

CALIFORNIA COASTAL COMMISSION

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



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Staff: CKC
Staff report: 10/26/00
Hearing date: 11/15/00

COASTAL DEVELOPMENT PERMIT: REGULAR CALENDAR

Application number3-00-138

ApplicantJack and Elizabeth Martin

Project location101 and 103 14th Street, Pacific Grove, Monterey County (APN 006-183-001)

Project description.....Demolition of two existing residences and construction of a two-story single-family residence with attached one car garage.

	<u>Existing</u>	<u>Proposed</u>
Lot Area:	2,731 sf	2,731 sf
Gross Floor Area:	1,728 sf	1,978 sf
Building Coverage:	1,505 sf (58 %)	1,362 sf (49.8 %)
Pavement Coverage:	822 sf	335 sf
Total Site Coverage:	2,327 sf	1,697 sf
Parking Spaces:	two (unavailable)	one (covered)
LCP Status:	Certified LUP only	
Plan Designation:	High Density Res.	
Zoning:	R-3-PGR	
Project Density:	19.8 units per acre	
Height above finished grade:	23.4 feet	

Approvals ReceivedCity of Pacific Grove: Use Permit Application No. 2634-00 (approved 4/20/00); Variance Application No. 99-1583 (approved 4/20/00); CEQA



Application 3-00-138 Staff Report

Martin
Page 2

Mitigated Negative Declaration (approved 4/20/2000); Architectural Review Board (final approval 9/12/00).

File documents..... Preliminary Archaeological Reconnaissance by Archaeological Consulting (12/99); Coastal Development Permit files 3-00-138 (Martin); City of Pacific Grove certified Land Use Plan.

Staff recommendation... Approval with Conditions

Staff Report Contents

I. Summary..... 2
II. Staff Recommendation on Coastal Development Permit 3
III. Conditions of Approval..... 4
 A. Standard Conditions 4
 B. Special Conditions 4
IV. Recommended Findings and Declarations 5
 A. Project Description and Background 5
 B. Standard of Review 6
 C. Issues Discussion 7
 1. Visual Resources and Community Character 7
 2. Archeological Resources..... 10
 G. Local Coastal Programs 11
 H. California Environmental Quality Act (CEQA) 12
Exhibits
 A. Project Location Map
 B. Assessor's Parcel Map for Project Site
 C. Proposed Project Site Plan and Elevations
 D. Photos of Streetscape with Existing and Proposed Structure (visualized)
 E. Pacific Grove Land Use Map
 F. Pacific Grove Archeological Sensitivity Map
 G. Shoreline Access Map
 H. City-Approved Mitigations and Mitigation Monitoring Program

I. Summary

The proposed project includes the demolition of an existing 1,728 sf two-unit dwelling group and the construction of a new, 1,978 sf two-story single family dwelling with 217 sf attached garage in the Pacific Grove Retreat neighborhood of the City of Pacific Grove.

Application 3-00-138 Staff Report

Martin
Page 3

The City has a certified Land Use Plan (LUP), but the Implementation Plan has not yet been certified. Therefore, a coastal development permit for the project must be obtained from the Coastal Commission and the proposal is subject to the policies of Chapter 3 of the Coastal Act. The policies of the LUP also provide specific guidance for the local area, but are advisory only.

The Pacific Grove Retreat neighborhood is the oldest developed area in Pacific Grove, and is considered a "special community" under the Coastal Act due to its unique architectural and visual character. Housing styles within the Retreat include numerous late 19th and early 20th century buildings. The existing residence is not included in the City's Historic Resources Inventory, California Register of Historical Places or the National Register of Historic Places. The proposed architectural style is Contemporary Vernacular, with exterior design elements similar to those of Historic Vernacular structures prevalent in the area. The project has been reviewed and approved by the Pacific Grove Architectural Review Board on a vote of 7-to-0. The project design has thus been determined to be compatible with the community character of the area and does not impact any unobstructed views of coastal resources from designated viewing areas.

The project site is located within an archeologically sensitive resources area. The project involves excavating approximately 37 cubic yards of subsurface materials for construction of an attached garage and perimeter foundation. As conditioned to require review and approval of final site plans for landscaping and to protect and preserve any sensitive archeological resources that may be found on the parcel during demolition, construction or excavation, the project will be consistent with the policies of Chapter 3 of the Coastal Act and with the City's certified LUP.

II. Staff Recommendation on Coastal Development Permit

The staff recommends that the Commission, after public hearing, **approve** the proposed project subject to the standard and special conditions below. Staff recommends a **YES** vote on the motion below. A yes vote results in approval of the project as modified by the conditions below. The motion passes only by affirmative vote of a majority of the Commissioners present.

Motion: I move that the Commission approve Coastal Development Permit Number 3-00-138 subject to the conditions below and that the Commission adopt the following resolution:

Staff recommends a **YES** vote.

Approval with Conditions. The Commission hereby grants a permit for the proposed development on the grounds that the development as conditioned is consistent with the requirements of Chapter 3 of the California Coastal Act of 1976 (Coastal Act), will not prejudice the ability of the City of Pacific Grove to prepare a local coastal program conforming to Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act (CEQA).

III. 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 Negative Declaration for this project are attached to this permit as Exhibit H; these mitigations are hereby incorporated as conditions of this permit.

Any revision or amendment of these adopted conditions and mitigation measures or of 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 Project Plans.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the permittee shall submit the following for the Executive Director's review and approval:
 - A. Final project plans including site plan, floor plans, elevations and grading plans. The site plan shall designate a building envelope area not to exceed 50 percent of the lot area.

Application 3-00-138 Staff Report

Martin
Page 5

The building envelope shall include the approved house, patio, garage, driveway, paved walkways and garden areas.

- B. A final landscaping plan covering the building envelope and outdoor areas.
 - C. Final plans will indicate Architectural Review Board's review and approval for landscape, colors, and exterior lighting. The submittal of final project plans shall include evidence of review and approval by the Architectural Review Board and the City of Pacific Grove.
3. **Grading and Spoils Disposal.** PRIOR TO COMMENCEMENT OF CONSTRUCTION, the permittee shall submit to the Executive Director for review and approval two sets of grading plans that shall identify the disposal site for excess excavated spoils. Disposal site and methods employed shall be subject to review and approval by the City of Pacific Grove and the Executive Director.
4. **Archaeological Mitigation.** Should archaeological resources be discovered at the project site during any phase of construction, the permittee shall stop work within 150 feet of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, an appropriate mitigation plan shall be prepared and implemented by a qualified professional archaeologist, following the recommendations included in the *Preliminary Archaeological Reconnaissance* of the site prepared by Archaeological Consulting, dated December 21, 1999. The mitigation plan shall be submitted for review and approval by the Executive Director of the Commission prior to implementation. A report verifying compliance with this condition shall be submitted to the Executive Director for review and approval, upon completion of the approved mitigation.

IV. Recommended Findings and Declarations

The Commission finds and declares as follows:

A. Project Description

The proposed project includes the removal or demolition of an existing 1,728 sf duplex and the construction of a new, 1,978 sf two-story single family dwelling with attached garage at 101 and 103 14th Street in the City of Pacific Grove (APN 006-183-001; see Exhibits A and B for location and assessor's parcel maps). Existing building coverage on the site is 1,505 square feet with 822 square feet of paving, and 181 square feet of landscaping. The applicants propose to build the 1,978 square foot single-family dwelling with a 217 square foot attached one-car garage (Exhibits C and D). The total building coverage is proposed to be 1,362 square feet, with 335 square feet of

Application 3-00-138 Staff Report

Martin
Page 6

paved areas (concrete driveway & stone patios) and 1,036 square foot of landscaping. Construction of the attached one-car garage will require the excavation of approximately 37 cubic yards of material.

