

## CALIFORNIA COASTAL COMMISSION

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



# W3b

## ADMINISTRATIVE PERMIT NUMBER 3-99-053

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**Applicant:** .....Maxine Elves and Irene Michael

**Project location:** .....661 Mermaid Avenue, in the Pacific Grove Beach Tract neighborhood, City of Pacific Grove, Monterey County.

**Project description:**.....Construct new 1529 square foot, two-story, 24 feet tall single family dwelling with attached 441 Square foot garage on a 2640 square foot parcel comprised of three 22 foot by 40 foot lots.

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**Executive Director's Determination:** The findings for this determination, and for any special conditions, appear on subsequent pages.

- ◆ **Note:** Public Resources Code 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:

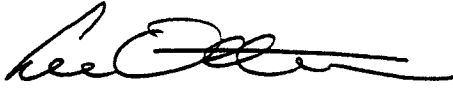
Wednesday, October 13, 1999 at 9 AM  
City of Oceanside  
City Council Chambers  
300 North Coast Highway  
Oceanside CA 92054

**IMPORTANT:** Before you may proceed with development, the following must occur: Pursuant to Title 14 of the California Code of Regulations, 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 to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, if applicable, 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  
District Chief Planner

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### STANDARD CONDITIONS

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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. **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.



## **SPECIAL CONDITIONS**

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### **1. Archaeology.**

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 and using accepted scientific techniques, is completed and implemented. The mitigation plan shall be submitted for review by the State Historical Preservation Office and for the 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.

### **2. Public parking space**

**PRIOR TO COMMENCEMENT OF CONSTRUCTION**, permittee shall submit revised plans for review and approval by the Executive Director. The revised plans shall provide for at least one public parking space adjacent to the motel, consistent with Pacific Grove Land Use Plan policy 3.3.4.2. The revised plans shall be submitted to the Executive Director with evidence of approval by the City, including, but not limited to, architectural review. With respect to the architectural appearance of the house, revised plans shall be generally consistent with the plans dated "June 97," which are stamped as received by the Central Coast Area Office of the Coastal Commission on August 9, 1999.

## **EXECUTIVE DIRECTOR'S DETERMINATION**

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The Executive Director hereby determines that the proposed development is a category of development that qualifies for approval by the Executive Director through the issuance of an administrative permit (Public Resources Code Section 30624). 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, is not located seaward of the first through public road, as conditioned will not prejudice the ability of the local government to develop its certified Local Coastal Program in conformity with the provisions of Chapter 3, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

## **FINDINGS FOR EXECUTIVE DIRECTOR'S DETERMINATION**

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The project is located in the area of the City of Pacific Grove known as the Pacific Grove Beach Tract. This neighborhood, according to the certified Land Use Plan (LUP), is to be maintained "as an architecturally unique neighborhood with a village-like setting." The site is located on the south side of Mermaid Avenue. Behind the site is a mobile home park. To the east is a motel while to the north across Mermaid and adjacent to the west are single family dwellings. A house existed on the site up until about 1975. All that remains is a portion of the old slab foundation.



The neighborhood is located in a mapped archaeologically sensitive area. The zoning is residential (R-3-M) and the land use designation is Visitor Commercial.

The applicant proposes to construct a 1529 square foot, two story, three bedroom single family dwelling with attached 441 square foot garage on three contiguous lots, for a total floor area of 1570 square feet (lot coverage would be 1020 square feet). Each of the lots is 22 feet wide by 40 feet deep, so the total lot area is 66 feet x 40 feet, or 2640 square feet. At 24 feet, the proposed house is within the allowable height limit.

