



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

AGENDA REPORT

TO: Honorable Mayor and Members of City Council
FROM: Laurel O'Halloran, Associate Planner
MEETING DATE: January 20, 2016
SUBJECT: Appeal of Use Permit (UP) 15-738
CEQA: Section 15301.e(1) Categorical Exemption

RECOMMENDATION

1. After the quasi-judicial hearing has closed, approve Use Permit (UP) 15-738 and adopt Resolution 16-02 that includes staff recommended findings and conditions.
2. If Council desires to address separate policy implications that discussion and direction may occur after action has been completed on the Use Permit Appeal.

PROJECT DESCRIPTION

This is an appeal of the Planning Commission action regarding Use Permit (UP) No. 15-738. Use Permit (UP) No. 15-738 would permit an existing unpermitted detached structure with a bedroom and bathroom. A Use Permit is required when a detached structure has plumbing pursuant to Pacific Grove Municipal Code Section 23.16.21. The Planning Commission placed a condition on the Use Permit that only a toilet and laundry sink are to remain in the detached structure and that the applicant shall remove the existing shower and bedroom.

BACKGROUND

The project site is located at 615 Alder in the R-1 zoning district. The existing single family residence was built in 1947. The parcel is 6,481 square feet. The existing 1,084 square foot single family residence is one story. An addition in 1970 of a 730 square foot detached garage with a workshop created a total gross floor area of 1,814 sf which is allowed in the R-1 zone district for this lot size. Currently the workshop contains a bedroom and bathroom. Records do not exist approving a bedroom or a bathroom in the workshop.

At the December 3, 2015 Planning Commission meeting the proposed Use Permit was approved with the condition that the bedroom and full bathroom be removed and returned to a workshop with a laundry sink and toilet.

On December 7, 2015 City Staff received an appeal from the Applicant on the conditions set forth by the Planning Commission in the approved Use Permit. The grounds for appeal include lack of findings to justify conditions and conditions inconsistent with previous similar applications.

In 2015 the Planning Commission approved five Use Permits to allow plumbing in a detached structure. At the January 7, 2016 Planning Commission meeting another Use Permit was approved

allowing a full bathroom in a detached structure. All of the approved Use Permits were for similar conditions that exist in this detached structure and all the approved Use Permits also required a Deed Restriction to be recorded with the County stating the structure will not be converted to a 2nd Unit.

DISCUSSION

Applicable Zoning Code Regulations

PGMC §23.16.16.21

A Use Permit shall be required with respect to any new structure or addition to an existing structure which is or has a detached room exceeding 100 square feet in area and which has the following characteristics:

- a) The room is to be equipped with a trap and/or sink in addition to and remote from the kitchen on the same building site.

The Use Permit application may be denied among all other legitimate reasons for denial, where the design of the structure readily lends itself to multiple dwelling use.

A condition of approval consistent with past similar Use Permits will require the applicant to record a Deed Restriction with the County stating the structure will not be converted to a 2nd Unit.

If Council desires to address policy implications that may arise from the hearing, that discussion and direction should not take place until after action is completed on the Use Permit Appeal. Then, as a separate action (under this agenda item), Council may provide direction to address any policy changes that may be desired.

FINDINGS

Staff recommends approval of UP 15-738, subject to the recommended findings (see Attachment 1, Draft Resolution).

CONDITIONS

Staff recommends approval of UP 15-738 subject to the recommended conditions (see Attachment 1, Draft Resolution).

CEQA

In reviewing this action the City has followed guidelines adopted by the State of California as published in California Administrative Code, Title 14, §15000, et seq. The proposed project is found exempt under the CEQA Guidelines Section Class 1 15301(e)(1)

OPTIONS

1. Uphold a modified Resolution, citing evidence to support findings.
2. Deny the Resolution, citing evidence and appropriate findings.

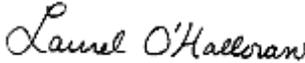
ATTACHMENTS

1. Draft resolution
2. Application materials
3. CEQA Materials
4. Project Plans
5. Appeal

FISCAL IMPACT

No direct impact.