According to the Initial Study prepared for the project by the City of Pacific Grove (dated February 8, 2000 and adopted April 6, 2000), the subject parcel is approximately 2,731 sf in area, and occupies Lot 1 in Block 39 of the Pacific Grove Retreat neighborhood (APN 006-183-001). The parcel is a small, narrow lot approximately 30.5 feet wide by 91.3 feet long, at the corner of 14th Street and Ocean View Boulevard. The General Plan designation of this area (Exhibit E) is High Density Residential, with 19.8 dwelling units per acre. Total proposed site coverage is 49.8%. Existing site coverage is 58%.

The site is currently developed with a two-unit dwelling group; both units have attached parking and nonconforming setbacks. The existing dwellings are mixed in height with one a one-story unit and the other a two-story unit. The maximum height of these flat roofed units is 18 feet. Landscaping on the subject parcel includes a mature (24") Norfolk pine tree, located between the two structures on the south half of the parcel, and foundation plantings in planter beds along the perimeter of the building.

The Initial Study notes that the subject parcel does not include any sensitive habitat or wildlife areas on the site, although it is located near the shoreline of the Monterey Bay (north of Ocean View Boulevard). The project will reduce the intensity of the residential use on the site from the two dwelling units to the single-family residence. Because the project does not intensify residential use of the property, or require any additional water, the project will have no substantial effect on surface water or groundwater supplies. The project will not impact any sensitive habitat or wildlife areas, and so will also have no substantial adverse effects on marine resources or other sensitive habitats.

B. Standard of Review

The project is located within the Coastal Zone in the City of Pacific Grove, which does not currently have a certified Local Coastal Program (LCP). The Commission certified the City's Land Use Plan (LUP) 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 with funding provided by a grant from the Coastal Commission. Until such time that the City's LCP is completed, however, the Coastal Commission must issue coastal development permits for any development within the coastal zone in the City of Pacific Grove. The standard of review for jurisdictions without a certified LCP is the Coastal Act. The City's certified LUP may serve as an additional advisory document during review of CDP applications.

C. Issues Discussion

1. Visual Resources and Community Character

Section 30251 of the Coastal Act requires that the scenic and visual qualities of coastal areas shall be considered and protected as a resource of public interest, and that permitted development shall be visually compatible with the character of surrounding areas. Section 30251 of the Coastal Act further provides that permitted development shall be sited and designed to protect views to and along the ocean; and Section 30240(b) requires that development adjacent to parks and recreation areas shall be sited and designed to avoid degradation of those areas.

Section 3.2 of the City's Land Use Plan (LUP) requires the City to encourage the protection, maintenance and enhancement of the unique historical, architectural, and visual characteristics of the Pacific Grove Retreat neighborhood, and requires that all proposed development be consistent with maintaining the current scale and character of the Retreat. Specific policies require design review in order to maintain historical continuity and visual harmony of development within the Retreat area. The LUP also contains policies to protect the visual quality of scenic areas as a resource of public importance. Section 2.5.5.1 requires that new development, to the maximum extent possible, shall not interfere with public views of the ocean and bay.

The Pacific Grove Retreat neighborhood is the oldest developed area in Pacific Grove, and is considered a "special community" under the Coastal Act Section 30253(5), due to its unique architectural and visual character. Housing styles within the Retreat include numerous late 19th and early 20th century buildings. Additionally, the Initial Study notes that:

"...Development in the surrounding neighborhood is characterized by residential dwellings on lots that are smaller than those typically found in the more contemporary residential areas of Pacific Grove. The dense concentration of older homes contributes to the visual character of the neighborhood and is consistent with the LUP and General Plan high-density residential designations."

The subject property is located within an area that has been developed for residential uses, and that includes both one- and two-story single family dwellings with a variety of architectural styles, including Shingle, Vernacular and Queen Ann. Exhibit D includes photographs of the existing streetscape along 14th Street and Ocean View Boulevard. Although many of the residences located in the Pacific Grove Retreat neighborhood are listed as historic structures, the existing structures are not listed as historic structures in either the California Inventory of Historical Resources, or the National Register of Historic Places, and are not included in the City's Historic Resources Inventory.

The new dwelling has been designed with a Contemporary Vernacular architectural style, using a composite roof, wooden siding and wooden trim. While most of the exterior walls will be finished with white shiplap siding, a portion of the building (between the front entrance and the garage

Application 3-00-138 Staff Report

Martin
Page 8

along 14th Street) will be finished with vertical board and batten of unfinished cedar left to weather. This variation in exterior finish is intended to create a transition area along the length of the structure (see Exhibit D) to visually reduce the apparent length of the single structure. These exterior design elements are in keeping with other wooden Shingle and Vernacular structures in the neighborhood. The roof design will be hipped above the main structure, with a maximum height of 24 feet, but will be open above the two second-story decks to reduce the visual mass and scale of the building. The proposed project increases the building height from 18 feet to 23.3 feet, but also reduces the total building and site coverage from 1,505 (55%) sf to 1,362 sf (50%) by stepping back the residential structure along the 14th Street frontage (Exhibit C). The stepped back layout and variation in roof height over the deck areas are features of the project design that help in maintaining the current scale and character of the Retreat area.

The applicants have also acted to protect and preserve the mature (24") Norfolk pine that currently exists on site by designing the structure around the tree, and incorporating the tree into the back yard design.

As designed, the project requires a 3-foot encroachment into the required 6-foot west side yard setback (for a distance of 22 feet along a portion of the residence footprint), and a 1-foot distance instead of the 3-foot minimum distance between eave overhangs and the east side property line (for a distance of 15 feet along the garage and 49 feet along the residence). The project provides one covered parking space in the attached garage, instead of the two on-site parking spaces required (one covered, one uncovered). And, as proposed, the garage has a distance of 6.5 feet between the garage door opening and the front property line, which is less than the minimum 20-foot distance required by the City.

Off-street parking within the immediate vicinity is mixed, with a number of one- and two-car garages on 14th Street that are accessed by driveways of varying lengths. No residential driveways are located adjacent to Ocean View Boulevard. According to the applicant's architects, both on-site parking areas of the existing structures have currently been fenced in and converted for use as storage and dog kennels, such that no on-site parking actually remains. On-street parking is allowed along both 14th Street and Ocean View Boulevard. As both existing units have historically occupied on-street parking (at least since the conversion of their parking spaces for storage and dog kennel use), the proposed single-family dwelling and attached one-car garage, will reduce the number of on-street parking spaces expected to be occupied by the residents.

The project design was approved by the City of Pacific Grove Architectural Review Board, September 12, 2000, on a vote of seven to zero, subject to obtaining approval for landscaping plans prior to a final on the building permit. The project was thus found to be compatible with respect to the historical character of the neighborhood.

On April 20, 2000, by a vote of 6-0, the City of Pacific Grove granted approvals to (1) adopt the mitigated Negative Declaration, and (2) grant a use permit with variances to allow construction in required setbacks and exceptions for parking and driveway length. The City granted the use permit and variances, based on the following findings:

Application 3-00-138 Staff Report

Martin
Page 9

1. The small size and location of the site with respect to Ocean View Boulevard and the presence of a mature Norfolk pine tree are unusual characteristics of the property. The site is too narrow to accommodate the required driveway length off 14th Street and no driveways are present on other properties along Ocean View Boulevard in the immediate vicinity of the site. The preservation of the tree dictates construction in required side yard setbacks.
2. These unusual characteristics limit the opportunities available to the applicant to construct conforming off-street parking improvements for a site of this size and that are compatible with the off-street parking pattern of the neighborhood, and limit opportunities for construction within required setbacks.
3. ...the proposed improvement is consistent with the development pattern in the Retreat and within the immediate vicinity of the subject property.

The City's Agenda Report for the hearing further notes that "*short driveways are common on properties in the Retreat area,*" and indicates that "*...the proposed driveway length is consistent with the diversity of garage placement on nearby properties in the neighborhood.*" Therefore, the granting of these variances is appropriate in that they help to preserve the community character of the neighborhood.

