



# NOTICE OF MEETING

## CITY OF PACIFIC GROVE

### PLANNING COMMISSION

#### REGULAR AGENDA

6:00 p.m., Thursday, January 7, 2016

Council Chambers – City Hall – 300 Forest Avenue, Pacific Grove, CA

*Copies of the agenda packet, and materials related to an item on the agenda submitted after distribution of the agenda packet, are available for review at the Pacific Grove Library located at 550 Central Avenue; the CDD counter in City Hall at 300 Forest Avenue, Pacific Grove from 8 a.m. – 12 p.m. and 1 p.m. – 5 p.m., Monday through Thursday; and on the internet at [www.cityofpacificgrove.org/pc](http://www.cityofpacificgrove.org/pc). Recordings of the meetings are available upon request. Materials can also be requested of staff during the PC hearing. Structures listed on the City's Historic Resources Inventory are denoted on the agenda with an "(HRI)" next to their project address.*

**1. Call to Order - 6:00 p.m.**

**2. Roll Call**

Commissioners: Robin Aeschliman, Bill Bluhm (Vice-Chair), Jeanne Byrne, Mark Chakwin (Secretary), Bill Fredrickson (Chair), Don Murphy, Nicholas Smith

**3. Approval of Minutes**

**a. December 3, 2015**

Recommended Action: Approve minutes as presented.

**4. Public Comments**

**a. Written Communications**

*Communications relevant to PC jurisdiction, but not related to a matter on this agenda, are attached under this agenda item.*

**b. Oral Communications**

*Comments from the audience will not receive PC action. Comments must deal with matters subject to the jurisdiction of the PC and will be limited to three minutes. Comments regarding agenda items shall be heard at the time such items are called. Whenever possible, letters should be submitted to the PC in advance of the meeting.*

**5. Items to be Continued or Withdrawn**

None.

**6. Consent Agenda**

- a.** Architectural Review Board December 8, 2016
- b.** Architectural Review Board November 10, 2015
- c.** Historic Resources Committee December 16, 2015

**7. Regular Agenda**

**a. 214 13<sup>th</sup> St. Use Permit for Accessory Structure with Plumbing Fixtures**

Description: To permit an existing bathroom in an accessory structure.

Applicant/Owner: Jim Irwin/Matt Tanzi

Zoning/Land Use: R-2/High Density Residential 29 DU/AC  
Legal Description: Lot 14 & 16, Block 29, Tract 1<sup>st</sup> Addition /APN: 006-272-006-000  
CEQA Status: Exempt  
Staff Reference: Laurel O'Halloran, Associate Planner  
Recommended Action: Approve with conditions

**b. Local Coastal Program 2016 Timeline**

Description: Presentation of Tentative 2016 Timeline for completion of Local Coastal Program Update  
CEQA Status: Exempt  
Staff Reference: Mark Brodeur, Director  
Recommended Action: Receive as information and confirm timeline.

**c. Amendments to Short Term Rental Ordinance**

Description: Consider an Ordinance which amends Chapters 7.40 and 23.64 related to Transient Use Licenses  
CEQA Status: Exempt  
Staff Reference: Mark Brodeur, Director  
Recommended Action: Receive report and recommend an Ordinance for approval by the City Council.

**d. Permitting Home Sharing**

Description: Consider an Ordinance which amends Chapter 23.64 by adding Section 23.64.370 to allow the use in residential zones for the rental of a room in a single family dwelling for transient occupancy.  
CEQA Status: Exempt  
Staff Reference: Terri Schaeffer, Housing Program Coordinator  
Recommended Action: Receive report and recommend an Ordinance for approval by the City Council.

**8. Reports of PC Subcommittees**

*Subcommittees of the PC will provide a summary report of their recent activities.*

**9. Reports of PC Members**

*PC members may ask a question for clarification, make a brief announcement or make a brief report on his or her activities. In addition, a majority of PC members may provide a referral to staff for factual information, request staff to report back to the body at a subsequent meeting concerning an PC-related matter, or direct staff to place a matter of business on a future agenda (G.C. 54954.2(a)(2)).*

**10. Reports of Council Liaison**

**11. Reports of Staff**

**Adjournment**

*The City of Pacific Grove does not discriminate against persons with disabilities. City Hall is an accessible facility. A limited number of devices are available to assist those who are deaf or hard of hearing.*

**GENERAL NOTICE**

- Please note that Section 65009(b)(2) of the California Government Code provides that legal challenges to the City's action on a project may be limited to only those issues raised in testimony during the public hearing process. PC will not consider any new items after 9:00 p.m. Any items remaining on the agenda will be continued either to the next regular meeting or to a special meeting at the discretion of PC. This meeting is open to the public and all interested persons are welcome to attend.

**NOTICE TO APPLICANTS**

- **Appearance by Applicant/Representative:** Applicants or their representatives must be present at the meeting for which their item, including those items on the Consent Agenda, 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.
- **Submittal of Written Communications:** In order to receive due consideration by the PC, written communications pertaining to agenda items should be submitted to CDD by 12:00 noon on the Tuesday prior to the meeting. Materials submitted subsequent to that time, or directly to the PC at the meeting, may, at the Commission's discretion; result in a continuance of the item.
- **Site Review:** If the project, at the time of the site review, is not visible without entering a structure or yard area, the applicant must be present or arrange to show the project area.
- **Subcommittee Items:** Items to be reviewed by subcommittee at the action of the PC must be submitted for review within 30 days of PC decision. Details submitted after 30 days will be subject to review by the full PC.
- **Appeals and Appeal Period:** Decisions rendered by the PC may be appealed to the City Council using a form available at the CDD. The appeal form, plus an appeal fee, must be filed with the CDD within 10 days of the action being appealed. The aforementioned appeal period notwithstanding, the City Council reserves the right to call up for review PC decisions until its next regularly scheduled meeting. No building permit pertaining to a PC action may be issued until the appeal period has passed.
- **Effective Date of Entitlement:** Please note that your use permit/variance does not become effect and therefore neither a building permit nor occupancy certificate may be issued until the resolution granting the use permit/variance has been signed by the applicant and property owner. This resolution will be mailed to the applicant following the PC action.
- **Judicial Time Limits:** This serves as written notice that Pacific Grove Municipal Code (PGMC) §1.20.010 incorporates §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.
- **Building Permit:** PC approval of an application does not constitute an approval to do any construction without a building permit. Please contact the Building Division at 648-3183 for information about building permits. No building permit pertaining to a PC action may be issued until the 10-day appeal period and the City Council's call up period has passed.
- **Notice of Exemption (NOE) under the California Environmental Quality Act (CEQA):** All projects are subject to CEQA and disclosure. CEQA status is noted on the agenda for each project. Applicants with approved projects that have been deemed statutorily or categorically exempt under CEQA may file a NOE directly with the Monterey County Clerk 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 the 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.



