

**CITY OF PACIFIC GROVE
PLANNING COMMISSION**

MINUTES

July 19, 2007
Tape 07-14
6:00 p.m.
Council Chambers, Pacific Grove City Hall

1. CALL TO ORDER

2. ROLL CALL

Roll Call

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

Absent: Linda Bailey

Staff: Jon Biggs and Tricia Wotan

3. APPROVAL OF MINUTES

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

**Minutes
Approved
with
corrections**

- Minutes of the site review meeting of June 21, 2007;
- Minutes of the regular meeting of June 21, 2007, with the following corrections:

Item 7.C is corrected to read as follows:

- a) Bob Davis ~~Dan Miller~~ stated that he is a current member of the Heritage Society and that he too could act on the item without conflict.

4. ORAL COMMUNICATIONS

David Dilworth, spoke to appellants community rights and property rights.

**Public
Comment**

5. ITEMS TO BE CONTINUED OR WITHDRAWN

None

6. CONSENT AGENDA

On a motion by Sprader-E. Miller, the Commission voted 6-0 to **move item 7E, 173 Central Avenue, to the consent agenda.**

- 7.E A public hearing to consider Use Permit Application No. 2946-07
PROJECT ADDRESS: **173 Central Avenue (Central Avenue Bakery)**
APPLICANT: Christine Thompson
PROJECT DESCRIPTION: Addition of beer and wine sales to an existing bakery restaurant, with no changes to number of seats, building, or floor plan. (Staff: Senior Planner, Sheila Stains-Ramp)
- Use Permit No.
2946-07
*approved on
consent***

On a motion by E. Miller-Sprader, the Commission voted 6-0 to **approve Use Permit 2946-07 based on the finding and subject to the terms of conditions contained in the staff report prepared for the meeting of July 19, 2007.**

Findings:

- That the use as proposed, as detailed in the case materials, meets applicable ordinance standards and requirements of Municipal Code Sections 23.64.290 (Liquor Sale Provisions) and 23.32 (C-1 Districts).
- That the Planning Commission finds that granting approval of the use permit to sell beer and wine for on-site consumption in conjunction with the existing bakery/restaurant will not depress property values in the immediate neighborhood. Similar restaurant uses that also serve beer and wine in the Central Eardley area have not adversely impacted continuing strong property values in the district.
- That the establishment, maintenance and operation of the use as proposed will not, under the circumstances of this particular case, 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.

Recommended Conditions:

1. This permit shall be revoked if not used within one year from the date of approval. An application for extension of this permit must be made prior to the expiration date.
2. The service of beer and wine shall not commence until a copy of the resolution signed by the permittee or authorized agent, acknowledging receipt of the use permit and acceptance of the terms and conditions, is returned to the Community Development Department.
3. All activities must occur in strict compliance with the proposal as set forth in the application(s) for permits, subject to any special conditions of approval. Any deviation from approvals must be reviewed and approved by staff and may

require Planning Commission approval.

4. 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.

7. REGULAR AGENDA

- 7.A A continued public hearing to consider Architectural Approval Application No. 3586-06 and Tree Removal Permit Application No. CDD 58615
PROJECT ADDRESS: 373 Junipero Avenue
APPELLANT: James McCord, Architect
APPLICANT: James McCord, Architect
PROJECT DESCRIPTION: An appeal of the Architectural Review Board's denial of the Architectural Approval Application for a proposed two-story, single-family dwelling with gazebo and detached garage. Project includes a request to remove two oak trees on the site. (Staff: Associate Planner, Tricia Wotan)
- A.A. No. 3586-06
and Tree
Removal Permit
No. CDD 58615
Continued to
8/16/07**

Associate Planner Wotan presented the staff report.

The Chairman opened the public hearing.

Speakers:

- Simon Tuffs, spoke in opposition.
- Oscar Bird, expressed concern for the tree removal.
- Mary Beth Bernie, spoke in opposition.
- Mitzi Dallas, spoke in opposition.
- Eric Emmanuel, spoke in opposition.
- Steve Dallas, spoke in opposition.

Bob Davis asked questions of Dennis Tarmina representing the Architectural Review Board Chair.

Jeff Becom, Architectural Review Board member, answered questions from the Commission.