Ocean View Boulevard is designated by the LUP as a scenic route within the coastal zone. Unobstructed coastal views along 14th Street north of Central Avenue (see Exhibit G) are also protected by the scenic resource policies of the LUP. The amount of landscaped area will be increased by the project from 181 sf (existing) to 1,036 sf (proposed). The additional landscaping along both the 14th Street and Ocean View Boulevard frontage, contained by a low 3-foot fence, will provide a pleasant streetscape aesthetic along 14th Street and Ocean View Boulevard. The landscaping proposed along the 14th Street frontage does not extend beyond the existing landscaping, such as it is, and with the incorporation of an indigenous oak tree at the corner, should serve to nicely frame the coastal views down and along 14th Street. Therefore, as designed, the proposed new single family dwelling will preserve and enhance the unobstructed coastal view that is currently provided along 14th Street.

Because the proposed new structure will not obstruct any existing public coastal views or degrade views along Ocean View Boulevard, no visual mitigations are required for this project. Based on Architectural Review Board approval and variances granted the project due to the unusual characteristics of the parcel, the proposed development, with reduced on-site parking, reduced driveway length, and reduced side-yard setbacks, has been determined to be visually compatible with the character of surrounding areas in the Pacific Grove Retreat neighborhood. Accordingly, the project is found to be consistent with Section 30251 and 30240(b) of the Coastal Act and LUP visual resource policies.

2. Archeological Resources

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.

As is true with most of the Pacific Grove Retreat neighborhood, the project site is located in an "Archaeologically Sensitive Area" of the Coastal Zone as shown in Exhibit F. Mary Doane and Trudy Haversat of Archaeological Consulting conducted an archaeological investigation for the site in November/December 1999. Results of the investigation are included in the report titled Preliminary Archaeological Reconnaissance of Assessor's Parcel Number 006-183-001, dated December 21, 1999.

According to the Preliminary Archaeological Reconnaissance report, the background records search indicated that although there are a number of sites recorded within one kilometer of the property, no recorded sites exist on the property. The nearest recorded site is located just east of the project parcel along Ocean View Boulevard. Archaeological field investigation of the property found no materials frequently associated with prehistoric cultural resources in the area other than a few small fragments of *Haliotis* shell. However, the report noted that visible soil was very limited due to the amount of building coverage, pavement and planters on site. The report concluded

...[T]he project parcel contains disturbed surface soil which shows some evidence of potentially significant cultural resources. The soil color and the shell are characteristic of archaeological sites in this area, but the sparse nature of the shell and the lack of other archaeological indicators suggest that the area may be peripheral to

Application 3-00-138 Staff Report

Martin
Page 11

the main site deposit or that the surface soil has been so heavily disturbed by the construction of the existing structures and landscaping that other surface evidence has been obscured. Nevertheless, there remains a possibility of intact resources below the surface disturbance. ...The current project proposes demolition of the existing structures and construction of a single new home on a perimeter foundation. Impacts to previously undisturbed midden soil should remain minimal under these circumstances.

Because of the possibility of finding unidentified cultural resources during construction, the project has been conditioned to (1) require that an archaeological monitor be present during all construction and pre-construction activities that involve ground disturbance; (2) halt work within 150 feet if any human remains or intact cultural features are discovered until such find can be evaluated by the archaeological monitor; and (3) if the find is determined to be significant, develop and implement appropriate mitigation measures necessary to preserve and protect the archaeological resources found on site. A final grading plan shall be required prior to commencement of construction.

As conditioned to incorporate the City's Mitigation Requirements, which include suspension of work and development and implementation of mitigation measures if archaeological materials are found, the proposed development is consistent with Section 30244 of the Coastal Act and certified LUP archaeological resource policies.

G. Local Coastal Programs

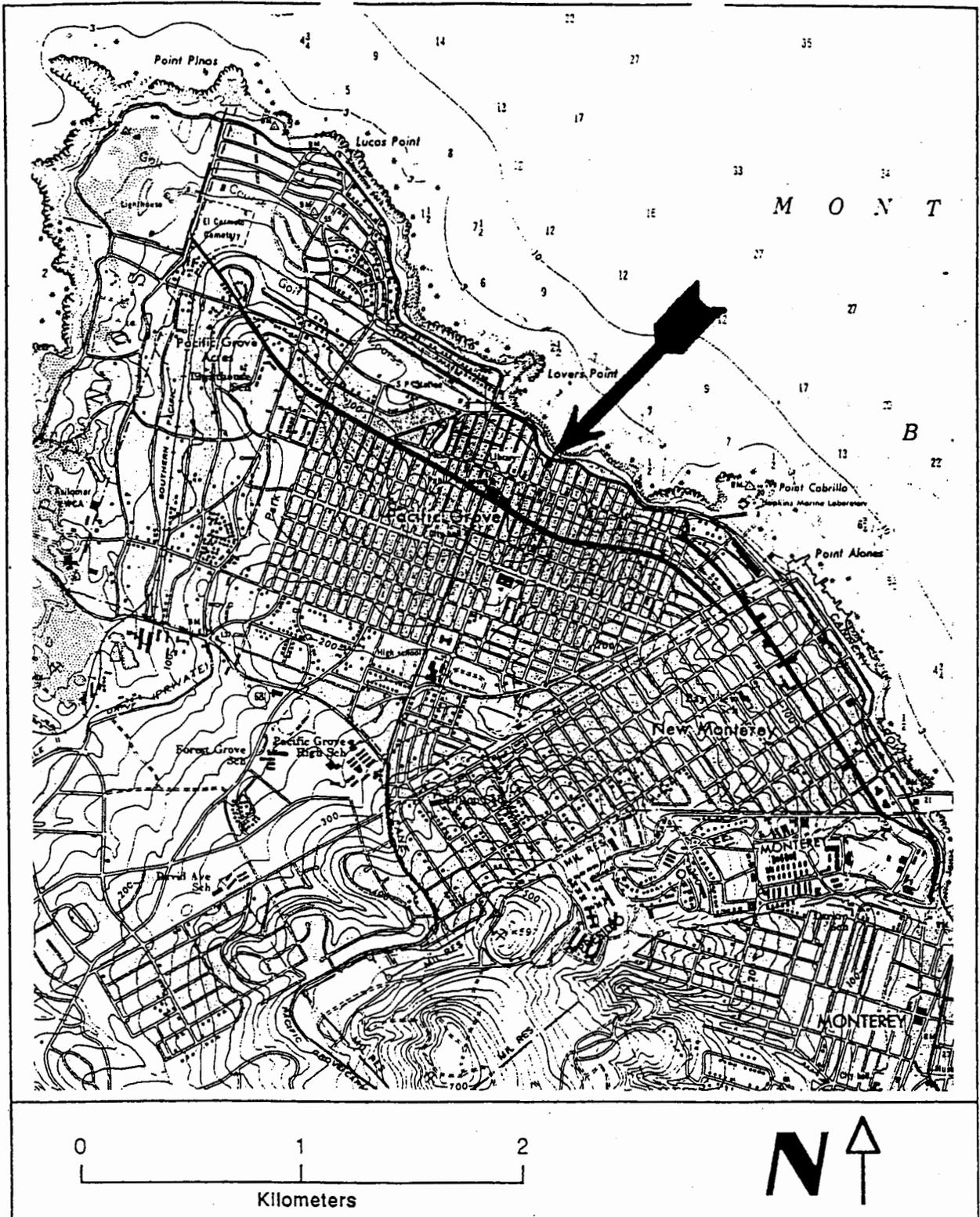
The Commission can take no action which would prejudice the options available to the City in preparing a Local Coastal Program which conforms to the provisions of Chapter 3 of the Coastal Act (Section 30604 of the 'Coastal Act).

The Land Use Plan for the City of Pacific Grove has been approved by the Commission (certified January 10, 1991) and adopted by the City. 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 designates the subject site as residential. The proposal is consistent with this designation and the scenic and archaeological policies of the LUP. As conditioned to protect and preserve potential sensitive archaeological resources, the proposed development is consistent with the policies contained in Chapter 3 of the Coastal Act and will not prejudice the ability of the City of Pacific Grove to prepare and implement a complete Local Coastal Program consistent with Coastal Act Policies.