# MINUTES

## CITY OF PACIFIC GROVE

### PLANNING COMMISSION

6:00 p.m., Thursday, December 3, 2015

Council Chambers – City Hall – 300 Forest Avenue, Pacific Grove, CA

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#### 1. Call to Order

Chairperson Fredrickson called the meeting to order at 6:05pm.

#### 2. Roll Call

Present: Robin Aeschliman, Bill Bluhm (Vice-Chair), William Fredrickson (Chair), Chakwin (Secretary), Nicholas Smith, Jeanne Byrne

Absent: Donald Murphy

#### 3. Approval of Minutes

a. November 19, 2015

**Upon motion by Commissioner Robin, seconded by Commissioner Chakwin, the Commission voted 5-0-1-1 (Commissioner Murphy absent and Vice-Chair Bluhm abstain) to approve the minutes as presented. Motion carried.**

#### 4. Public Comments

a. Written Communications

None.

b. Oral Communications

None.

#### 5. Items to be Continued

a. None.

#### 6. Consent Agenda

a. Acceptance of Minutes from Other Bodies

None.

b. **Address:** 615 Alder Street, Pacific Grove, CA 93950

**Use Permit (UP):** 15-738

**Project Description:** To permit a bathroom in a detached structure.

**Owner:** Daniel McGovern

**Zone District:** R-1

**General Plan Designation:** Medium Density Residential, 17.4DU/ac  
**Assessor's Parcel Number:** 006-562-014  
**CEQA Status:** Categorical Exemption, Class 15331  
**Staff Reference:** Laurel O'Halloran, [lohallowan@cityofpacificgrove.org](mailto:lohallowan@cityofpacificgrove.org)  
**Recommended Action:** Approve

**Consent Agenda Item 6a was pulled to be considered as Item 7a, with the prior Item 7a becoming Item 7b.**

## 7. Regular Agenda

- a. **Address:** 615 Alder Street, Pacific Grove, CA 93950  
**Use Permit (UP):** 15-738

**This item was pulled from the Consent Agenda Item 6a.**

Laurel O'Halloran, Associate Planner, presented a staff report.

Commissioner Chakwin noted that the water credits will be reduced, and noted that this street supports spillover parking.

The Commission opened the floor for public comments.

Ms. Jan Leisure, property manager from Monterey Bay Property Management District, spoke that the laundry sink and toilet existed when the owners purchased the property.

Commissioner Byrne inquired about the interest in vacation rentals, and asked about verification for changing to efficient water fixtures.

Mr. Terry Latasa, architect, stated that the garage is 17 feet by 23 feet and functions as garage.

The public comment period closed.

Commissioner Smith expressed a concern with parking.

Commissioner Chakwin expressed a concern with parking only if the accessory structure were to be rented out separately.

Vice-Chair Bluhm expressed concern in difficulty of enforcing deed restrictions and inspections. He requested that if approved, he would like to see details of garage and gate dimensions, and potential of concrete patio as a parking space.

Chairperson Fredrickson spoke about concern of undocumented short-term rentals.

Vice-Chair Bluhm suggested creating guidelines to evaluate Use Permits for detached structures with plumbing in the future.

**On a motion by Commissioner Byrne, seconded by Commissioner Smith, the Commission voted 6-0-1 (Commissioner Murphy absent) to approve the Use Permit 15-738, with the condition that only a toilet and laundry sink are permitted, and to remove the shower and bedroom. The motion carried.**

**b. Draft Landscape Ordinance**

**CEQA:** Class 7 Categorical Exemption

**Staff Reference:** Jessica Kahn, P.E., Environmental Programs Manager

**Recommended Action:** Receive Draft Landscape Ordinance and provide general comments.

Jessica Kahn, Environmental Programs Manager, presented a staff report.

Ms. Pam Johns, consultant from Michael Baker International, presented a PowerPoint presentation. Ms. Johns noted that the proposals were a collection of suggestions to choose from.

Chairperson Fredrickson and Commissioner Smith inquired about impervious surface such as concrete below turf.

The Commission opened the floor for public comments.

Mr. Luke Coletti, resident, inquired about funding and lot coverage.

Ms. Sally Moore, resident, inquired about surface runoff and defaulting regulations to the State requirements, suggested that the Plant Palette be a guideline, and expressed concern about the stringency of the proposal.

Ms. Carmelita Garcia, resident, expressed concern of residents not adhering to the rules, and stated that the proposal is beneficial for new development. Ms. Garcia also expressed concern of artificial turf, and requested a clear document to be integrated smoothly into the permitting process.

The public comment period closed.

Commissioner Smith expressed concern in the high amount of regulations.

Commissioner Byrne stated that the city currently does not have landscape regulations yet finds much of the landscaping favorable. She expressed concern of repetitive or conflicting regulations for stormwater, water management, and site coverage. She expressed concern of preference of native, drought-tolerant plants, and negative impact on non-native plants. She commented that in the community, privacy is a larger issue than crime prevention. She suggested that the proposal be a guideline rather than a requirement, with the exception of artificial turf which needs more details.

Ms. Kahn stated that the grant awarded the city \$240,000, and approximately \$125,000 has been spent. Approximately \$35,000 has been allocated to the Landscape

Ordinance for implementation, of which approximately \$16,000 has been spent. The remainder of the grant is dedicated to projects such as the Public Tree Inventory, watershed modeling, Plant Palette, and the Low Impact Development (LID) Program.

Chairperson Fredrickson expressed concern of impact on permit fees. He requested the document to address artificial turf, and for the document beginning on Page 116 to be reduced to a recommendation. He requested this be a recommendation rather than a requirement.

Commissioner Aeschliman commented that Pacific Grove should be recognized as a Mediterranean climate. She also stated that there should be requirements for artificial turf.

Ms. Johns suggested creating requirements for artificial turf, and noted that a revised document will be reviewed by the Beautification Natural Resources Commission.

**8. Reports of PC Subcommittees**

- a. **Short Term Rental** – Commissioner Aeschliman described discussions regarding density, grandfathering in existing short-term vacation rentals, effect on impacted neighborhoods, and more. Chairperson Fredrickson commented that density should be evaluated block by block. Commissioner Byrne commented that density should be allowed at approximately 10%, particularly in the R1 and R2 districts. Commissioner Chakwin commented that density should be allowed at approximately 30%. Director Brodeur commented about different density levels for different zonings.

**9. Reports of PC Commissioners**

- a. None.

**10. Reports of Council Liaison**

- a. Councilmember Robert Huitt discussed an appointment for an interim city manager on December 16<sup>th</sup>, and will take 4-6 months to find a new full-time city manager. The City Council meeting discussed ensuring continuity for current major projects.

