construction.

   Installation of all plants shall be completed prior to occupancy of the new home. Within 30 days of completion of the landscaping installation, the Permittee shall submit a letter from the project biologist indicating that plant installation has taken place in accord with the approved restoration plans and describing long-term maintenance requirements for the restoration. At a minimum, long-

term maintenance requirements shall include site inspections by a qualified biologist annually, or more frequently, to identify and correct any restoration and maintenance issues.

Five years from the date of completion of the addition, the Permittee or successors in interest shall submit, for the review and approval of the Executive Director, a restoration monitoring report, prepared by a qualified specialist, that certifies the on-site restoration is in conformance with the approved plan along with photographic documentation of plant species and plant coverage.

If the restoration monitoring report or biologist's inspections indicate the landscaping is not in conformance with or has failed to meet the performance standards specified in the Dune Habitat Restoration Mitigation Plan approved pursuant to this permit, the Permittee or successors in interest, shall submit a revised or supplemental restoration plan for the review and approval of the Executive Director. The revised restoration plan must be prepared by a qualified specialist, and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan. These measures, and any subsequent measures necessary to carry out the approved landscape plan, shall be carried out in coordination with the Executive Director until the approved landscaping is established to the Executive Director's satisfaction.

4. **Open Space Restriction.** No development, as defined in section 30106 of the Coastal Act shall occur in the Open Space Area 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:

    1. Necessary utility lines to serve the residence.

    2. Restoration, landscaping and monitoring activities conducted in accordance with the approved Dune Habitat Restoration Landscaping Plan prepared for the subject property as required by Special Condition 3.

    3. Fencing approved pursuant to Special Condition 5.

PRIOR TO ISSUANCE BY THE EXECUTIVE DIRECTOR OF THE NOI OF THIS PERMIT, the Applicant shall submit for review and approval of the Executive Director, and upon such approval, for attachment as an Exhibit to the NOI, a formal legal description and graphic depiction of the portion of the subject property affected by this condition, which shall include all areas of this site outside of the development envelope authorized by Special Condition 2(a).

5. **Fencing.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall satisfy the following requirements:

    A. Plans for temporary exclusionary fences to protect sensitive areas from disturbance during construction. Vehicle parking, storage or disposal of materials shall not be allowed within the exclusionary fences. Fences shall be installed prior to the start of construction and shall remain in place and in good condition until construction is completed.

    The exact placement of the temporary exclusionary fencing shall be identified on site by the project biologist/environmental monitor required by Special Condition 7, below. Evidence

that the monitor has inspected and approved the construction fence shall be submitted to the Executive Director PRIOR TO COMMENCEMENT OF CONSTRUCTION. Fences shall be 4 feet high and secured by metal T-posts, spaced no more than 8 feet apart. Either mesh field fence or snowdrift fence, or comparable barrier shall be used.

B. Plans for any permanent landscaping fence, should they be necessary to discourage trampling of the area to be restored outside of the building envelope, shall require the Executive Director's review and approval, and may require an amendment to this permit. Fencing design submittal shall include evidence of review and approval by the City of Pacific Grove. No permanent fencing, other than the fencing approved by the Executive Director pursuant to this condition, may be installed on the site without and amendment to this permit.

6. **Archaeological Mitigation.** A qualified archaeological monitor and Native American representative approved by the Executive Director PRIOR TO THE COMMNECEMENT OF CONSTRUCTION shall be present during any demolition, construction or pre-construction activities that involve ground disturbance, such as removal of existing foundations or utilities. Should archaeological resources be discovered at the project site during any phase of construction, the permittee shall stop work until a mitigation plan, prepared by a qualified professional archaeologist in coordination with interested Native Americans, is completed and implemented. Prior to implementation, the mitigation plan shall be submitted for review and approval by the State Historical Preservation Office and for review and approval by the Executive Director of the Commission. The plan shall provide for reasonable mitigation of the archaeological impacts resulting from the development of the site, and shall be fully implemented. A report verifying compliance with this condition shall be submitted to the Executive Director for review and approval, upon completion of the approved mitigation.

7. **Environmental Monitoring During Construction.** Permittee shall employ a project biologist/environmental monitor approved by the Executive Director and the City of Pacific Grove Community Development Director to ensure compliance with all permit conditions and mitigation requirements during the construction phase. Evidence of compliance shall be submitted by the project monitor to the Executive Director each month while construction is proceeding, and upon completion of construction.

8. **Utility Connections.** All utility connections shall be placed underground, and shall be contained within the building envelope established pursuant to Special Condition 2(a) to the maximum extent feasible. When installing any new utility connections, care shall be taken to avoid and minimize disturbance outside of the building envelope, among other ways, be employing the best management practices specified pursuant to Special Condition 2(d).

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

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

III. Recommended Findings and Declarations

The Commission finds and declares as follows:

A.Project Description

1. Project Location

The project is located at 1805 Sunset Drive, within the Asilomar Dunes neighborhood of the City of Pacific Grove. The property is bordered by the Asilomar Conference Grounds to the south, Sunset Drive and Asilomar State Beach to the West, and residential properties to the north and east. Please see Exhibit 1 for a map of the project location. The parcel is located in an area zoned R-1-B-4, Single Family Residential, with a minimum parcel size of 20,000 square feet. Development within the surrounding neighborhood is characterized by one and two-story single-family dwellings. The subject 26,215 square foot lot currently supports a 1,776 square foot house with a detached 861 square foot garage, two gravel driveways of 766 and 1923 square feet, and outdoor impervious surfaces totaling 446 square feet. Thus, existing site coverage is 5,772 square feet, or 22% of the lot.[3] In addition, a landscaped fenced rear yard of 2,034 square feet current commits 7.8% of the lot to outdoor living.

The site is within the Asilomar sand dune complex, which is considered an environmentally sensitive habitat area by the City's Land Use Plan (LUP), certified in 1991. This is due in part to the existence of plant and 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 project site is also visually significant, as it can be seen from Sunset Drive, as well as from dune boardwalks and an overlook within the Asilomar Conference Grounds. Both Sunset Drive and the conference center attract large number of visitors, and provide important coastal access and recreation opportunities to the public. Finally, the site is within an archaeological sensitive area; the LUP recognizes that there is a likelihood of prehistoric cultural resources throughout the Pacific Grove Coastal Zone.

[3] Accounting for the LUP's exception for the first 75 feet of driveway, up to 12 feet in width, the current coverage equates to 4,872 square feet, or 18.6% of the lot.

2. Project Description

The proposed development will replace the existing one-story 1,776 square foot residence and 861 square foot garage with a larger split-level residence having a structural coverage of 3,793 square feet and gross floor area of 5,257 square feet (including a below grade garage and storage area). (Project plans attached as Exhibit 2). Grading to accommodate the residence requires the excavation of approximately 500 cubic yards of sand, which will be placed between the new structure and Sunset Drive in a manner intended to reflect a natural dune landform. Two existing gravel driveways totaling 2,689 square feet will be replaced with a new decomposed granite driveway totaling 1,647 square feet, 897 square feet of which is driveway behind the 75 foot front setback line. Including outdoor impervious surfaces totaling 324 square feet, aggregate site coverage will be 5,014 square feet or 19% of the lot. The project also includes a 602 square foot fenced and landscaped back yard, as well as 125 square feet of pervious front walkway, which dedicates an additional 2.8% of the lot for outdoor living purposes. Thus, the application proposes to commit 22.2% of the site (5,832 square feet) to residential use. As proposed by the applicant and conditioned by the City of Pacific Grove, the remainder of the site will be restored and protected as native dune habitat.

3. Project Background

Local review of the proposed project began 2001, and the City of Pacific Grove approved the project, subject to conditions attached as Exhibit 4, on February 5, 2003. On November 19, 2001, the Commission staff submitted to the City regarding the Negative Declaration prepared pursuant to the California Environmental Quality Act. These comments, which are attached as Exhibit 5, informed the City and the applicant of the Commission staff's position that redevelopment of the site should comply with LUP coverage limitations, and be focused in areas of existing disturbance. The Commission staff later met with the applicant to discuss these comments, and was subsequently provided with revised plans intended to respond to these issues. On January 15, 2002, the Commission staff sent a letter to applicant's architect (also attached in Exhibit 5), expressing concern that the revised plans still did not comply with LUP coverage standards.

B. Standard of Review

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

C. Issue Analysis

1. Environmentally Sensitive Habitat Areas

a. Applicable Environmentally Sensitive Habitat Area (ESHA) Policies

Coastal Act Section 30240, states:

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

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

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

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

> ***LUP Policy 2.3.5.1.*** *New development in the Asilomar dunes area (bounded by Asilomar Avenue, Lighthouse Avenue, and the boundary of Asilomar State Park) shall be sited to protect existing and restorable native dune plant habitats... No development on a parcel containing esha shall be approved unless the City is able to find that, as a result of the various protective measures applied, no significant disruption of such habitat will occur.*
>
> ***LUP Policy 2.3.5.1.d.*** *The alteration of natural land forms and dune destabilization by development shall be minimized. Detailed grading plans shall be submitted to the City before approval of coastal development permits.*
>
> ***LUP Policy 2.3.5.1.e*** *If an approved development will disturb dune habitat supporting or potentially supporting Menzies' wallflower, Tidestrom's lupine or other rare or endangered species, or the forest front zone along Asilomar Avenue south of Pico Avenue, that portion of the property beyond the approved building site and outdoor living space (as provided in section 3.4.5.2) shall be protected by a written agreement, deed restrictions or conservation easement granted to an appropriate public agency or conservation foundation. These shall include provisions which guarantee maintenance of remaining dune habitat in a natural state, provide for restoration of native dune plants under an approved landscape plan, provide for long-term monitoring of rare and endangered plants and maintenance of supporting dune or forest habitat, and restrict fencing to that which would not impact public views or free passage of native wildlife. Easements, agreements or deed restrictions shall be approved prior to commencement*

of construction and recorded prior to sale or occupancy.

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

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

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

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

b. ESHA Analysis

1. Description of Environmentally Sensitive Habitat

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

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

The best known of these native dune plants are the Menzie's wallflower, Monterey spineflower and the Tiedestrom's lupine, all of which have been reduced to very low population levels through habitat loss and are Federally-listed endangered species. Additionally, the native dune vegetation in the Asilomar Dunes area also includes more common species that play a special role in the ecosystem, for example: the bush lupine which provides shelter for the rare black legless lizard, and the coast buckwheat, which hosts the endangered Smith's blue butterfly. Because of these unique biological and geological characteristics of the Asilomar Dunes, all properties in the Asilomar Dunes area are located within environmentally sensitive habitat areas.

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

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

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

2. ESHA Impact Analysis

Coastal Act Section 30240 protects ESHA from significant disruption or degradation, limits development in ESHA to uses dependent upon the resources, and requires development adjacent to ESHA and recreation areas to be compatible with their continuance. To protect the unique and sensitive habitats of the Asilomar dunes, the LUP calls for total maximum aggregate lot coverage to be limited to no more than 15 percent of the lot area.[4] The LUP allows an additional 5% of the lot to be used for outdoor living purposes, provided that is to be left in a natural condition, or landscaped so as to avoid impervious surfaces. The remaining 80% of the lot must be restored and maintained as native dune habitat pursuant to LUP Policy 2.3.5.1.e.

[4] As defined in the LUP, calculation of the maximum aggregate lot coverage includes buildings, driveways, patios, decks that do not allow for the passage of water and light to the dune surface, and any other features that eliminate native plant habitat. The LUP exempts the portion of the driveway from the street to the required 75-foot front setback from these coverage limitations.

The proposed project is inconsistent with these requirements because it unnecessarily involves new non-resource dependent development within ESHA, and exceeds the coverage limits established by the LUP. The undeveloped dune areas that will be impacted by the project are degraded by the presence of non-native invasive ice plant, but retain the essential soil and climatic conditions that support the unique and rare biological resources of the Asilomar dunes. As discussed above, these remaining undeveloped areas are important components to the long term protection and enhancement of the environmentally sensitive dune system. The proposed placement of new residential development in portions of the dunes that are not currently covered by development conflicts with Coastal Act Section 30240(a), which prohibits non-resource dependent development in ESHA. Given the extent of the site that has already been developed (5,772 square feet), it is clearly feasible to contain most of the new development other than temporary construction activities outside of ESHA.

The proposed replacement residence is also inconsistent with the 15% maximum aggregate lot coverage established by the LUP. The new residence has a footprint of 3,793 square feet, which, at 14.5%, is within the 15% the coverage limit established by the LUP. When the portion of the proposed driveway inland of the fornt setback and other impervious surfaces feet are included in the calculation of aggregate cover (as required by the LUP), aggregate coverage increase by 1,221 square for a total coverage of 5,014 square feet or 19% of the lot. Combined with the proposed 602 square feet of outdoor living area proposed by the project, a total of 6,582 square feet of the lot (25.1%) of the lot will be dedicated to residential use. Accounting for the LUP's exemption for the first 75 feet of driveway, the project results in 5,832 square feet or 22.2% of lot coverage.

