

May 6, 2010



CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3190 • FAX (831) 648-3184

RECORD OF DECISION

ADMINISTRATIVE HEARING

DATE & TIME: THURSDAY MAY 6, 2010– 10:00 a.m.

LOCATION: CITY HALL, CITY MANAGER CONFERENCE ROOM – 300 FOREST AVENUE

Administrative Hearing Officer: Lynn Burgess, AICP, Chief Planner

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

2. **Comments from the public**

None

3. **REGULAR AGENDA**

a. **Project Address: 1080 Short Street**

APPLICANT:	Brian Winslow, on behalf of Stephanie Atigh
APPLICATION:	Administrative Use Permit Application No. 3012-10
PROJECT DESCRIPTION:	To allow the demolition and rebuild of a non-conforming detached garage. Pursuant to Code Section 23.68.050(c), the demolition and reconstruction of more than 25 percent of the floor area and/or 25 percent of the total lateral length of the exterior walls of a non-conforming building or structure is allowed with a Use Permit
LEGAL DESCRIPTION:	APN 006-361-006
ZONE DISTRICT:	R-1-B-3
GENERAL PLAN DESIGNATION:	Low Density Residential (4.4 DU/ac)
ENVIRONMENTAL STATUS:	Categorically Exempt, Class 2

Decision: Approve the Administrative Use Permit Application No. 3012-10, subject to the

standard finding and conditions listed below.

4. ADJOURNMENT

The meeting was adjourned at 10:08 a.m.

NOTICE TO APPLICANTS

Applicants or their representatives must be present at the meeting for which their item is scheduled. **If unable to attend, the applicant must submit a written request for continuance prior to the meeting. The item may be denied if continuance is not requested.**

Decisions rendered by the Chief Planner on Administrative Use Permits may be appealed to the Planning Commission using a form available at the Community Development Department. Decisions rendered by the Chief Planner on Administrative Architectural Approvals may be appealed to the Architectural Review Board using a form available at the Community Development Department.

The appeal forms, plus an appeal fee, must be filed with the Community Development Department within 10 days of notice of decision. Notwithstanding the time limit for appeal set out in the above section, the Planning Commission and Architectural Review Board shall always have until their next regularly scheduled meeting following an Administrative Hearing action to decide to review such action. No building permit pertaining to an Administrative Hearing action may be issued until the appeal period has passed.

Applicants are requested to contact the Community Development Department for building permit requirements.

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.

May 6, 2010 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.