**11. Adjournment at 8:05 pm.**

**APPROVED BY PLANNING COMMISSION:**

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\_\_\_\_\_  
Mark Chakwin, Secretary

\_\_\_\_\_  
Date



## MINUTES

# CITY OF PACIFIC GROVE ARCHITECTURAL REVIEW BOARD MINUTES

4:00 p.m., December 8, 2015

Council Chambers – City Hall – 300 Forest Avenue, Pacific Grove, CA

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**1. Call to Order – 4:02pm**

**2. Roll Call**

Architectural Review Board Members: Sarah Boyle, Larry Doocy, Rick Steres (Chair), Michael Gunby, Jeff Edmonds, two vacancies.

Absent: None

**3. Approval of Minutes**

**a. Approval of November 10, 2015**

**Recommended Action:** Approve as presented

**On a motion by Member Gunby, seconded by Member Edmonds, the board voted 5-0-0 to recommend approval of November 10, 2015 ARB Minutes as presented. Motion Passed.**

**4. Public Comments**

**a. Written Communications**

*Communications relevant to ARB jurisdiction, but not related to a matter on this agenda, are attached under this agenda item.*

None

**b. Oral Communications**

*Comments from the audience will not receive ARB action. Comments must deal with matters subject to the jurisdiction of the ARB and will be limited to three minutes. Comments regarding agenda items shall be heard at the time such items are called. Whenever possible, letters should be submitted to the ARB in advance of the meeting.*

None

**5. Items to be Continued or Withdrawn**

None

## 6. Consent Agenda

*Items placed on the Consent Agenda are considered to be routine and are acted upon by the Commission in one motion. There is no discussion of these items prior to the Commission action unless a member of the Commission, staff, or public requests specific items be discussed and removed from the Consent Agenda. It is understood that the staff recommends approval of all consent items. Each item on the Consent Agenda approved by the Commission shall be deemed to have been considered in full and approved as presented.*

- a. **Address:** 1152 Forest Ave (APN: 007-651-022)  
**Permit Application:** Sign Permit No. 15-759  
**Project Description:** To allow an illuminated can sign of 36.8 square feet (8 feet 10 inches width by 4 feet 2 inches height) for the “Extra Mile” franchise logo.  
**Applicant/Owner:** Mahesh Konduru  
**Zone District:** C-FH  
**General Plan Designation:** Commercial  
**CEQA Status:** Categorical Exemption, Section 15301  
**Staff Reference:** Wendy Lao, Assistant Planner  
**Recommended Action:** Final Approval

**Item 6a was pulled from the Consent Agenda and re-agendized as Item 7a.**

## 7. Regular Agenda

*Members of the public are welcome to off their comments on any of the following items after being recognized by the Chair. Presentations will be limited to three minutes, or as otherwise established by the Commission Chair. Persons are not required to give their name or address, but it is helpful for speakers to state their name in order that they are identified in the minutes.*

- a. **Address:** 1152 Forest Ave (APN: 007-651-022)  
**Permit Application:** Sign Permit No. 15-759

**This item was pulled from the Consent Agenda and re-agendized as Item 7a.**

Wendy Lao, Assistant Planner, presented the item.

The public comment period was opened and the following members of the public spoke:

Mr. Mahesh Konduru, applicant and owner, presented the item. Mr. Konduru discussed how “ExtraMile” is a franchise and is the name of the Chevron Corporation convenience stores.

Robin Aeschliman, Planning Commissioner, spoke about the Planning Commission’s approval of the Use Permit and signage from September 2014. Commissioner Aeschliman spoke about how the proposed sign is a different color scheme and different size. Commissioner Aeschliman inquired about preserving the historic character of the Forest Hill Gas Station, as well as the character of a small coastal town. Commissioner Aeschliman inquired about the details for the “Price

Sign”.

The public comment period was closed.

The Board discussed the item.

Chairman Steres described how a sign with plastic shell internally lit by fluorescent tubes would not be fitting for the City of Pacific Grove. Chairman Steres requested construction details for the sign.

Member Edmonds requested additional details regarding the display.

Member Doocy inquired about the size limit for signage.

Mr. Konduru agreed to bring in samples of the proposed material, or note local examples. Mr. Konduru will also provide additional information, such as photographs of existing stores, wattage of bulbs, and more detailed drawings.

**On a motion by Member Gunby, seconded by Member Doocy, the board voted 5-0-0 to continue Item 7a to the January 12, 2016 ARB Meeting. Motion passed.**

## 8. New Business

### a. 301 Grand Avenue proposal

Laurel O’Halloran, Associate Planner, presented the item.

Daryl Hawkins, JHW Architects, provided a PowerPoint presentation. The proposal includes 3 apartments with 1 accessible unit on the ground floor for a total of 7 apartments. The second floor apartments are set back to help with noise and privacy concerns, and allows a deck. The proposal also includes 6 retail spaces.

Seth Bergstein, historian from PAST Consultants, noted that there are not many character defining features on the building. Mr. Bergstein described how the shingle sidings are not lapped well, and the proposal will reveal the original 1 foot x 8 feet wood panels underneath. The historic windows from 1926 on Laurel Street are indicated by the wavy texture, and there will be new energy efficient windows. The proposal includes re-using most of the framing.

Chairman Steres commended the project, and stated the importance of re-purposing the historic windows to another location in the building.

Member Gunby commended the project for using tongue-and-groove wood replacement. Member Gunby would prefer divided light windows instead of sliders/casement windows on the Grand Avenue side of the building, in order to unify the appearance.

Member Doocy inquired about variety of styles of the overhang. Mr. Hawkins said that may be to differentiate between the different units.

Member Edmonds commented that the triangular windows on the gabled roof may appear more modern instead of historic.

## 9. Reports of ARB Members

- a. **Historic Preservation Ordinance Ad Hoc Committee** – Member Gunby described the committee’s discussion topics, including criteria for determining which structures would be on the City’s Historic Resources Inventory. Ideas included matching the Department of Interior historic standards, and having 2 tiers.

## 10. Reports of Council Liaison

None

## 11. Staff Update

## 12. Adjournment: 5:09

- a. Next ARB meeting is scheduled for January 12, 2015.

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### GENERAL NOTICE

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### NOTICE TO APPLICANTS

- **Appearance by Applicant/Representative:** Applicants or their representatives must be present at the meeting for which their item, including those items on the Consent Agenda, 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.
- **Appeals and Appeal Period:** Decisions rendered may be appealed using a form available at the CDD. The appeal form, plus an appeal fee, must be filed with the CDD within 10 days of the action.
- **Judicial Time Limits:** This serves as written notice that Pacific Grove Municipal Code (PGMC) §1.20.010 incorporates §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.