The Pacific Grove LUP coverage limits provide important guidance for carrying out Coastal Act Section 30240. The City and the Commission have consistently applied these limits to ensure that new development within does not disrupt or degrade sensitive dune habitats. Notwithstanding the presence of non-conforming development on the site[5], the extent of demolition and modification of the existing development provides the appropriate opportunity to ensure that the replacement structure will conform to established development standards. Indeed, it is typical for zoning ordinances to require compliance with all applicable development standards when non-conforming structures are proposed for replacement or significant alteration, as is the case here. Such an approach is necessary to ensure that LUP polices protecting the rare biological resources of the Asilomar dunes are consistently implemented for both new development and significant redevelopment.

Therefore, to ensure the protection and continuance of habitat and recreation areas consistent with Coastal Act Section 30240(b), conditions have been attached to this permit that require final plans to reduce the maximum aggregate site coverage other than portions of the 12 foot wide driveway within the front 75 foot setback to a total no more than 20 % of the lot (5, 243 square feet). This condition provides some flexibility to the LUP requirement that the home, driveway, and other impervious surfaces not exceed 15% by allowing such coverage within the addition 5% of the site that can be used or outdoor

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

living pursuant to LUP 3.4.5.2. This approach will maximize ESHA protection, consistent with the requirements of Coastal Act Section 30240 and the guidelines established by the LUP, by ensuring that at least 80% of the site be restored and maintained as native dune habitat. Providing such flexibility in this case will not result in a more massive structure than would otherwise be permitted in the area, because as proposed and conditioned, the residence will remain within the 15% coverage limit established by the LUP; coverage beyond 15% can only be used to accommodate the driveway or outdoor impervious surfacing (not an increase in size of the residence), and would be subtracted from the 5% area allowed for outdoor living by the LUP.

The proposed redevelopment of the site is also inconsistent with Coastal Act Section 30240 and the LUP due to the encroachment of the proposed development within sensitive habitat areas. As previously discussed, the existing developed area on the site is immediately adjacent to dune habitat. The demolition of the existing house and redevelopment of the site can, however, be found consistent with the ESHA protection policies if the new house is located primarily within the existing disturbed area. Limited (10% or less) development outside the current envelope can be accommodated because demolition and site clearing will, of necessity, result in some additional disturbance around the perimeter of the existing developed area and thus construction will not result in any long term impacts since a commensurate amount of the currently developed will be returned to habitat. This also provides some flexibility in the redevelopment process, in order to accommodate design changes that will not result in adverse impacts to coastal resources. Restoration and permanent protection of the remainder of the site will adequately mitigate impacts of construction on adjacent ESHA by ensuring that the new development will be compatible with the long-term maintenance of the resource. Combined with conditions that require construction to be carried out in a manner that will avoid and minimize the disturbance of the surrounding habitat areas and sensitive biological resource, the project can be found consistent with Coastal Act Section 30240.

c. ESHA Conclusion

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

In addition, to ensure that the proposed restoration of the dune habitat area surrounding the development is effectively maintained and protected, the conditions require the applicant to develop and implement a Dune Habitat Restoration Plan covering all portions of the site outside of the approved development envelope, and to record of a deed restriction providing permanent protection of this area. The deed restriction allows only those uses necessary for, and consistent with, maintenance of the restricted area as a nature reserve under private stewardship. The deed restriction also provides notice to future property owners regarding the constraints and obligations associated with this site. Only with these conditions can long-term protection of the sensitive habitats contained on the site be ensured, consistent with Coastal Act Section 30240.

Finally, the project has been conditioned to avoid impacts to ESHA during construction by requiring temporary exclusionary fences that will protect sensitive native dune plant habitat areas outside of the building envelope during construction. Experience has shown that exclusionary fencing helps to assure that workpeople and materials stay outside sensitive natural habitat areas, such as those surrounded by the existing residence. The conditions require that equal precaution be taken during the installation of utilities to ensure that adjacent dune habitats are not disturbed. As so conditioned, the development is consistent with Section 30240 of the Coastal Act.

2. Visual Resources

a. Applicable Visual Resources Policies

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

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

> ***LUP Policy 2.5.2.*** *...Coastal area scenic and visual qualities are to be protected as resources of public importance. Development is required to be sited to protect views, to minimize natural landform alteration, and to be visually compatible with the character of surrounding areas.*
>
> ***LUP Policy 2.5.4.1.*** *It is the policy of the City of Pacific Grove to consider and protect the visual quality of scenic areas as a resource of public importance. The portion of Pacific Grove's coastal zone designated scenic includes: all areas seaward of Ocean View Boulevard and Sunset Drive, Lighthouse Reservation Lands, Asilomar Conference Ground dune lands visible from Sunset Drive, lands fronting on the east side of Sunset Drive; and the forest front zone between Asilomar Avenue and the crest of the high dune (from the north side of the Pico Avenue intersection to Sinex Avenue)*
>
> ***LUP Policy 2.5.5.1.*** *New development, to the maximum extent feasible, shall not interfere with public views of the ocean and bay.*
>
> ***LUP Policy 2.5.5.5.*** *Landscape approval shall be required for any project affecting landforms and landscaping. A landscaping plan, which indicates locations and types of proposed plantings, shall be approved by the Architectural Review Board.*
>
> ***LUP Policy 2.5.5.6.*** *...Utilities serving new single-family construction in scenic areas shall be placed underground.*
>
> ***LUP Policy 3.4.4.1.*** *All new development in the Asilomar Dunes area shall be controlled as*

necessary to ensure protection of coastal scenic values and maximum possible preservation of sand dunes and the habitat of rare and endangered plants.

b. Visual Resources Analysis

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

The project site is within the scenic area designated by the LUP, and visible to the many residents and visitors that come to the area to enjoy Sunset Drive, Asilomar State Beach, and the Asilomar Conference Center. Thus, new development on the site must be carefully designed and sited to prevent impacts to these significant coastal views. The proposed development does not comply with this requirement because the proposed replacement structure will block the public views of the ocean, most notably from an overlook that is part of the Asilomar Conference Center trail system (please see the photographic visual analysis submitted by the applicant and attached as Exhibit 3). While the City conditions of approval will prevent the structure from appearing any taller than the existing structure, the local approval does not adequately address the impacts associated with the horizontal expansion of the structure, which result in the blockage of this significant view. The proposed project is therefore inconsistent with Coastal Act and LUP standards that require new development to be compatible with surrounding development, protect the scenic value of the natural dune environment, and avoid interference with views of the bay.

The conditions of this permit that require compliance with LUP coverage limitations and limit new development outside of the existing developed area will minimize the impact of the replacement structure on existing views of the coast. Visual resources are also protected by a recommended condition requiring utility connections to be placed underground.

c. Visual Resources Conclusion

The proposed development is inconsistent with Coastal Act Section 30251 because it will block ocean views available from the Asliomar Conference Center Grounds. It is further inconsistent with Section 30251 and LUP Policies protecting scenic resources due to its non-compliance with coverage limitations, which results is a structure that is not compatible with surrounding development, unnecessarily alters natural land forms, and fails to protect existing ocean views. The special conditions of approval therefore limit new development outside of the existing developed area and require compliance with LUP site coverage requirements. The special conditions further protect scenic resources by requiring the restoration and permanent protection of the dune habitats outside of the permitted building envelope, and by requiring utilities to be placed underground. Only as so conditioned can the development be found to be consistent with Coastal Act Section 30251.

3. Water Quality/Marine Resources

a. Applicable Water Quality Policies

Section 30231 of the Coastal Act states:

> 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.

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.

b. Water Quality 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 Resource Control Board. The project site is directly across the street these marine habitats. Drainage and stormwater runoff from the site, both during and after construction, has the potential to degrade coastal water quality and diminish biological productivity by contributing sediments and pollutants

Therefore, to carry out 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 retain stormwater runoff on site to the maximum degree feasible. Only with this conditions is the project consistent with Coastal Act Section 30231.

4. Archaeological Resources

a. Applicable Archaeological Resources Policies

Section 30244 of the Coastal Act states:

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

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

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

(a) Inspect the surface of the site and evaluate site records to determine the extent of the known resources.

(b) Require that all sites with potential resources likely to be disturbed by the proposed project be analyzed by a qualified archaeologist with local expertise.

(c) Require that a mitigation plan, adequate to protect the resource and prepared by a qualified archaeologist be submitted for review and, if approved, implemented as part of the project.

b. Archaeological Resources Analysis and Conclusion

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

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

D.Local Coastal Programs

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

While the northern Asilomar Dunes area was originally included in the work program for the Del Monte Forest Area LUP (approved with suggested modifications, September 15, 1983), the area was annexed by the City of Pacific Grove in October, 1980, and therefore is subject to the City's LCP process. Exercising its option under Section 30500(a) of the Coastal Act, the City in 1979 requested the Coastal

Commission to prepare its Local Coastal Program. However, the draft LCP was rejected by the City in 1981, and the City began its own coastal planning effort. The City's LUP was certified on January 10, 1991, and the City is currently formulating implementing ordinances. In the interim, the City has adopted an ordinance that requires that new projects conform to LUP policies. (Of course, the standard of review for coastal development permits, pending LCP completion, is conformance with the policies of the Coastal Act.)

The LUP contains various policies that are relevant to the Coastal Act issues raised by this permit application, particularly with respect to protection of environmentally sensitive habitat, scenic resources, water quality and archaeological resources, as addressed in the findings above. The conditions of approval described by these findings are necessary to bring the development into conformance with Coastal Act policies, and are thereby also necessary to prevent approval of the project from prejudicing the ability of the City of Pacific Grove to complete an LCP consistent with Chapter 3 of the Coastal Act. Thus, only as conditioned will approval of the development avoid prejudicing the City of Pacific Grove's ability to prepare and implement a complete Local Coastal Program that is consistent with the Coastal Act.

E. California Environmental Quality Act (CEQA)

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

In this case, the City of Pacific Grove approved a Mitigated Negative Declaration for the project that established environmental mitigations that have been incorporated into the terms of this permit by Special Condition 1.

The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary of Resources as being the functional equivalent of environmental review under CEQA. This staff report has discussed the relevant coastal resource issues with the proposal, and has identified additional mitigations to those required by the City, necessary to address avoid significant adverse impacts to environmental resources such as sensitive habitats, scenic quality, coastal waters, and archaeological materials. Accordingly, the project is being approved subject to conditions that incorporate and expand upon the mitigation measures required by the City. As such, the Commission finds that only as modified and conditioned by this permit will the proposed project not have any significant adverse effects on the environment within the meaning of CEQA.

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COASTAL COMMISSION
CENTRAL COAST AREA

Map o

Monte Penins

E-5	Wood St.	B-C-3	7th Ave.	G-3-4	13th St.		
E-F-7	Woodcrest La.	D-5	7th St.	C-4,D-6	14th Ave.	H-3	
E-4-5	Work Ave.	D-8	7th Corps Cir.	A-9	14th St.	B-C-4	
D-8	Workman Pl.	C-3	7th Division Pl.	A-10	15th Ave.	H-3-4	
E-5	W.R. Holman Hwy.	D-3-F-4	8th Ave.	G-3-4	15th St.	B-C-4	
D-4	Wranglers Tr.	D-2	8th St.	C-4,D-6	15th Infantry Ave.	A-9-10	
D-4	Wright Pl.	E-4	9th Ave.	G-3-4	16th Ave.	H-3	
E-F-5	Wyndemere Rise	E-4	9th St.	C-4,D-6	16th St.	B-C-4	
C-9	Wyndemere Vale	E-4	10th Ave.	G-3-4	17th Ave.	H-3	
B-9	Wyndemere Wy.	E-4	10th St.	C-4,D-6	17th St.	B-C-4	
D-7	Yale River Ct.	B-9	11th Ave.	H-3-4	17 Mile Dr.	B-3-F-4	
D-8	Yerba Buena Ct.	C-9,D-4	11th St.	C-4	18th St.	B-4-C-3	
3,E-5	Yolanda Ct.	D-9	11th Cavalry Ave.	A-9-10	19th St.	B-4-C-3	
B-8	York Rd.	F-10	12th Ave.	H-3-4	20th St.	B-4	
G-4	Yosemite St.	B-D-9	12th St.	B-C-4	38th Parallel Lg.	B-8-9	
C-7	1st Ave.	A-10,G-3-4	13th Ave.	H-3-4			
G-5	1st St.	C-4,D-6					
G-4	2nd Ave.	G-3-4					
D-8	2nd St.	C-4,D-6					
C-8	3rd Ave.	G-3-4					
E-7	3rd St.	C-4,D-6					
D-4-5	3rd Artillery Ave	A-9					
B-3	4th Ave.	G-3-4					
H-3	4th St.	C-4,D-6					
D-8	4th Army Rd.	A-10					
B-C-3	4th Division Ave.	A-9-10					
D-8-9	5th Ave.	D-6,G-3-4					
G-4	5th St.	C-4,D-6					
C-8	5th Cavalry Cir.	A-10					
3-D-8	6th Ave.	G-3-4					
D-5	6th St.	C-4,D-6					
9-10	6th Army Rd.	A-10					
D-5	6th Division Cir.	A-10					
C-5							
D-5							
C-3							
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D-2							
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1,E-10							
D-8							
E-4							
C-8							
C-4							

