



## CITY OF PACIFIC GROVE

300 FOREST AVENUE  
PACIFIC GROVE, CALIFORNIA 93950  
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# MINUTES OF REGULAR MEETING

## PLANNING COMMISSION

DATE & TIME: THURSDAY, October 8, 2009 – 6:00 P.M.  
LOCATION: CITY HALL, COUNCIL CHAMBERS – 300 FOREST AVENUE, PACIFIC GROVE

*Copies of the agenda packet are available for review at the Pacific Grove Library located at 550 Central Avenue; the Community Development Department, upstairs in City Hall at 300 Forest Avenue, Pacific Grove; and on the internet at: <http://www.ci.pg.ca.us/boards/pla.htm>.*

### MEETING MINUTES:

1. The meeting was called to order at 6:02pm
2. Roll Call:

Planning Commission Members present:

- Linda Bailey (Vice-Chair)
- Bob Davis
- Bill Frederickson
- Eric Miller
- Craig Riddell (Chair)
- Max Perelman

Planning Commission Members absent:

- Steven MacDonald

3. Approval of Minutes
  - A. Minutes of the September 15, 2009 Site Review Meeting
  - B. Minutes of the September 17, 2009 Regular Meeting

Senior Planner Sarah Hardgrave identified several corrections to the minutes, as requested by Jeanne Byrne for Item 7A.

**On a motion by Bailey, seconded by Frederickson, the Planning Commission voted 6-0 to approve the minutes with the following corrections:**

- **Page 2, clarify that Rudy Rosales requested a Native American monitor to be present during the pre-construction meeting, not during all project excavation.**
- **Page 3, 2<sup>nd</sup> paragraph, clarify that Commissioner Bailer suggested that a Native American monitor be added to the pre-construction meeting.**
- **Page 3, 4<sup>th</sup> paragraph, clarify that Ms. Byrne responded to Commissioner Miller that the project proposed replaces the parking that was previously provided in the condemned garage. Clarify that staff responded to Mr. Miller stating that a Historic Preservation Permit application was allowed to be made because the three covered parking spaces brought the site into better conformance with parking requirements.**

4. Oral Communications

None

5. Items to be Continued or Withdrawn:

None

6. **CONSENT AGENDA:**

None

7. **REGULAR AGENDA:**

A. **Continued from the September 17, 2009 meeting:**

**PROJECT ADDRESS:** 672 Mermaid / 671 Ocean View Boulevard  
**APPLICANT:** Jeanne Byrne on behalf of the Bonnici Family  
**APPLICATION:** Use Permit Application No. 2978-08  
**PROJECT DESCRIPTION:** Use Permit No. 2978-08 to allow plumbing fixtures to be installed in a proposed detached garage. A Use Permit is required pursuant to Municipal Code Section 23.64.180 for accessory structures. The proposed project is to construct a 760 sf, detached 3 car garage with 571 sf asphalt driveway, parking pad and walkway to replace a condemned and previously demolished 494 sf garage and approximately 906 sf of existing asphalt driveway and parking pad. In addition, the project includes the placement of a new foundation and crawl space under an existing two-story secondary housing unit, repair and restoration of existing windows, new windows on the second floor to meet current code requirements for egress, replacement of the existing porch cover and new porch posts, railings, and steps, removal of the masonry chimney flue, and demolition of an attached 166 sf laundry/storage facility, and, after the fact, the foundation replacement at 671 Ocean View Boulevard.

**LEGAL DESCRIPTION:** Lots 3, 4, 5, 15, 16, 17 and portions of Lots 6 and 18, Block 242, Pacific Grove Beach Tract, Assessor's Parcel No. 006-081-006

**ZONE DISTRICT:** R-3-PGB

**GENERAL PLAN DESIGNATION:** High Density Residential 24.8 Dwelling Units/Acre

**CEQA STATUS:** Mitigated Negative Declaration prepared  
**STAFF REFERENCE:** Sarah Hardgrave

Senior Planner Sarah Hardgrave presented the item. She noted correspondence that had been received and distributed to the Planning Commission from John Bridges, the applicant's representative, regarding the aesthetics section of the Mitigated Negative Declaration. The letter supported the staff's CEQA findings on this issue. Staff provided the Planning Commission with the scenic resources policies from the Coastal Land Use Plan, as well as the Public Access map depicting public view corridors, which do not include the project site. Correspondence was also distributed from Archaeological Consulting, the project archaeologist, requesting that Condition of Approval #14, requiring a Native American monitor during excavation, to be removed. Staff also noted that the project had been revised to increase each garage bay by eight inches.