**MINUTES**

**CITY OF PACIFIC GROVE  
ARCHITECTURAL REVIEW BOARD  
REGULAR MEETING**

4:00 p.m., November 10, 2015

Council Chambers – City Hall – 300 Forest Avenue, Pacific Grove, CA

*Copies of the agenda packet, and materials related to an item on the agenda submitted after distribution of the agenda packet, are available for review at the Pacific Grove Library located at 550 Central Avenue and the CEDD counter in City Hall at 300 Forest Avenue, Pacific Grove from 8 a.m. – 12 p.m. and 1 p.m. – 5 p.m., Monday through Thursday; and on the internet at [www.cityofpacificgrove.org/arb](http://www.cityofpacificgrove.org/arb)*

**1. Call to Order – 4:02pm**

**2. Roll Call**

Members Present: Sarah Boyle, Larry Doocy, Rick Steres (Chair), Michael Gunby, Jeff Edmonds, two vacancies.

Members Absent: None.

**3. Approval of Minutes**

a. Approval of October 13, 2015

**Recommended Action:** Approve as presented

**On a motion by Member Gunby, seconded by Member Edmonds, the Board voted 5-0-0 to approve the October 13<sup>th</sup>, 2015 Regular Meeting Minutes.**

**Motion Passed.**

**4. Public Comments**

a. Written Communications

None.

b. Oral Communications

None.

**5. Items to be Continued or Withdrawn**

a. None.

**6. Consent Agenda**

a. None.

## 7. Regular Agenda

*Members of the public are welcome to offer their comments on any of the following items after being recognized by the Chair. Presentations will be limited to three minutes, or as otherwise established by the Commission Chair. Persons are not required to give their name or address, but it is helpful for speakers to state their name in order that they are identified in the minutes.*

**a. Address:** 50 Quarterdeck Way APN: 006-043-005

**Permit Application:** Architecture Permit No. 15-607

**Project Description:** To allow a first floor addition of 525 sf and a second story addition of 491 sf including the addition of a 115 sf second story deck in the rear to an existing one story 641 sf with the demolition of 250 sf to a single family residence for a total of a 2,415 sf two story residence.

**Applicant/Owner:** Rick Steres/Sandra Kalinowski

**Zone District:** R-1

**General Plan Designation:** Medium Density Residential, 17.4 DU/ac

**CEQA Status:** Categorical Exemption, Section 15301(e)(1) Class 1

**Staff Reference:** Laurel O'Halloran, Associate Planner

**Recommended Action:** Final Approval with conditions.

Chairman Steres recused himself because he was the project architect.

Laurel O'Halloran, Associate Planner, presented the item.

The public comment period was opened and the following members of the public spoke:

Rick Steres, architect, presented the item.

Sandy Kalinowski, property owner, spoke.

The public comment period was closed.

The Board discussed the item.

The Board discussed the site coverage and use of permeable pavers.

**On a motion by Member Gunby, seconded by Member Doocy, the board voted 4-0-1 (Chairman Steres abstain) to recommend approval of Architectural Permit 15-607 with the condition to reduce site coverage to 60% or to merge 2 parcels together. Motion Passed.**

**b. Address:** 858 17 Mile Drive APN: 006-611-180

**Permit Application:** Architecture Permit No. 15-411

**Project Description:** To allow a two-story addition of 774 gross square feet, a deck of 364 square feet, a porch of 150 square feet, a second-story balcony of 56 square feet, a gable-front dormer window of 10 square feet, a replacement of existing

driveway with 1,944 square feet of permeable pavers, and a detached garage/workshop of 661 square feet, to an existing single-story residence of 1,795 square feet, for a total of a two-story residence of 2,569 gross floor area and a detached garage/shop of 661 square feet.

**Applicant/Owner:** Glenn Warner/Matt & Adriana James

**Zone District:** R-1-B-3

**General Plan Designation:** Low Density 5.4 DU/ac

**CEQA Status:** Categorical Exemption, Section 15301(e)(1) Class 1

**Staff Reference:** Wendy Lao, Assistant Planner

**Recommended Action:** Final Approval

Wendy Lao, Assistant Planner, presented the item.

The public comment period was opened and the following members of the public spoke:

Glenn Warner, architect, presented to the board.

The public comment period was closed.

The Board discussed the item.

Member Boyle stated a preference for using natural stone.

**On a motion by Member Edmonds, seconded by Member Steres, the board voted 5-0-0 to recommend approval of Architectural Permit 15-411 as presented. Motion Passed.**

c. **Address:** 151 12<sup>th</sup> Street APN: 006-198-001

**Permit Application:** Architecture Permit No. 15-429

**Project Description:** To allow a first floor addition of 917 sf and a second story addition of 633 sf including the addition of a 63 sf second story deck in the rear and a 80 sf deck in the front to an existing one story 641 sf single family residence including the demolition of 33 sf for a total of a 2,399 sf two story residence.

**Applicant/Owner:** Mike Fletcher

**Zone District:** R-3-PGR

**General Plan Designation:** High Density Residential, 29.0 DU/ac

**CEQA Status:** Categorical Exemption, Section 15301(e)(1) Class 1

**Staff Reference:** Laurel O'Halloran, Associate Planner

**Recommended Action:** Final Approval

Laurel O'Halloran, Associate Planner, presented the item.

The public comment period was opened and the following members of the public spoke:

Mike Fletcher, owner, spoke.

Pat Edinger, architect, presented to the board.

The public comment period was closed.

The Board discussed the item.

**On a motion by Member Gunby, seconded by Member Doocy, the board voted 5-0-0 to recommend approval of Architectural Permit 15-429 on the condition that the chimney be removed or reconstructed per building inspection. Motion Passed.**

d. **Address:** 414 9<sup>th</sup> Street APN: 006-501-005

**Permit Application:** Architecture Permit No. 15-480

**Project Description:** To allow the removal of a wooden deck of 70 square feet, to be rebuilt with a two-story addition of 880 gross square feet including a covered open porch of 151 square feet, and an addition of an uncovered patio of 150 square feet of pervious pavers, to an existing single-story residence of 783 square feet, for a total of a two-story residence of 1,663 gross floor area.

**Applicant/Owner:** Rick Steres Architect/Ryan & Katherine Bitter

**Zone District:** R-1

**General Plan Designation:** Medium Density to 17.4 DU/ac

**CEQA Status:** Categorical Exemption, Section 15331

**Staff Reference:** Wendy Lao, Assistant Planner

**Recommended Action:** Final Approval

Chairman Steres recused himself because he was the project architect.

Wendy Lao, Assistant Planner, presented the item.

The public comment period was opened and the following members of the public spoke:

Rick Steres, architect, presented to the board.

Ryan Bitter, owner, spoke.

Sally Moore, neighbor, spoke in support of the project.

Larry McCormick, neighbor, spoke in support of the project.

The public comment period was closed.

The Board discussed the item.

The Board inquired about the copper material in the chimney cap.