EXHIBIT NO. 1, p.1

APPLICATION NO. 3-03-029

Project Location

Preparet

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

EXHIBIT NO. 1, p.2

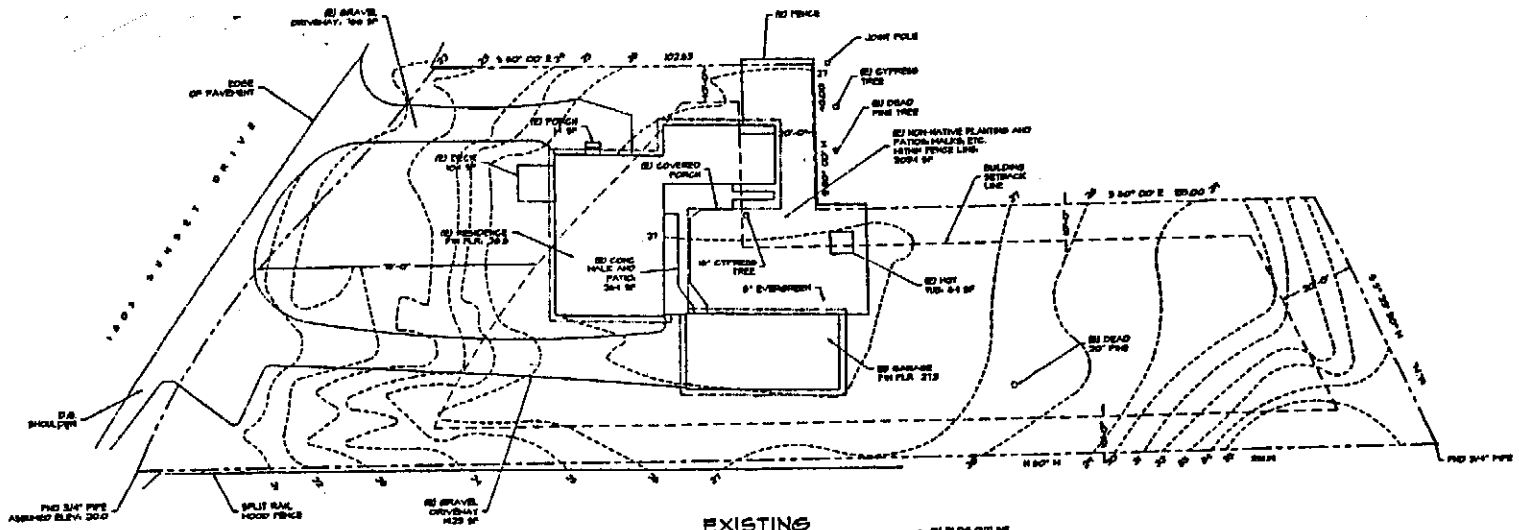
APPLICATION NO. 3-03-029

Project location

EXHIBIT NO. 2, p.1

APPLICATION NO. 3-03-029

Project Plans



EXISTING SITE PLAN

PROJECT DATA

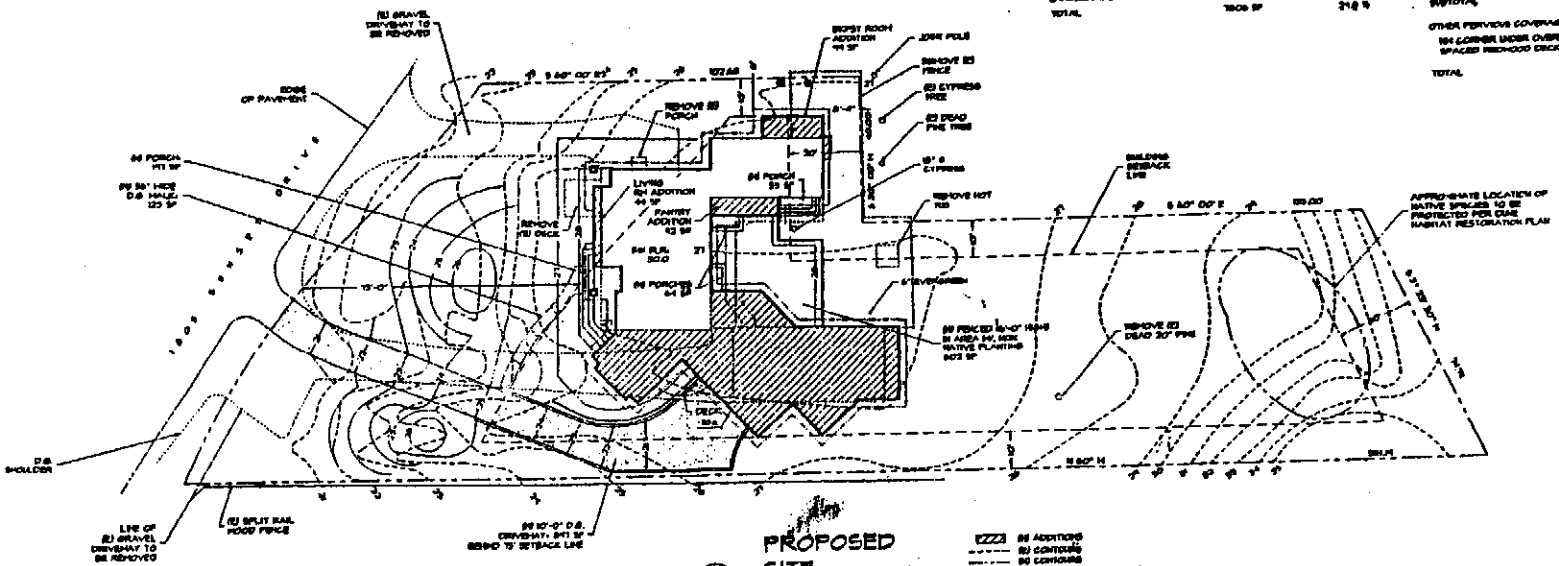
OWNER:	ED and MARY ANN KWIATKOWSKI 1805 SUNSET DRIVE PACIFIC GROVE, CA. 831 642 4848
APN:	001 012 13
LEGAL:	PORTION OF LOT 24, BLOCK 350 PACIFIC GROVE ACRES
LOT SIZE:	26,719 SF

EXISTING COVERAGE

STRUCTURAL				
MAIN HOUSE	1776 SF			
GARAGE	564 SF	2651 SF	10.1 %	
OTHER IMPERVIOUS	64 + 264 + 88 + 446 SF		1.1 %	
PERVIOUS	766 + 1423 + 2664 SF		10.3 %	22.0 %
LANDSCAPING		2004 SF		7.8 %
TOTAL		7806 SF		24.8 %

PROPOSED COVERAGE

STRUCTURAL				
HOUSE	3140 SF	3140 SF	14.3 %	
GARAGE	1464 SF			
OTHER IMPERVIOUS	208 + 36 + 64 + 324 SF		1.2 %	
PERVIOUS	13 + 841 + 1048 SF		3.4 %	14.6 %
LANDSCAPING		602 SF		2.3 %
SUBTOTAL		3791 SF		21.5 %
OTHER PERVIOUS COVERAGE				
164 CORNER UNDER OVERHANG		28 SF		
SPACED REDWOOD DECK		12 SF		
TOTAL		5882 SF		22.3 %

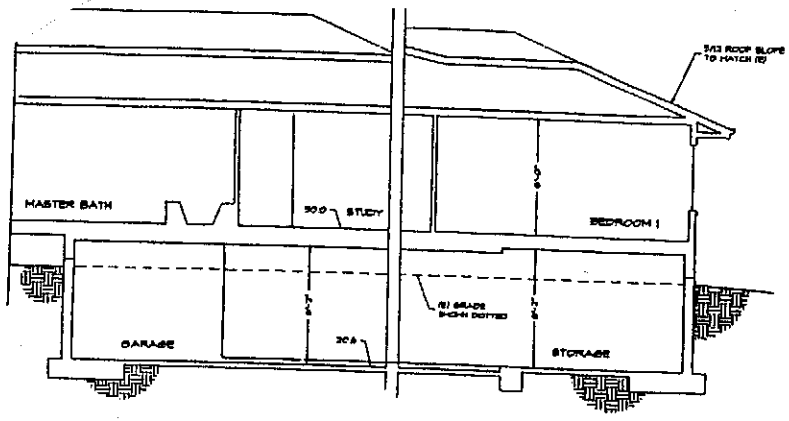


PROPOSED SITE PLAN

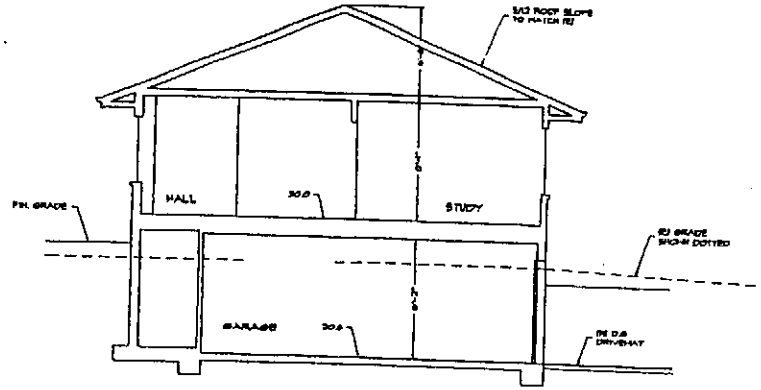
+ CASE ASSOCIATES architecture

A NEW REMODEL AND ADDITION FOR ED and MARY ANN KWIATKOWSKI 1805 SUNSET DRIVE PACIFIC GROVE, CA.

A1



SECTION (B)
1/4" = 1'-0"



SECTION (A)
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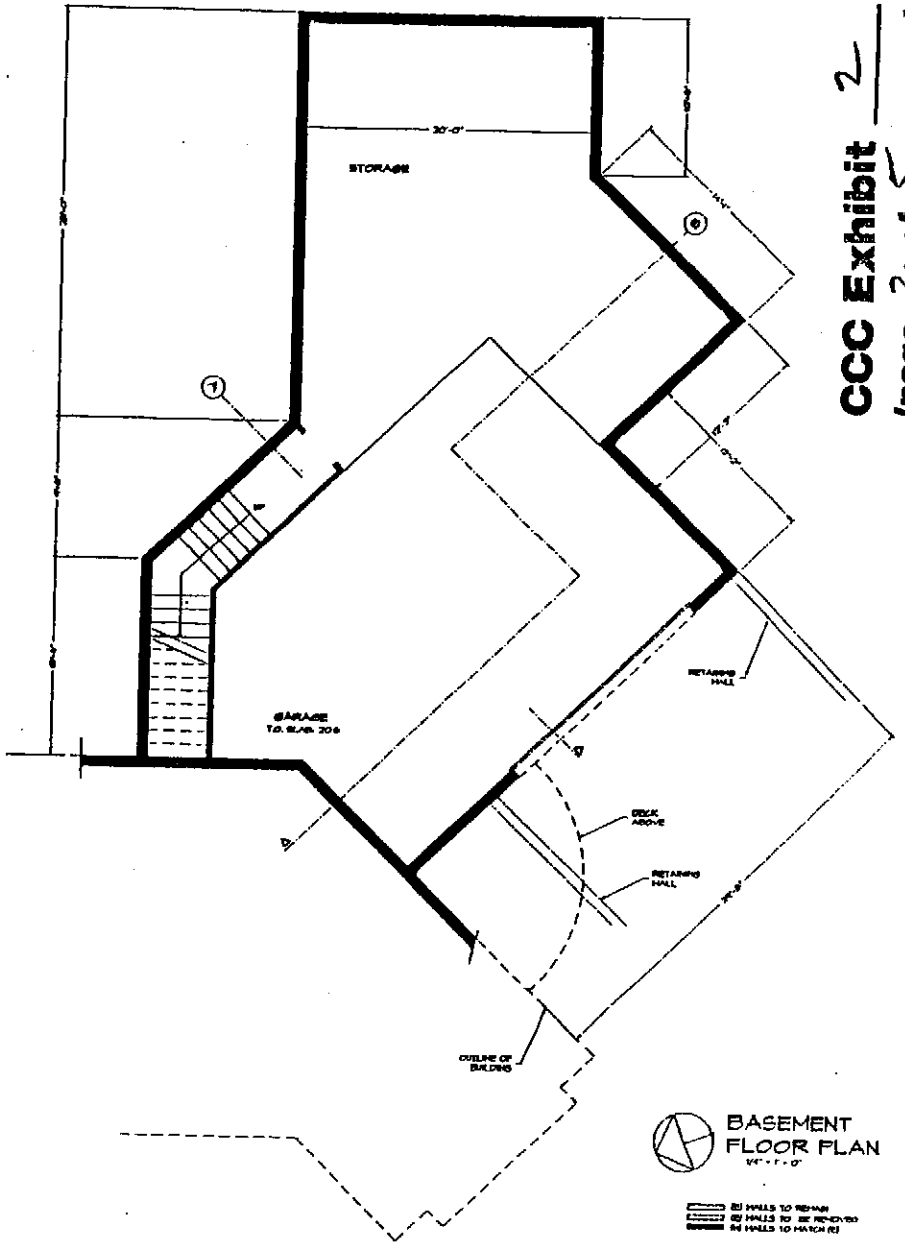