Typically, a single family dwelling in this area would be processed as a de minimis development under Coastal Act Section 30624.7 and Commission regulations Sections 13238 through 13238.2. However, the house is larger than most in the neighborhood (which are generally no more than 1000 square feet) and is proposed to be built on three lots. Further it is in a mapped archaeologically sensitive area and the zoning and land use designation are inconsistent. It is therefore being processed as an administrative permit to provide for an archaeological resource mitigation condition, a condition relating to the provision of public parking, and to allow discussion of the appropriateness of the size of the house. The location of the house on the last residential lot along the street next to a motel, a much larger structure, will mitigate the house's larger than typical size. Thus it will serve as a transitional building to the smaller, older existing residences within the Beach Tract. An archaeological survey found no evidence of archaeological material. Although it is very unlikely that any archaeological material will be found, the condition regarding archaeology provides for preparation of a mitigation plan in the unlikely event that archaeological material is discovered.

Given the location of the proposed house next to the motel and its design, it should fit in well with the neighborhood. However, the certified Land Use Plan includes a designation of Visitor Commercial for the site. This designation specifies the following as principally permitted and secondary or conditional uses:

Principally permitted uses

- a) Visitor accommodations
- b) Food and drink establishments
- c) Visitor-oriented retail commercial activities. . . .
- d) Public parking facilities

Secondary or conditional uses

- a) Public parking facility in conjunction with residential use. . .if at least one public parking space per housing unit is provided

The City has not yet completed the Implementation Plan (IP) portion of the LCP but is working under an LCP grant to complete a revised zoning ordinance to be submitted to the Coastal Commission later this year. The current zoning on the site, R-3-M, allows single family dwellings. The land use designation and the zoning are not currently consistent. Commission certification of the new zoning ordinance will address this inconsistency if it remains in the to-be submitted zoning ordinance. In order to ensure that this proposed residential development won't prejudice the preparation of the IP, run counter to the policies of Chapter 3 of the Coastal Act, or



impede the goals of the Coastal Act, a condition has been added to require one public parking space on the subject site, consistent with certified LUP policy 3.3.4.2

As conditioned, the project is consistent with the Coastal Act, including Sections 30244 (archaeology) and 30251 (visual compatibility with character of surrounding area). Additionally, the project is consistent with the City's certified Land Use Plan and will not prejudice the ability of the City to develop the Implementation Plan portion of its LCP.

#### **California Environmental Quality Act**

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the proposal to be consistent with any applicable requirements of the California Environmental Quality Act (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 that the activity may have on the environment. The City of Pacific Grove found the project to be exempt from CEQA review because it is a single family dwelling. The Executive Director finds that the proposed project, as conditioned to protect potential archaeological resources, will not have any significant unmitigated adverse effects on the environment.