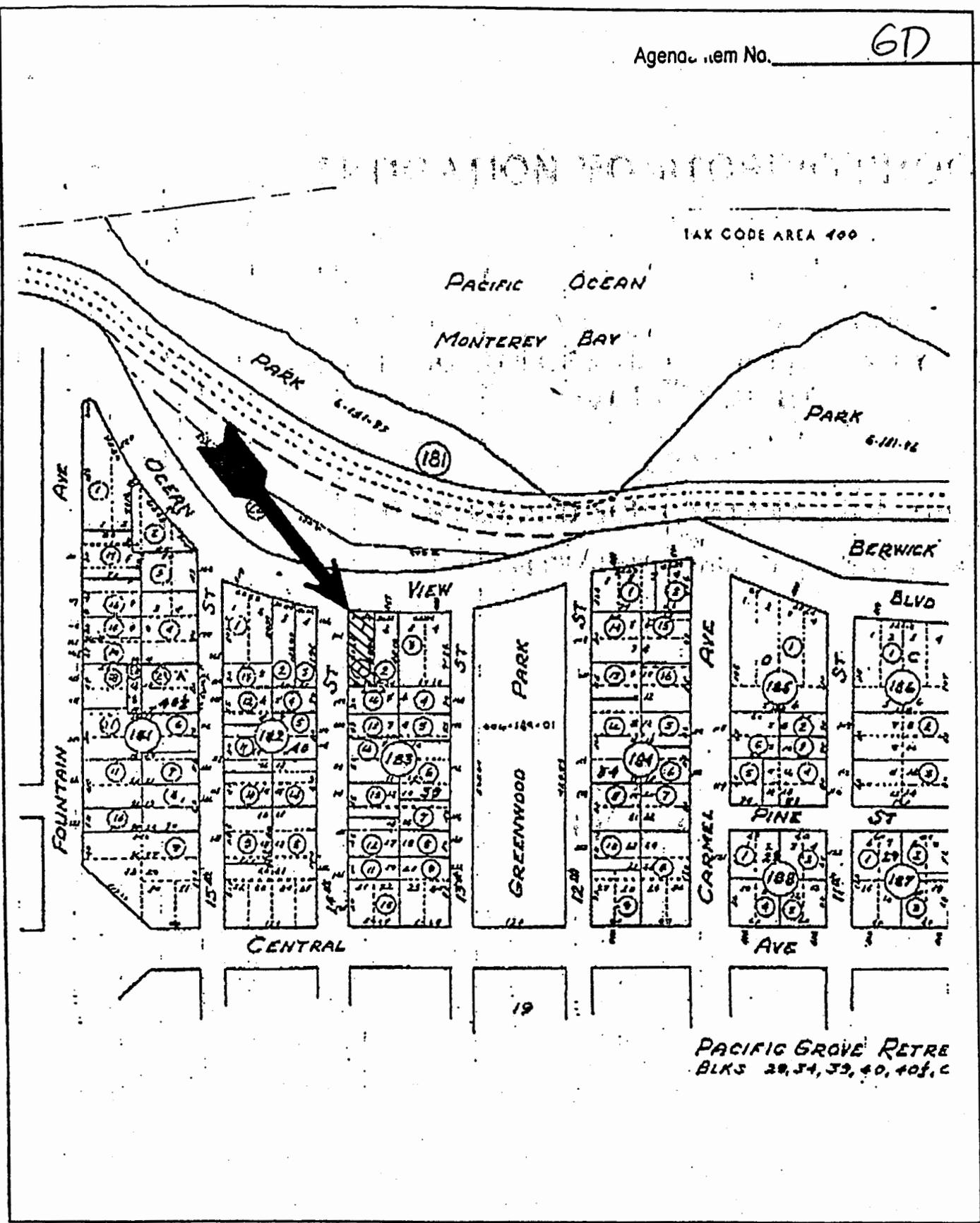
H. California Environmental Quality Act (CEQA)

Section 13096 of the California Code of Regulations requires that a specific finding be made in conjunction with coastal development permit applications showing the application to be consistent with any applicable requirements of CEQA. Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effects which the activity may have on the environment. On August 17, 2000, the City of Pacific Grove granted a Negative Declaration, with mitigations, for the proposed development. The Coastal Commission's review and analysis of land use proposals has been certified by the Secretary for Resources as being the functional equivalent of environmental review under CEQA. Accordingly, the Commission finds that the project as conditioned by this permit, along with the City's required conditions and mitigation monitoring requirements, will offset any adverse effects that the proposed development might have.



Map 1. Project Location.

CDP 3-00-138
(Martin)
EXHIBIT **A**
Page 1 of 1

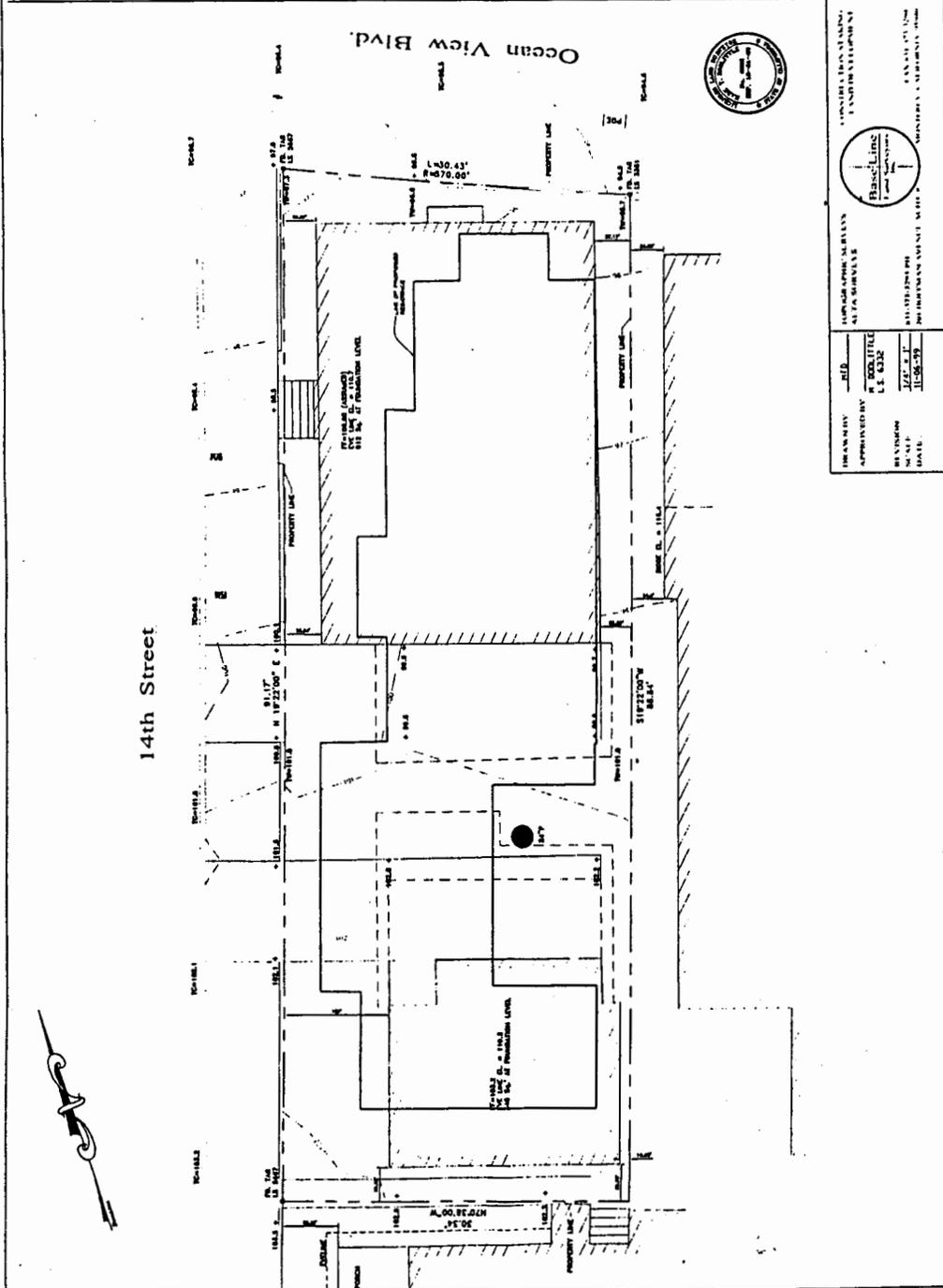


Map 2. Project Location.