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

COMMISSION TOOK A BRIEF RECESS

On a motion by Davis- Mac Donald, the Commission voted 6-0 **to continue the item to the August 16, 2007 Planning Commission meeting to address the concerns of the Commission and allow the applicant an opportunity to transfer more of the building mass to the first floor of the structure.**

DAN MILLER ABSTAINED FROM CONSIDERING ITEM 7B AND LEFT THE ROOM PRIOR TO DISCUSSION.

- 7.B A public hearing to consider Variance Application No. 07-1709 and Use Permit Application No. 2939-07
PROJECT ADDRESS: 1109 Lincoln Avenue
APPLICANT: Roman Kristl, Property Owner
PROJECT DESCRIPTION: A request to allow an increase in the maximum permitted driveway width to accommodate an uncovered parking space adjacent to an existing garage and allow the uncovered parking space to encroach into the front yard setback. Project also includes a request to allow a 3' side yard setback at the south and 5'2" side yard setback at the north for a new two-story single-family dwelling in the R-1 zoning district. A use permit is required because the total side yard setbacks will be 20 percent of the site width. (Staff: Director, Jon Biggs)

**Variance
07-1709 and
UP 2939-07
approved**

On a motion by MacDonald-Davis, the Commission voted 4-1 (Sprader voted no), **to approve Variance Application No. 07-1709 and Use Permit Application No. 2939-07 based on the findings and subject to the terms of conditions contained in the staff report.**

Use Permit Finding

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 the resulting structure placement will not be out of context with the placement of other structures in the neighborhood.

Variance Findings

The topography of the site is an extraordinary circumstance which prevents the applicant from providing the uncovered parking space at required setbacks without significant grading. The extent of this grading could have unavoidable consequences such as negative impacts to root zones of existing trees.

Granting the variance is necessary for the preservation and enjoyment of substantial property rights of petitioner because it allows the owner to construct a home on a site of similar size in the neighborhood but with different characteristics and it provides the parking required by the code.

Granting the variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the

circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood because it provides an on-site parking space and helps alleviate on-street parking congestion in the neighborhood.

Standard Conditions

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. If required, the applicant shall obtain an encroachment permit from the Public Works Department prior to issuance of the building permit.
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 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.

Special Conditions

1. The property owner or their representative shall submit evidence (photographs, inspection reports, etc.) that the required tree protection measures have been installed prior to issuance of the building permit;
2. The property owner or their representative shall submit evidence (photographs, inspection reports, etc.) that the tree protection measures are being properly maintained prior to scheduling the building division foundation trenching inspection and again prior to scheduling the final

inspection.

3. Obtain a permit from the City of Pacific Grove Public Works Department prior to trimming any trees.
4. Erect chain link, snowdrift or field fence around all trees within 15' of impacted areas including the addition footprint and staging areas on the site. Fencing shall not be located closer than 5' from the outside edge of the trunk unless a lesser distance is recommended by a licensed arborist qualified by the City and shown on the project plans. Fencing shall be rigidly supported and shall stand a minimum height of 4' above grade. Fencing shall be installed prior to issuance of a building permit and shall remain in place until final approval of the building permit.
5. Submit a trenching pathway plan including tree and root zone location to the Public Works Department for review and approval prior to issuance of a building permit.
6. Excavation/trenching within 3x's the diameter of a tree shall be staked for review and approved by the Public Works Department Director prior to issuance of a building permit.
7. Water is required to drain away from the base of any tree.
8. Roots larger than 2" in diameter encountered during excavation/trenching are required to be bridged or tunneled. The Public Works Department Director, his designate, or a certified arborist is required to be present during excavation/trenching. The applicant/property owner, or their representative, shall schedule the excavation/trenching work with the Public Works Department Director a minimum of five working days prior to the commencement of work.
9. Roots approved to be cut are required to be clean cut and sealed.
10. Fill dirt shall not be placed within 10 feet of the base of any tree.
11. Root crown grade is required to remain at the same level and shall not be raised or lowered.
12. Signs, wires, pulleys, etc. are not to be fastened to trees.