Commissioner Perelman stepped down because he had not reviewed the tape from the September 17, 2009 hearing, from which he was absent.

Public comment:

- Applicant Jeanne Byrne presented the project and noted the revision expanding each garage bay eight inches, and stating that they had been told the previously condemned garage had three bays, not two as depicted in the photograph from the project file. She noted that she had initially been told she would need a Variance, and then it was determined that she could apply for a Historic Preservation Permit.
- Applicant representative John Bridges spoke in support of the project and requested deletion of Condition of Approval #14.
- Louis Miranda-Ramirez, Chairwoman of the Ohlone-Coastanoan Esselen Nation (OCEN) tribe, spoke to her concerns about the protection of archaeological resources and for the City to work in partnership with Native American representatives, and read a statement in her native language. She requested a Native American monitor to be present during the project excavation.
- John Bridges responded that the property owner had concerns about liability and the costs associated with a Native American monitor.
- Susan Morely, archaeologist and CSUMB professor, spoke to the need to protect archaeological resources in areas where there is potential to disturb human remains.

The Planning Commission deliberated the item, including soliciting some additional input from the public comments. Commission Davis asked the applicant to clarify how much excavation is remains to be done. The applicant responded that excavation about one foot deep would be needed for new foundation under the existing secondary dwelling unit as well as for the slab for the new detached garage structure, and that it would take about a week. The Commission discussed the selection process for archaeologist and for Native American monitors, concerns about liability issues and payment for Native American monitors, and requiring or providing an opportunity for Native American representatives to monitor the site excavation.

Staff noted that CEQA contains provisions for compensation for mitigation of unique archaeological resources, but that the resource on this property has not been identified as a unique resource, only as a significant one. Staff also noted that an impact to the resource had occurred in a previous project on the property. That project had not had a proper CEQA determination, and no archaeological monitor had been present during excavation associated with work on the main house on the site. The applicant's representative stated a willingness to include a Native American monitor in the pre-construction meeting.

**On a motion by Bailey, seconded by Miller, the Planning Commission voted 5-0 to adopt the Mitigated Negative Declaration with an amendments to proposed Condition of Approval #14 to invite rather than require a Native American monitor during project excavation, and to amend Condition of Approval #15 that the preconstruction meeting include a trained Native American monitor from a local tribe.**

The Planning Commission then deliberated the Use Permit. Commissioner Bailey stated she had no concerns about the plumbing fixtures in the detached garage, which is the focus of the Use Permit, but that she was concerned about the use of a Historic Preservation Permit (HPP) to allow a new encroachment into the setback area rather than requiring a Variance. She requested that be conveyed to the Architectural Review Board for their consideration of the HPP.

**On a motion by Davis, seconded by Miller, the Planning Commission voted 5-0 to approve the Use Permit with the staff's recommended findings and conditions.**

**B. Receive a status report on the 2008-2014 Housing Element Update**

CEQA STATUS: Negative Declaration to be prepared  
STAFF: Sarah Hardgrave, Senior Planner

**The Planning Commission set special joint meeting of the Planning Commission and the Housing Committee on October 22, 2009 at 6:30pm (the regular Planning Commission meeting will still be held beginning at 6pm).**

8. City Council Actions.

Senior Planner Hardgrave noted that the new City Manager had just started work, as well as two new Council members. No other Council actions had been taken on planning related issues.

9. Architectural Review Board Actions -- *Staff will provide a summary report on recent actions of the Architectural Review Board.*

- A. Minutes of the September 22, 2009 Architectural Review Board Site Review Meeting
- B. Minutes of the September 22, 2009 Architectural Review Board Regular Meeting

**On a motion by Bailey, seconded by Miller, the Planning Commission voted 6-0 to accept the ARB minutes.**

10. Historic Resource Committee Actions

None

11. Administrative Hearings

None

12. Correspondence

Staff noted a letter from John and Lorrie Bridges regarding private view protections had been distributed.

13. Committee Reports

None

14. Reports of Commissioners

Commissioner Frederickson stated he hoped staff would follow up to address the overarching issues that had come up related to archaeological resources. Commissioner Davis noted that a Planning Commission subcommittee had done quite a bit of work to address this process, but it had not been completed.

15. Reports of the Community Development Department's Chief Planner

None

16. The meeting was adjourned at 7:45pm.

DRAFT