



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: PLANNING COMMISSION
FROM: KAREN VAUGHN, SENIOR PLANNER
MEETING DATE: DECEMBER 4, 2008
SUBJECT: USE PERMIT NO. 2986-08 TO ALLOW A BATHROOM AND LAUNDRY ROOM TO BE MOVED FROM THE MAIN HOUSE AND INTO AN ACCESSORY STRUCTURE ON THE SITE. THE DWELLING IS LISTED ON THE CITY'S HISTORIC RESOURCES INVENTORY. A USE PERMIT IS REQUIRED PURSUANT TO MUNICIPAL CODE SECTION 23.64.180 FOR ACCESSORY STRUCTURES.

PROPERTY ADDRESS: 118 CALEDONIA AVENUE
APN 006-145-019
APPLICANT: DANA ANNEREAU, ARCHITECT ON BEHALF OF DON AND JENN WILKERSON
ZONING: R-3-PGR
GENERAL PLAN LAND USE DESIGNATION: HIGH DENSITY RESIDENTIAL 19.8 DU/AC
CEQA STATUS: CATEGORICALLY EXEMPT, CLASS 31

RECOMMENDATION:

Hold a public hearing to consider Use Permit No. 2986-08 to allow a bathroom and laundry room to be moved from the main house and into an accessory structure on the site. Staff recommends approval of the Use Permit subject to the recommended findings and conditions.

BACKGROUND:

The project site contains an existing single family dwelling and an associated accessory structure, and is listed on the City's Historic Resources Inventory. The accessory structure previously contained a bathroom and laundry area, however, the fixtures were removed and the water credits were transferred to the neighboring property, 120 Caledonia, in 2000 while both properties were under one ownership. The accessory structure's use shifted to a home office and storage.

The main house at 118 Caledonia is currently being remodeled under HPP 07-0226 (1/22/08) and AA 3732-07 (2/12/08). The applicant wishes to relocate one bathroom and the laundry room from the main house to the accessory structure, returning the accessory structure to its original

use and providing additional space in the main house. No additional water credits are sought nor required.

DISCUSSION:

The applicant is requesting a use permit pursuant to Pacific Grove Municipal Code Section 23.64.180 to allow plumbing fixtures to be installed in an accessory structure.

Applicable General Plan Policies, Programs and Goals from Chapter 7, Historic and Archaeological Resources, include the following:

- POLICY 6: Encourage individual efforts to restore historic neighborhoods and homes.

Approval of the use permit will allow the accessory structure to return to its original use while also integrating the accessory structure with the main house. The accessory structure is more apt to be maintained and preserved if it is utilized as part of a regular routine.

RECOMMENDED FINDINGS:

Staff recommends approval of Use Permit 2986-08 based on the following findings and conditions:

As conditioned, the operation of the use 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 the general welfare of the city, because the proposal complies with the requirements for R-3-PGR uses contained in Municipal Code Section 23.26.020 and Accessory Buildings and Structures in Municipal Code Section 23.64.180.

RECOMMENDED CONDITIONS OF APPROVAL:

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 uses at the site 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. The approved use of the property is a single-family residence and detached accessory building containing a full bathroom and laundry facilities. The subject building is not permitted to be used as a separate living unit and may not be rented or exchanged for any form of remuneration for short-term occupancy, i.e., less than 30 consecutive days as defined by Municipal Code Section 23.64.350.

5. A kitchen sink and refrigerator are not permitted in the accessory building.
6. No additional plumbing fixtures shall be installed in the subject accessory building without obtaining any and all required permits and approvals from the Community Development Department prior to installation.
7. 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.
8. 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 is determined to exist by the Community Development Department.
9. The property owner 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.
10. 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.
11. The applicant shall comply with the provisions of Section 11.18.011 establishing criteria for sewer cleanouts and housetraps.

ATTACHMENTS:

- A. Draft Resolution
- B. Public Hearing Notice
- C. Use Permit Applications and Supporting Documents

RESPECTFULLY SUBMITTED:

REVIEWED BY:

Karen Vaughn
SENIOR PLANNER

Lynn Burgess, AICP
CHIEF PLANNER

December 4, 2008

**ATTACHMENT A
DRAFT RESOLUTION**

**RESOLUTION NO.
RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF PACIFIC GROVE, STATE OF CALIFORNIA**

USE PERMIT NO. 2986-08

WHEREAS, Dana Annereau, Architect on behalf of Don and Jenn Wilkerson, has made an application to the Pacific Grove Planning Commission for a Use Permit No. 2986-08 to allow a bathroom and laundry room to be moved from the main house and into an accessory structure on the site, address being 201 Central Avenue, Pacific Grove California.