BASEMENT FLOOR PLAN
1/4" = 1'-0"

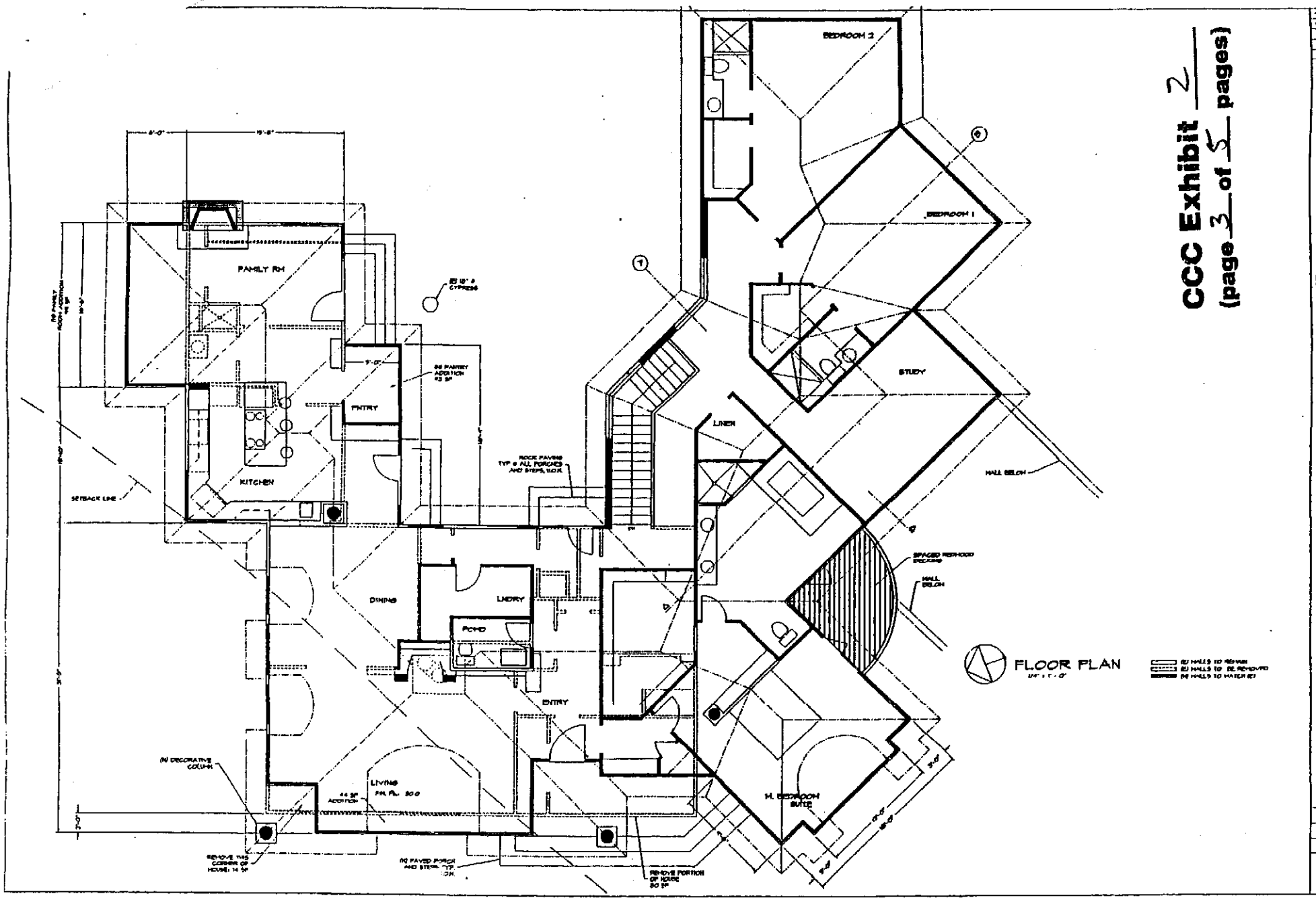
(E) WALLS TO REMAIN
(E) WALLS TO BE REMOVED
(N) WALLS TO MATCH (E)

CCC Exhibit 2
(page 2 of 5 pages)

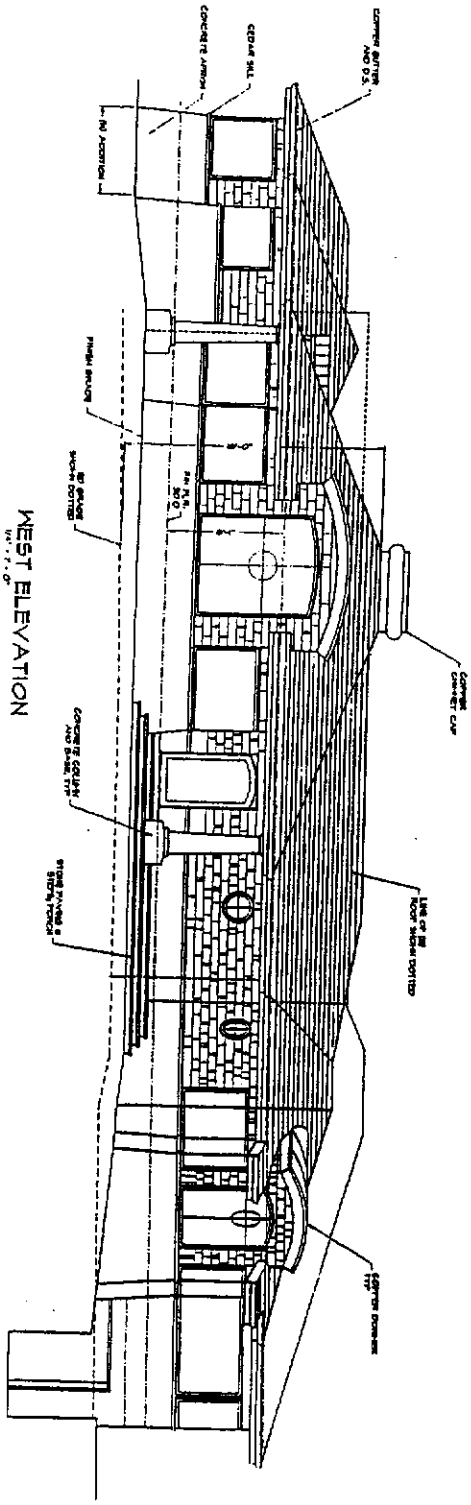
+ CAGE ASSOCIATES architecture

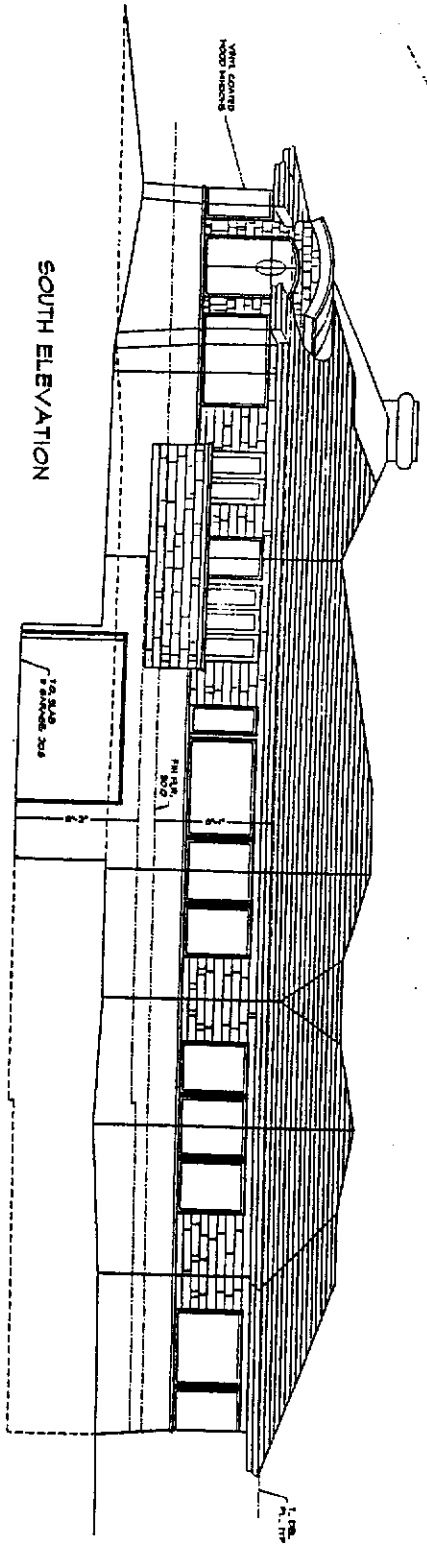
A NEW REMODEL AND ADDITION
FOR ED and MARY ANN KWIATKOWSKI
1805 SUNSET DRIVE PACIFIC GROVE, CA.

A2



CCC Exhibit 2
(page 3 of 5 pages)



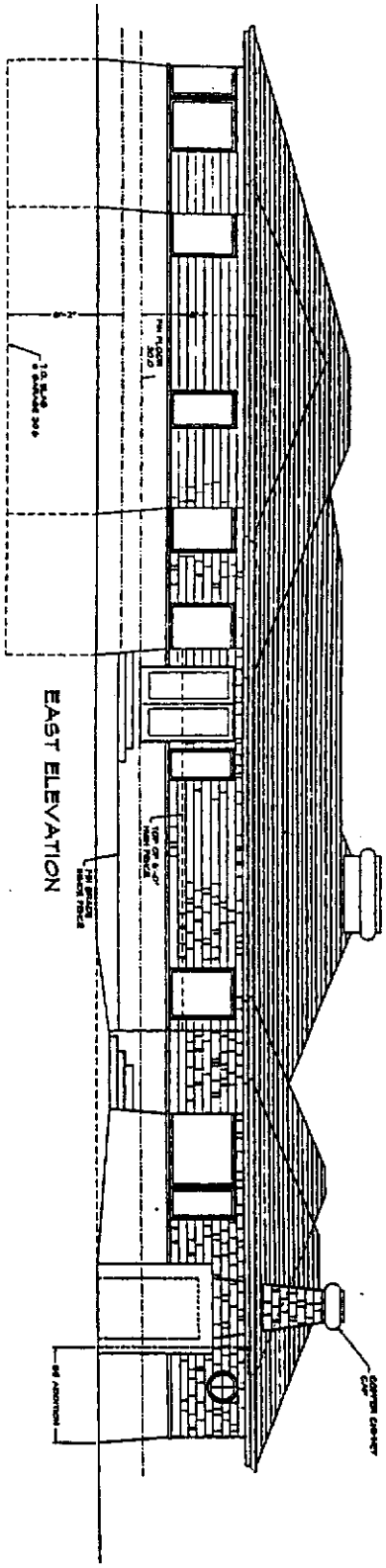


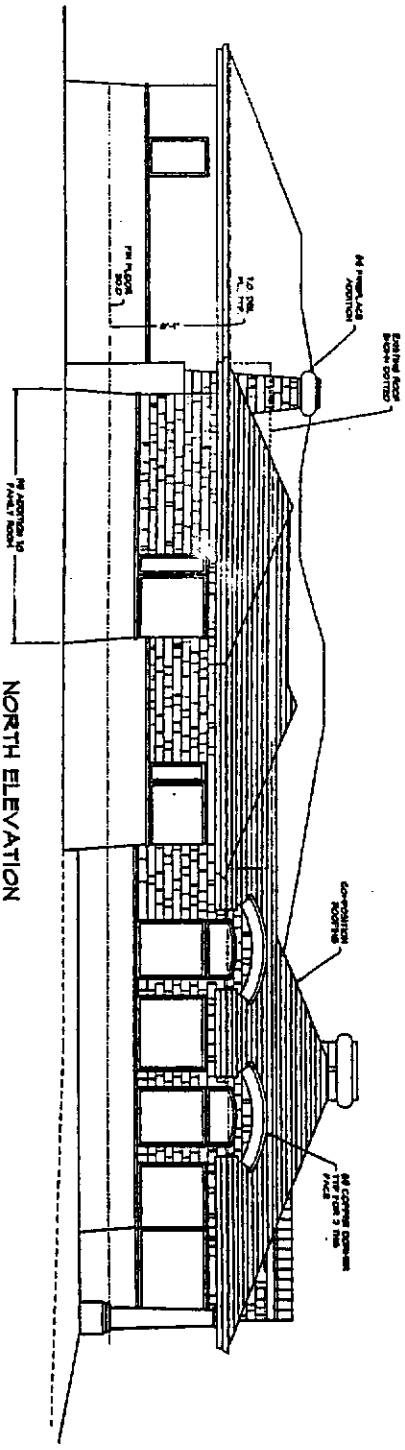
CCC Exhibit 2
(page 4 of 5 pages)

A NEW REMODEL AND ADDITION
FOR ED and MARY ANN KWIATKOWSKI
1805 SUNSET DRIVE PACIFIC GROVE, CA.

