

CITY OF PACIFIC GROVE
PLANNING COMMISSION

SITE REVIEW MINUTES

September 19, 2006

4:00 p.m.

Community Development Department Conference Room

Commissioners Present: Linda Bailey, Bob Davis, Dan Miller, Craig Riddell, Gary Sprader

Commissioners Absent: Steven MacDonald, Eric Miller

Staff: Jon Biggs, Sheree Garcia, Barbara Nelson

Staff presented the following projects:

560 Lighthouse Avenue APPLICANT: Animal Friends Rescue Project (Carie Bruecker)
PROJECT DESCRIPTION: To allow an animal adoption center in a portion of an existing commercial building. The proposed use includes having dogs and cats on the premises during the business hours and housing up to 16 cats overnight. (Staff: Sheree Garcia)

494/496 Grove Acre Ave. APPLICANT: Liza and Robert Vaughan
PROJECT DESCRIPTION: To allow living area in an existing detached building that is more than 100 square feet, equipped with a sink and trap and is remote from the main residence on the site. (Staff: Sheree Garcia)

Asilomar Whistle Stop Bob Davis and Craig Riddell stepped down and left the room prior to this item because they are Board Members of the Heritage Society of Pacific Grove

APPLICANT: Heritage Society of Pacific Grove
PROJECT DESCRIPTION: Construct a replica of the Asilomar whistle stop passenger shelter. (Staff: Barbara Nelson)

The following site was visited by the named Commissioners (staff in attendance are noted in parentheses).

Asilomar Whistle Stop: Bailey, Eric Miller, Sprader (Biggs, Nelson)

There being no further business, the Commissioners adjourned at 4:50 p.m. at the site visited.

Jon Biggs, Secretary

CITY OF PACIFIC GROVE
PLANNING COMMISSION

MINUTES

September 21, 2006
Tape 06-18
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, Sheree Garcia, 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
corrections*

- Minutes of the site review meeting of September 5, 2006;
- Minutes of the regular meeting of September 7, 2006 with the following corrections:

Agenda Item 6.A, re: Subcommittee Presentation on Posting & Noticing Procedures, Craig Riddell's comments are amended as follows:

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

Agenda Item 6.C, re: 55 17 Mile Drive, motion to approve is amended as follows:

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 stated below and subject to the terms and conditions contained in the staff report prepared for the meeting of September 7, 2006.

Findings for Variance No. 06-1700:

1. The existing placement of the building on the irregularly shaped corner building site with respect to required setbacks are unusual circumstances that apply to the land and building in this case, which circumstances, although common in the Pacific Grove Beach tract, generally do not apply to similar land and buildings elsewhere in the R-1 zone district;

2. Granting the requested exceptions to required setbacks is necessary for the preservation and enjoyment of substantial property rights of the property owner because it enables the property owner to construct improvements to the site in a manner consistent with other single-family dwellings in the immediate vicinity of the subject site;

3. Granting said application requests will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood because the proposed additions are less than 100 square feet and the front porch provides a clearly defined front entry on the street. the proposed kitchen addition is less than 100 square feet and is tucked into a corner formed by the existing house and garage. In addition, the new front porch does not project into the required setback any further than the existing porch.

Agenda Item 12, "REPORTS OF COMMISSIONERS," is amended as follows:

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~~ on Forest Avenue.

3. COMMENTS FROM THE PUBLIC

None.

**Public
Comment**

4. REQUESTS FOR CONTINUANCE OR WITHDRAWAL

On a motion by Linda Bailey-Eric Miller, the Commission voted 7-0 to **continue item 6.A to the regular meeting of September 21, 2006** for the reason stated below.

**Requests for
continuance
or Withdrawal**

- 6.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 nonconforming building line that encroaches into the required north side yard setback and has an eave that project closer than 3' to the

**UP 2920-06
and Tree
Permit No.
CDD 58597
continued
to 10/5/06**

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 October 5, 2006** to allow additional time to consult with the client regarding project revisions.

- 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)
[Continued from 9/7/06]
REASON FOR WITHDRAWAL: Applicant has redesigned the project and a variance is no longer required.

Variance
06-1699
withdrawn

5. CONSENT AGENDA

Chairman Riddell stepped down on item 5.A due to a potential conflict of interest. Vice Chair Eric Miller assumed control of the meeting.

Consent
Agenda
approved

On a motion by Linda Bailey-Steven MacDonald, the Commission voted 7-0 to **approve the consent agenda**, based on the findings and subject to the terms and conditions contained in the staff report prepared for the meeting of September 21, 2006.