RESPECTFULLY SUBMITTED,



Laurel O'Halloran
Associate Planner

REVIEWED BY:



Jocelyn Francis
City Manager Pro Tempore



RESOLUTION NO. 16-02

USE PERMIT (UP) NO. 15-738 TO PERMIT AN EXISTING UNPERMITTED DETACHED STRUCTURE WITH A BEDROOM AND BATHROOM ATTACHED TO A TWO CAR GARAGE.

FACTS

1. The subject site is located at 615 Alder Street, Pacific Grove, 93950 APN 006-562-014
2. The subject site has a designation of Medium Density 17.4 du/ac adopted City of Pacific Grove General Plan Land Use Map.
3. The project site is located in the R-1 zoning district.
4. The subject site is approximately 6,480 square feet
5. The subject site is developed with a 1,084 sf single-family residence and a 730 sf detached garage with a guest bedroom and bathroom attached.
6. The detached garage and a workshop were approved to be built in 1970 according to property file records.
7. The project site will meet the off street parking requirements for the R-1 zone.
8. Records do not exist approving the bathroom in the garage.
9. This project has been determined to be CEQA Exempt under CEQA Guidelines Class 1 Section 15301.

FINDINGS

1. The proposed use is allowed with a use permit per Pacific Grove Municipal Code 23.16.021 a use permit is required when a detached structure is equipped with plumbing.
2. The proposed use is allowed in the R-1 zoning district and complies with all applicable provisions of these regulations;
3. The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;
4. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city; and
5. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
PACIFIC GROVE:**

1. The foregoing Findings are adopted as findings of the City Council as though set forth fully herein.
2. Use Permit 15-738 is hereby approved, subject to the findings and conditions herein.
3. A resolution signed by the Permittee, acknowledging receipt of the Use Permit and acceptance of the terms and conditions must be returned to the Community and Economic Development Department.
4. All activities must occur in strict compliance with the proposal as set forth in the application for Use Permit, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff, and may require Planning Commission approval as a use permit amendment.
5. A Deed Restriction must be recorded with the Monterey County stating the structure will not be converted to a second unit.
6. This permit shall be revoked if a Deed Restriction is not recorded with the County within one year from the date of approval. An application for extension of this permit, if needed, must be made prior to the expiration date.
7. These terms and conditions shall run with the land, and it is the intention of the City Council and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions, unless amended. Amendments to this permit may be achieved only if an application is made, and the Planning Commission approves, any such amendments pursuant to the Zoning Code regulations.
8. This resolution shall become effective upon the expiration of the 10-day appeal period.
9. Review and approval by the Public Works, Fire and Building Departments are required prior to final approval.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
this 20th day of January, 2016, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

WILLIAM KAMPE, MAYOR

ATTEST:

SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney

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.

Daniel McGovern
Owner

Date



CITY OF PACIFIC GROVE
Community Development Department – Planning Division
300 Forest Avenue, Pacific Grove, CA 93950
T :: 831.648.3190 • F :: 831.648.3184 • www.ci.pg.ca.us/cdd
Permit Application

Application # 15-0738
Date 11-16-15
Total Fee: \$1,675

Property/Project Information:

Project Address: 615 ALDEN STREET APN: 006562014000
 Lot: ADD 5 SUB A OF LOTS 425 Block: 183 Tract: _____
 Historic Resources Inventory
 Archaeologically Sensitive Area

Project Description: Use permit to allow for a bathroom in a detached structure

Applicant/Owner Information:

Applicant Name: SAME Phone: _____
 Mailing Address: _____
 Email Address: _____
 Owner Name: DANIEL MCGOVERN Phone: 831-278-0786
 Mailing Address: 3909 OYSTER BAY RD NW OLYMPIA, WA 98502
 Email Address: D.MCGOVERN@MSW.COM

Permit Request:

- | | | | |
|---|---|--|---|
| <input type="checkbox"/> CRD: Counter Determination | <input type="checkbox"/> AUP: Administrative UP | <input type="checkbox"/> IHS: Initial Historic Screening | <input type="checkbox"/> AVAR: Administrative VAR |
| <input type="checkbox"/> AP: Architectural Permit | <input type="checkbox"/> UP-A: UP Amendment | <input type="checkbox"/> HPP: Historic Preservation | <input type="checkbox"/> VAR-A: VAR Amendment |
| <input type="checkbox"/> AAP: Administrative AP | <input type="checkbox"/> AUP-A: AUP Amendment | <input type="checkbox"/> HD: Historic Determination | <input type="checkbox"/> AVAR-A: AVAR Amendment |
| <input type="checkbox"/> ADC: AP Design Change | <input type="checkbox"/> SU: Second Unit | <input type="checkbox"/> TPD: Tree Permit W/ Dev't | <input type="checkbox"/> MMP: Mitigation Monitoring |
| <input type="checkbox"/> SP: Sign Permit | <input type="checkbox"/> LLA: Lot Line Adjustment | <input type="checkbox"/> PUU: Undocumented Unit | <input type="checkbox"/> Stormwater Permit |
| <input checked="" type="checkbox"/> UP: Use Permit | <input type="checkbox"/> LM: Lot Merger | <input type="checkbox"/> VAR: Variance | <input type="checkbox"/> Other: |

CEQA Determination:

- Exempt
 Initial Study & Mitigated Negative Declaration
 Environmental Impact Report

Review Authority:

- Staff HRC
 ZA PC
 SPRC CC
 ARB _____

Active Permits:

- Active Planning Permit
 Active Building Permit
 Active Code Violation
 Permit #: _____

Overlay Zones:

- Butterfly Zone
 Coastal Zone
 Area of Special Biological Significance (ASBS)
 Environmentally Sensitive Habitat Area (ESHA)

Staff Use Only:

lot size 6,480 sf
Medium Density 17.4 du/ac
R-1 Zone

\$ PAID
1,677.00
11-16-15

CERTIFICATION – I, the undersigned, under penalty of perjury, depose and certify that I am the applicant for this request, that the property owner approves this application and that all statements contained herein, including all documents and plans submitted in connection with this application, are true and accurate to the best of my knowledge.

Applicant Signature: SAME

Date: _____

Owner Signature (Required): [Signature]

Date: 9.16.15



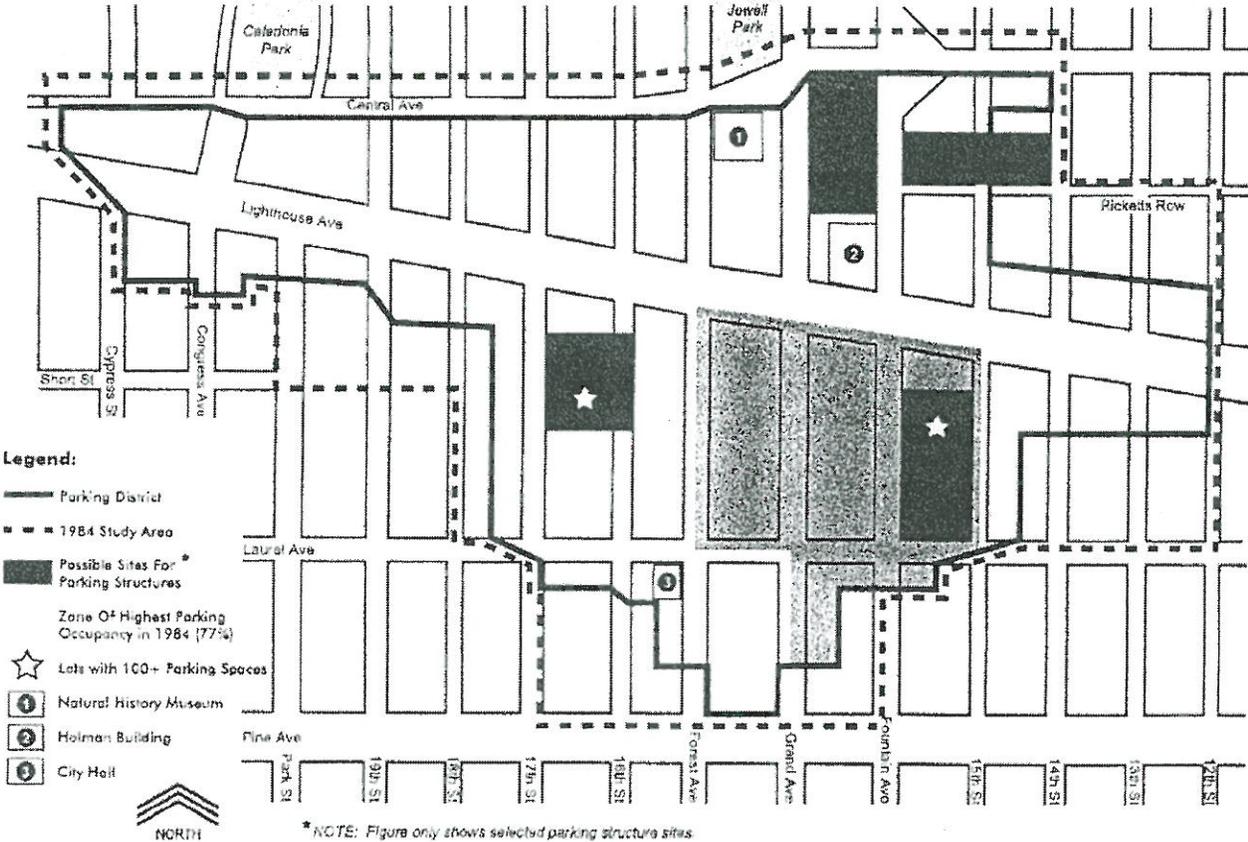
CITY OF PACIFIC GROVE
Community Development Department – Planning Division
 300 Forest Avenue, Pacific Grove, CA 93950
 T :: 831.648.3190 • F :: 831.648.3184 • www.ci.pg.ca.us/cdd
Permit & Request Application
for Use Permit (UP)