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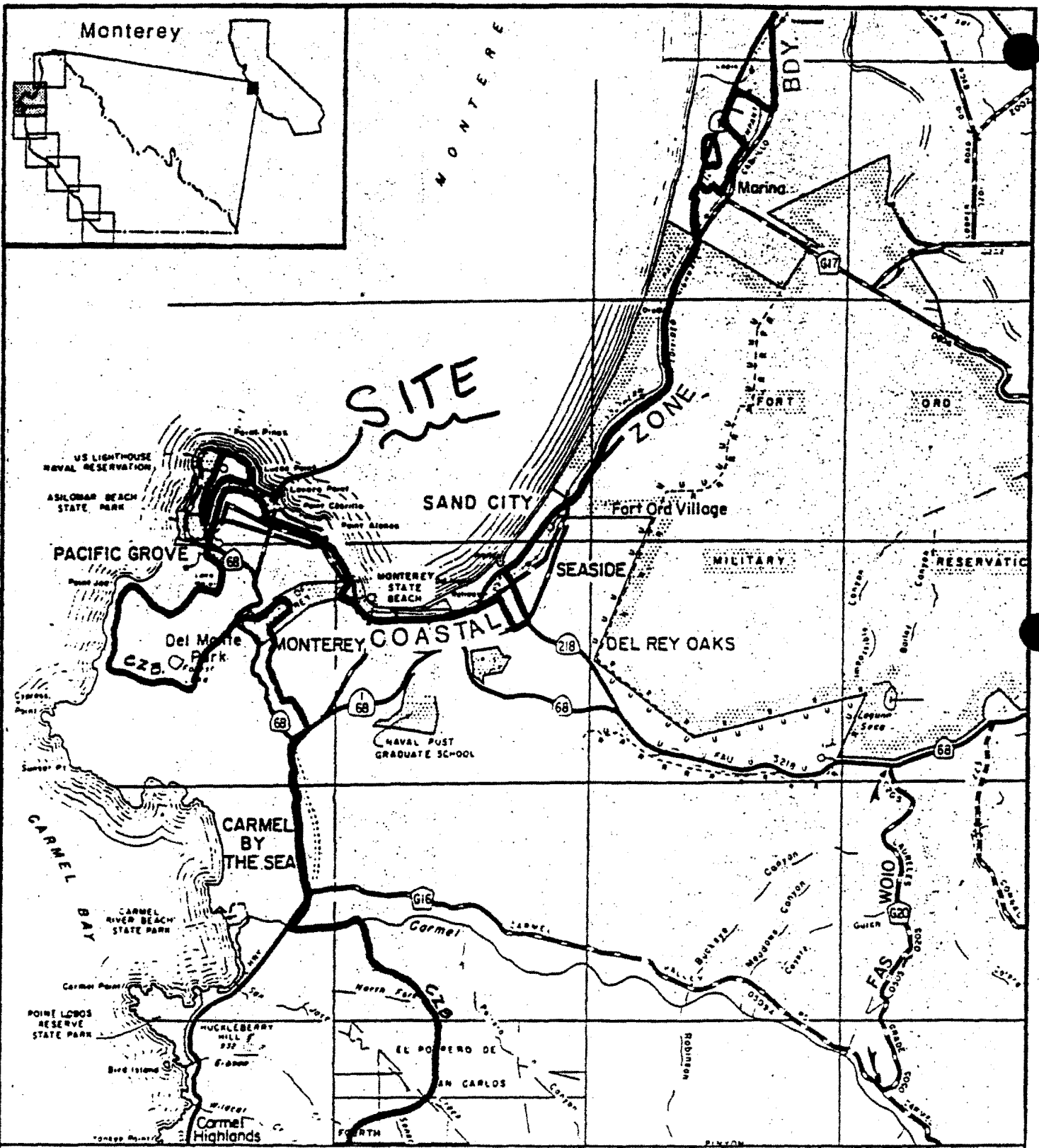
### **ACKNOWLEDGMENT OF PERMIT RECEIPT AND ACCEPTANCE OF CONTENTS**