13. Paintbrushes and tools shall not be cleaned over tree roots.
14. Spray the lower 6' of trees scheduled for preservation with an appropriate insecticide as recommended by a licensed pest control advisor.
15. Chemical wastes (paint thinner, etc.) shall be disposed of properly and shall not be drained on the site. Consult Monterey Regional Waste Management District for information concerning disposal of chemical wastes.

DAN MILLER RETURNED PRIOR TO DISCUSSION OF THE NEXT ITEM.

- 7.C A public hearing to consider Use Permit Application No. 2944-07
PROJECT ADDRESS: **218 Locust Street**
APPLICANT: Jeanne C. Byrne, FAIA Architect
PROJECT DESCRIPTION: Proposed remodel and addition to an existing, non-historic, single-family dwelling with less than the required parking. The existing site has one covered parking space and no uncovered parking. Applicant seeks an exception from the requirement for one covered and one uncovered parking space. (Staff: Associate Planner, Tricia Wotan)

UP 2944-07
approved

Associate Planner Wotan presented the staff report.

The Chairman opened the public hearing.

There being no speakers, the public hearing was closed.

On a motion by D. Miller-MacDonald, the Commission voted 6-0 to **approve Use Permit Application No. 2944-07** based on the finding and subject to the terms of conditions contained in the staff report.

Finding:

The establishment, maintenance or operation of the use or 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 an on-street parking space remains available at the front of the house and the proposed project is not expected to result in an increased parking demand.

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.

- 7.D A public hearing to consider Use Permit Application No. 2947-07
PROJECT ADDRESS: **525/527 Lighthouse Avenue (former Lighthouse Cinema site)**
APPLICANT: Gilda Walker (Paul Mitchell School)
PROJECT DESCRIPTION: Renovation of former Lighthouse Cinema building for a Paul Mitchell cosmetology school, including small retail and student-services salon components. (Staff: Senior Planner, Sheila Stains-Ramp)

U.P. No. 2947-07
continued to
8/16/07

Senior Planner Stains-Ramp presented the staff report.

The Chairman opened the public hearing.

Speakers:

- Karen Valasques, spoke in opposition of the project.
- Giro Benano, spoke in opposition of the project.
- Christine King, spoke in opposition of the project.
- Oscar Bird, spoke in opposition of the project.
- Lady, spoke in opposition of the project.
- Moe Ammar, spoke in support of the project.

- Gretchen Flesher, spoke in opposition of the project.
- Gilda Walker, spoke in support of the project.

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

A motion by Bob Davis-Eric Miller, to approve the use permit application subject to the findings and conditions recommended by staff failed on a 3-3 vote, with MacDonald, Dan Miller and Sprader, voting no.

On a motion by Craig Riddell-Bob Davis, the Commission voted 4-2 (MacDonald and Sprader voted no) **to continue the item to the August 16, 2007 Planning Commission meeting to allow staff additional time to work with the applicant to develop incentives for students to use public transportation and develop an accurate count of the total number of students, staff, and customers that may be at the site at any one time.**

7.F **Discussion on Floor area definition and whether architectural features should be included in the floor area.**

Discussion on FAR definition and architect. features
Cont. to 8/2/07

The Commission voted unanimously to continue this item to its August 2, 2007, meeting.

8. CITY COUNCIL ACTIONS

Staff reported.

City Council

9. ARCHITECTURAL REVIEW BOARD ACTIONS

- Received the Minutes of the July 10, 2007 site review meeting of the Architectural Review Board;
- Received the Minutes of the July 10, 2007 regular meeting of the Architectural Review Board.

ARB
Received Minutes

10. HISTORIC RESOURCES COMMITTEE ACTIONS

- Received the Minutes of the May 9, 2007 regular meeting of the Historic Resources Committee.

HRC
Received Minutes

11. CORRESPONDENCE

None.

Correspondence

12. COMMITTEE REPORTS

Commissioner Dan Miller reported on tree ordinance work.

Committee Reports

13. REPORTS OF COMMISSIONERS

- Commissioner E. Miller asked if there were funds that would allow the purchase of the Secretary of the Interiors Standards for Historic Preservation.

Commissioner Reports

14. REPORT OF COMMUNITY DEVELOPMENT DIRECTOR

Director reported.

Director's Report

15. ADJOURNMENT:

There being no further business, the Chair adjourned the meeting at 9:45 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.