CDP 3-00-138
(Martin)
EXHIBIT **B**
Page 1 of 1

PROJECT INFORMATION

PROJECT NO. 14-00-138
 DATE: 11-26-93
 DRAWN BY: J. L. SCHICKELANZ
 CHECKED BY: J. L. SCHICKELANZ
 APPROVED BY: J. L. SCHICKELANZ
 DATE: 11-26-93



SEAL

REGISTERED ARCHITECT
 STATE OF CALIFORNIA
 J. L. SCHICKELANZ
 11-26-93

Basic Line

DATE: 11-26-93

PROJECT NO. 14-00-138

MARTIN RESIDENCE
 PACIFIC GROVE, CA

SURVEY/OVERLAY

Carver + Schickelanz Architects
 P.O. BOX 284 CARMEL, CALIFORNIA 96231, U.S.A.
 PHONE 317 367 7381 FACSIMILE 317 367 7384

EXHIBIT C
 Page 1 of 3

3-00-138
 (Martin)

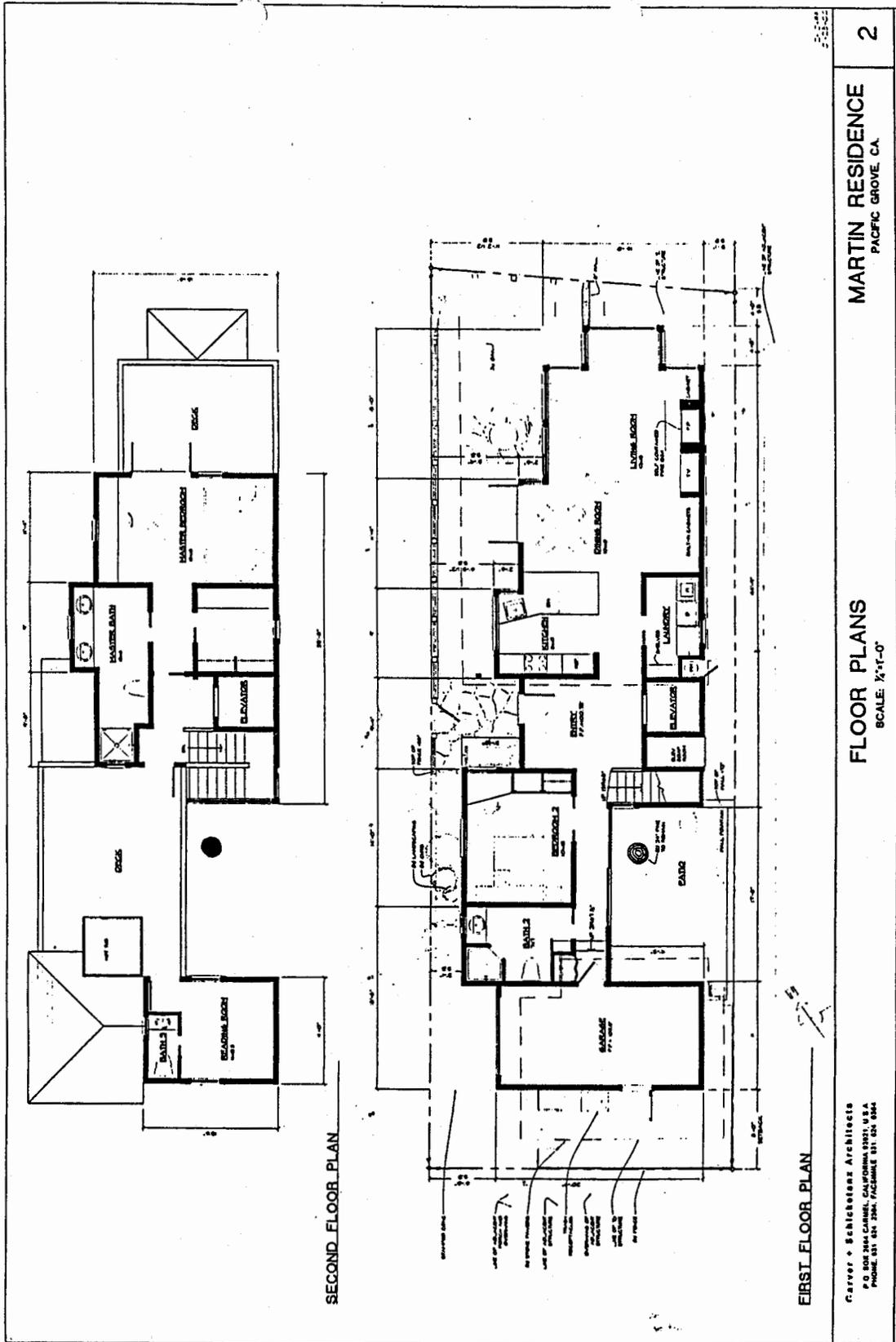
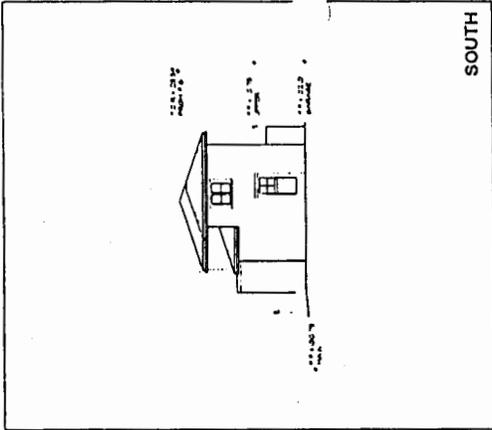
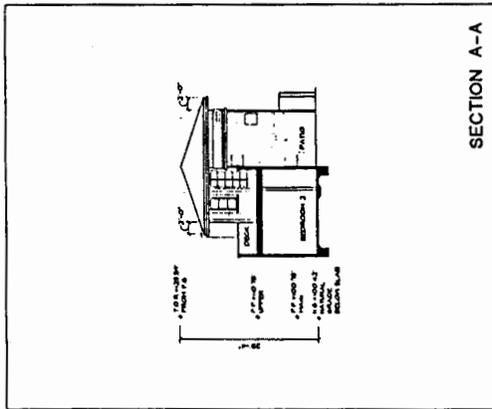


EXHIBIT **C**
Page 2 of 3

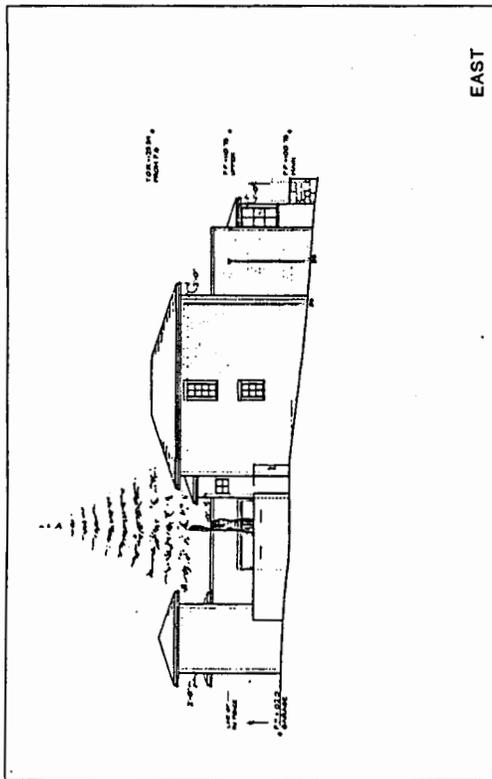
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(Martin)