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





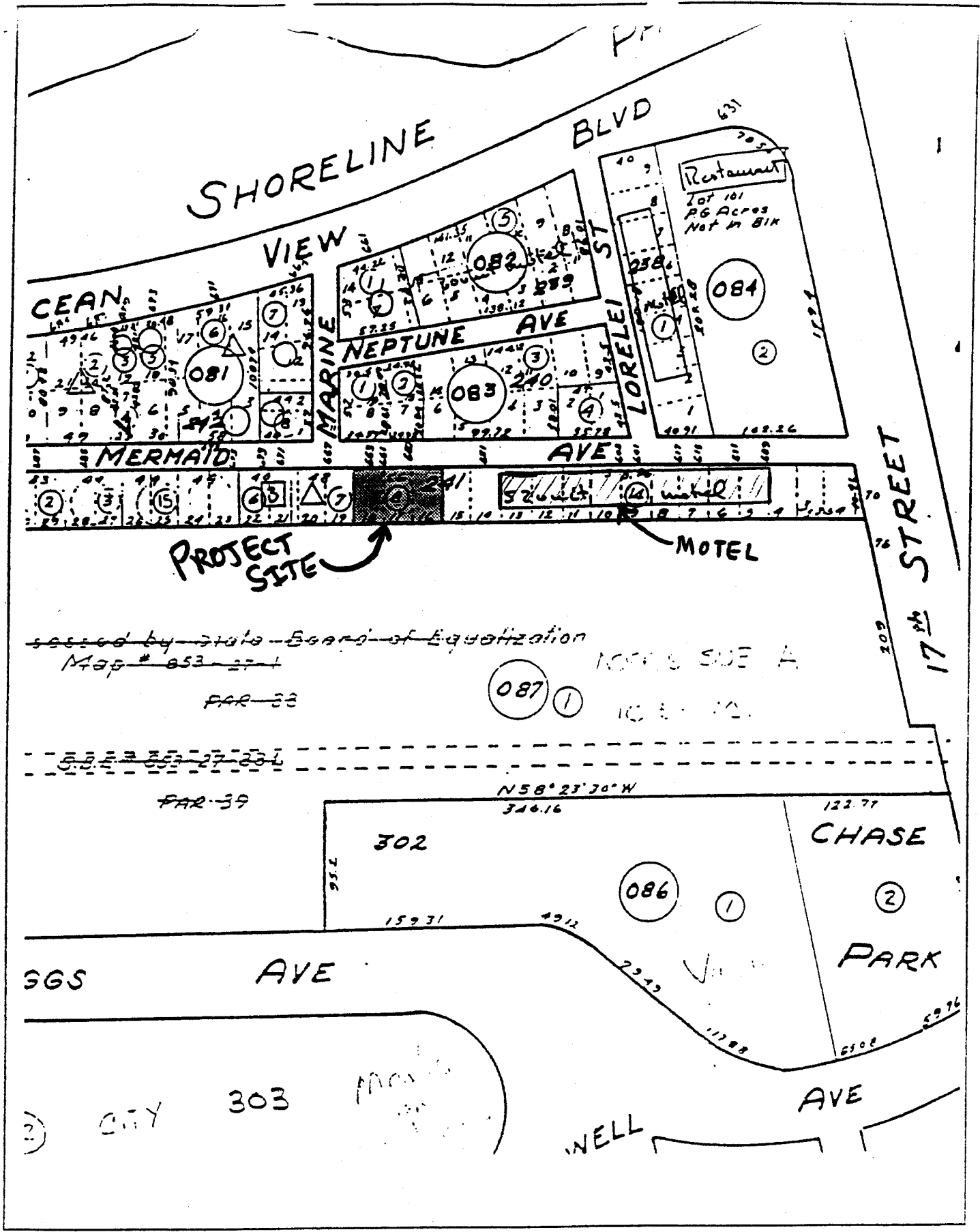

**LOCATION MAP**





Map 1. Project Location.

1 2  
 3-99-053



~~seced by State Board of Equalization~~  
~~Map # 853-27-1~~  
 FAR-33

~~5.8.5.3 27-23-1~~  
 FAR-39

N58°23'30"W  
 346.16  
 122.77  
 CHASE  
 PARK  
 302  
 159.31  
 49.12  
 22.33  
 117.88  
 6508  
 5976  
 303  
 CITY  
 WELL AVE

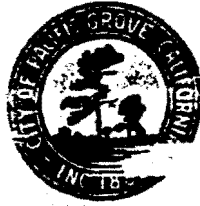
Map 2. Project Location.

EXHIBIT 1 3

3-99-053



ANTHONY W. LOBAY  
COMMUNITY DEVELOPMENT DIRECTOR  
(408) 648-3190



**CITY OF PACIFIC GROVE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**  
300 16TH STREET  
PACIFIC GROVE, CALIFORNIA 93950  
TELEPHONE (408) 648-3190  
FAX (408) 648-3184

ARCHITECTURAL REVIEW  
(408) 648-3182  
BUILDING INSPECTION  
(408) 648-3183  
HOUSING PROGRAMS  
(408) 648-3190  
PLANNING/ZONING  
(408) 648-3190

December 12, 1997

**RECEIVED**

AUG 09 1999

Steve Mickel  
284 Foam Street  
Monterey, CA 93940

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Subject: Planning Commission Action re: Variance Application No. 97-1532

Dear Mr. <sup>Steve</sup>Mickel:

The Planning Commission at the October 2, 1997 meeting passed and adopted the enclosed Resolution No. 97-47 granting the aforementioned permit.