CASE ASSOCIATES architecture

A4



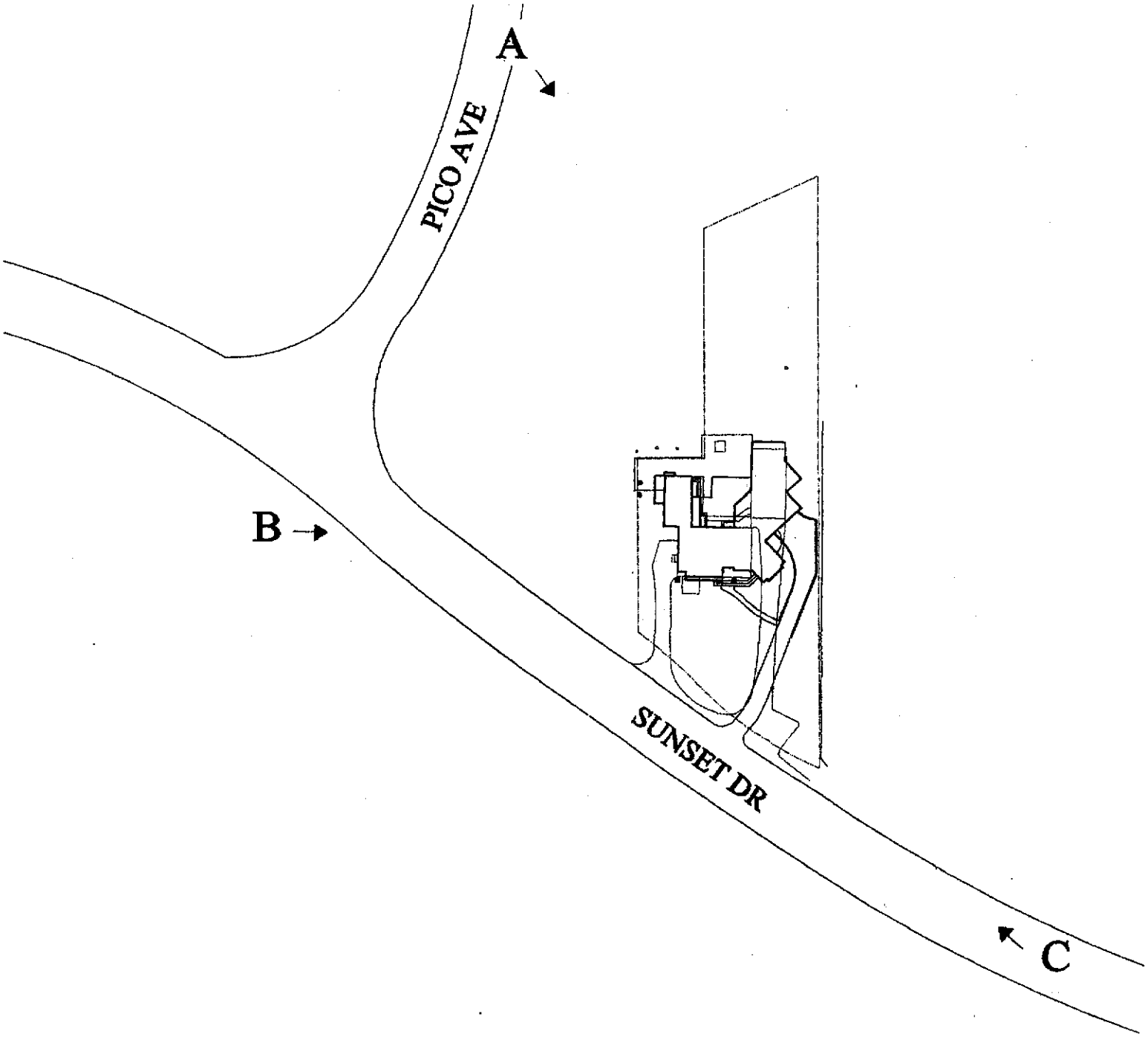


CCC Exhibit 2
(page 5 of 5 pages)

A NEW REMODEL AND ADDITION
FOR ED and MARY ANN KWIATKOWSKI
1805 SUNSET DRIVE PACIFIC GROVE, CA.

+ CASE ASSOCIATES architecture

A5



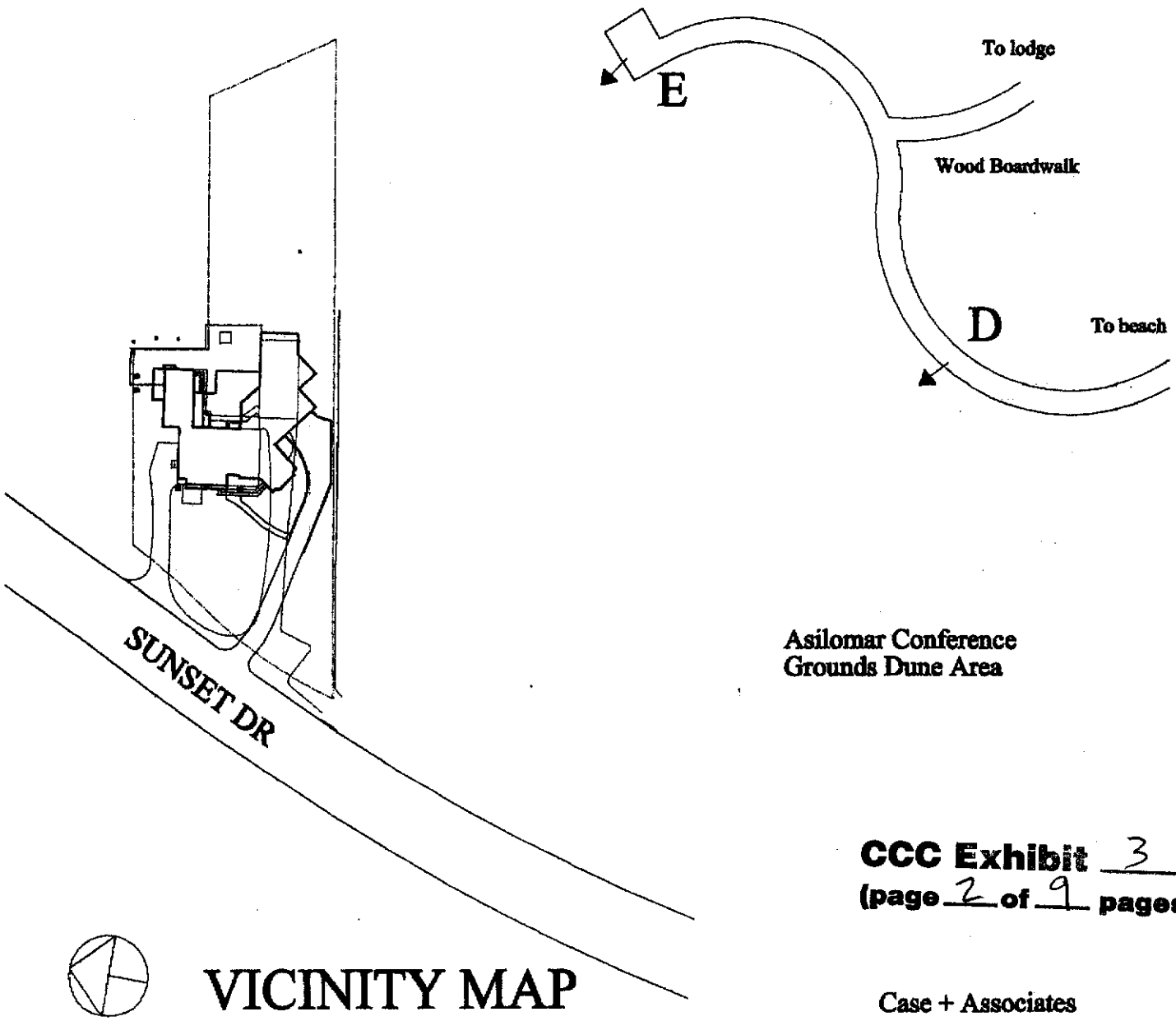
VICINITY MAP

CAMERA POSITIONS
for PHOTOGRAPHS OF STAKING

EXHIBIT NO. 3, p. 1
APPLICATION NO. 3-03-029
visual impact analysis
by applicant

Kwiatkowski Residence

1805 Sunset Drive



Asilomar Conference
Grounds Dune Area

CCC Exhibit 3
(page 2 **of** 9 **pages)**

VICINITY MAP

CAMERA POSITIONS
for PHOTOGRAPHS OF STAKING

Case + Associates
a r c h i t e c t u r e
499 Calle Principal
Monterey, Ca. 93940
831.649.5970

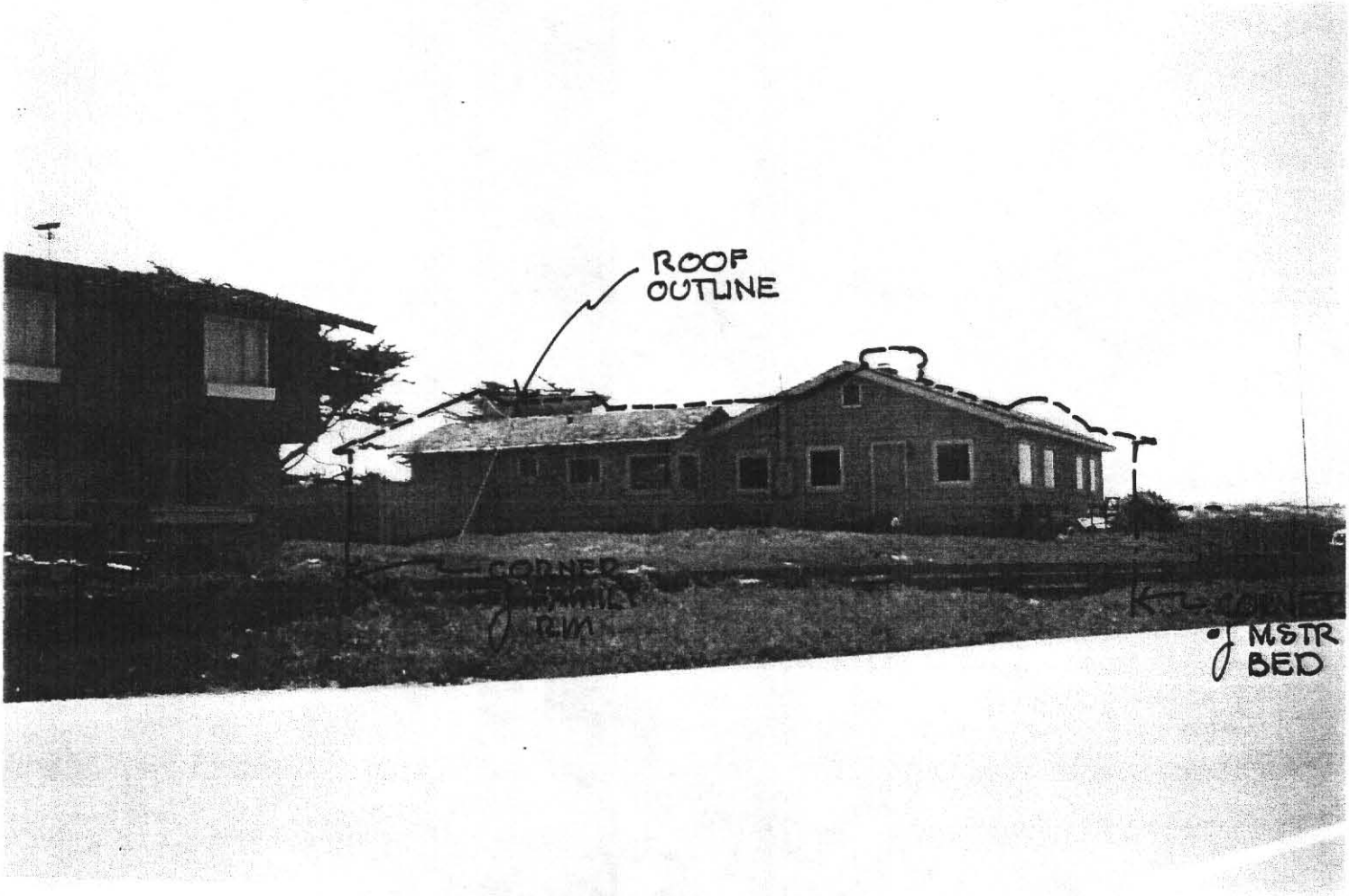
Kwiatkowski Residence

1805 Sunset Drive

Position A

CCC Exhibit 3
(page 3 of 9 pages)