- 5.A** A public hearing to consider Use Permit Application No. 2929-06
PROJECT ADDRESS: **560 Lighthouse Avenue**
APPLICANT: Animal Friends Rescue Project (Carie Bruecker)
PROJECT DESCRIPTION: To allow an animal adoption center in a portion of an existing commercial building. The proposed use includes having dogs and cats on the premises during the business hours and housing up to 16 cats overnight. (Staff: Sheree Garcia)

UP 2929-06
approved
on consent

Correspondence Received:

- Letter dated 9/9/06 from Marilyn Mae Bell, in support.
- Memorandum dated 9/18/06 from Elizabeth Conti-Yeo, Animal Control Officer for the City of Pacific Grove

IT WAS DECIDED BY CONSENSUS TO MOVE ITEM 6.D TO THE FRONT OF THE REGULAR AGENDA SO THAT BOTH CHAIRMAN RIDDELL AND COMMISSIONER DAVIS COULD STEP DOWN, SINCE THEY ARE BOARD MEMBERS OF THE HERITAGE SOCIETY OF PACIFIC GROVE, PROJECT APPLICANT. BOTH COMMISSIONERS LEFT THE ROOM.

6. REGULAR AGENDA

- 6.D** A public hearing to consider Use Permit Application No. 2915-06
PROJECT ADDRESS: **A portion of land bordered by Sinex Avenue to the south between Dennett and Crocker Avenues**
APPLICANT: Heritage Society of Pacific Grove
PROJECT DESCRIPTION: Construct a replica of the Asilomar whistle stop passenger shelter. (Staff: Barbara Nelson)

UP 2915-06
Asilomar
Whistle Stop
approved

Senior Planner Barbara Nelson presented the staff report.

Vice Chair Eric Miller opened the public hearing.

Correspondence Received:

- Letter received 9/15/06 from Jill Durward, 707 Crocker Avenue, in opposition.
- Letter received 9/18/06 from Jill Durward, 707 Crocker Avenue, in opposition.

Speakers:

- Steve Honegger, on behalf of the Heritage Society of Pacific Grove, presented the application.
- Ken Hinshaw spoke in support.
- Jill Durward spoke in opposition, and read her letter of opposition into the record.
- Darlene Billstrom, President of the Heritage Society, spoke in support.
- Donald Beals spoke in support.
- Betty Aickelin spoke in support.
- Carmelita Garcia spoke concerning the process, and stated that ideally accessibility issues should be reviewed before projects are set for hearing before the Planning Commission.
- Ellen Kay spoke in support.
- Jill Durward spoke a second time in opposition.

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

On a motion by Steven MacDonald-Gary Sprader, the Commission voted 5-0 (Bob Davis and Craig Riddell abstained) to **approve Use Permit Application No. 2915-06** based on the findings and subject to the terms and conditions contained in the staff report prepared for the regular meeting of September 21, 2006.

COMMISSIONERS DAVIS AND RIDDELL RETURNED TO THEIR SEATS AND RIDDELL RESUMED CONTROL OF THE MEETING AS CHAIR.

6.A (See continued items in section 4, above.)

6.B (See withdrawn items in section 4, above.)

6.C A public hearing to consider Use Permit Application No. 2930-06 **UP 2930-06**
PROJECT ADDRESS: **494-496 Grove Acre Avenue**
APPLICANT: Liza and Robert Vaughan
PROJECT DESCRIPTION: To allow living area in an existing detached building that is more than 100 square feet, equipped with a sink and trap and is remote from the main residence on the site.
(Staff: Sheree Garcia)

Planning Technician Sheree Garcia presented the staff report.

The Chairman opened the public hearing.

Correspondence Received:

- Undated letter from the property owners, Robert and Liza Vaughan, citing difficulties with marketing their property under the conditions imposed by the secondary unit requirements.

Speakers:

- Liza Vaughan, property owner, stated that their participation in the Secondary Housing Program was a mistake and that they had not had a full appreciation of the strings attached to the project under the restrictions of the program.

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

Each Commissioner offered their comments and suggestions concerning the application.

On a motion by Linda Bailey-Steven MacDonald, the Commission voted 4-3 (Dan Miller, Bob Davis, and Gary Sprader voted no) to **approve Use Permit Application No. 2930-06** based on the following findings and subject to the terms and conditions listed below.

AT THIS POINT, THERE WAS A FIVE MINUTE RECESS.

Liza Vaughan noted for the record that she had reviewed and agreed to the conditions of approval which Associate Planner Sally Rideout had noted for the record.

Findings for Use Permit No. 2930-06:

As conditioned, the establishment, maintenance or operation of the building applied for will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city because, under the circumstances of this case, the second unit has never been rented out and the property owner could have applied to obtain approval for a detached bedroom when the original use permit was considered. In addition, this use is appropriate for the R-1 zone district.