Please note that your permit does not become effective and a building permit will not be issued until the attached resolution has been signed and returned to this office.

If you have any questions, please call 648-3190.

Sincerely,

Anthony W. Lobay  
Community Development Director

Enclosure

EXHIBIT 2

3-99-053

**RESOLUTION NO. 97-47**

**RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF PACIFIC GROVE, STATE OF CALIFORNIA.**

**VARIANCE APPLICATION NO. 97-1532**

**WHEREAS**, Steve Mickel has made application to the Pacific Grove Planning Commission for a variance in accordance with Title 23 of the Pacific Grove Municipal Code to construct a two-story single-family dwelling with an attached two-car garage. The proposed structure encroaches into required front, rear, and side yards. It also exceeds the maximum permitted height and story limits. The property is located on Lots 16, 17 and 18; Block 241; Pacific Grove Beach Tract (Zoning District: R-3-M; General Plan Designation: Visitor Commercial; Environmental Status: Categorically Exempt, Class 3 (Other approvals: Architectural Approval) generally located at 661 Mermaid Avenue in the City of Pacific Grove, County of Monterey, State of California.

**WHEREAS**; the Pacific Grove Planning Commission, at its regular meeting of October 2, 1997, found and determined that the granting of said application will be consistent with Section 23.70.030 of the Pacific Grove Municipal Code and bases said findings and conclusions on the following facts:

Findings:

1. The small size of the subject site, when compared to other sites in the R-3-M zone, and its depth dimension are exceptional circumstances which do not apply generally to other lots in the R-3-M zone district and make it difficult to improve the site with a structure in conformance with prescribed zoning requirements.
2. Granting the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner because 1) the general plan and zoning regulations allow the proposed use on a site of this size; that is, the site complies with density and minimum lot size requirements and 2) it enables the property owner to improve the property in a manner consistent with comparably sized properties on the southern side of Mermaid Avenue between Ocean View Boulevard and Sea Palm Avenue.
3. Granting the variance will not, under the circumstances of this particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the subject property and will not, under the circumstances of this particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. This is evidenced by the existence of a duplex on the site up until 1975.

**NOW, THEREFORE**, the Planning Commission grants and issues Variance Application No. 97-1532 upon the following terms, conditions, and limitations in addition to the standard conditions:

2 , 2  
3-99-053

Special Conditions:


1. Garage doors shall be equipped with automatic openers and shall be kept in good operating condition. Installation of the garage door openers shall be shown on the construction drawings and shall be completed prior to a final on the building permit for the project.
2. The property owner shall obtain encroachment permits for any work in the public right-of-way from the Public Works Department prior to beginning any work in the right-of-way.
3. Prior to any construction activity involving significant subsurface disturbance, such as excavation for footings and a foundation, preliminary archaeological testing shall be conducted to determine the nature, extent and significance of the cultural deposit on the project site. Testing shall comply with the minimum requirements for acquiring and evaluating data listed in the July 31, 1997 Preliminary Archaeological Reconnaissance prepared by Mary Doane, B.A., and Trudy Haversat, SOPA, and submitted to the Community Development Department on August 18, 1997.
4. 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.
5. The dwelling at 661 Mermaid Avenue may not be used as a transient rental, as "transient" is defined in Pacific Grove Municipal Code section 23.64.350.

**PASSED AND ADOPTED** at a regular meeting of the Planning Commission of the City of Pacific Grove held on the 2nd day of October, 1997.

