

## CALIFORNIA COASTAL COMMISSION

CENTRAL COAST AREA OFFICE  
725 FRONT STREET, STE. 300  
SANTA CRUZ, CA 95060  
(408) 427-4863  
HEARING IMPAIRED: (415) 904-5200

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Permit Application No. 3-96-90  
Date August 22, 1996  
JS/cm 1817P

ADMINISTRATIVE PERMIT

*Th 4a*

APPLICANT: GILBERT and PATRICIA LEMKE

PROJECT DESCRIPTION: Construction of a three-story, single family dwelling, with a garage, driveway, fencing and landscaping.

PROJECT LOCATION: 707 Mermaid Avenue, City of Pacific Grove, Monterey County, APN 006-074-029

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, appear on subsequent pages.

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

This permit will be reported to the Commission at the following time and place:


For Commission meeting of Thursday, September 12, 1996, at 9 a.m. at the Eureka Inn, 7th and "F" Streets, Eureka, phone (707) 442-6441

IMPORTANT - Before you may proceed with development, the following must occur:

Pursuant to 14 Cal. Admin. Code Sections 13150(b) and 13158, you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgement and evidence of compliance with all special conditions, we will send you a Notice of Administrative Permit Effectiveness.

BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE NOTICE OF PERMIT EFFECTIVENESS FROM THIS OFFICE.

PETER DOUGLAS  
Executive Director

By:   
Lee Otter  
Chief Planner, Central Coast

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 this permit is reported to the Commission. 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. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. 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.
7. 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

The Executive Director hereby determines that the proposed development is a category of development which, pursuant to PRC Section 30624, qualifies for approval by the Executive Director through the issuance of an administrative permit. Subject to Standard and Special Conditions as attached, said development is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. If located between the nearest public road and the sea, this development is in conformity with the public access and public recreation policies of Chapter 3.

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION:

The proposed project is for the construction of a new three-story single-family residence with a garage, driveway, fencing and landscaping, at 707 Mermaid Avenue in the City of Pacific Grove. Lover's Point and Shoreline Park are about one block north of the site across Ocean View Boulevard. This is an existing residential neighborhood, essentially fully developed.

On July 11, 1996, the Commission granted a de minimis waiver (3-96-078-DM Lemke) to the applicant for the demolition of an existing duplex on the subject site. That work has been completed.

The Land Use Plan (LUP) for the City of Pacific Grove has been approved by the Commission and adopted by the City. The LUP designates the subject site as residential. The proposal is consistent with this designation and the scenic resource and public access policies of both the Coastal Act and the LUP.

The LUP includes the project site within an area of archaeological sensitivity. Section 30244 of the Coastal Act states that where development would adversely impact archaeological resources, reasonable mitigation measures shall be required. The approved LUP for the City of Pacific Grove contains the following 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.

An archaeological reconnaissance was submitted with the application. The report concludes that the parcel contains surface evidence of potentially significant cultural resources and recommends appropriate mitigation measures. The Use Permit approved by the City for the project contains the following conditions:

FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION: (Continued)

5. An archaeological monitor shall be present during demolition of the existing structure. If human remains or intact cultural features are discovered during demolition, measures shall be taken to avoid additional impacts associated with demolition, and appropriate testing and mitigation measures shall be formulated and implemented prior to construction of the new structure. If an archaeological monitor determines that no intact cultural remains exist on the property, monitoring will be discontinued.
6. If archaeological resources or human remains are accidentally discovered during construction, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.

The foundation demolition and soil trenching were monitored by the project archaeologist and no significant archaeological resources were observed during the earth moving activities. (Letter from Robert Cartier, Archaeological Resource Management dated July 24, 1996.) However, because archaeological materials may be discovered during further construction activities, there is a continuing potential for impacts and a need for appropriate mitigation measures.

As conditioned by the City and by this permit, to provide for the protection of archaeological resources during grading and foundation construction, the proposed development is consistent with Section 30244 of the Coastal Act and the approved LUP archaeological resource policies.

Conditions of this permit along with the City's conditions, will offset the potential impacts of the proposed development. Therefore, the proposed project will not create any significant adverse environmental impacts within the meaning of the California Environmental Quality Act.

As conditioned, the proposed development is consistent with the policies contained in Chapter 3 of the Coastal Act and with the approved LUP policies, and will not prejudice the ability of the City of Pacific Grove to prepare and implement a complete Local Coastal Program consistent with Coastal Act policies.

SPECIAL CONDITIONS:

1. If archaeological materials are encountered, that portion of the work which could further disturb such materials shall be halted until a satisfactory plan of mitigation can be implemented.

If the archaeological resources are found to be significant, permittee shall then submit a plan of mitigation, prepared by a qualified professional archaeologist and using accepted scientific techniques, prior to any

SPECIAL CONDITIONS: (Continued)

disturbance of the surface area of property. Such a plan shall be submitted for review by the State Historic Preservation Office and the approval of the Executive Director. The plan shall provide for reasonable mitigation of archaeological impacts resulting from the development of the site, and shall be fully implemented. A report verifying compliance with this condition shall be submitted upon completion of excavation, for review and approval by the Executive Director.

ACKNOWLEDGMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

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

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date of Signing