



CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
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RECORD OF DECISION

ADMINISTRATIVE HEARING

DATE & TIME: MONDAY, JULY 13, 2009 – 10:00 a.m.

LOCATION: CITY HALL, CITY MANAGER'S CONFERENCE ROOM

ADMINISTRATIVE HEARING OFFICER: Lynn Burgess, AICP, Chief Planner

1. CALL TO ORDER

The meeting was called to order at 10:00 a.m.

2. COMMENTS FROM THE PUBLIC

No public comment was received.

3. REGULAR AGENDA

a. Project Address: 940 Forest Avenue

Administrative Approval of Administrative Use Permit Application No. 2980-08. An Administrative Use Permit to allow the demolition and reconstruction of an approximately 230 square foot non-conforming structure that has non-conforming setbacks. The structure will be reconstructed in the exact same footprint and will be the same size, shape, height, mass, and square footage as the original structure. Pursuant to Municipal Code Section 23.68.050(c), the demolition and reconstruction of more than 25 percent of the floor area of a non-conforming building or structure and/or the demolition and reconstruction of more than 25 percent of the total lateral length of the exterior walls shall be permitted only if a use permit is first obtained.

CEQA Status: Categorically Exempt, Class 1

Applicant: Christopher Gorden, Elder Construction, on behalf of Rodney Herdon and Elaine Finnberg

Staff Contact: Associate Planner Valerie Tallerico

Chief Planner Lynn Burgess introduced the project. Applicant Christopher Gorden was present to answer questions along with Craig Boswell of Elder Construction. Associate Planner Valerie Tallerico noted that a letter was provided by a historic consultant stating that the structure is not historic and that a letter was provided by the Monterey County Health Department stating that the structure is a health hazard due to mold.

The public comment period was opened.

Neighbor David Henderson of 944 Forest stated his support for the project. Neighbor Frank Pierce of 610 Hillcrest also stated support for the project.

The public comment period was closed.

Decision: Approve Administrative Use Permit Application No. 2980-08 subject to the standard finding (see below) based on the following rationale:

- 1. The structure is currently a health hazard per the letter from the Monterey County Health Department;**
- 2. The structure is not historic;**
- 3. No expansion of the existing nonconformity nor new nonconformity is proposed and no relocation is proposed; and**
- 4. The project is consistent with Municipal Code Section 23.68.050 (c).**

Additionally, Administrative Use Permit Application No. 2980-08 is approved subject to the standard conditions listed below as well as the following special conditions:

- 1. The plans marked “Third Submittal” shall be approved.**
- 2. The new fence built along the property line shall be extended to replace the wing wall adjoining the accessory structure, and the design of the new rear elevation of the structure (along the property line) shall blend with the fence design.**

4. ADJOURNMENT

The meeting was adjourned at 10:19 a.m.

STANDARD FINDING FOR APPROVAL OF AN ADMINISTRATIVE USE PERMIT:

As conditioned, the establishment, maintenance or 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.

STANDARD CONDITIONS OF ADMINISTRATIVE USE PERMITS AND ADMINISTRATIVE ARCHITECTURAL APPROVALS:

1. This approval shall be null and void if a building permit has not been applied for within one year from the date of approval. Application for extension of this approval must be made prior to the expiration date.
2. All construction must occur in strict compliance with the proposal as set forth in the application(s) for permits, subject to any special conditions. Any deviation from the approved plans must be reviewed and approved by the staff and may require Planning Commission or Architectural Review Board approval.
3. The terms and conditions shall be perpetual, and it is the intention of the City of Pacific Grove and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

4. Review by the Public Works Department is required prior to issuance of the building permit. The applicant shall obtain an encroachment permit from the Public Works Department before undertaking any work in the Public way and prior to issuance of the building permit.

NOTICE OF EXEMPTION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Applicants with approved projects that have been deemed statutorily or categorically exempt under the California Environmental Quality Act (CEQA) may file a Notice of Exemption (NOE) directly with the Monterey County Clerk in order to reduce the CEQA challenge period from 180 days to 35 days (CEQA Guidelines Section 15062). Applicants wishing to file the NOE should contact their planner for instructions on how to file the notice with Monterey County. Please note the Monterey County Clerk has a \$50 filing fee for a NOE.

Filing of a NOE by the City of Pacific Grove is not required. CEQA determinations are included in the public hearing notices for all projects.

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.