

**CITY OF PACIFIC GROVE
PLANNING COMMISSION**

MINUTES

September 7, 2006
Tape 06-17
6:00 p.m.
Council Chambers, Pacific Grove City Hall

1. ROLL CALL

Roll Call

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

Absent: None

Staff: Jon Biggs, Barbara Nelson, Sally Rideout

2. MINUTES

On a motion by Linda Bailey-Gary Sprader, the Commission voted 7-0 to **approve the following minutes:**

**Minutes
Approved
with
correction**

- Minutes of the regular meeting of August 17, 2006 with the following correction:

Agenda Item 4, "REQUESTS FOR CONTINUANCE OR WITHDRAWAL," is amended as follows:

On a motion by ~~Lisa Bennett~~ Linda Bailey-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.

3. COMMENTS FROM THE PUBLIC

None.

**Public
Comment**

4. REQUESTS FOR CONTINUANCE OR WITHDRAWAL

On a motion by Bob Davis-Steven MacDonald, the Commission voted 7-0 to **continue items 4.A to the regular meeting of September 21, 2006** for the reason stated below.

**Requests for
continuance
or Withdrawal**

- 4.A** 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

**UP 2920-06
and Tree
Permit No.
CDD 58597**

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 21, 2006** to allow additional time to consult with the client, who is on an extended vacation, regarding project revisions.

5. CONSENT AGENDA

None.

**Consent
Agenda**

6. REGULAR AGENDA

By consensus **the Commission moved item 6.A to the end of the regular agenda.**

6.B A public hearing to consider Variance Application No. 06-1699 and Tree Permit Application No. CDD 58602
PROJECT ADDRESS: **243 Lighthouse Avenue**
APPLICANT: Joseph Rock, Architect
PROJECT DESCRIPTION: Construct additions to a single-family residence including a one-car attached garage that has access from Lighthouse Avenue and a one-car detached garage that has access from Third Street. The proposed project requires an exception to allow two driveways on the site and to allow a driveway that has less than the minimum required 20' garage opening setback; 16'6" is proposed for the driveway on Lighthouse Avenue. The project includes removal of one holly tree. (Staff: Barbara Nelson)

**Variance
06-1699 and
Tree Permit
CDD 58602;
Continued
to 9/21/06**

Senior Planner Barbara Nelson presented the staff report.

The Chairman opened the public hearing.

Correspondence Received:

- Letter dated 9/4/06 from Pierre and Virginia Chomat expressing concerns with the proposed tree removal and parking issues.

Speakers:

- Joseph Rock, Architect, presented the project.
- John Mulchaey, property owner, answered questions posed by the Commissioners.

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

Each Commissioner offered their comments and suggestions concerning the project.

On a motion by Dan Miller-Linda Bailey, the Commission voted 7-0 to **continue deliberation to the regular meeting of September 21, 2006.**

6.C A public hearing to consider Variance Application No. 06-1700
PROJECT ADDRESS: **55 17 Mile Drive**
APPLICANT: Alan Arvin
PROJECT DESCRIPTION: Proposed construction of a one-story addition and open porch projection that encroach into a required front yard setback. (Staff: Sally Rideout)

**Variance
06-1700
approved**

Associate Planner Sally Rideout presented the staff report.

The Chairman opened the public hearing.

Speakers:

- Alan and Monica Arvin, owners, presented their project.

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

On a motion by Bob Davis-Dan Miller, the Commission voted 6-1 (Eric Miller voted no) to **approve Variance Application No. 06-1700** based on the findings and subject to the terms and conditions contained in the staff report prepared for the meeting of September 7, 2006.

**6.A PLANNING COMMISSION SUBCOMMITTEE
PRESENTATION ON POSTING AND NOTICING
RECOMMENDATIONS** [Continued from 6/22/06, 7/20/06,
and 8/17/06]

**Subcommittee
Presentation on
Posting &
Noticing
Procedures;
Recommend
Changes to
City Council**

Eric Miller gave an overview of the subcommittee’s work and proposals.

Public Comment:

- David Dilworth spoke concerning the information presented by the subcommittee and offered additional suggestions.

Each section of the document "*Proposed Enhancements to Public Noticing Procedures Presented by the Planning Commission to the Public on September 7, 2006*" was reviewed and voted on individually as follows:

On a motion by Bob Davis-Eric Miller, the Commission voted 7-0 to **approve the recommendations made in Section I, with the following correction:**

I. PROPOSED FORMAT AND MAILING PROCEDURES FOR LEGAL NOTICES

1. Revise the format for the standard legal notice, also known as the Notice of Public Hearing. One version, *Attachment A*, will be mailed to residents. A second version, *Attachment B*, will be posted at the subject property.
2. The radius for mailing legal notices shall be 300 feet with the following exception. For projects in the Asilomar Dunes neighborhood, as delineated in the Land Use Plan of the Local Coastal Program, the mailing radius shall be 350 feet.
3. ~~Additional~~ Broader noticing shall be considered by the Planning Commission for projects with more than 7,000 square feet of floor area.

Riddell stated that although he is voting for these recommendations he felt the radius called for in Section II should be greater.

On a motion by Bob Davis-Gary Sprader, the Commission voted 7-0 to **approve the recommendations made in Section II, with the following corrections:**

II. PROPOSED PROCEDURES FOR PUBLISHING AND POSTING LEGAL NOTICES

1. Continue publishing notices in the legal section of the newspaper of general circulation within the City of Pacific Grove at least ten days in advance of the public hearing at which an application will be considered. Consolidate items for the same meeting into one notice and include the City seal. The design of these notices will continue unchanged.
2. As a courtesy, post all vital information from the notices in agenda form on the City of Pacific Grove website. After the hearings, leave agendas on the website for no less than two years.