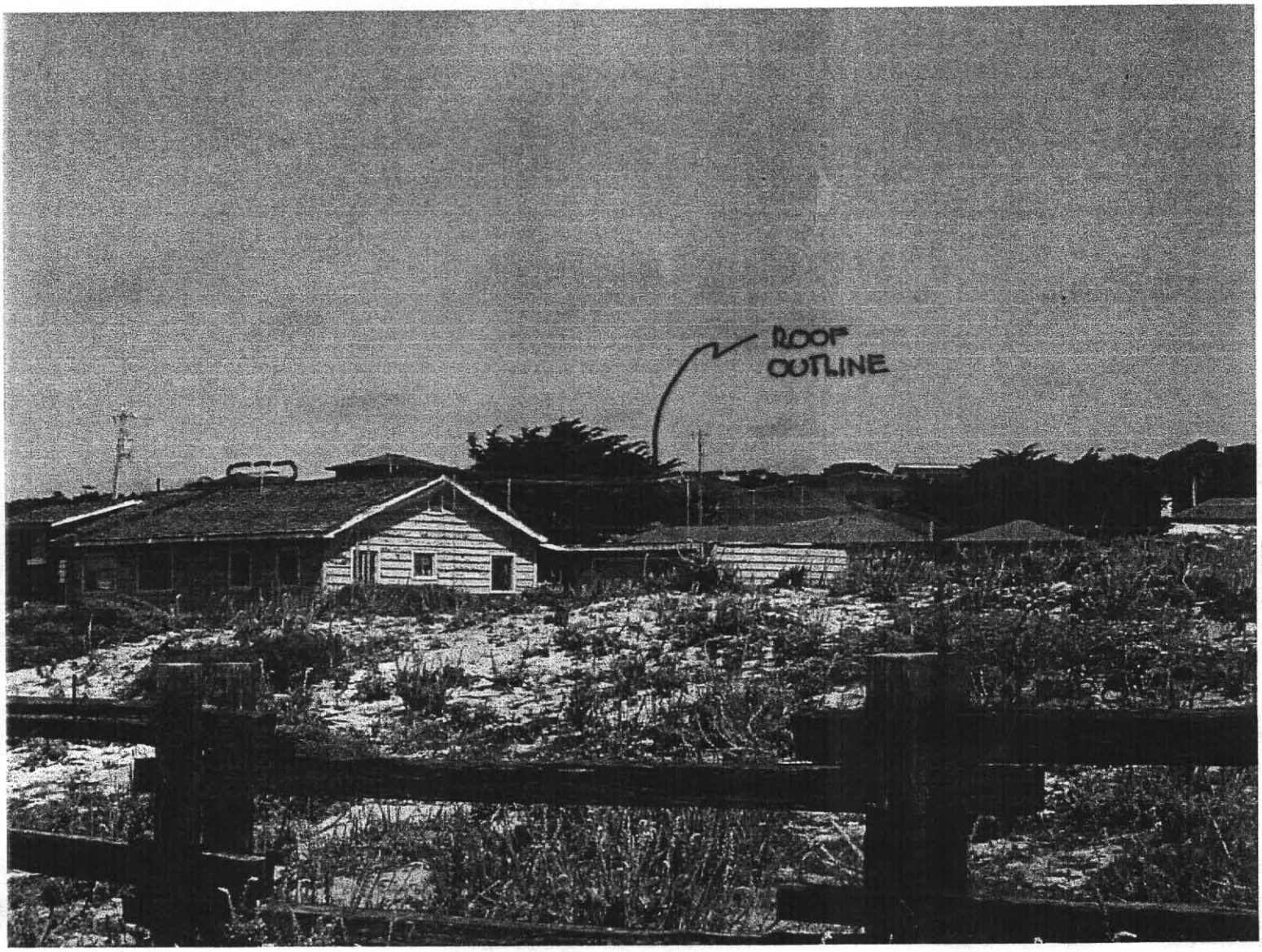
Kwiatkowski Residence
1805 Sunset Drive Pacific Grove, Ca.



Position B

CCC Exhibit 3
(page 4 of 9 pages)

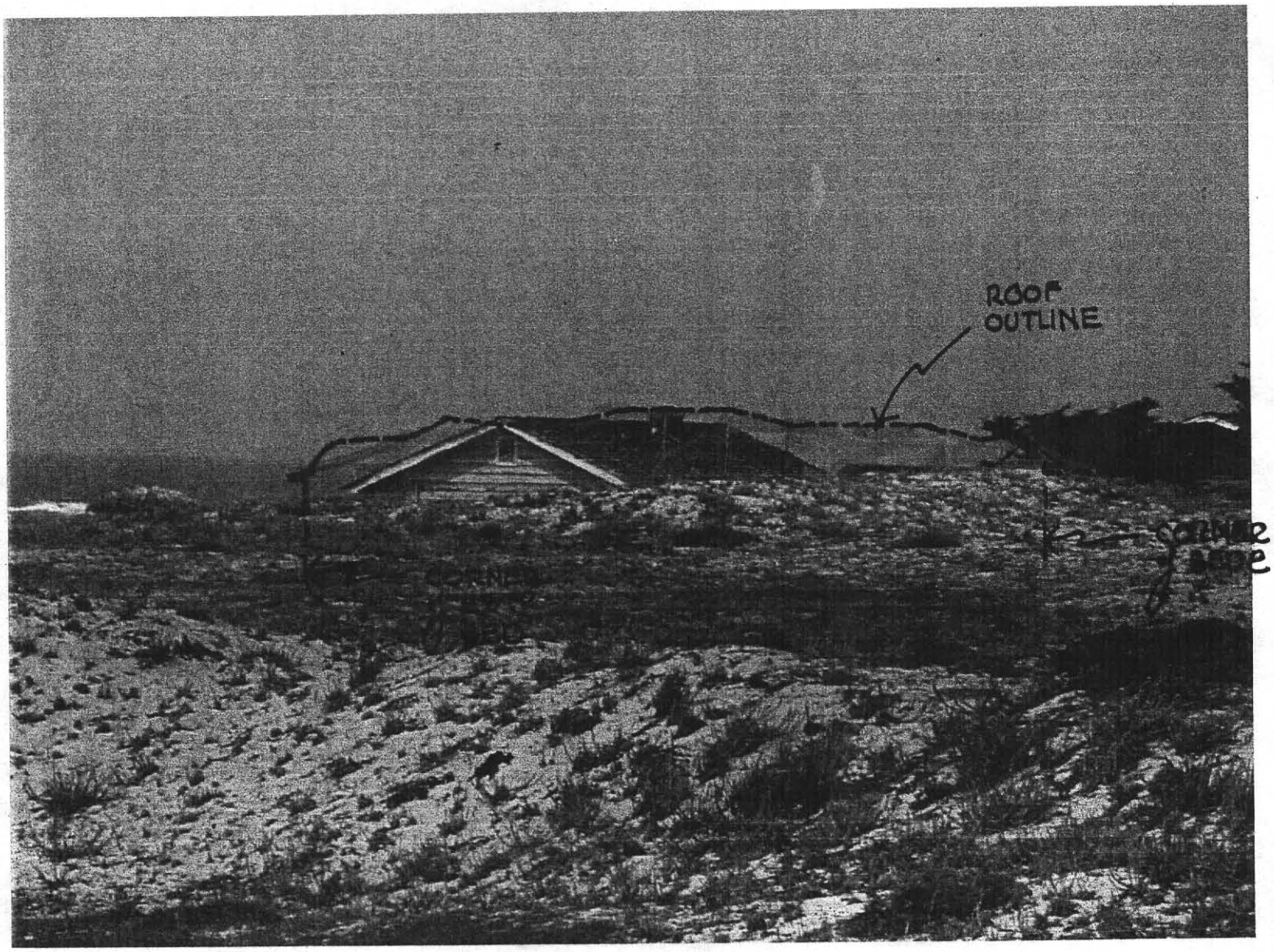
Kwiatkowski Residence
1805 Sunset Drive Pacific Grove, Ca.



Position C

CCC Exhibit 3
(page 5 of 9 pages)

Kwiatkowski Residence
1805 Sunset Drive Pacific Grove, Ca.



Position D

CCC Exhibit 3
(page 6 **of** 9 **pages)**

Kwiatkowski Residence
1805 Sunset Drive Pacific Grove, Ca.

Position E

CCC Exhibit 3
(page 7 **of** 9 **pages)**

Kwiatkowski Residence
1805 Sunset Drive Pacific Grove, Ca.

Case + Associates
a r c h i t e c t u r e
499 Calle Principal
Monterey , Ca. 93940
Telephone: 831.649.5970
Telefax: 831.649.5971

RECEIVED
NOV 2 0 2003
CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

November 18, 2003

Steve Monowitz
Permit Supervisor
California Coastal Commission

Re: Kwiatkowski Coastal Development Permit Application No. 3-03-029
1805 Sunset Avenue
Pacific Grove, Ca.

Dear Steve:

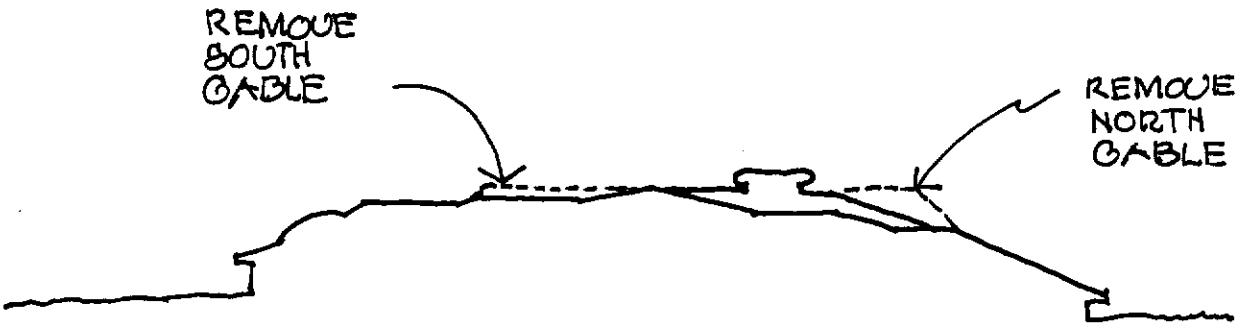
Per our conversations last week on the Asilomar boardwalk I am sending you an additional overlay to use with the photograph taken from the Position E overlook. This overlay shows portions of the roof gables that will be removed when we convert these roofs to a hip configuration thus expanding our view in these areas. This is also illustrated at the proposed West Elevation which shows these gables by a dotted line.

Sincerely yours,

Jerry Case

CCC Exhibit 3
(page 8 of 9 pages)

Enc: Overlay to use with photo from Position E
cc: John Bridges



CCC Exhibit 3
(page 9 **of** 9 **pages)**

Position E
Kwiatkowski Residence
1805 Sunset Drive Pacific Grove, Ca.

"ATTACHMENT A"

City Council Resolution No. 3-00x

1805 Sunset Drive
Use Permit No. 2670-01, Variance No. 01-1613, Tree Permit No. CDD 3489

CONDITIONS OF APPROVAL

Mitigation Measures

1. During consideration of the proposed project, the Planning Commission and the Architectural Review Board shall exercise their respective discretion to determine if the proposed structures are in keeping with the scale and character of the area, and either or both decision-making bodies may require modifications to the project in order to attain that purpose.

2. Alterations to the existing dune topography on the site shall be limited to that necessary to accommodate the additions, building footprint, driveway, immediate outdoor living area, and restoration of dune topography and habitat areas, and shall be shown as a construction envelope on the approved building permit plans.

3. Restoration of altered dune topography shall occur concurrently with the implementation of the approved Landscape Restoration Plan (refer to Section III, Biological Resources) or prior to the completion of construction.

4. At the completion of construction, the exterior of the structure shall be painted using an earth tone color scheme, or left in a natural finish to blend with the dune environment, and as approved by the Architectural Review Board.

5. Architectural Review Board approval is required for exterior lighting.

6. Exterior lighting shall be screened to confine light splay to the site and exposed lamps shall be at wattage levels that sufficiently limit light glare.

7. After installation, the Architectural Review Board may require lamps with lower wattage levels in order to limit the glare levels of the light fixtures.

8. Prior to the issuance of the building permit, a pre-construction meeting shall be held on the site with, at minimum, the project biologist, the owner or their representative, the general contractor, and Community Development Department staff to discuss the roles and responsibilities of each party and implementation of the mitigation monitoring program for the approved project.