WHEREAS, the proposed project is exempt from the California Environmental Quality Act under Categorical Exemption Class 31; and

WHEREAS, the Planning Commission, at its meeting of December 4, 2008, has found and determined that the granting of the use permit will be consistent with Section 23.72.050 of the Pacific Grove Municipal Code, and bases said findings and conclusions on the following facts:

Finding for Use Permit No. 2986-08:

As conditioned, the operation of the use 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 the general welfare of the city because the proposal complies with the requirements for R-3-PGR uses contained in Municipal Code Section 23.26.020 and Accessory Buildings and Structures in Municipal Code Section 23.64.180.

NOW, THEREFORE, the Planning Commission hereby grants and issues Use Permit No. 2986-08 subject to the following conditions of approval:

Conditions of Approval:

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 uses at the site 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. The approved use of the property is a single-family residence and detached accessory building containing a full bathroom and laundry facilities. The subject building is not permitted to be used as a separate living unit and may not be rented or exchanged for any form of remuneration for short-term occupancy, i.e., less than 30 consecutive days as defined by Municipal Code Section 23.64.350.
5. A kitchen sink and refrigerator are not permitted in the accessory building.
6. No additional plumbing fixtures shall be installed in the subject accessory building without obtaining any and all required permits and approvals from the Community Development Department prior to installation.
7. 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.
8. 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 is determined to exist by the Community Development Department.
9. The property owner 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.
10. 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.
11. The applicant shall comply with the provisions of Section 11.18.011 establishing criteria for sewer cleanouts and housetraps.

PASSED AND ADOPTED at a regular meeting of the Planning Commission of the City of Pacific Grove held on the 4th day of December, 2008, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Please note that this resolution does not take effect until the 10-day appeal period has expired.

Craig Riddel, Chairman

ATTEST:

Lynn Burgess, AICP, Secretary

The undersigned hereby acknowledge and agree to the approved terms and conditions, and agree to fully conform to and comply with said terms and conditions.

Applicant:

Dana Annereau, Architect on behalf of Don and Jenn Wilkerson

By _____
Dana Annereau

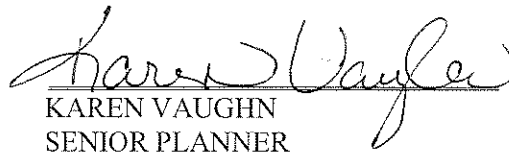
Date

CITY OF PACIFIC GROVE

NOTICE OF PUBLIC HEARING

PROJECT ADDRESS: 118 CALEDONIA AVENUE
APPLICANT: Dana Annereau, on behalf of Don and Jenn Wilkerson
APPLICATION: Use Permit Application No. 2986-08
PROJECT DESCRIPTION: A public hearing on Use Permit Application No. 2986-08 to allow a bathroom and laundry room to be moved from the main house and into an accessory structure on the site. The dwelling is listed on the City's Historic Resources Inventory. A use permit is required pursuant to Municipal Code Section 23.64.180 for Accessory Structures.
LEGAL DESCRIPTION: Lot 9, Block 58, Pacific Grove Retreat, Assessors' Parcel Number 006-145-019
ZONE DISTRICT: R-3-PGR
GENERAL PLAN DESIGNATION: High Density Residential 19.8 du/acre
ENVIRONMENTAL STATUS: Categorically Exempt, Class 31
HEARING DATE & LOCATION: A public hearing by the Planning Commission to be held on **Thursday, December 4, at 6:00 P.M.** at the Pacific Grove Civic Center, City Council Chambers, 300 Forest Avenue, Pacific Grove, California.