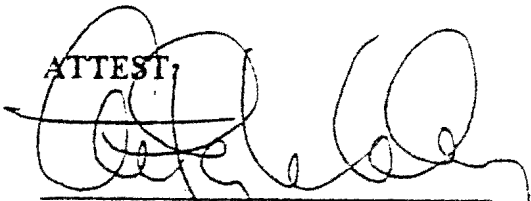
**AYES:** Bennett, Covell, Davis, Rock, Travaille, Tyler

**NOES:** None

**ABSTAIN:** None

  
 Mark Travaille, Chairman


**ATTEST:**

  
 Anthony W. Lobay, Secretary

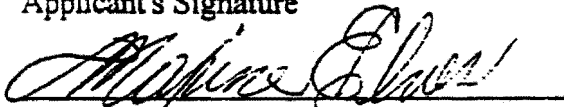
2 p3  
 3-99-053

**RESOLUTION NO. 97-47**

This variance is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by applicant and property owner(s). The undersigned hereby acknowledge the approved terms and conditions, and, agree to fully conform to and comply with said terms and conditions.

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

12-28-97  
Date

  
\_\_\_\_\_  
Property Owner's Signature

6-22-99  
Date

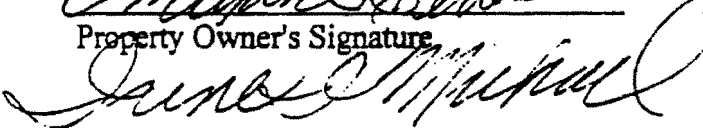


EXHIBIT 2 p 4

3-99-053

ARCHITECTURAL REVIEW  
(831) 648-3192  
BUILDING INSPECTION  
(831) 648-3193



HOUSING PROGRAMS  
(831) 648-3190  
PLANNING/ZONING  
(831) 648-3190

**CITY OF PACIFIC GROVE**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

300 16TH STREET  
PACIFIC GROVE, CALIFORNIA 93950  
TELEPHONE (831) 648-3190  
FAX (831) 648-3184

Water Category	Res.
Water Wait List	<u>F</u>
Waiting List #	<u>1</u>
Fixture Units	<u>27.15</u>

**RECEIVED**  
May 6, 1999

AUG 09 1999

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Steve Mickel  
Mickel Building Design  
284 Foam St.  
Monterey, CA 93940

Dear Mr. Mickel,

This is to notify you that 27.15 fixture units of water has been made available for your project listed below per the water permit application on file with this office. You are responsible for ensuring that the water required for your project does not exceed this water allocation or the project must be redesigned to not use more additional water than has been allocated.

Project description: New residence at 661 Mermaid Ave.

Please come to the Community Development Department at your convenience to pay your plan check fee and to proceed with your application for a building and water permit. A fee of \$170.48 per fixture unit will be collected by the City of Pacific Grove and an administrative fee is due to the Monterey Peninsula Water Management District.

Please be aware that according to Municipal Code Section 11.68.050, you have 90 days from the date of this notice to obtain both the water permit from the District and the building permit from the City or you will lose this water allocation.