App. # _____

I. Proposed Use Permit Request (State in detail):

I WOULD LIKE FOR THE ROOM IN THE GARAGE TO BE USABLE AS A RENTAL UNIT IN CONJUNCTION WITH THE MAIN HOUSE. THE GARAGE ROOM WILL NOT BE RENTED AS A SEPARATE UNIT.

Check box if the property is within the City of Pacific Grove Parking District. (Solid line in map below)



II. Indicate, if applicable:

Days/hours of operation: _____

Number of employees: _____

What, if any, retail services will be provided: _____

Describe any other pertinent details: _____



NOTICE OF EXEMPTION FROM CEQA

Property Address/Location: 615 Alder, Pacific Grove, CA 93950

Project Description: Use Permit 150738

Description: Legalize a bathroom in a detached structure

APN: 006562014000

ZC: R-1

Lot Size: 6,4800 sf

Applicant Name: Daniel McGovern Phone #: 831.278.0786
Mailing Address: 3909 Oyster Bay Rd. Olympia, WA 98502
Email Address: d_mcgovern@msn.com

Public Agency Approving Project: City of Pacific Grove, Monterey County, California

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1):15268))
- Declared Emergency (Sec. 21080(b)(3): 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption
Type and Section Number: Section 15301 Class 1
- Statutory Exemption
Type and Section Number:
- Other:

Exemption Findings:

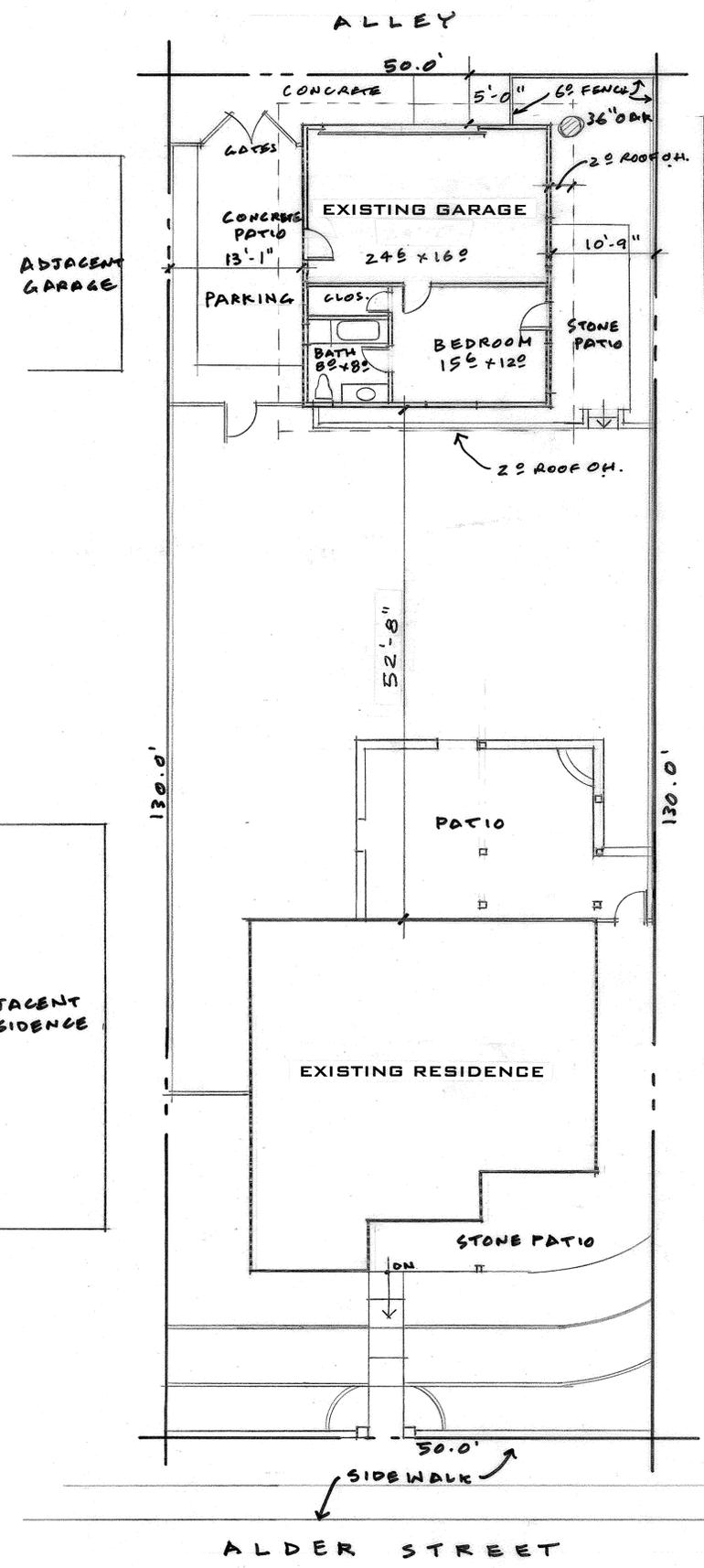
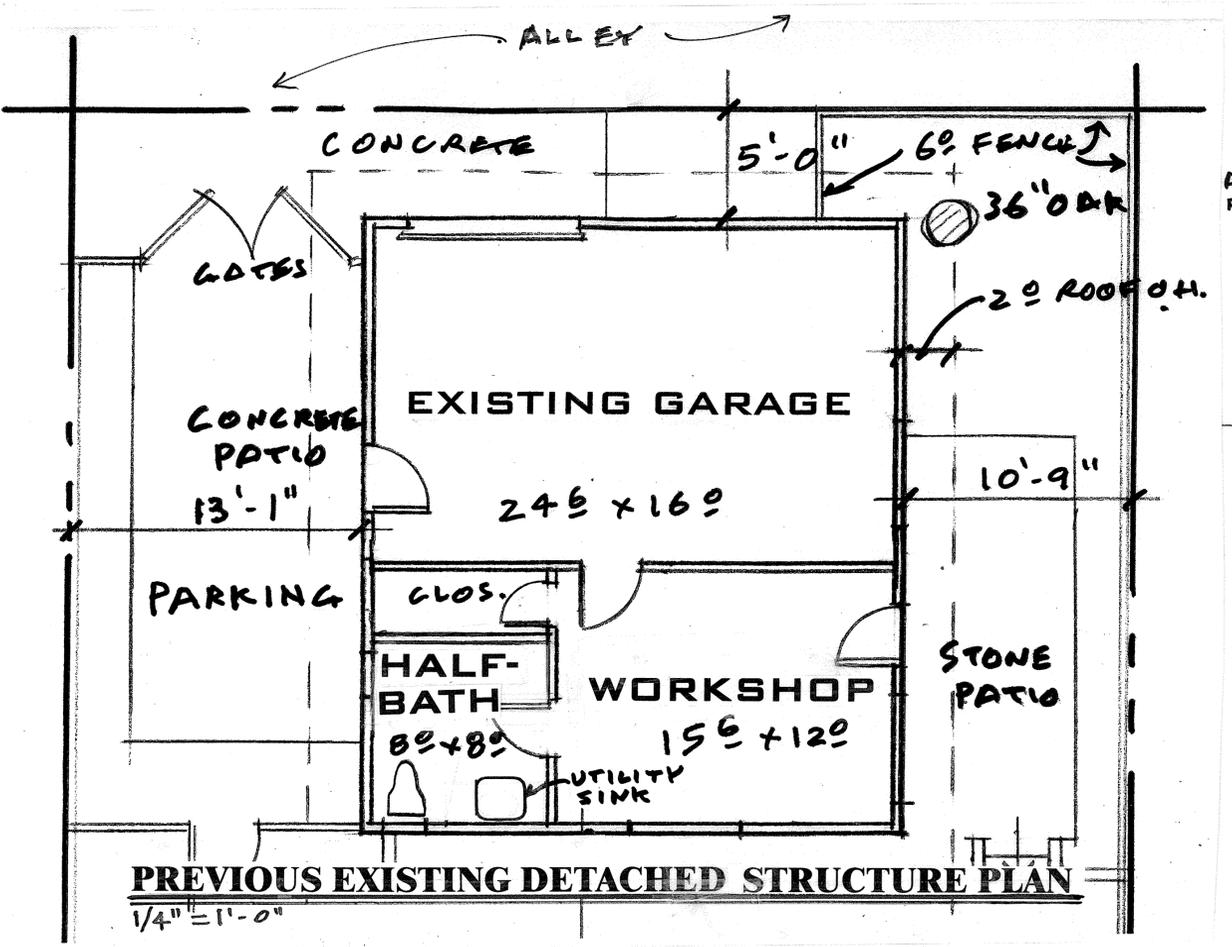