EXHIBIT NO. 4, p. 1
APPLICATION NO. 3-03-029
City of Pacific Grove
Conditions of Approval

9. The rare plant areas on the property, as depicted on the most recent Botanical survey report maps, shall be afforded immediate protection by erecting guideline fencing (stakes and nylon rope or mesh) around them, to prevent inadvertent damage to the plants during the planning review and permitting phases of the proposed project.

10. The protective fences shall be installed under the direction of the project biologist, prior to further project-related activities on the site.

11. Prior to the onset of construction, temporary fencing, consisting of high visibility plastic mesh at least 4' tall and secured to metal T-posts spaced no more than 8' apart, shall be installed to protect the area outside of the construction envelope, in particular to protect those areas of the site where Tidestrom's lupine has been observed over time on the site. The project biologist shall confer with the general contractor and identify the actual location of the fence and shall oversee its installation.

12. Signs shall be posted on the fencing that state access to these habitat areas is prohibited unless approved by the project biologist. Prior to the issuance of a building permit, a fencing location plan shall be submitted to the Pacific Grove Community Development Department and shall serve as a record of fencing locations.

13. Prior to site preparation activities, the project biologist shall search the construction zone for black legless lizards. If any are found they shall be captured and properly cared for until they can be released into a suitable area of restored habitat on the project site.

14. Prior to the start of construction or ground excavation on the site, all exotic plants on the project site shall be sprayed under the direction of the project biologist and with an appropriate herbicide, approved by the project biologist and Community Development Department staff.

15. During the construction phase of the project, fencing installed to protect sensitive species and habitat shall be maintained in good condition and remain in place until all construction activity on the site is completed. Removal or changing the location of the fence requires the approval of the project biologist and Community Development Department staff.

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

17. No paint, cement, joint compound, cleaning solvents or residues from other chemicals or materials associated with construction will be disposed of on-site. The general contractor shall be responsible for complying with this requirement and shall clean up and dispose of properly any spills or contaminated ground in accordance with Monterey Regional Waste Management requirements and to the full satisfaction of the Project Biologist and the Community Development Department staff.

18. To protect the integrity of the on-site Asilomar sands which support several endangered plant species, no soils other than Asilomar sands shall be introduced to the site. Soils

required to rehabilitate and restore degraded areas of the site shall consist of Asilomar sand excavated from the site itself or from within the Asilomar Dune system.

19. Asilomar Sands shall not be exported from the Asilomar Dunes sand complex. Excess soil (Asilomar sand) remaining from excavation shall be re-distributed on the site as part of dune restoration, or off the site for use in a nearby dune restoration project.

20. All excavated soils from the site shall either be stockpiled for re-use or disposed of in a manner that will not adversely affect any existing vegetation in a location approved by the project biologist and Community Development Department staff.

21. During the construction phase of the project, the project biologist shall inspect the site no less than one time each week to ensure compliance with all provisions for protection of the surrounding environment. Any activity or condition not in compliance with the prescribed mitigation measures shall immediately be brought to the attention of the owner or their representative, the general contractor, and the Pacific Grove Community Development Department. The temporary fencing shall be removed only upon approval of the project biologist and Community Development Department staff.

22. City of Pacific Grove Community Development Department staff, the California Coastal Commission, the California Department of Fish and Game or their agents may visit the property and recommend replanting or additional planting or other work where deficiencies occur if the property does not appear to be in compliance with the conditions of the development permit. If deficiencies do occur the applicant/owner shall replace the dead plants and remove the invasive species.

23. The property shall be resurveyed for species of special concern (including animal species) if development of the proposed project does not commence within one year from the date of building permit issuance.

24. Any exotic plants that are used for ornamental purposes within the building envelope shall not include species that are capable of naturalizing or spreading into adjacent dunes. In particular, the following invasive species should not be used: acacias (Acacia sp.), genista (Cytisus sp.), pampas grass (Cortaderia sp.) and ice plant (Carpobrotus sp., Mesembryanthemum sp., Drosanthemum sp., Maleophora sp., etc.). Any exotic plants used will be confined to special landscape features (containers or planters) near to the house.

25. A Landscape Restoration Plan shall be prepared by a qualified biologist (approved by the Community Development Department) prior to final architectural approval, and shall define procedures and minimum performance standards for restoration, long-term maintenance, and monitoring of the undeveloped portions of the property. The plan shall include provisions for the replacement planting of trees pursuant to Municipal Code Chapter 12.16 and for the planting of Menzies Wallflower, Beach Layia, and Tidestrom's Lupine.

26. The property owner shall retain a qualified biologist, approved by the City, to act as the Project Biologist. The Project Biologist shall monitor construction and landscape restoration activities and shall provide oversight to the implementation of the approved project Landscape Restoration Plan.

27. The Landscape Restoration Plan requires the approval of the Architectural Review Board in addition to the Coastal Commission, and shall be submitted to the Community Development Department prior to final architectural approval.

28. Modifications to the approved Landscape Restoration Plan must be reviewed and approved by Community Development Department Staff and may require approval by the Architectural Review Board.

29. All new utilities, sewer and drainage systems shall be consolidated and installed underground in a single corridor under the driveway and walkways. The location of the corridor shall be reviewed and approved by the City's Site Plan Review Committee and shall be indicated on the approved building plans and the approved Landscape Restoration Plan and is subject to the review and approval of the project biologist, Community Development Department staff, prior to Final Architectural approval of the project.

30. An "immediate outdoor living area" shall be left in a natural condition or landscaped to avoid impervious surfaces, shall be fully contained within the approved amount of total site coverage, and shall be indicated on the approved Landscape Restoration Plan site map and on the final building plans.

31. Exotic (non-native plant) species shall be planted only within the designated outdoor living area.

32. The Project Biologist shall monitor and supervise implementation of the approved Landscape Restoration Plan. Monitoring of the Landscape restoration project shall occur on an annual basis for at least five years and shall begin upon the Department's notification that the landscape has been installed. An annual status report (letter) shall be submitted to the Pacific Grove Community Development Department and the California Coastal Commission.

33. Landscaping shall be installed according to the specifications of the approved Landscape Restoration Plan and completed in the first planting season (fall and winter) following completion of construction. The project biologist shall provide written verification to the Community Development Department when the installation of the approved Landscape Restoration Plan is satisfactorily completed.

34. To ensure its installation, the City of Pacific Grove may require the property owner or authorized representative to submit certificate of deposit in an amount sufficient to cover the installation costs of the Landscape Restoration Plan.

35. The landscaping shall be maintained as specified in the approved Landscape Restoration Plan, including removing exotic plants and planting and caring for additional plants where deficiencies in numbers or species are identified.

36. The area of the site outside of the approved building envelope, driveway, and an "immediate outdoor living area" shall be protected by a deed restriction or conservation easement, containing the provisions found in section 2.3.5. e) of the Pacific Grove Local Coastal Program Land Use Plan. The deed restriction or conservation easement shall be

submitted to the City of Pacific Grove for review and approval by the City Attorney prior to recording. The deed restriction or conservation easement shall be recorded prior to building permit issuance.

37. Any future additions to, or alterations of permanent fencing on the property requires Community Development Department approval and verification of consistency with the adopted Mitigated Negative Declaration, Mitigation Monitoring Program and the conditions of coastal development permit approval.

38. The project biologist shall consult with the City Forester and Community Development Staff to determine appropriate locations for replacement trees on the site. If an appropriate location on the site cannot be determined, the trees may be replanted elsewhere in the City pursuant to Municipal Code Chapter 12.16, and under the direction of the City Forester.

39. An archaeological monitor shall be present during any demolition, construction, or pre-construction activities that involve ground disturbance, including removal of existing foundations, paved areas, and excavation for utilities or new foundations.

40. If human remains or archaeological artifacts/cultural features or soils are encountered at any time during project implementation, work shall be immediately halted within 50 meters (150') of the find. The Community Development Department Director shall be notified immediately and work shall not recommence until the find can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented before project activities proceed.

41. Days and hours of demolition and construction activities shall be limited to 7:30 a.m. to 7:30 p.m. Monday through Saturday, interior work excepted.

42. All power equipment shall be in good operating condition and properly maintained.

43. All equipment and tools powered by internal combustion engines shall have mufflers that meet or exceed manufacturer specifications.

Special Conditions of Approval

1. Prior to issuance of the building permit, the agreed-to mitigation measures listed above shall be included on the approved project plan sets submitted for building permit application review and approval.

2. By direction of the City Council, the roof over the portion of the building that is 17'2" in height shall be lowered by 1', and shall not exceed 16'2" in height.

3. Removal of the Monterey pine tree is subject to required replacement plantings with Monterey cypress trees at a ratio of 2:1, the size of the replacement trees and their locations on the site are subject to the review and approval of the City Forester.

4. Obtain a permit from the Pacific Grove City Forester prior to trimming any trees.

5. Erect chain link, snowdrift or field fence around the remaining trees on the site. Fencing shall not be located closer than 5' from the outside edge of the trunk unless a lesser distance is approved by the City Forester. Fencing shall be rigidly supported and shall stand a minimum height of 4' above grade. Fencing shall be installed prior to the commencement of any construction activity and shall remain in place until final approval of the building permit.

6. Submit a trenching pathway plan including tree and root zone location to the City Forester for review and approval prior to issuance of a building permit.

7. Excavation/trenching within 3x's the diameter of any tree shall be staked for review and approved by the City Forester prior to issuance of a building permit.

8. Water is required to drain away from the base of any tree.

9. Roots larger than 2" in diameter encountered during excavation/trenching are required to be bridged or tunneled. The City Forester or a certified arborist is required to be present during excavation/trenching. The applicant/property owner, or their representative, shall schedule the excavation/trenching work with the City Forester a minimum of five working days prior to the commencement of work.

10. Roots approved to be cut are required to be clean cut and sealed.

11. Fill dirt shall not be placed within 10 feet of the base of any tree.

12. Root crown grade is required to remain at the same level and shall not be raised or lowered.

13. Signs, wires, pulleys, etc. are not to be fastened to trees.

14. Paintbrushes and tools shall not be cleaned over tree roots.

15. Spray the lower 6' of trees scheduled for preservation with an appropriate insecticide as recommended by a licensed pest control advisor.

16. Chemical wastes (paint thinner, etc.) shall be disposed of properly and shall not be drained on the site. Consult Monterey Regional Waste Management District for information concerning disposal of chemical wastes.

Standard Conditions of Approval

17. The applicant shall comply with the provisions of Section 11.18.011 establishing criteria for sewer cleanouts and housetraps.

18. This permit shall be revoked if not used within one year from date of approval. Application for extension of this permit must be made prior to the expiration date.

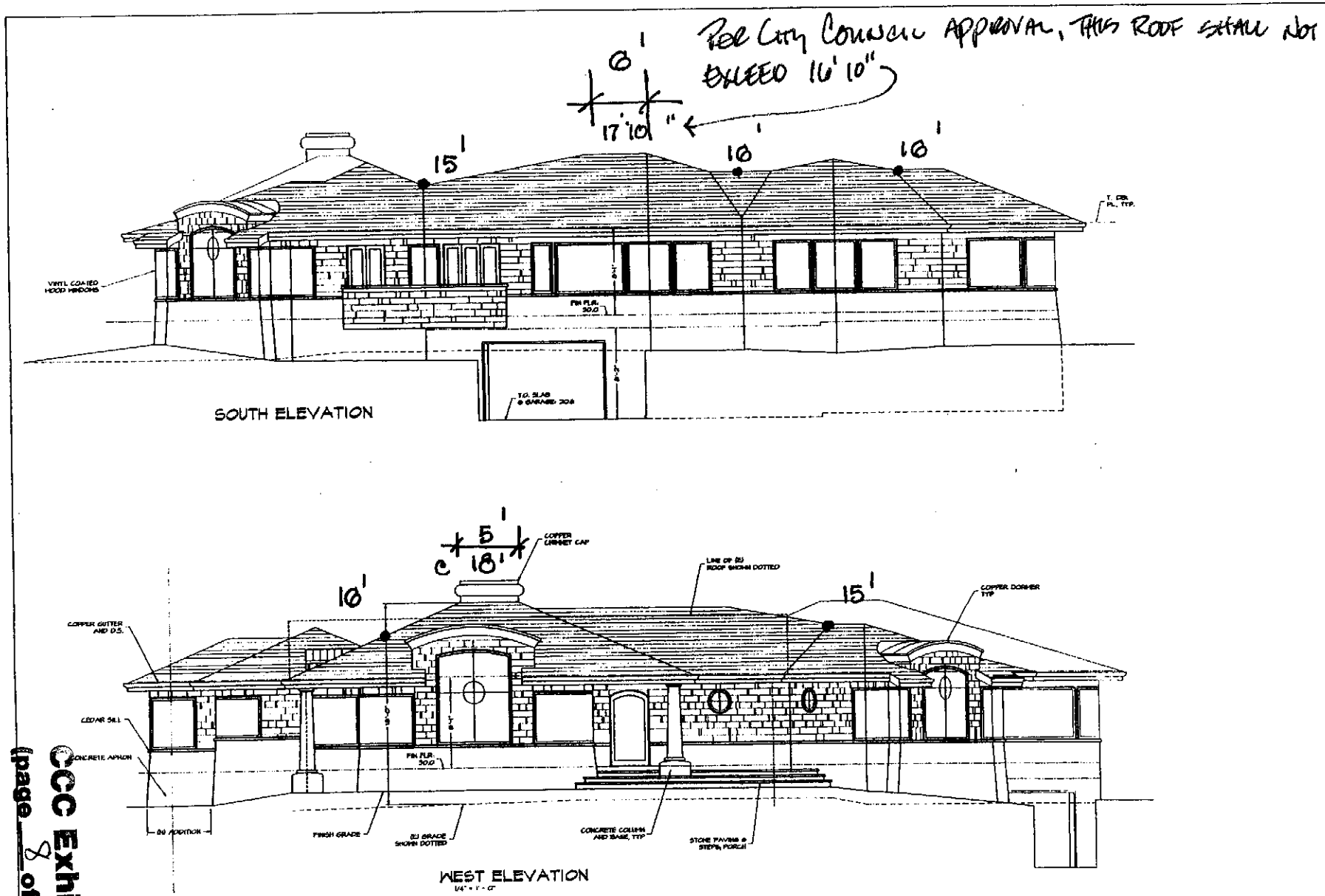
19. The applicant shall obtain an encroachment permit from the Public Works Department prior to the undertaking any work in the public way.