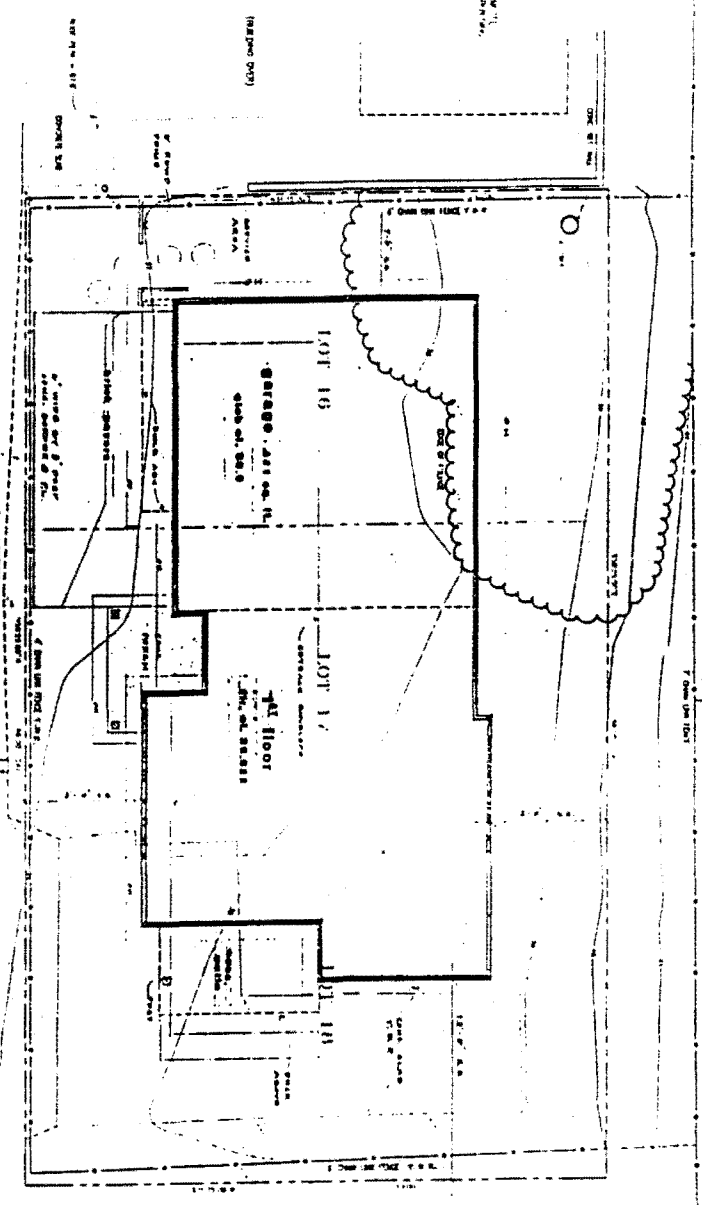
If you have any questions please call our office.

Sincerely,

*Douglas Rick*  
Douglas Rick  
Building Official

EXHIBIT 2 p5

3-99-053



# SITE PLAN

**MERMAID AVENUE**  
 551 MERMAID AVENUE  
 ADDRESS (SEEDED)

**GENERAL**

THIS PLAN SUBMITTED FOR REVIEW UNDER  
 THE BUILDING CODE OF THE CITY OF  
 OAKLAND, CALIFORNIA, AND SHALL BE  
 SUBJECT TO THE APPROVAL OF THE  
 PLANNING DEPARTMENT, 2401 STREET

**Access data**

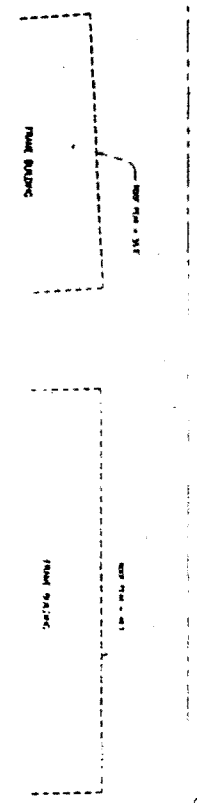
Lot Area	1014	1001	1001
Lot Area	441	441	441
Total Area	1896	883	883

**Site data**

Lot Area	1014	1001	1001
Lot Area	441	441	441
Total Area	1896	883	883

**NOTES**

1. THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO THE APPROVAL OF THE PLANNING DEPARTMENT, 2401 STREET, OAKLAND, CALIFORNIA.
2. THE PLANNING DEPARTMENT SHALL BE ADVISED OF ANY CHANGES TO THIS PLAN.
3. THE PLANNING DEPARTMENT SHALL BE ADVISED OF ANY CHANGES TO THIS PLAN.



## NOTE

THIS PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO THE APPROVAL OF THE PLANNING DEPARTMENT, 2401 STREET, OAKLAND, CALIFORNIA. THE PLANNING DEPARTMENT SHALL BE ADVISED OF ANY CHANGES TO THIS PLAN.