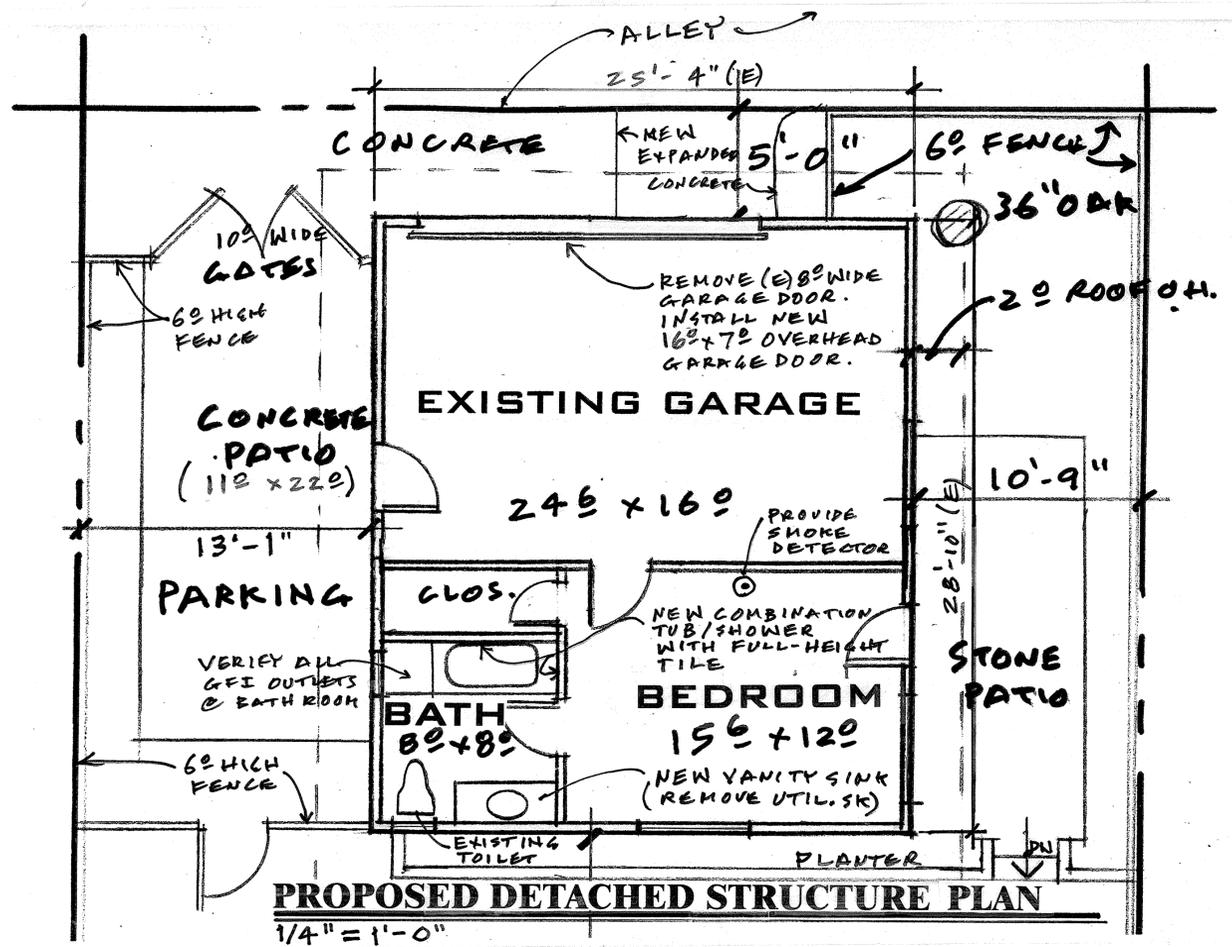
No significant environmental impacts or effects are anticipated.