Dated: November 18, 2008


KAREN VAUGHN
SENIOR PLANNER

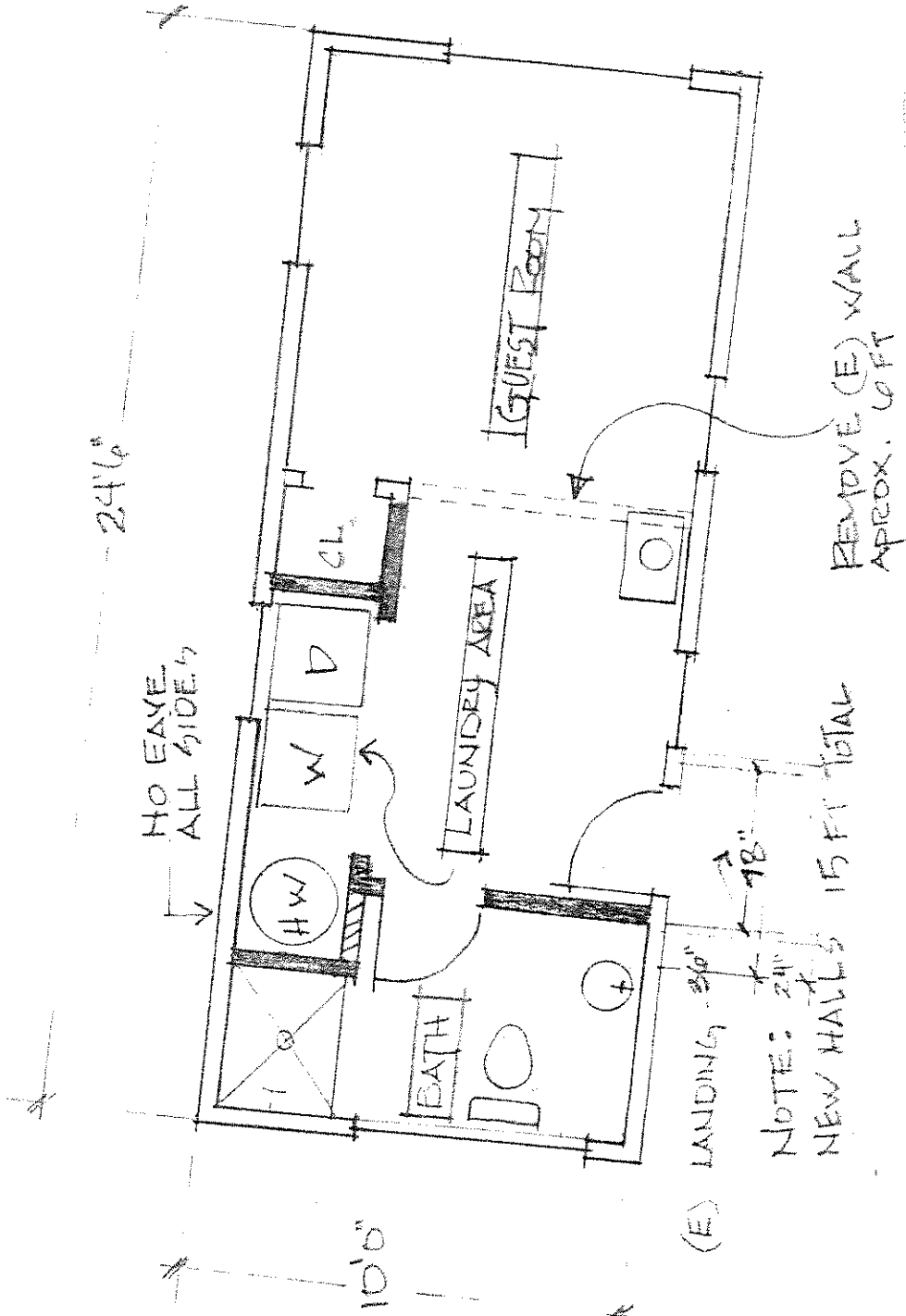
NOTE: The Planning Commission will also meet in a plan and site review session on Tuesday, December 2, at 4:00 p.m. in the Community Development Department Conference Room, 300 Forest Avenue. The limited purposes of this session are (1) to visit the site of the projects listed on this meeting's agenda 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.**

Should this item be continued at the public hearing, the Chairman will announce a specific date and time to which the item is being continued. If you are not at the meeting you may learn if an item has been continued or gain further information by calling the Community Development Department at (831) 648-3190.

