



CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
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CITY OF PACIFIC GROVE
PLANNING COMMISSION

AGENDA

August 17, 2006
6:00 p.m.

Council Chambers, Pacific Grove City Hall
300 Forest Avenue, Pacific Grove, California

NOTE: The Planning Commission will also meet in a plan and site review session on Tuesday, August 15, 2006 at 4:00 p.m. in the Community Development Department Conference Room, 300 Forest Avenue, Pacific Grove, California. The limited purposes of this session are (1) to visit the site of project(s) listed on this agenda and (2) to allow staff to respond to Commissioner inquiries regarding factual aspects of the applications. **THE PLAN AND SITE REVIEW IS AN OPEN MEETING. MEMBERS OF THE PUBLIC MAY ATTEND.** Transportation for members of the public will not be provided to the location(s) of the site visit(s).

Copies of the Planning Commission Agenda Packet are available for review at the Pacific Grove Public Library and the Community Development Department.

Planning Commission Members: Linda Smith Bailey, Bob Davis, Steven MacDonald, Dan Miller, Eric Miller (Vice Chair), Craig Riddell (Chair), Gary Sprader

1. **ROLL CALL**
2. **MINUTES**
 - Minutes of the regular meeting of August 3, 2006.
3. **COMMENTS FROM THE PUBLIC**

(Comments from the audience will not receive Commission action. Comments may concern matters either on or not on the agenda, but must deal with matters subject to the jurisdiction of the Planning Commission. Comments will be limited to three minutes. Comments concerning

matters set for public hearing on this evening's agenda will not be heard until the public hearing is called.)

4. ITEMS TO BE CONTINUED OR WITHDRAWN

4.A PLANNING COMMISSION SUBCOMMITTEE PRESENTATION ON POSTING AND NOTICING RECOMMENDATIONS [Continued from 6/22/06 and 7/20/06]

REASON FOR CONTINUANCE: **Continuance to the regular meeting of September 7, 2006** in order that all commission members can be present for this item.

4.B Continued deliberation concerning Use Permit Application No. 2920-06 and Tree Permit Application No. CDD 58597

PROJECT ADDRESS: **420 Evergreen Road**

APPLICANT: Anthony Giammanco

PROJECT DESCRIPTION: A request to demolish and reconstruct more than 25% of a nonconforming single-family residence and construct a first floor addition that follows the existing nonconforming building line that encroaches into the required north side yard setback and has an eave that project closer than 3' to the north side property line. The property has less than the required number of off-street covered parking spaces. The project also includes removal of one tree. (Staff: Barbara Nelson) [Continued from July 20, 2006]

REASON FOR CONTINUANCE: Applicant has requested a **continuance to the regular meeting of September 7, 2006** to allow additional time to consult with the client regarding project revisions.

5. CONSENT AGENDA

5.A A public hearing to consider Use Permit No. 2790-03

PROJECT ADDRESS: **886 Cannery Row**

APPLICANT: Monterey Bay Aquarium

PROJECT DESCRIPTION: A request to amend the Special Condition of Use Permit No. 2790-03, which required removal of the temporary buildings from the site by August 31, 2006, to allow the building to remain for an additional period of two years. The trailer and shed are occupied by office and nursery uses related to the Sea Otter Research and Care program. (Staff: Barbara Nelson)

6. REGULAR AGENDA

6.A Continued deliberation concerning Proposed Mitigated Negative Declaration and Mitigation Monitoring Program, Use Permit Application No. 2830-04 and Tree Removal Permit Application No. CDD 5351

PROJECT ADDRESS: **1400 Pico Avenue**

APPLICANT: Eric Miller Architects; Ines Barcan, Project Principal

PROJECT DESCRIPTION: Construction of a new single-family dwelling, including detached living space remote from the main residence, on a site that is located in an environmentally sensitive area of the coastal zone. The proposed project includes the removal of 9 dead or dying Monterey pine trees, 1 willow tree, and 4 Monterey cypress

trees from the site. (Staff: Sally Rideout) [Continued from June 8, 2006 and July 6, 2006]

7. CITY COUNCIL ACTIONS

8. ARCHITECTURAL REVIEW BOARD ACTIONS

- Receive the Minutes of the August 8, 2006 site review meeting of the Architectural Review Board.
- Receive the Minutes of the August 8, 2006 regular meeting of the Architectural Review Board.