**On a motion by Member Edmonds, seconded by Member Boyle, the board voted 4-0-1 (Chairman Steres abstain) to recommend approval of Architectural Permit 15-480 as presented. Motion Passed.**

- e. **Address:** 542 Lighthouse Ave (Holman Building) | *Revised Plan Set*  
**Permit Application:** Architectural and Use Permit AP & UP 15-301  
**Project Description:** To allow a remodel of the existing Holman Building for mixed use residential, office and commercial uses with parking and the addition of up to 7,000 square feet on the 5th floor for a total of 112,900 square feet and a maximum of 25 residential units. The building is listed on the City's Historic Resources Inventory.  
**Applicant/Owner:** Ken Turgen, WRD Architects/Monterey Capital PG Founder LLC  
**Zone District:** C-1-T  
**General Plan Designation:** Commercial  
**CEQA Status:** Exempt  
**Staff Reference:** Mark Brodeur, Director  
**Recommended Action:** Recommendation to Planning Commission regarding architectural features.

Mark Brodeur, Director of Community and Economic Development Department, presented the item.

The public comment period was opened and the following members of the public spoke:

Henry Ruhnke, architect, presented to the board.

Chairman Steres commended the project and spoke of a concern of birds and the canvas awning.

Member Edmonds inquired about iron handrails and concern with rust.

Mr. Ruhnke spoke about the use of aluminum windows.

Chairman Steres inquired about impact of metal materials, including aluminum windows.

Chairman Steres and Member Boyle commended the project.

Sally Moore, neighbor, commended the project and spoke of a concern of moss and bird on awnings, and expressed a preference for trees and planters on the roof.

The public comment period was closed.

The Board discussed the item.

**On a motion by Member Gunby, seconded by Member Edmonds, the board voted 5-0-0 to recommend approval of Architectural Permit and Use Permit 15-301 as presented. Motion Passed.**

**8. New Business**

**a. Ad Hoc Historic Preservation Ordinance Committee:**

Laurel O'Halloran, Associate Planner, stated that Member Gunby is the elected representative and the first meeting is Monday, November 16<sup>th</sup>, 2015.

**9. Reports of ARB Members**

**a. None.**

**10. Reports of Council Liaison**

**a. Councilman Fisher presented to the board, and discussed the City's budget report, regulations regarding short term rentals, and shelter for homeless people. Tree permit fees have been increased.**

**11. Staff Update**

**a. Local Coastal Program Update:** Anastazia Aziz, Senior Planner, stated that the next meeting will be on Friday, November 20<sup>th</sup>. The meeting will discuss climate change, sea level rise, and adaptation strategies.

**b. Area of Special Biological Watershed Significance:** Ms. Aziz stated that the area has been monitored the past 2 years, and regulations may be developed in the future.

**c. Homeless & El Nino:** Mark Brodeur, Director of Community & Economic Development Department, spoke about a report to be included in the Cedar Street Times.

**12. Adjournment at 5:42**

**a. Next ARB meeting is scheduled for December 8, 2015.**



## MINUTES

# CITY OF PACIFIC GROVE HISTORIC RESOURCES COMMITTEE REGULAR MEETING AGENDA

3:00 p.m., Wednesday, December 16, 2015

Council Chambers – City Hall – 300 Forest Avenue, Pacific Grove, CA

*Copies of the agenda packet are available for review at the Pacific Grove Library located at 550 Central Avenue; the CDD counter in City Hall at 300 Forest Avenue, Pacific Grove from 8 a.m. – 12 p.m. and 1 p.m. – 5 p.m., Monday through Thursday; and on the internet at [www.ci.pg.ca.us/hrc](http://www.ci.pg.ca.us/hrc). Recordings of the meetings are available upon request.*

**1. Called to Order- 3:10 p.m.**

**2. Roll Call.**

HRC Members Present: Steve Covell, David Hines (Secretary), Maureen Mason (Chair), Claudia Sawyer  
Absent: Mark Travaille, two vacancies.

**3. Approval of HRC Minutes.**

**a. October 28, 2015 Minutes**

**On a motion by Member Sawyer, seconded by Member Covell, the Committee voted 4-0-1 (Travaille absent) to approve the minutes. Motion carried.**

**4. Public Comments.**

**a. Written Correspondence**  
None.

**b. Oral Communications**  
None.

**5. Items to be Continued or Withdrawn.**

None.

**6. Consent Agenda.**

**Items 6.a was pulled by Member Sawyer and 6.b were pulled by Member Hines and placed on the Regular Agenda as Items 7.a and 7.b respectively.**

**a. Initial Historic Screening Request No. IHS 15-761: 410 Wood Street**

Description: Review available information and consider whether a preliminary determination of ineligibility can be made.

Applicant/Owner: Cassandra August/Glendoria & Frank Trestler

CEQA status: Not a project under CEQA

Staff reference: Mark Brodeur, Director

Recommended action: Determine ineligible for Historic Resources Inventory.

- b. Initial Historic Screening Request No. IHS 15-744: 841 Bayview Avenue**  
Description: Review available information and consider whether a preliminary determination of ineligibility can be made.  
Applicant/Owner: Aaron Tollefson/Matt Tanzi  
CEQA status: Not a project under CEQA  
Staff reference: Mark Brodeur, Director  
Recommended action: Determine ineligible for Historic Resources Inventory.
- c. Initial Historic Screening Request No. IHS 15-737: 1264 Surf Avenue**  
Description: Review available information and consider whether a preliminary determination of ineligibility can be made.  
Applicant/Owner: Bob Nichols  
CEQA status: Not a project under CEQA  
Staff reference: Mark Brodeur, Director  
Recommended action: Determine ineligible for Historic Resources Inventory.
- d. Initial Historic Screening Request No. IHS 15-749: 261 Spruce Avenue**  
Description: Review available information and consider whether a preliminary determination of ineligibility can be made.  
Applicant/Owner: Teri Takikawa/Dan Biondi Jr.  
CEQA status: Not a project under CEQA  
Staff reference: Mark Brodeur, Director  
Recommended action: Determine ineligible for Historic Resources Inventory.
- e. Initial Historic Screening Request No. IHS 15-773: 1218 Miles Avenue**  
Description: Review available information and consider whether a preliminary determination of ineligibility can be made.  
Applicant/Owner: Chris Soper / Chris & Hiroko Soper  
CEQA status: Not a project under CEQA  
Staff reference: Mark Brodeur, Director  
Recommended action: Determine ineligible for Historic Resources Inventory.

**On a motion by Member Sawyer, seconded by Member Hines, the Committee voted 4-0-1 (Travaille absent) to approve consent agenda items 6.c, 6.d., and 6.e. Motion passed.**

**7. Regular Agenda.**

- a. Initial Historic Screening Request No. IHS 15-761: 410 Wood Street**  
Description: Review available information and consider whether a preliminary determination of ineligibility can be made.  
Applicant/Owner: Cassandra August/Glendoria & Frank Trestler  
CEQA status: Not a project under CEQA  
Staff reference: Mark Brodeur, Director  
Recommended action: Determine ineligible for Historic Resources Inventory.