Contact: Laurel OHalloran, Planning Department, City of Pacific Grove

Contact Phone: (831) 648-3183

Signature: Laurel OHalloran

Date: 11-19-15



PLANNING INFORMATION

PROJECT DESCRIPTION: CONVERT AN EXISTING DETACHED GARAGE/WORKSHOP (WITH A HALF-BATH) INTO A DETACHED GARAGE/GUEST BEDROOM AND BATH

ZONING: R1

LOT SIZE: 8,500. SQ. FT.

PROJECT ADDRESS: 615 ALDER STREET
PACIFIC GROVE

APN: 006-562-014

LEGAL DESCRIPTION: PACIFIC GROVE ADD 5, BLOCK 183, SUB A OF LOTS 4 & 5

OWNERS: DAN & MARIEKE MCGOVERN
3909 OYSTER BAY ROAD NW
OLYMPIA, WA 98502
(360) 972-2801

FLOOR AREA:
EXISTING RESIDENCE: 1,082.
EXISTING GARAGE/WORKSHOP: 730.
TOTAL FLOOR AREA (HOUSE & DETACHED STRUCTURE) 1,812. (27.9%)

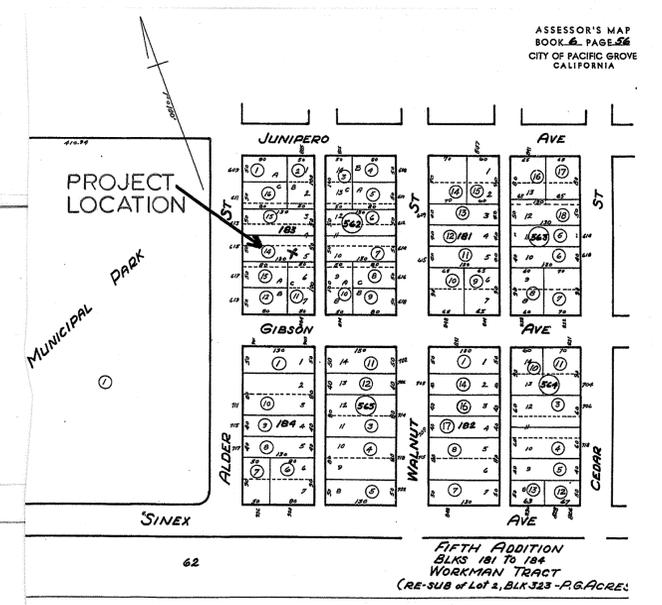
TREE REMOVAL: NONE

GRADING: NONE

CONSTRUCTION TYPE: V-B

OCCUPANCY: R-3

APPLICABLE CODES: 2013 CRC, CMC, CPC, CEC
2013 CA ENERGY CODE



CONVERT EXISTING DETACHED WORKSHOP TO BEDROOM
DANIEL MCGOVERN
615 ALDER STREET, PACIFIC GROVE, CALIFORNIA

TERRY LATASA - ARCHITECT
930 HARRISON STREET, MONTEREY, CALIFORNIA
(831) 649-1012

12-21-15



CITY OF PACIFIC GROVE
COMMUNITY DEV DEPT

Community Development Department - Planning Division

300 Forest Avenue, Pacific Grove, CA 93950
T :: 831.648.3190 • F :: 831.648.3184 • www.ci.pg.ca.us/cdd

Appeal #: 15-794
Date: 12-7-15
Received By: Haroon Noori
Total Fee: 640.40

Appeal Form

Project Information

Project Address: 615 ALDER ST. APN: 006.562.014
 On HRI / Not on HRI

Application & No.: UP 15-738

Applicant Name: DAN MCGOVERN Phone #: 360.972.2801

Mailing Address: 3909 OYSTER BAY RD NW, OLYMPIA WA, 98502

Email Address: D_MCGOVERN@MSN.COM

Owner Name: DAN MCGOVERN Phone #: 360.972.2801

Mailing Address: 3909 OYSTER BAY RD. NW OLYMPIA, WA 98502

Email Address: D_MCGOVERN@MSN.COM

Action¹

ARB: Architectural Review Board
 CDD: Planning Staff
 HRC: Historic Resources Committee

PC: Planning Commission
 NRC: Natural Resources Committee
 SPRC: Site Plan Review Committee
 ZA: Zoning Administrator

Date of Action: DEC. 3, 2015

Action Taken: APPROVED BATHROOM IN DETACHED STRUCTURE WITH CONDITIONS

Appeal Information

Appellant Name: DAN MCGOVERN Phone #: 360.972.2801

Mailing Address: 3909 OYSTER BAY RD, NW, OLYMPIA WA 98502

Email Address: D_MCGOVERN@MSN.COM

Appeal Deadline: 5:00 p.m. on / /

Grounds for Appeal: - LACK OF FINDINGS TO JUSTIFY CONDITIONS
- CONDITIONS INCONSISTENT WITH PREVIOUS SIMILAR APPLICATIONS

If necessary, use additional pages.

Fees

Discretionary Fees ²	\$	
Appeal Fee = 25% of discretionary fees (Major Administrative Use Permit)	\$	310.15
Cost of publication of legal notice ³	\$	300.00
Photocopies _____ copies @ 10¢ each	\$	
Postage ⁴ _____ stamps @ 45¢ each	\$	
Other <u>Mailings and \$2 CC Fee</u>	\$	29.90
Total Appeal Fee		640.40

[Signature]
Appellant Signature

12/7/15
Date

¹ See Table 23.70.012-1 in the Pacific Grove Zoning Code, which identifies roles of review authorities as they relate to appeals.
² Whatever fee was collected by the city for the application for use permit, architectural approval, variance, etc., or combination of more than one fee if more than one decision is being appealed.
³ Currently averaging \$250-300.
⁴ Typically the number of address labels for parcels (or portions thereof) found within a 300 ft radius of the subject parcel (350 ft radius for homes in the Asilomar Dunes area) is approximately 120. Mailing is sent to owners and occupants (including most individual apartments) of properties.