

CITY OF PACIFIC GROVE

NOTICE OF PUBLIC HEARING

PROJECT ADDRESS: 230 7th Street

APPLICANT(S): R. Aaron Rodriguez

APPLICATION(S): Use Permit Application No. 2842-04 to allow the demolition and reconstruction of an existing deck (greater than 30" in height) that has a nonconforming front yard setback. The proposed project includes reconstructing a privacy screen that is taller than the maximum permitted fence height, and enlarging the reconstructed deck while maintaining the existing nonconforming line of the deck.

ZONE DISTRICT: R-2

LEGAL DESCRIPTION: Portions of Lots 20 & 22, Block 13, First Addition to the Pacific Grove Retreat

GENERAL PLAN DESIGNATION: Medium Density Residential

ENVIRONMENTAL STATUS: Categorically Exempt, Class 1

OTHER CITY APPROVALS: Architectural Approval

WHERE AND WHEN: A public hearing by the Planning Commission to be held on **Thursday, June 30, 2005, at 6:00 P.M.** at the City Council Chambers located in the Pacific Grove Civic Center, 300 Forest Avenue, Pacific Grove, California.

Dated: June 16, 2005


JON M. BIGGS

COMMUNITY DEVELOPMENT DIRECTOR

NOTE: The Planning Commission will also meet in a plan and site review session on Tuesday, April 5, 2005, 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 Planning Commission meeting the Chairman will announce a specific date and time to which the item is being continued. If you are not at the meeting you can find out if an item has been continued by calling the Community Development Department Secretary at (831) 648-3190.

If you have any questions about this item, please call Associate Planner Sally Rideout at the Community Development Department (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 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: June 30, 2005.



CITY OF PACIFIC GROVE PLANNING COMMISSION AGENDA REPORT

TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT DEPARTMENT
MEETING DATE: JUNE 30, 2005
ADDRESS: 230 7TH STREET
APPLICANT: R. AARON RODRIGUEZ, PROPERTY OWNER

I. RECOMMENDATION

Staff recommends approval of the use permit application.

II. PROJECT DESCRIPTION

A proposed demolition and reconstruction of an existing 27' x 16' nonconforming open deck projection that extends from the front of an existing two-story single-family residence that has nonconforming setbacks. The residence encroaches 6'5" into the required 15' front yard setback and the proposed deck projects an additional 16' from the face of the building to, and over the front property line. A proposed stairway leading from the deck to the garage also projects 5' into the front yard setback.

III. BACKGROUND

Zone District	R-2
General Plan Designation	High Density Residential
Lot Size	1,800 Square feet
Historic Inventory	No
Coastal Zone	No
Archaeology Zone	No
Biological Zone	No
Nonconforming	Yes

IV. APPLICATION REQUEST

Use Permit Application No. 2842-05

Planning Commission approval of the use permit application is required pursuant to Municipal Code Section 23.68.050(c); to allow the demolition and reconstruction of an existing open deck projection that encroaches completely into the required 15' front yard setback.

V. DISCUSSION

The subject property is located on the northwest corner of the intersection of Laurel Avenue and 7th Street. The site is developed with a two-story single-family dwelling and one-car garage (on the ground floor). The topography of the site slopes abruptly downward from 7th Street (east) to the residence. The front door of the residence is on the second-story and the existing deck extends 15'11" from the front of the building to the 7th street sidewalk. According to a survey submitted by

the applicant, the distance between the front property line and the dwelling is 8'8" at the widest point. With respect to the use permit request, the proposed deck maintains the existing nonconforming line of the deck along 7th Street, encroaching no farther than the existing deck.

The applicant has received conditional approval from the City Council for a revocable license to demolish and reconstruct the portion of the deck that encroaches into the public way. By way of background, records on file in the Community Development Department and field observations reveal that the 40' wide public way on 7th Street between Laurel Avenue and Lighthouse Avenue is substantially wider than the 22' wide roadway and adjacent sidewalks. Fencing, driveways, decks and like features on many, if not all, private parcels on the west side of 7th Street, appear to extend into the public way in much the same manner as that of the subject parcel.