20. Construction shall not commence until a copy of the resolution signed by the permittee's authorized agent, acknowledging receipt of the permits and acceptance of the terms and conditions, is returned to the Community Development Department.

21. All construction must occur in strict compliance with the proposal as set forth in the applications for permits, subject to any special conditions set forth above. Any deviation from the approved plans must be reviewed and approved by the staff and may require further discretionary review and approval.

22. These terms and conditions shall be perpetual, and it is the intention of the Planning Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

*****



A NEW REMODEL ADDITION
FOR ED and MARI ANN KWIATKOWSKI
1805 SUNSET DRIVE PACIFIC GROVE, CA

+ CASE ASSOCIATES architecture
4th CALLE PRINCIPAL
MONTEREY, CA 93940

CCC Exhibit 4
(page 8 of 8 pages)

REC. @ 2.5.03 CC MTG.

Agenda Item No. 5A

STATE OF CALIFORNIA - THE RESOURCES AGENCY

GRAY DAVIS, Governor

CALIFORNIA COASTAL COMMISSION
CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
HEARING IMPAIRED: (415) 904-5200

November 19, 2001

Sally Rideout, Planner
Pacific Grove Community Development Department
300 Forest Avenue
Pacific Grove, CA 93950

RECEIVED
NOV 2 0 2001
COMMUNITY DEV. DEPT.

Subject: ***Proposed Development in Asilomar Dunes Area: Kwiatkowski Residence 1805 Sunset Drive***

Dear Sally,

Thank you for forwarding the above-referenced development proposal to our office for review. These comments are based upon the initial study you have provided, along with the proposed site plans (dated received 1/26/01 by the Community Development Department) that illustrate the project. After preliminary review of these materials, we have the following comments and concerns about the proposed development as it relates to applicable Coastal Act and certified City of Pacific Grove Land Use Plan policies:

1. As you know, the City of Pacific Grove does not yet have a certified Local Coastal Program, so this development proposed in the coastal zone of Pacific Grove will require approval of a coastal development permit from the California Coastal Commission.

2. Applicable Coastal Act Policies include the following: Coastal Act Section 30240(a) requires that environmentally sensitive habitat areas be protected against any significant disruption of habitat values. Coastal Act Section 30240(b) requires that development adjacent to ESHAs and parks and recreation areas be sited and designed to prevent impacts that would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas. Coastal Act Section 30251 requires that new development, among other things, be sited and designed to protect views to and along the ocean and minimize the alteration of natural land forms.

3. Additionally, the City's certified Land Use Plan (LUP) indicates that the entire Asilomar Dunes area is considered ESHA. The certified LUP therefore contains specific policies for development in the Asilomar Dunes area in order to protect ESHA, which among other things limit the total aggregate lot coverage on lots of this size to 15 percent, one-story height limit for houses fronting Sunset Drive and a 75-foot front-yard setback to preserve open space character of Asilomar Dunes.

4. The site already contains a legal nonconforming single family dwelling (sfd) that exceeds total maximum aggregate lot coverage (existing residence has 10.1 percent structural coverage and 19.8 percent additional impervious surface coverage for total of 29.9 percent lot coverage). Existing sfd also partially extends into front yard setback and portion of back and side yard setback along north side of lot.

5. The proposed project will increase the size of the house and garage so that s coverage will increase from 10.1 to 16.1 percent, and will reduce the amount of im surfaces from 19.8 to 13.6 percent. However the total aggregate lot coverage will

EXHIBIT NO. 5, p. 1
APPLICATION NO. 3-03-029
CCC Comments

SUBMITTED IN RESPONSE TO CEQA PUBLIC

remain at 30 percent. Therefore, the proposed project does nothing to bring the project further into conformance with the City's total lot coverage requirement.

6. We understand that the proposed project involves the demolition of at least 80 percent of the existing residence and reconstruction including construction of additions and detached garage that will increase the total structural coverage on site, locate new development on portions of the site not already impacted by development, and further extend the non-conforming structures into front and side yard setbacks. (Although the Initial study states that the reconstructed residence and garage will be in roughly the same location as the existing buildings, the site plans actually show that the garage and most of the relocated driveway will be reconstructed in previously undisturbed areas of the lot.)

7. While the site plans show the "approximate location of native plant species to be protected per dune habitat restoration plan," the entire site is considered ESHA under the definition provided in the certified Land Use Plan.

8. As the existing residence already exceeds the total lot coverage allowed by the LUP, reconstruction and relocation of the driveway and garage/family room onto areas of the site not previously occupied would significantly degrade additional sensitive dune habitat area and so would be inconsistent with Coastal Act and LUP policies described above. From our review of the site plans it appears that while the northern driveway will be removed, nearly 80 percent of the southern driveway will be relocated onto areas not previously disturbed. Additionally, the remaining driveway will be extended nearly 48 feet into the site (for total coverage of 2,055 sf for driveway and guest parking area), and the garage will be increased in size. Even if the garage is not increased in size, as has been suggested, its relocation will still impact additional ESHA not previously occupied by the nonconforming building.

9. Section 23.068.050(c) of the City's zoning ordinance also indicates that demolition and reconstruction of more than 25 percent of the floor area or lateral length of exterior walls of a non-conforming building can not be allowed without approval of a use permit. However, the City's zoning ordinance section 23.68.020 only allows non-conforming uses to be continued ...provided that no such use is enlarged or increased, nor extended to occupy a greater area than what was originally occupied. It should also be noted, however, that because the City's zoning ordinance has not yet been approved as part of a certified coastal implementation plan, approval of any project in the Asilomar Dunes area requires a coastal development permit with Coastal Act policies (including those described in number 2 above) as the standard of review.

10. While we recognize that the habitat value of the site would be enhanced by the landscaping restoration plan prepared for the project, we are concerned that the project proposes extending development into areas not previously occupied and replacing these areas with restoration of areas already severely degraded. For example, while the applicant proposes removing one of the two existing driveways and relocating the remaining southern driveway, the compacted soils under the driveways will have to be removed and replaced with appropriate sand from the site to provide adequate growing conditions for proposed plantings. Such replacement of existing dune habitat for severely degraded portions of the site are not consistent with minimizing landform alteration and minimizing impacts to ESHA when you consider that a single family dwelling already occupies the site.

11. We therefore feel that the project as proposed does not conform with Coastal Act and LUP policies protecting ESHA, and so recommend that the Planning Commission not approve the use permit as requested for this project since it will result in additional impacts to previously undisturbed ESHA. Since the goal of Coastal Act and LUP policies in the Asilomar dunes area is to protect and restore sensitive dune habitat, any new development on a site where non-conforming use already exists should at least move the site toward conformance with total lot coverage limits by a reduction in coverage for purposes of enhancing and restoring dune habitat.

12. Commission staff feel that design modifications could be made to the proposed remodel in conformance with Coastal Act and LUP policies. One alternative would include reducing impervious surfaces (extra driveway and decks) and locating additional structural coverage within the footprint of existing disturbance (i.e., within the area enclosed by fencing on the back, or east, side of the existing residence outside of existing setbacks).

Thanks again for the opportunity to comment during the local review period of this project. As you move forward with your project analysis and environmental review, the issues identified above, as well as any other relevant coastal issues identified upon further review or due to project modifications, should be considered in light of the provisions of the City's certified Land Use Plan. If you have any questions, please do not hesitate to call me at (831) 427-4893.

Sincerely,

C. Kelly Cuffe

C. Kelly Cuffe
Coastal Planner
Central Coast District Office

CCC Exhibit 5
(page 3 of 5 pages)

GRAY DAVIS, *Governor*

STATE OF CALIFORNIA – THE RESOURCES AGENCY

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863
HEARING IMPAIRED: (415) 904-5200

January 15, 2002

Jerry Case
499 Calle Principal
Monterey, CA 93940

Subject: ***Revised Plans (dated 1/2/02) for Proposed Development in Asilomar Dunes Area: Kwiatkowski Residence 1805 Sunset Drive***

Dear Jerry,

Thank you for sending us the revised plans for the proposed remodel and addition of the existing Kwiatkowski residence, located at 1805 Sunset Drive. We understand that the applicants revised their plans following the December 19th meeting we had in our office and that they are hoping to submit these new plans to the City of Pacific Grove Planning Commission.

From our review of the materials submitted, it appears that the main plan revisions include realignment of the remaining driveway to take advantage of retaining a portion of the existing driveway instead of moving the entire driveway along the southern property line, and locating the garage closer to the proposed new wing so as to reduce the amount of coverage in areas not previously developed upon. (Relocation of the garage, however, has placed it into the side yard setback, which will also require approval of another variance.)

While revisions to the plans were made based on discussions from our December meeting, they do not appear to adequately bring the property into compliance with the requirements of the City of Pacific Grove's certified Land Use Plan for total aggregate site coverage designed to protect environmentally sensitive dune habitat. The City's total aggregate site coverage is limited to 15%, which for the 26,215-sf parcel would be 3,932 sf. While the existing residence is non-conforming and was built prior to existing land use policies, the proposed project still remains above the site coverage limit, with total structural and impervious coverage of 5,766 sf or 21.9% coverage, based on figures provided on sheet A1.

Additionally, we note that impervious coverage for the existing and proposed site plans shown on sheet A1 are not calculated in the same way (ie, the proposed coverage discounts that portion of the driveway that <u>may</u> be excluded <u>if</u> approved by the Site Plan Review Committee, while the existing coverage does not). In order to make a fair comparison of site coverage between the existing and proposed design, the total coverage should be calculated the same way for both, without discounting the driveway exclusion (since that is a discretionary determination to be made by the Site Plan Review Committee based on the type of surfacing materials to be used). Measured this way, the existing structural and impervious coverage totals 22.1 percent (10.1 percent structural and 12.0 percent impervious), while proposed structural and impervious coverage would total 25.3 percent (14.9 percent structural and 10.4 percent impervious). Thus, the proposed design would actually yield an increase in total structural and impervious coverage from 22.1 to 25.3 percent.

Additionally, while the amount of fenced non-native landscaping would be reduced in the rear of the house, the area would still eliminate potential native plant habitat, and so must be counted as part of the total aggregate coverage based on the definition provided in LUP policy 3.4.5.2.

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Therefore, the total aggregate coverage for the existing site coverage is 29.8 percent while the proposed total aggregate coverage would be 27.3 percent. Since the project will be demolishing nearly 80 percent or more of the existing house, and alternatives exist to design the residence in a way that better conforms to existing policies designed to protect the environmentally sensitive habitat area in which the residence is located, we feel that it is important that the project be required to do so, and could not recommend approval of the project as currently designed.

The site location is also especially important since the project site is located immediately adjacent to the northern boundary of the Asilomar Dunes State Beach properties landward of Sunset Drive, where dune restoration projects are being pursued to preserve the unique geological and biological features of the Asilomar Dunes environment. Because of its location in such a unique and environmentally sensitive habitat area, and its proximity to public property where much effort has already been directed to preserving and restoring this habitat, application of the existing LUP policies should be seen as a way to ensure protection of the sensitive coastal resources of the area, while allowing reasonable economic use of the property.

We look forward to working with you further on this project as you move through the local review process and once the project is finally submitted to the Coastal Commission for a Coastal Development Permit. If you have any questions, please do not hesitate to call me at (831) 427-4893.

Sincerely,

C. Kelly Cuffe

C. Kelly Cuffe
Coastal Planner
Central Coast District Office

Cc: Mr. and Ms. Kwiatkowski, applicants
John Bridges, Attorney
Sally Rideout, Planner, City of Pacific Grove

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