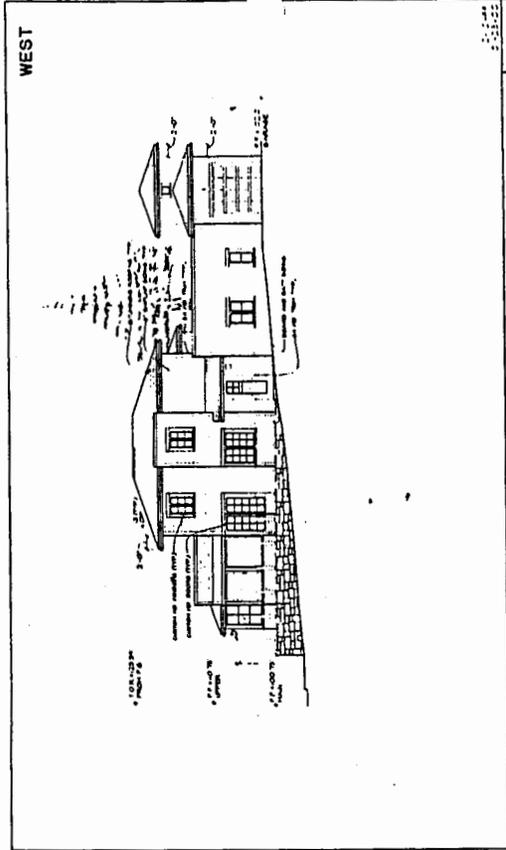
SOUTH



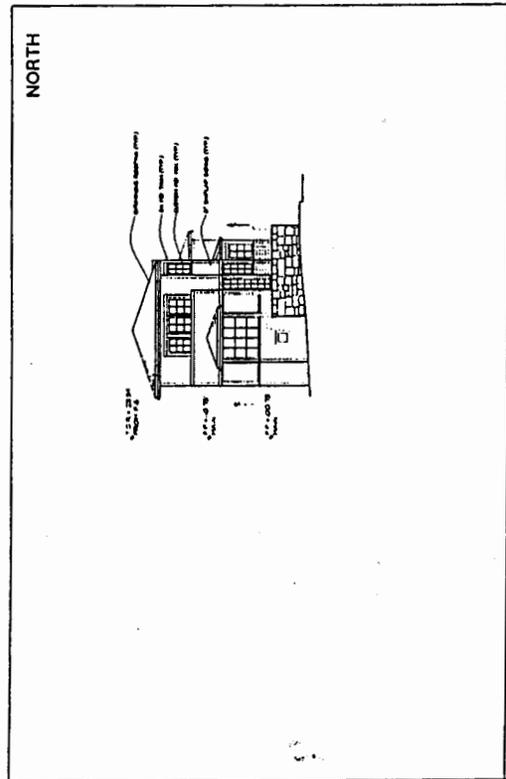
SECTION A-A



EAST



WEST



NORTH

3

MARTIN RESIDENCE
PACIFIC GROVE, CA

EXTERIOR ELEVATIONS
SCALE: 1/8"=1'-0"

Carver + Schickelbein Architects
P.O. BOX 2484 CARMEL, CALIFORNIA 93721, U.S.A.
PHONE 415 437 2384 FACSIMILE 415 434 8884

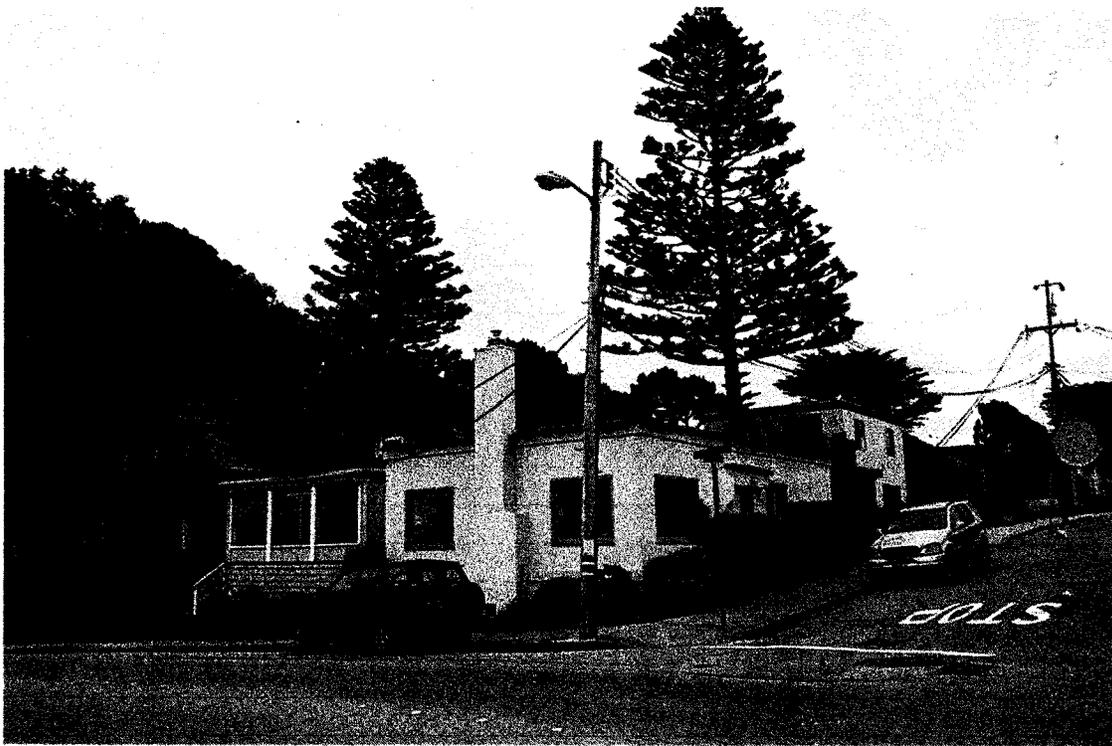


Photo 1. View of existing dwelling and streetscape (view looks east along Ocean View Boulevard and south along 14th Street).