Staff recommends approval of Use Permit Application No. 2842-05 subject to the standard conditions of approval listed in Section VI, and suggests the following findings:

- a. 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 proposed project is consistent with other uses on the west side of 7th Street in the immediate vicinity of the subject site, maintaining the nonconforming line of the existing deck without encroaching a greater distance into the required front yard setback than the existing deck.

Architectural Approval is required prior to issuance of a building permit.

VI. RECOMMENDED CONDITIONS

Should the Planning Commission agree with the recommendation of staff, the following are recommended as 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. 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.

RESPECTFULLY SUBMITTED BY:

REVIEWED BY:



SALLY RIDEOUT
ASSOCIATE PLANNER
June 20, 2005



JON M. BIGGS
COMMUNITY DEVELOPMENT DIRECTOR

5 COPIES OF PLANS

CITY OF PACIFIC GROVE
APPLICATION FOR USE PERMIT
(Municipal Code Chapter 23.72.030)

Accepted for submittal by: Bridget Luce
[CDD Staff person]

CDD Use only
USE PERMIT NO.
2892-04

FEE 600
01-4401

Project Location 230 7th STREET APN 006-251-008
Portions of
Lot(s) 20 & 22 Block 17 Tract First Addition Lot Size 30' x 60'

Applicant (SAME AS OWNER)

Applicant's Address (SAME)

Applicant's Daytime Phone No(s). (831) 277-5442

Property Owner R. AARON RODRIGUEZ

Property Owner's Address 230 7th STREET, PACIFIC GROVE

Property Owner's Phone No. (831) 373-6160

PROPOSED USE OR PROJECT (State in detail) – Attach additional sheets if necessary:

- ① TO DEMOLISH & RECONSTRUCT A DECK THAT ENCLOSED INTO THE REQUIRED FRONT YARD S.P.
- ② TO RECONFIGURE THE PLACEMENT OF ~~THE~~ THE NONCONFORMING DECK & MAINTAIN THE NONCONF. LINE. ~~THE DECK SHALL BE DEMOLISHED & RECONSTRUCTED~~

Indicate, if applicable: Days/hours of operation, number of employees:

I, the undersigned, under penalty of perjury, depose and say that I am the applicant for this request, that the owner of the property approves this application and that all statements are true and correct.

09/30/2004
Date

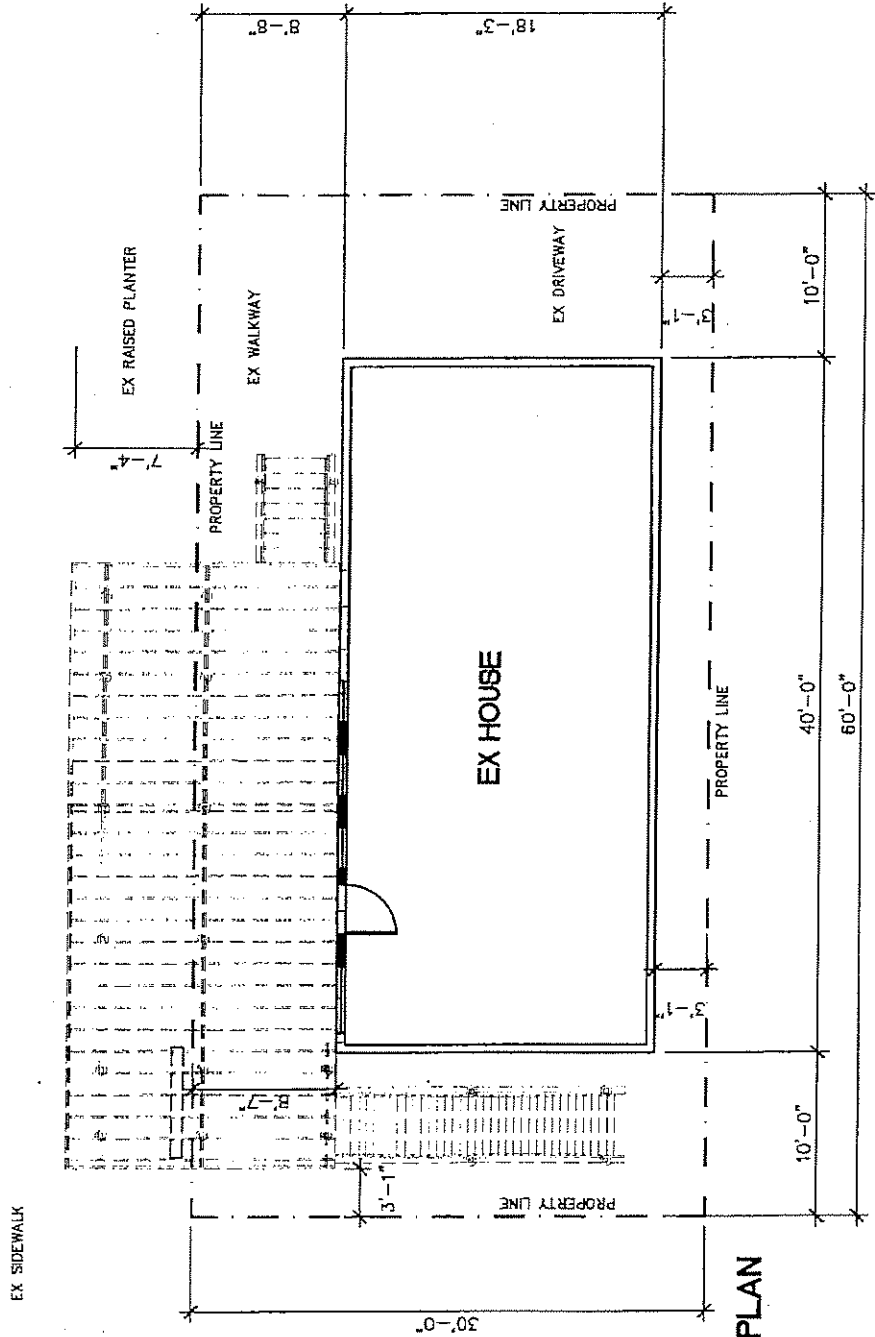
02 10/01/2004 5 CDD-USE
Robert A. Blasing
Signature of Applicant
CHECK NUMBER 1
RECEIPT NUMBER 012000018532