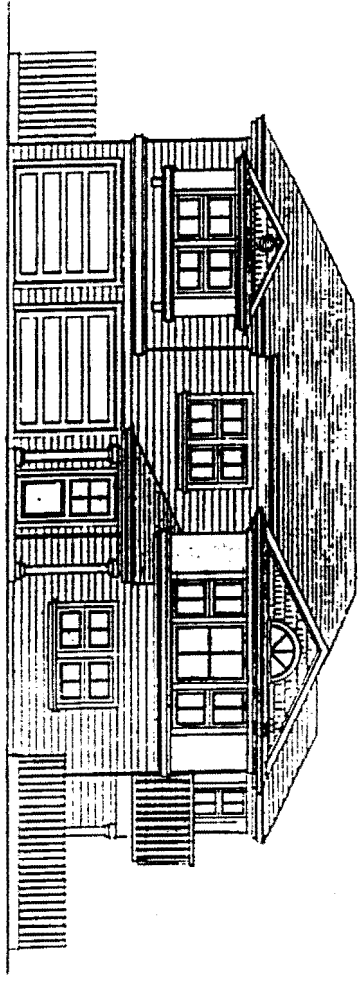


**TOPOGRAPHIC MAP**  
 105 16 17 18 19 20 21  
**"MAP OF PACIFIC GROVE BEACH"**  
 SHOWING THE LOTS AND BLOCKS IN THE  
 CITY OF PACIFIC GROVE, CALIFORNIA  
 Steve Mickel Building Design & Construction  
 105 16 17 18 19 20 21  
 105 16 17 18 19 20 21  
 Assessors Parcel Number 005-053-008

**EXHIBIT 2** p 5  
**3-99-053**

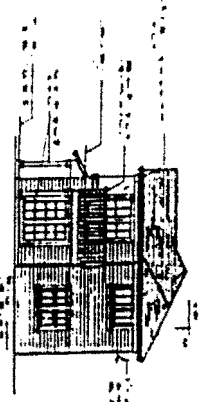
**NEW 2 STORY RESIDENCE**  
 551 MERMAID AVE.,

**STEVE MICKEL**  
 building design - construction

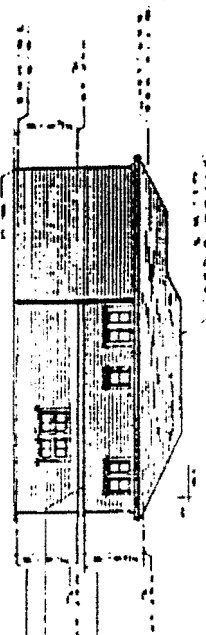


L O N G I T

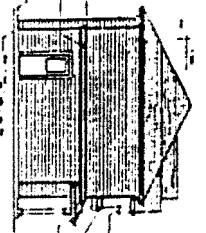
1. THE HOUSE IS TO BE BUILT ON A LOT 10 FEET WIDE BY 20 FEET DEEP.  
 2. THE HOUSE IS TO BE BUILT ON THE NORTH SIDE OF THE LOT.  
 3. THE HOUSE IS TO BE BUILT ON THE EAST SIDE OF THE LOT.  
 4. THE HOUSE IS TO BE BUILT ON THE WEST SIDE OF THE LOT.  
 5. THE HOUSE IS TO BE BUILT ON THE SOUTH SIDE OF THE LOT.  
 6. THE HOUSE IS TO BE BUILT ON THE NORTH EAST CORNER OF THE LOT.  
 7. THE HOUSE IS TO BE BUILT ON THE SOUTH WEST CORNER OF THE LOT.  
 8. THE HOUSE IS TO BE BUILT ON THE NORTH WEST CORNER OF THE LOT.  
 9. THE HOUSE IS TO BE BUILT ON THE SOUTH EAST CORNER OF THE LOT.  
 10. THE HOUSE IS TO BE BUILT ON THE NORTH EAST CORNER OF THE LOT.



S H O R T



S H O R T



S H O R T

L E V E L