**On a motion by Member Sawyer, seconded by Member Hines, the Committee voted 4-0-1 (Travaille absent) to determine the property ineligible for the historic**

resources inventory because the property does not exhibit unique architectural, site, or locational characteristics. Motion passed.

**b. Initial Historic Screening Request No. IHS 15-744: 841 Bayview Avenue**

Description: Review available information and consider whether a preliminary determination of ineligibility can be made.

Applicant/Owner: Aaron Tollefson/Matt Tanzi

CEQA status: Not a project under CEQA

Staff reference: Mark Brodeur, Director

Recommended action: Determine ineligible for Historic Resources Inventory.

**On a motion by Member Hines, seconded by Member Sawyer, the Committee voted 4-0-1 (Travaille absent) to determine the property ineligible for the historic resources inventory because the property does not exhibit unique architectural, site or locational characteristics. Motion passed.**

**8. Reports of HRC Members.**

Chair Mason reported on the Historic Preservation Ordinance Ad Hoc Committee meeting on December 14, 2015. The next meeting is scheduled for January 4, 2015.

**9. Reports of Council Liaison.**

None.

**10. Reports of Staff.**

Staff stated a timeline for the Local Coastal Program Update will be available in early 2016 and workshops for Draft Implementation Ordinances are tentatively scheduled for February 2016.

**11. Adjourned at 4:00pm .**

*The City of Pacific Grove does not discriminate against persons with disabilities. City Hall is an accessible facility. A limited number of devices are available to assist those who are deaf or hard of hearing.*

**GENERAL NOTICE**

Please note that [Section 65009\(b\)\(2\) of the California Government Code](#) provides that legal challenges to the City's action on a project may be limited to only those issues raised in testimony during the public hearing process. HRC will not consider any new items after 9:00 p.m. Any items remaining on the agenda will be continued either to the next regular meeting or to a special meeting at the discretion of HRC. This meeting is open to the public and all interested persons are welcome to attend.

**NOTICE TO APPLICANTS**

Judicial Time Limits: This serves as written notice that Pacific Grove Municipal Code (PGMC) §1.20.010 incorporates §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.



# CITY OF PACIFIC GROVE

Community Development Department – Planning Division

300 Forest Avenue, Pacific Grove, CA 93950

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## Initial Historic Screening Determination

Address: \_\_\_\_\_ APN: \_\_\_\_\_  
Owner: \_\_\_\_\_ Applicant: \_\_\_\_\_

### HISTORIC RESOURCES COMMITTEE (HRC) RECOMMENDATION:

At the \_\_\_\_\_ HRC meeting, the Committee prepared the following Preliminary Determination of Ineligibility and forwarded the recommendation to the Community Development Director:

- Determined to be ineligible as an “Historical Resource,” due to the following criteria:
  - 1. The property has undergone significant alterations to the primary or most visible façade, as evidenced through original plans, photographs or Sanborn maps.
    - \_\_\_\_\_ (description of known alteration)
    - \_\_\_\_\_ (type of documentation)
  - 2a. The property does not exhibit the architectural characteristics of the styles described in Section 7.3 of the General Plan or Section IV of the Historic Context Statement;
  - or
  - 2b. The property does not exhibit unique architectural, site or locational characteristics.
  - 3. The property is not associated with important persons, events or architecture.
- Determination of ineligibility cannot be made.

HRC Comments:

\_\_\_\_\_  
Maureen Mason, HRC Chair

\_\_\_\_\_  
Date

### COMMUNITY DEVELOPMENT DIRECTOR (CDD) DETERMINATION:

Based on the recommendation above, the CDD Director, or their designee:

- Made a determination of ineligibility, which will remain in effect for 10 years from the date of approval.
- Found that a determination of ineligibility cannot be made, and a Phase 1 Historic Assessment (DPR 523 Form) is required.

\_\_\_\_\_  
Mark Brodeur, CEDD Director

\_\_\_\_\_  
Date



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

**AGENDA REPORT**

**TO:** Planning Commission

**FROM:** Laurel O'Halloran, Associate Planner

**MEETING DATE:** January 7, 2016

**ADDRESS:** 214 13th Street Pacific Grove, CA 93950  
APN: 006-272-006

**SUBJECT:** Use Permit (UP) 15- 812

**APPLICANT/  
OWNER:** Jim Irwin/Matt Tanzi

**ZONING/LAND USE:** R-2, residential

**CEQA:** Section 15301.e(1) Class 1 Categorical Exemption

**RECOMMENDATION:**

Hold a public hearing on Use Permit (UP) 15-812 and approve, subject to staff-recommended findings and conditions.

**PROJECT DESCRIPTION**

To permit and approve an existing detached category one accessory structure with a bedroom and full bathroom per S. 23.16.021 and to permit and approve a second category one accessory structure which is a 260 square foot carport pursuant to PGM 23.64.180

**BACKGROUND**

The project site is located at 214 13<sup>th</sup> Street in the R-2 zoning district which permits duplexes and two detached single-family residences subject to first securing a use permit. Accessory structures are also a permitted use and subject to various permitting paths. The parcel is 3,600 square feet. The existing single-story 1,105 square foot single family residence is on the Historic Resources Inventory. The existing rear detached accessory structure is 179 square feet, contains a full bath, and is located within the rear setback.

Administrative Architectural Permit AAP 14-460 was approved in September 2014. The permit approved rehabilitation of an historic structure, renovation of an existing detached habitable category one accessory structure, and construction of a second category one accessory structure in the form of a carport. A category one accessory structure is defined as a detached non-habitable structure that is 70 square feet or more in area (such as garages, carports, workshops, and gazebos.) Upon further review, staff determined the correct permitting path for the scope of work is Use Permit.

**DISCUSSION**

The existing category one accessory structure at the rear of the property contains a bedroom and bathroom. A Use Permit is required for a detached room exceeding 100 square feet with plumbing fixtures per S. 23.16.021.

Additionally a Use Permit is required for additional category one accessory structures, in this case, the 260 square foot carport per Table 23.64.180.

Maximum gross floor area permitted for a 3,600 square foot lot is up to 2,400 square feet. Total gross floor area, including the existing house, carport, and detached habitable structure with plumbing is 1,544 square feet and is lower than the maximum square footage threshold.

Allowable building coverage is 50% and the project building coverage is 42%. Site coverage in R-2 is 60% and the project coverage is 60%.

**Carport**

The carport brings the property into greater conformance by meeting the required off street parking. Lot sizes between 2,700-4000 square feet in the R-2 zone are required to have one covered and one uncovered parking space. The carport provides one covered parking space and the 20 foot driveway accommodates one on-site uncovered parking space. The carport does not encroach in the setback areas.