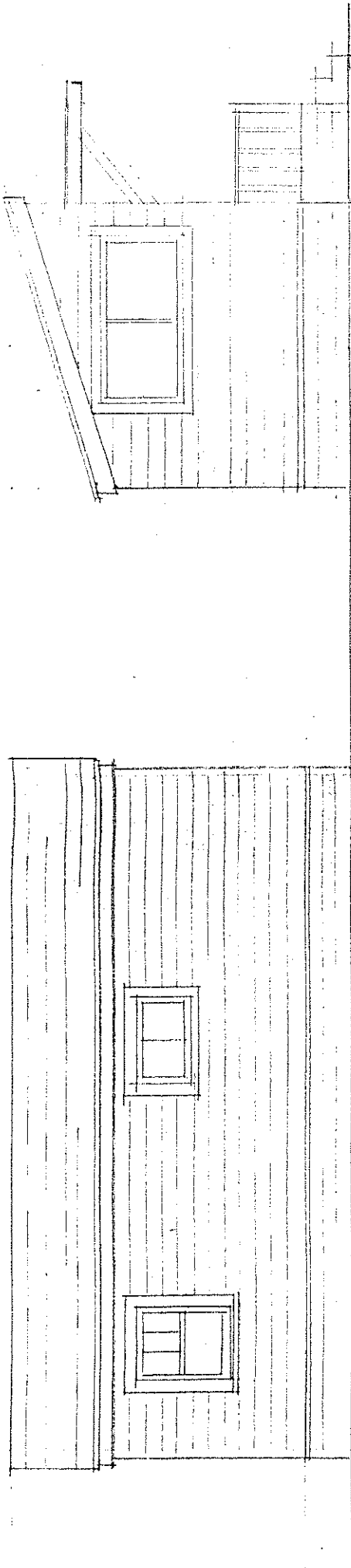
Any decision by the Planning Commission may be appealed to the City Council within ten days of final action. Please note that Section 65009 (b) (2) of the California Government Code provides that legal challenges to the City's action on this project may be limited to only those issues raised in testimony during the public hearing process.

The City of Pacific Grove does not discriminate against persons with disabilities. The Pacific Grove Civic Center City Council Chambers 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.

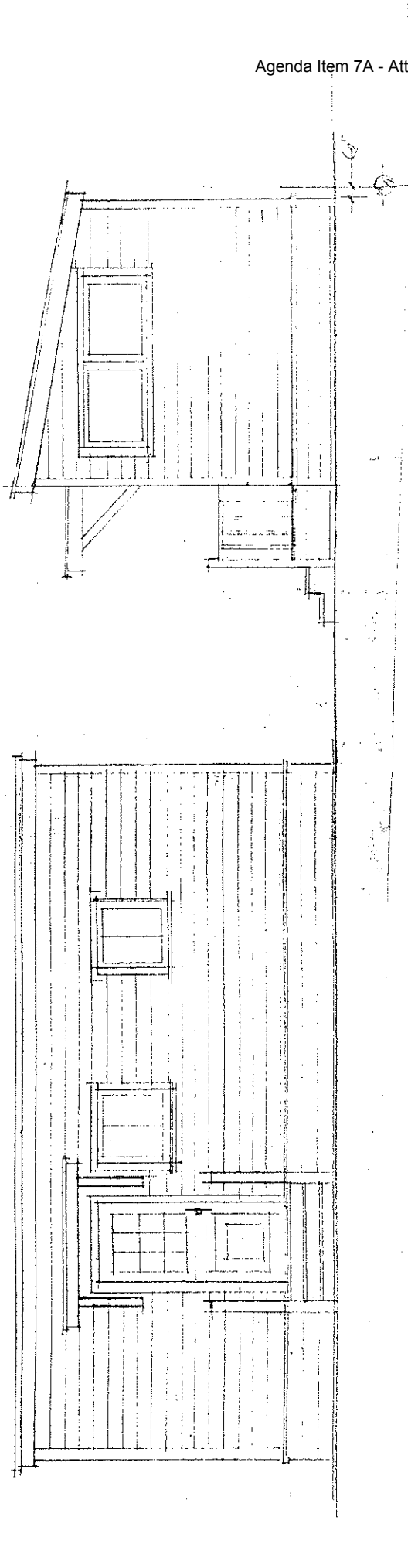
This notice may be removed after December 4, 2008.



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HISTORIC ACCESSORY BUILDING ALL EXISTING



PROJECT: 118 Caledonia Street, Pacific Grove, CA

USE PERMIT :

use existing historic structure as additional utility & guest area

DESCRIPTION:

Conversion back to its original use as a utility & laundry area and guest studio with bath.

This accessory building originally had a bath & laundry area at the time of the project next door at 120 Caledonia Street (during the year 2000), when both properties were owned by the same owner. The bathroom and laundry room were removed from the structure and the water credits were transferred to the project at 120 Caledonia Street. What we are asking for is to convert the structure back to its original use.

Prior to the current remodeling of the main house, the house was functioning in the capacity of a duplex for the past 50 years. At the completion of the total project it will be a single-family home with 3 bedrooms and 3 baths.

RECEIVED

APR 11 2008

CA. CIVIL SERVICE DEPT.