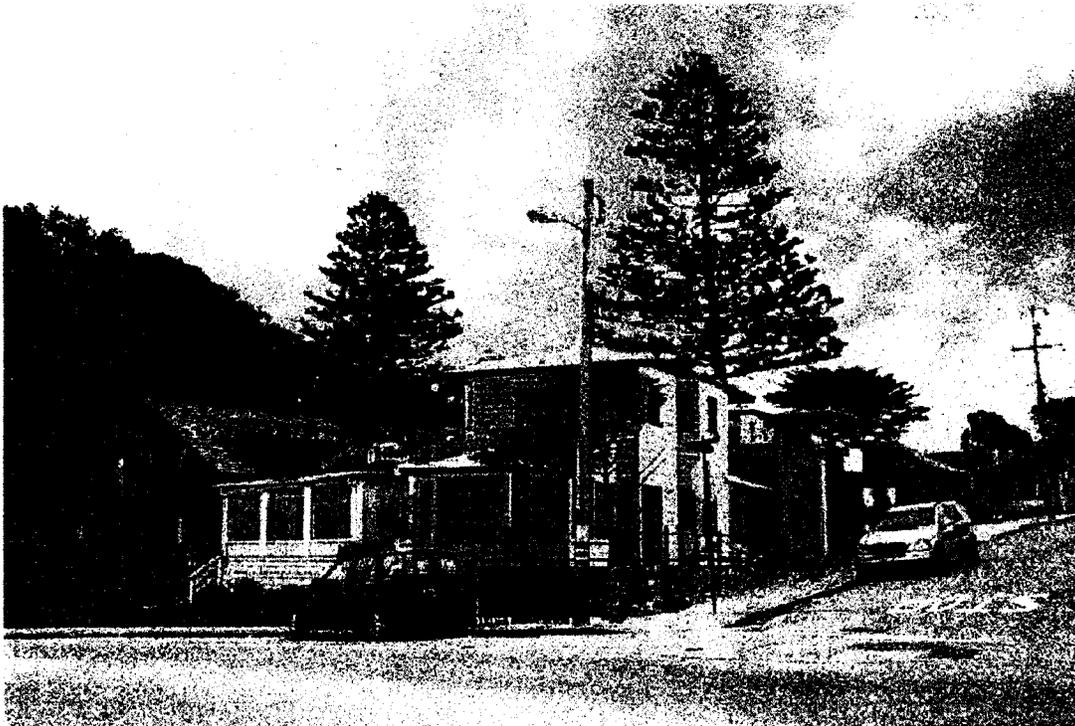
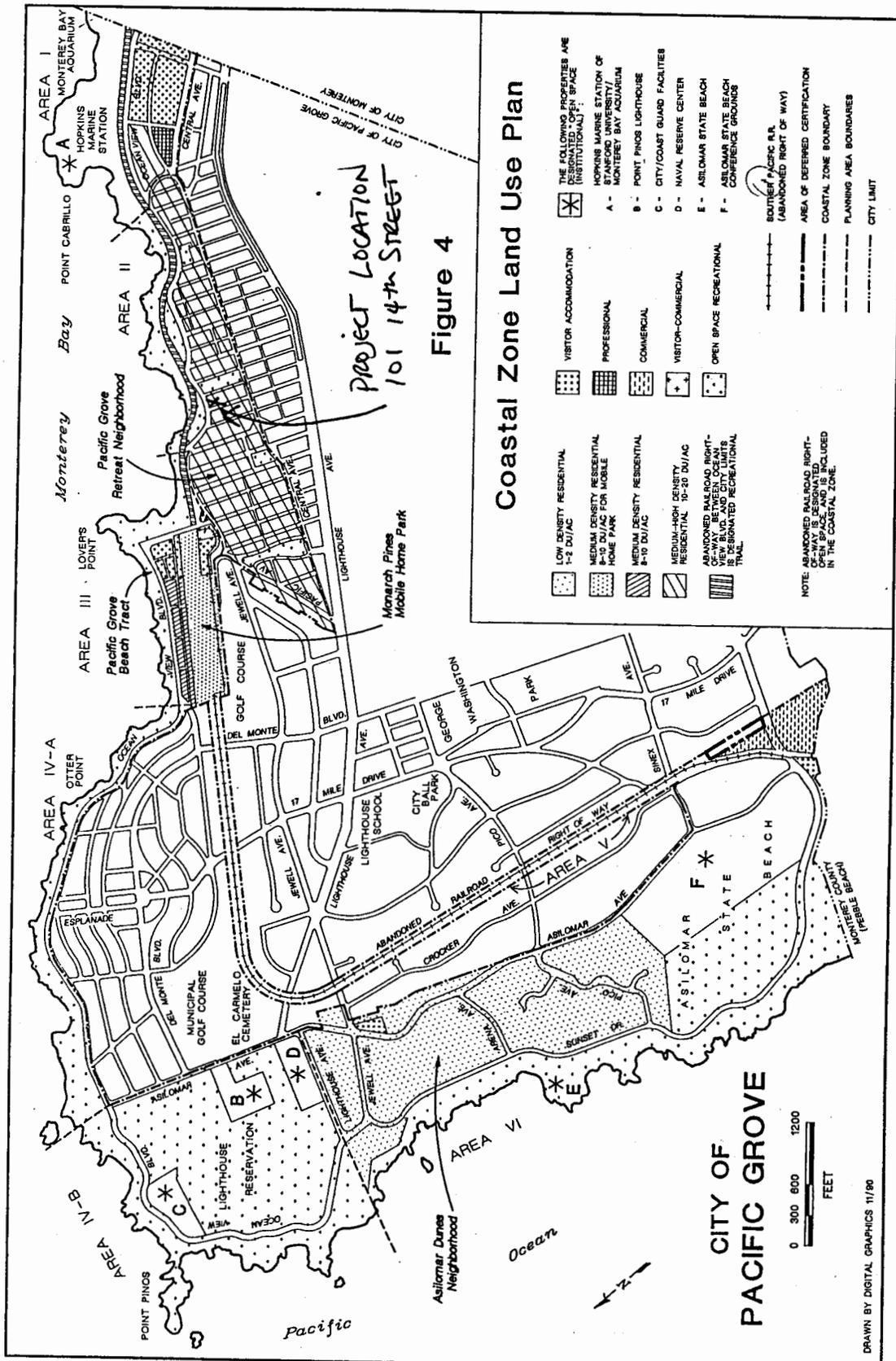
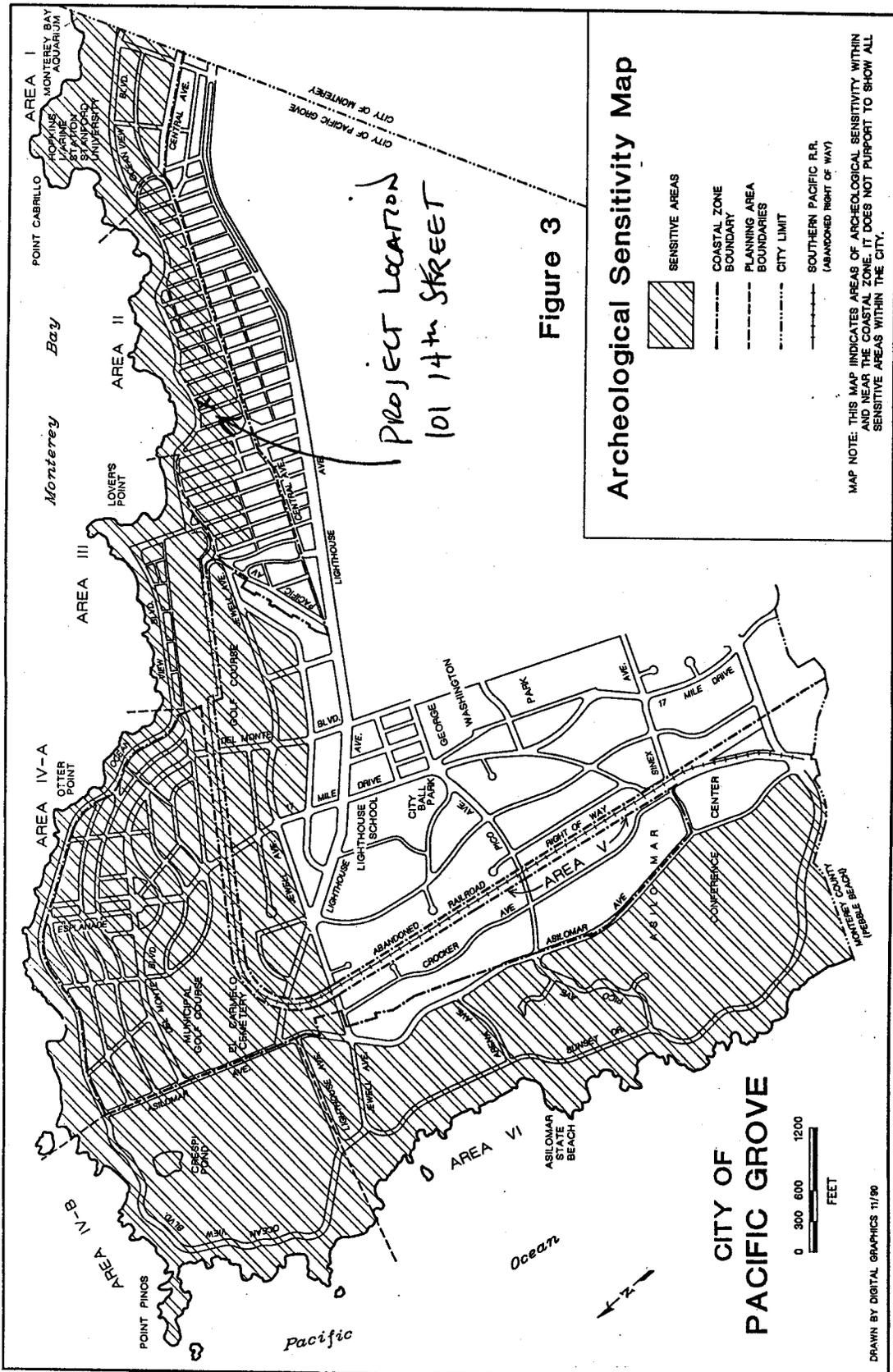


Photo 2. Applicant's visualization of proposed project within streetscape (from same viewpoint).