Special Conditions of Approval:

1. The approved use of the property is a single-family residence and detached 386 square foot bedroom with a water closet, wash basin and shower. The subject area is not permitted to be rented and/or used as a separate dwelling unit.
2. The installation of kitchen fixtures is not permitted at any location in the detached bedroom.
3. No additional plumbing fixtures shall be installed in the detached bedroom without obtaining required permits and approvals from the Community Development Department prior to installation.
4. In obtaining this permit the property owner understands and acknowledges that the City of Pacific Grove has the right to enter and inspect for compliance with the conditions of this permit and the rules and regulations enforced by the city. The property owner acknowledges that right and agrees to pay all costs incurred by the city in securing any judicial writ or inspection warrant to fulfill that right wherein the property owner fails to give consent for inspection. Said costs shall include all personnel time, attorney's fees and court costs incurred by the city to procure any judicial writ or inspection warrant.

5. Any plumbing fixtures installed in violation of this use permit will be required to be removed and capped at the source if a violation of any of the conditions of approval of this use permit are determined to exist by the Community Development Department.
6. The property owner(s) shall record a deed restriction to be prepared by the Community Development Department containing the conditions of this use permit with the Monterey County Office of the Recorder prior to issuance of the building permit. The conditions of this use permit are applicable to all subsequent property owners, heirs, assigns and successors in interest.
7. Should a violation of the conditions of the deed restriction occur, the property owner is required to pay all of the costs expended by the City of Pacific Grove in enforcing its ordinances, regulations and terms of the deed restriction.

Standard Conditions of Approval:

1. This permit shall be revoked if not used within one year from date of approval. Application for extension of the permit must be made prior to the expiration date.
2. Construction shall not commence until a copy of the resolution signed by the permittee or authorized agent acknowledging receipt of the permits and acceptance of the terms and conditions is returned to the Community Development Department.
3. Review and approval by the Public Works Department is required prior to building permit issuance. The applicant shall obtain an encroachment permit from the Public Works Department prior to undertaking any work in the public way.
4. All construction must occur in strict compliance with the proposal as set forth in the applications for permits, 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 Planning Commission approval.
5. These terms and conditions shall be perpetual, and it is the intention of the Planning Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

6.E DISCUSSION OF RECOMMENDATIONS OF CHANGES TO THE ZONING CODE TO ELIMINATE UNNECESSARY UNWRITTEN POLICIES REGARDING THE APPEAL PROCESS, AMENDMENTS TO PERMITS, AND EXPIRATION OF PERMITS (Planning Commission Subcommittee: Craig Riddell, Dan Miller, Gary Sprader)

Change Zoning Code to Eliminate Unwritten Policies

The Chair opened the public hearing.

Craig Riddell presented the subcommittee's report and summarized the conclusions reached by the subcommittee.

Gary Sprader commented concerning problems with the review process when changes are proposed after the project has already been approved.

Questions were raised concerning what happens to water assigned to a site, validity of the water permit, economic impact to the city of having projects sitting on the books.

It was suggested that the rules for water be established.

The public hearing was closed.

Bob Davis suggested listing the recommendations of the subcommittee in a bullet-pointed form.

Craig Riddell stated that the recommendations made are worth of being codified.

Steven MacDonald said he would look to staff to develop criteria concerning progress that must be made. He too agreed that the recommendations should be codified. He also stated that the reasons for the proposed changes need to be eliminated from the report.

Eric Miller suggested that a path should be developed that allows the city to keep a project open that the city wants to see approved.

By consensus it was agreed that the subcommittee should continue to meet at 3:00 p.m. on Tuesdays, one hour before each regularly scheduled site review meeting which are normally held twice a month during the same week as the regularly scheduled Planning Commission meeting, until further notice.

7. CITY COUNCIL ACTIONS

Staff reported.

**City
Council**

8. ARCHITECTURAL REVIEW BOARD ACTIONS

- Received the Minutes of the September 12, 2006 site review meeting of the Architectural Review Board.
- Received the Minutes of the September 12, 2006 regular meeting of the Architectural Review Board.

ARB

9. HISTORIC RESOURCES COMMITTEE ACTIONS

- Received the Minutes of the September 13, 2006 site review meeting of the Historic Resources Committee.
- Received the Minutes of the September 13, 2006 regular meeting of the Historic Resources Committee.

HRC

10. CORRESPONDENCE

None.

**Corres-
pondence**

11. COMMITTEE REPORTS

Gary Sprader and Dan Miller reported on the progress of the Planning Commission Subcommittee reviewing the Tree Ordinance.

**Committee
Reports**

It was announced that the Posting/Noticing/Story Poles Subcommittee is no longer meeting now that the recommendations of the Subcommittee are to be submitted to City Council.

12. REPORTS OF COMMISSIONERS

Linda Bailey suggested the creation of a handbook for new Planning Commissioners, and that once created be given to the current members.

**Commissioner
Reports**

Craig Riddell reported on the recent forum of Heritage Society and upcoming tour of historic properties in the city.

13. REPORT OF COMMUNITY DEVELOPMENT DIRECTOR

Director Biggs reported and made the announcement that Associate Planner Sally Rideout was resigning and that her last day would be September 28, 2006.

**Director's
Report**

14. ADJOURNMENT:

There being no further business, the Chair adjourned the meeting at 8:40 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.