NOTE TO APPLICANT: The filing fee and materials related to the project must accompany this application. Please consult with a planner regarding submittal requirements for your project.

**RODRIGUEZ DECK ADDITION
 230 7TH STREET**

7TH STREET

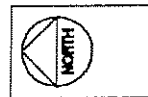
LAUREL STREET



PLOT PLAN

REVISED
 10/21/2004

SCALE:
 1"=10'-0"



RECEIVED

MAY 19 2005

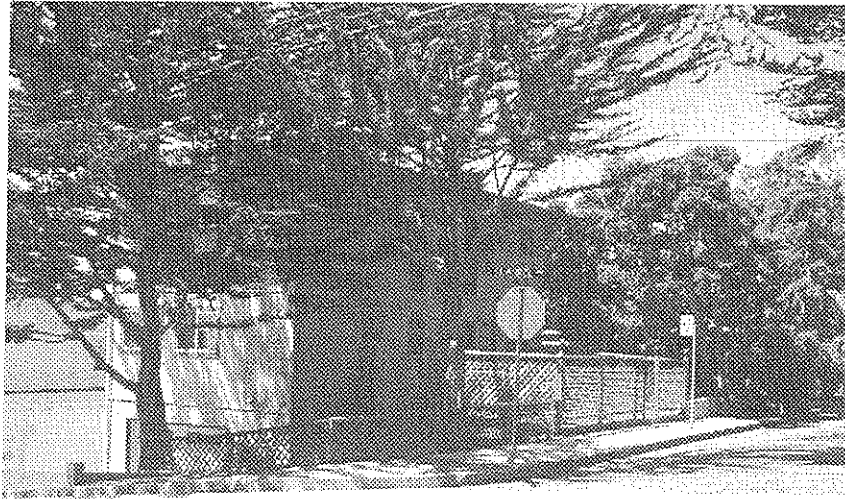
COMMUNITY DEV. DEPT.

230 7th STREET



EXISTING DECK





VIEW FROM SOUTHEAST CORNER OF LAUREL AND 7TH STREET



VIEW OF PUBLIC RIGHT-OF-WAY
(Note difference in locations of sidewalks)



NORTH-FACING VIEW OF PUBLIC RIGHT-OF-WAY



PUBLIC RIGHT-OF-WAY NORTH OF SUBJECT SITE