3-00-138
(Martin)
Exhibit D

Photographs of Streetscape with
Existing and Proposed Structure





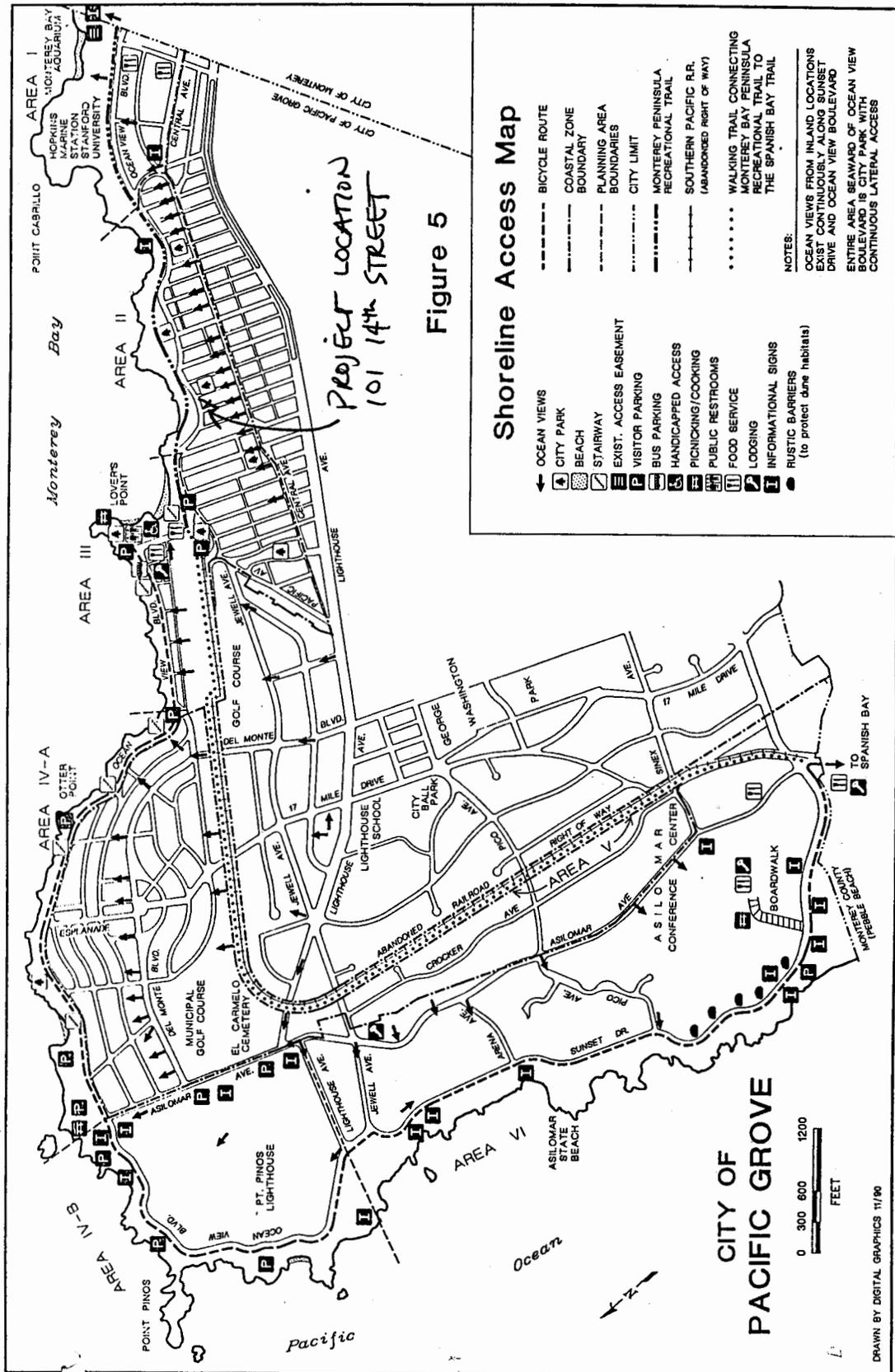


Figure 5

- ORIGINAL
- SIGN & RETURN
- RETAIN THIS COPY
- CDD FILE COPY

MITIGATION MONITORING PROGRAM

for:

**DEMOLITION OF A TWO-UNIT DWELLING GROUP AND
CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING
101 14TH STREET**

applicant:

CARVER AND SCHICKETANZ ARCHITECTS
For
Jack and Elizabeth Martin, Property Owners

Lead Agency:



**CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPARTMENT**

CDP 3-00-138
(Martin)
EXHIBIT **H**
Page **1** of **5**

INTRODUCTION

BACKGROUND

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

PURPOSE

The purpose of the mitigation monitoring program for the demolition of the existing two residences and the construction of the new single-family dwelling at 101 14th Street is to ensure that all mitigation measures adopted as part of project approval are implemented and completed during demolition and construction. This program will be used by the City of Pacific Grove to verify that all required mitigation measures are incorporated into the project and will serve as a convenient tool for logging the progress of mitigation measure completion and for determining when required mitigation measures have been fulfilled.

MANAGEMENT

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

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

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

CDP 3-00-138
(Martin)
EXHIBIT H
Page 2 of 5

BASELINE DATA

Baseline data for the mitigation-monitoring program are contained in the Initial study and proposed Mitigated Negative Declaration that will be considered by the Planning Commission.

DISPUTE RESOLUTION

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

ENFORCEMENT

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

PROGRAM

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

FUNDING

For the demolition of the existing two residences and the construction of the new single-family dwelling at 101 14th Street, the project applicant shall be responsible for the costs of implementing and monitoring the mitigation measures.

Mitigation Measures for the Mitigated Negative Declaration for 101 14th Street:

MITIGATION	IMPLEMENTED BY:	WHEN IMPLEMENTED:	MONITORED BY:	VERIFICATION D/
<p>1. To reduce project-related noise impacts, days and hours of demolition and construction are limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday, interior work excepted.</p>	<p>Applicant or Applicant's Representative</p>	<p>On-going</p>	<p>Community Development Department</p>	
<p>2. An archaeological monitor, approved by the City, shall be present during project-related earth disturbing activities on the project site including demolition of the existing patio and paved surfaces, and excavation for the foundations of the proposed new residence.</p>	<p>Applicant or Applicant's Representative</p>	<p>On-going during any on-site excavation</p>	<p>Community Development Department</p>	
<p>3. If human remains or intact archaeological artifacts/cultural features are encountered during earth-disturbing activities including site preparation and construction, work shall be halted on the site until it can be evaluated by a qualified archaeologist. The Community development Director shall be immediately notified. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented before project activities proceed.</p>				

Age: Item No.

62



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January 9th, 2000

City of Pacific Grove
Community Development Department
Attn.: Sally Rideout
300 16th Street
Pacific Grove, CA 93950

Regarding: Initial Study - 101 14th Street

Dear Ms. Rideout:

As requested by you in your letter from February 8th we have reviewed the Initial Study and are agreeing to comply with the proposed mitigations.

Sincerely,

Jack Martin
Jack Martin
Owner

Elizabeth A. Martin
Elizabeth Martin
Owner

CDP 3-00-138
(Martin)
EXHIBIT **A**
Page **5** of **5**