**Detached Habitable Accessory Structure with Plumbing**

Detached or semi-detached rooms exceeding 100 square feet are subject to a use permit. The structure meets the characteristics outlined in S. 23.16.021 in that the room has no interior access to other rooms in the structure or on the building site and the room is equipped with a sink in addition to and remote from the kitchen on the same building site. The structure would not readily lend itself to a multiple dwelling use in that it lacks a kitchen; however, because the property is zoned R-2, the property owner, may at a later date apply for a use permit for a second detached unit.

The existing detached accessory structure encroaches into the rear setback. The required rear setback is 10 feet and the structure has a rear setback of 3'3" is considered legal non-conforming. The project site has been reviewed by Monterey Peninsula Water Management District (MPWMD) and it has been verified that there are adequate water credits for the full bathroom in the accessory structure.

A condition of approval will require the applicant to record a Deed Restriction with the County stating the structure will not be converted to a 2<sup>nd</sup> Unit without first obtaining the appropriate Planning Permit.

**FINDINGS**

Staff recommends approval of UP 15-812, subject to the recommended findings (see Attachment 1, Draft Resolution).

**CONDITIONS**

Staff recommends approval of UP 15-812 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**

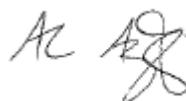
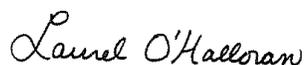
1. Approve the application, with the recommended conditions.
2. Approve a modified project, citing evidence to support findings.
3. Deny the application, citing evidence why findings cannot be made.

**ATTACHMENTS**

1. Draft resolution
2. Application materials
3. CEQA Materials
4. Project Plans
5. Water Management District forms

RESPECTFULLY SUBMITTED:

REVIEWED BY:



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Laurel O'Halloran  
Associate Planner

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Anastazia Aziz, AICP  
Senior Planner



# CITY OF PACIFIC GROVE

Community Development Department – Planning Division

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## Permit & Request Application

Item 7.a

<b>Project Permit(s) &amp; Fees</b>			App. #:	15-812
Permit:	Fee:	Multiple Permit Discount:	Date:	12/18/15
UP			Received By:	L O'Halloran
			Total Fee:	\$ 31,831.50

<b>Project/Property Information</b>	
Project Address:	214 13th St. APN: 006-272-006-000
Lot: 14 dlv	Block: 29 Tract: 1st Addition
ZC: R2	GP: High Density 29.0du/au Lot Size: .083 acres = 3,600 S.F.
Project Description:	Remodel existing restroom in existing guest/recreation room.
Applicant Name:	Jim Irwin Phone #: 649-4642
Mailing Address:	2340 Garden Rd. Ste. 100 Monterey, CA 93940
Email Address:	jimi@wrdarch.com / debbybeckrealtor@gmail.com
Owner Name:	Matt Tanzi Phone #: (408) 218-5809
Mailing Address:	6711 Mt. Leneve - San Jose, CA 95120
Email Address:	matteoje@sbcglobal.net

<b>Permit(s)/Request(s)</b>			
<input type="checkbox"/> CRD: Counter Determination	<input checked="" type="checkbox"/> UP: Use Permit	<input type="checkbox"/> IHS: Initial Historic Screening	<input type="checkbox"/> VAR: Variance
<input type="checkbox"/> AP: Architectural Permit	<input type="checkbox"/> AUP: Administrative UP	<input type="checkbox"/> HPP: Historic Preservation Permit	<input type="checkbox"/> AVAR: Administrative VAR
<input type="checkbox"/> AAP: Administrative AP	<input type="checkbox"/> UP-A: UP Amendment	<input type="checkbox"/> HDP: Historic Demolition Permit	<input type="checkbox"/> VAR-A: VAR Amendment
<input type="checkbox"/> ADC: AP Design Change	<input type="checkbox"/> AUP-A: AUP Amendment	<input type="checkbox"/> HRP: Historic Relocation Permit	<input type="checkbox"/> AVAR-A: AVAR Amendment
<input type="checkbox"/> SP: Sign Permit	<input type="checkbox"/> C-1 Interp. of Permitted Uses	<input type="checkbox"/> HD: Historic Determination	<input type="checkbox"/> IS & ND/MND: Initial Study
<input type="checkbox"/> ASP: Administrative SP	<input type="checkbox"/> SU: Second Unit	<input type="checkbox"/> TPD: Tree Permit w/ Dev't	<input type="checkbox"/> EIR: Env. Impact Report
<input type="checkbox"/> TTM: Tentative Tract Map	<input type="checkbox"/> LLA: Lot Line Adjustment	<input type="checkbox"/> PUU: Permit Undocumented Unit	<input type="checkbox"/> MMP: Mitigation Monitoring
<input type="checkbox"/> FTM: Final Tract Map	<input type="checkbox"/> LM: Lot Merger	<input type="checkbox"/> GPA: General Plan Amendment	<input type="checkbox"/> Other
<input type="checkbox"/> SPR: Site Plan Review	<input type="checkbox"/> COC: Certificate of Compliance	<input type="checkbox"/> ZCA: Zoning Code Amendment	<input type="checkbox"/> Other

<b>CEQA Determination</b>	<b>Review Authority</b>	<b>Does the property have?</b>	<b>Is the property within?</b>
<input checked="" type="checkbox"/> Cat. Exempt, Class:	<input type="checkbox"/> Staff <input type="checkbox"/> NRC	<input type="checkbox"/> Active Planning Permit	<input type="checkbox"/> ASA: Archaeologically Sensitive Area <sup>1</sup>
<input type="checkbox"/> ND: Negative Declaration	<input type="checkbox"/> ZA <input type="checkbox"/> HRC	<input type="checkbox"/> Active Building Permit	<input type="checkbox"/> CZ: Coastal Zone <sup>2</sup>
<input type="checkbox"/> MND: Mitigated ND	<input type="checkbox"/> SPRC <input checked="" type="checkbox"/> PC	<input type="checkbox"/> Active Code Violation	<input checked="" type="checkbox"/> ASBS: Drainage into ASBS Watershed
<input type="checkbox"/> EIR: Environmental Impact Report	<input type="checkbox"/> ARB <input type="checkbox"/> CC		<input checked="" type="checkbox"/> HRI: Historic Resources Inventory <sup>3,4</sup>
			<input type="checkbox"/> BP: Butterfly Preserve Buffer

**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. **If the owner is not available for signature, written/electronic and signed verification from the owner shall be required at the time of submittal agreeing to 1) the Applicant acting as their agent, 2) this Certification and 3) the Applicant acknowledgement below.**

Applicant Signature: [Signature] Date: 12/18/15  
 Owner Signature (Required): [Signature] Date: 12/18/15  
 For 214 13th St, LLC

COPY

Item 7.a

**PROJECT DATA SHEET**

Project Address: 24 13th St.