9. HISTORIC RESOURCES COMMITTEE ACTIONS

- Receive the Minutes of the August 9, 2006 site review meeting of the Historic Resources Committee.
- Receive the Minutes of the August 9, 2006 regular meeting of the Historic Resources Committee.

10. CORRESPONDENCE

11. COMMITTEE REPORTS

12. REPORTS OF COMMISSIONERS

Commissioners may ask a question for clarification, make a brief announcement or make a brief report on his or her activities. In addition, the Commission may provide a referral to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning a City matter or direct staff to place a request to agendize a matter of business on a future agenda (G.C. 54954.2).

13. REPORTS OF COMMUNITY DEVELOPMENT DIRECTOR

14. ADJOURNMENT

NOTE: PLEASE NOTE THAT SECTION 65009(B)(2) OF THE CALIFORNIA GOVERNMENT CODE PROVIDES THAT LEGAL CHALLENGES TO THE CITY'S ACTION ON A PROJECT MAY BE LIMITED TO ONLY THOSE ISSUES RAISED IN TESTIMONY DURING THE PUBLIC HEARING PROCESS.

THE PLANNING COMMISSION WILL NOT CONSIDER ANY NEW ITEMS AFTER 9:00 P.M. ANY ITEMS REMAINING ON THE AGENDA WILL BE CONTINUED EITHER TO THE NEXT REGULAR MEETING OR A SPECIAL MEETING AT THE DISCRETION OF THE PLANNING COMMISSION.

THE CITY OF PACIFIC GROVE DOES NOT DISCRIMINATE AGAINST PERSONS WITH DISABILITIES. THE COUNCIL CHAMBERS AT THE PACIFIC GROVE CITY HALL IS AN ACCESSIBLE FACILITY. A LIMITED NUMBER OF DEVICES ARE AVAILABLE TO ASSIST THOSE WHO ARE HEARING IMPAIRED. IF YOU WOULD LIKE TO USE ONE OF THESE DEVICES, PLEASE CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT SECRETARY AT (831) 648-3190.

NOTICE TO APPLICANTS

I. SITE REVIEW

If the project, at the time of the site review, is not visible without entering a structure or yard area, the applicant must be present or make arrangements to show the project area.

II. APPEARANCE BY APPLICANT OR REPRESENTATIVE

The applicant or his/her representative must be present at the public hearing meeting for which the item is scheduled. If unable to attend, the applicant must submit a written request for continuance prior to the meeting. **The Commission may deny an item if the applicant or representative is not present and if a continuance is not requested.**

III. SUBMITTAL OF WRITTEN COMMUNICATIONS

In order to receive due consideration by the Planning Commission, written communications pertaining to agenda items should be submitted to the Community Development Department by 12:00 noon on the Tuesday prior to the meeting. Materials submitted subsequent to that time, or directly to the Commission at the meeting, may, at the Commission's discretion, result in a continuance of the item.

IV. APPEALS AND APPEAL PERIOD

Decisions rendered by the Planning Commission may be appealed to the City Council using a form available at the Community Development Department. An appeal using this appeal form plus an appeal fee must be filed with the Community Development Department within 10 days of the action being appealed.

NOTE: The aforementioned appeal period notwithstanding, the City Council reserves the right to call up for review Planning Commission decisions until its next regularly scheduled meeting. Please check with the staff if you have any questions about this.

V. BUILDING PERMIT

Planning Commission approval of an application does not constitute an approval to do any construction without a building permit. Please contact the Building Division at 648-3183 for information about building permits.

No building permit pertaining to a Planning Commission action may be issued until the 10-day appeal period and the City Council's call up period has passed.

VI. EFFECTIVE DATE OF ENTITLEMENT

PLEASE NOTE THAT YOUR USE PERMIT/VARIANCE DOES NOT BECOME EFFECTIVE AND **THEREFORE** NEITHER A BUILDING PERMIT NOR OCCUPANCY CERTIFICATE MAY BE ISSUED UNTIL THE RESOLUTION GRANTING THE USE PERMIT/VARIANCE HAS BEEN SIGNED BY THE APPLICANT AND PROPERTY OWNER. THIS RESOLUTION WILL BE MAILED TO THE APPLICANT FOLLOWING THE PLANNING COMMISSION ACTION.

VII. JUDICIAL TIME LIMITS

This serves as written notice that Pacific Grove Municipal Code Section 1.20.010 incorporates Section 1094.6 of the Code of Civil Procedure of the State of California and provides a **ninety-day limitation** for judicial review of any final administrative decision by the council, or any board, commissioner, or officer of the city.