

CITY OF PACIFIC GROVE  
PLANNING COMMISSION

MINUTES

August 17, 2006  
Tape 06-16  
6:00 p.m.  
Council Chambers, Pacific Grove City Hall

1. **ROLL CALL** **Roll Call**

Present: Linda Bailey, Bob Davis, Steven MacDonald, Dan Miller,  
Craig Riddell (Chair), Gary Sprader

Absent: Eric Miller (Vice-chair)

Staff: Sheree Garcia, Sally Rideout

2. **MINUTES**

On a motion by Steven MacDonald-Gary Sprader, the Commission voted 6-0 to **approve the following minutes:**

**Minutes  
Approved  
with  
correction**

- Minutes of the regular meeting of August 3, 2006 with the following corrections:

**Agenda Item 6.A, "Commissioners Comments," are amended as follows:**

- Dan Miller:
  - Oversight (sic) of the removal,
- Steven MacDonald:
  - Thinks (sic) that the penalties and enforcement are an issue. Need to develop creative ideas to review this. Stronger fines warranted.

3. **COMMENTS FROM THE PUBLIC**

None.

**Public  
Comment**

4. **REQUESTS FOR CONTINUANCE OR WITHDRAWAL**

On a motion by Lisa Bennett-Gary Sprader, the Commission voted 6-0 to **continue items 4.A and 4.B to the regular meeting of September 7, 2006** for the reasons stated below.

**Requests for  
continuance  
or Withdrawal**

- 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. **PC Subcomm. On Posting & Noticing**  
*Continued to 9/7/06*
- 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. **UP 2920-06, Tree Permit CDD 58597**  
*Continued to 9/7/06*
- 5. CONSENT AGENDA** **Consent Agenda**  
*approved*
- On a motion by Linda Bailey-Gary Sprader, the Commission voted 6-0 to **approve the consent agenda, specifically extending Use Permit No. 2790-03 to and including April 30, 2008.**
- 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) **UP 2790-03 Extension**  
*Granted to 4/30/08*
- 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** **Proposed Mit. Neg. Dec. And Mitigation Monitoring Program;**

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, July 6, 2006, July 20, 2006, and August 3, 2006]

**UP 2830-04;  
And Tree  
Removal  
Permit No.  
CDD 5351  
Adopted and  
Approved  
With  
Revised  
Conditions**

Associate Planner Rideout presented the staff analysis of the revised project and answered Commissioners questions regarding the relationship between the staking plan and the netting on the site.

The Chairman opened the public hearing.

Speakers:

- Mark Ellis, Eric Miller Architects, presented the project with the following revisions: Reduced plate height by 6", reduced finished grade, incorporated the 28" diameter Monterey pine tree into the site plan, and answered questions from the Commissioners.
- Don Redgwick, 1398 Pico Avenue, spoke in support of the project.

There being no further speakers, the Chair closed the public hearing.

Correspondence Received:

- Two E-mails (8/15/06 and 8/16/06) from Daniel Schickele, 1492 Pico Avenue, expressing concerns with project's massing, impacts to public views from Pico Avenue, and the proposed removal and/or relocation of Monterey pine trees.

On a motion by Bailey-MacDonald the Commission voted 6-0 to **adopt the mitigated negative declaration and mitigation monitoring program** based on the following finding:

*On the basis of the whole record, including the initial study and comments received, there is no substantial evidence that the project, as revised and mitigated, will have a significant effect on the environment.*

Subject to including the following revisions and additions to the adopted mitigation measures:

1. *The recommendations of the project biologist in the Supplemental Tree Assessment, related to the number, frequency, size and locations of replacement trees shall be incorporated into the required landscape restoration plan (New).*
2. *The replacement trees shall be planted on the site in locations that do not negatively affect endangered plant species or their habitat on the site (New).*
3. *As much as feasible and under the direction of the project biologist, large trunks and limbs of dead trees shall remain in place on the site to provide wildlife habitat. (New)*
4. *No trees shall be removed from the site during the nesting bird season, March 1 – July 31. (Mitigation measure #12).*
5. *To prevent the incidental taking of black legless lizards, a protected species, the Project Biologist shall search the construction area for them, prior to the onset of project-related site preparation activities including demolition and construction. If any are found they shall be captured and released into a suitable habitat area on the site outside the construction boundary. (Mitigation measure #20).*
6. *Prior to demolition and grading activity, Fencing installed to protect sensitive biological resources and trees on the site 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. Protective fences shall be installed under the direction of the project biologist. (Mitigation measure #23).*

On a motion by Davis-Miller the Commission voted 4-2 (Bailey and Riddell voted no) to **approve the Tree Permit Application for the revised project based on the findings and conditions suggested in the staff report and subject to incorporating the healthy 28" Monterey Pine tree into the proposed project design.**

On a motion by Bailey-MacDonald the Commission voted 5-1 (Riddell voted no) to **approve the Use Permit Application for the revised project based on the findings and conditions of approval listed in the staff report.**

**7. CITY COUNCIL ACTIONS**

Staff reported.

**City  
Council**

**8. ARCHITECTURAL REVIEW BOARD ACTIONS**

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

**ARB**

**9. HISTORIC RESOURCES COMMITTEE ACTIONS**

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

**HRC**

**10. CORRESPONDENCE**

None.

**Corres-  
pondence**

**11. COMMITTEE REPORTS**

None.

**Committee  
Reports**

**12. REPORTS OF COMMISSIONERS**

Commissioner Riddell reported on the recent meeting of the subcommittee reviewing unwritten policies of the Community Development Department.

**Commissioner  
Reports**

Dan Miller expressed concern with number of tree removals being scheduled by the new arborist.

A new subcommittee (Gary Sprader, Dan Miller, and Linda Bailey) was formed to study the tree ordinance and report back to the Commission at a later date.

**13. REPORT OF COMMUNITY DEVELOPMENT DIRECTOR**

In Jon Biggs' absence, no report was presented.

**Director's  
Report**

**14. ADJOURNMENT:**

There being no further business, the Chair adjourned the meeting at 8:30 p.m.

Sally Rideout, Acting Secretary

**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.