3. Continue posting courtesy copies of notices and agendas at the Pacific Grove Public Library.
4. Continue posting agendas on the exterior City Hall bulletin board.
5. Upon request, send courtesy notices and/or agendas by mail or e-mail at no cost to the recipient. Post this policy on the agenda section of the City of Pacific Grove web site.
6. For projects requiring a use permit, variance, other application for exceptions, or for land division applications, the following posting procedure shall be followed:
 - A. The applicant shall post the subject property at least ten days in advance of the hearing.
 - B. The posting shall consist of the two following elements, each on a separate sheet of 11x17-inch bright yellow paper. 1) A copy of the Notice of Public Hearing (Attachment B version). 2) The most affected elevation(s) of the project.
 - C. The following wording shall be included across the bottom of the project elevation: This is a preliminary drawing and therefore subject to change. Contact the Pacific Grove Community Development Department at 300 Forest Avenue (831-648-3190) if you would like to review the plans and latest information on this project.
 - D. The two sheets shall be laminated and secured side by side to a signboard available from the Community Development Department. A refundable security deposit equal to the replacement cost of the signboard and frame may be charged by the city.
 - E. One of these signboards with the public notice and drawings of the project (if applicable) shall be posted by the applicant or property owner on each street frontage of the subject site within three feet of the property line in a place that is visible from the street and sidewalk. The signboards and notice(s) shall be removed when the appeal period has closed.

F. The applicant shall maintain the notice(s) in good condition until the appeal period is over and return the signboard to the Community Development Department.

7. Include the following in the submittal checklist for all applications: "Owners and applicants are encouraged to contact adjacent property owners and discuss the proposed project with them."

On a motion by Gary Sprader-Steven MacDonald, the Commission voted 7-0 to **approve the recommendations made in Section III, with the following corrections:**

III. PROPOSED USE OF NETTING AS A FORM OF PUBLIC NOTICE AND TOOL FOR DISCRETIONARY REVIEW

All proposed new construction and additions to existing structures that require discretionary review by the Architectural Review Board, Planning Commission, or City Council shall be mocked up on the subject property in the following manner:

1. The proposed ridgelines and exterior wall lines of such projects shall be delineated with international orange netting supported by poles or other appropriate materials. Netting shall be a minimum of one foot in width.
2. The netting and supports shall accurately reflect the extent of the proposed project as well as its position on the site. A pole and flag shall indicate the chimney height. New or modified architectural details such as windows, doors, or small gables need not be indicated by netting. Changes to materials also are exempt.
3. Netting shall be in place at the time the public notice or notices are posted. If a project requires environmental review, netting shall be in place before the public review period begins. Netting shall remain in place until all appeal and call-up periods have ended.
4. Netting and its supports shall be kept in an accurate, well-maintained, and safe condition until the end of the appeal period, or as long as they remain in place.

5. If trees or branches are proposed for removal as part of a project, they shall have fluorescent pink or red flagging ribbon tied around their most visible portion. This ribbon shall be in place by the time the notice or notices are posted and shall remain in place until the end of the appeal period.
6. A site plan that shows the roof plan of the proposed building(s) as well as the location of poles, netting, and tree(s) ~~locations~~ shall be submitted to the Community Development Department as soon as the posting and netting is in place. Trees proposed for removal or trimming shall be clearly marked.
7. In rare cases where the size or position of a proposed project renders this netting procedure infeasible, applicants may seek relief and directions for effective alternatives from the Planning Commission. These alternatives may include broader mailings of public notices, additional newspaper ads, public forums, photomontages, flagging, a combination of the above or other methods.
8. EXCEPTIONS: Proposed netting procedures will not apply to projects deemed eligible for administrative approval by the Community Development Director nor affect projects that are exempt from discretionary review. Refer to Section 23.73.040 of the Pacific Grove Municipal Code for these exceptions.

These measures shall be reviewed annually by the Planning Commission.

Riddell noted for the record that too much netting is being required.

On a motion by Craig Riddell-Linda Bailey, the Commission voted 7-0 to **recommend to Council that it adopt a resolution making the proposed enhancements to public noticing procedures a council policy and direct staff to draft such a resolution.**

7. CITY COUNCIL ACTIONS

Staff reported.

City Council

8. ARCHITECTURAL REVIEW BOARD ACTIONS

- Received the Minutes of the August 22, 2006 site review meeting of the Architectural Review Board.

ARB

- Received the Minutes of the August 22, 2006 regular meeting of the Architectural Review Board.

9. HISTORIC RESOURCES COMMITTEE ACTIONS**HRC**

Staff reported.

10. CORRESPONDENCE**Corres-
pondence**

None.

11. COMMITTEE REPORTS**Committee
Reports**

None.

12. REPORTS OF COMMISSIONERS**Commissioner
Reports**

Commissioner Dan Miller expressed concern with removal of eucalyptus trees at Canterbury Woods and sandwich board signage in downtown area. Linda Bailey also noted her concerns with signage downtown.

13. REPORT OF COMMUNITY DEVELOPMENT DIRECTOR**Director's
Report**

Director Biggs reported.

14. ADJOURNMENT:

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

Jon Biggs, 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.