Submittal Date:

09/15/14

Applicant(s): Jim Irwin

Permit Type(s) & No(s):

	REQUIRED/ Permitted	Existing Condition	Proposed Condition	Notes
Zone District		R-2	R-2	
Building Site Area	3600 SF	3,600 S.F.	3,600 S.F.	
Density (multi-family projects only)	—	—	—	
Building Coverage	50% (1845 SF)	1,284 S.F.	1,544 S.F.	
Site Coverage	60% (2160 SF)	1,716 SF	2,156 S.F.	
Gross Floor Area	2400 SF	1,284 S.F.	1,544 S.F.	856 sf under
Square Footage not counted towards Gross Floor Area		—	—	
Impervious Surface Area Created and/or Replaced			440 S.F.	
Exterior Lateral Wall Length to be demolished in feet & % of total*	—	—	— ft / %	N/A
Exterior Lateral Wall Length to be built	—	Ø	Ø	
Building Height	24 FT	18'-0" avg.	18'-0" avg.	from average grade
Number of stories	2	1	1	
Front Setback	15'-0"	7'-0"	7'-0"	existing cond.
Side Setback (specify side)	3'-0"	5'-3"	5'-3"	existing cond.
Side Setback (specify side)	3'-0"	3'-8"	3'-8"	existing cond.
Rear Setback	10'-0"	1'-6"	1'-6"	existing cond.
Garage Door Setback	20'	Ø	20'-0"	existing cond.
Covered Parking Spaces	1	Ø	1	open carport face
Uncovered Parking Spaces	1	Ø	1	carport
Parking Space Size (Interior measurement)	9' x 20'	dirt	11'-8" x 20' 16'-0" x 20'	conc. pad covered uncovered
Number of Driveways	1	dirt	1	
Driveway Width(s)				
Back-up Distance			24'-0" 20'-0"	
Eave Projection (Into Setback)	3' maximum			existing varies
Distances Between Eaves & Property Lines	3' minimum			10' & varies rear
Open Porch/Deck Projections		3'-6"	3'-6"	existing cond.
Architectural Feature Projections		—	—	
Number & Category of Accessory Buildings		1	2	Carport/ Category 1
Accessory Building Setbacks		3'-6"	3'-6"	existing cond.
Distance between Buildings		12'-6"	12'-6"	
Accessory Building Heights		8'-7"	8'-7"	
Fence Heights		varies	varies	existing cond.

\*If project proposes demolition to an HRI structure, also indicate % of proposed demolition of the surface of all exterior walls facing a public street or streets, if applicable.

[Rev. 01/14/14]

218 SF reduction required



**RESOLUTION NO. 16-01**

**USE PERMIT (UP) NO. 15- 812 TO PERMIT AN EXISTING UNPERMITTED  
DETACHED ACCESSORY STRUCTURE WITH A BEDROOM AND BATHROOM AND  
TO PERMIT A SECOND CATEGORY 1 ACCESSORY STRUCTURE**

**FACTS**

1. The subject site is located at 214 13th Street, Pacific Grove, 93950 APN 006-272-006
2. The subject site has a designation of High Density 29.0 du/ac adopted City of Pacific Grove General Plan Land Use Map.
3. The project site is located in the R-2 zoning district.
4. The subject site is approximately 3,600 square feet.
5. The subject site is developed with a 1,105 sf single-family residence, a 179 sf detached structure with a bedroom and bathroom and a new 260 sf carport.
6. The project site will meet the one covered and one uncovered off street parking requirements for the R-2 zone.
7. Records do not exist approving the bathroom in the detached accessory structure.
8. Administrative Architectural Permit AAP 14-460 was approved in September 2014. Upon further review, the correct permit path for the scope of work is a use permit.
9. This project has been determined to be CEQA Exempt under CEQA Guidelines Class 1 Section 15301.

**FINDINGS**

1. The proposed use, a detached structure equipped with plumbing is allowed with a use permit per Pacific Grove Municipal Code 23.16.021 and a second category 1 accessory structure in the form of a carport is allowed with a use permit per Pacific Grove Municipal Code Table 23.64.180.
2. The proposed uses are allowed in the R-2 zoning district and comply with the applicable provisions and regulations, with the exception of setback requirements for the existing rear structure. The carport brings the property into greater conformance with the regulations by meeting on-site parking requirements.
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 in that the carport brings the property into greater conformity with the zoning district and the detached habitable accessory structure supports the residential nature of the existing historic neighborhood.
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 in that it conforms to the zoning regulations or the R-2 district with the exception of setbacks which are legal non-conforming.

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

The foregoing Findings are adopted as findings of the Planning Commission as though set forth fully herein.

Use Permit 15-812 is hereby approved, subject to the findings and conditions herein.

1. **Resolution.** 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.
2. **Approval.** 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.
3. **Permit Expiration.** This permit shall expire and be null and void if a building permit has not been applied for within one (1) year from and after the date of approval. Application for extension of this approval must be made prior to the expiration date.
4. **Construction Compliance.** All construction must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff, and may require Architectural Review Board approval.
5. **Terms and Conditions.** These terms and conditions shall run with the land, and it is the intention of the CEDD Director 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 approved, pursuant to the Zoning Code.
6. **Public Works, Fire and Building.** Review and approval by the Public Works, Fire and Building Departments are required prior to issuance of a building permit. Work taking place in the public right-of-way shall require an encroachment permit prior to issuance of the building permit.
7. **Conformance to Plans.** Development of the site shall conform to the approved Use Permit plans entitled "Residential Remodel 214 13<sup>th</sup> Street dated June 25, 2015 on file with the Community and Economic Development Department and to the Building Code.
8. **During-Construction Pollution Prevention (a):** During construction, the developer shall employ storm water best management practices (BMPs) for erosion and sediment control, prevention of non-stormwater discharges, and implement good housekeeping and construction waste management practices to protect the storm

drainage system and water quality as required by City Code Section 9.30.130(c), the City Phase II NPDES Permit, State Water Resources Control Board (SWRCB) Construction General Permit (CGP), and the Monterey Regional Storm Water Management Program (MRSWMP). Plans for during-construction storm water management and BMPs, such as a Storm Water Pollution Prevention Plan (SWPPP), shall be submitted to the City and subject to review and approval of the Public Works/Community Development Director and Building Official prior to issuance of a grading and/or building permit.

- 9. **During-Construction Pollution Prevention** (b): Construction activities subject to BMP requirements shall continuously employ measures to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality, contamination, or unauthorized discharge of pollutants.
- 10. **Deed Restriction:** A Deed Restriction must be recorded with the Monterey County stating the structure will not be converted to a second unit without first obtaining the appropriate Planning Permit. 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.
- 11. **Street Trees.** One tree shall be planted per 30 feet of frontage, with a minimum of two trees
- 12. **Effective Date:** This resolution shall become effective upon the expiration of the 10-day appeal period.

**PASSED AND ADOPTED** BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE this 7th day of January, 2016, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

\_\_\_\_\_  
WILLIAM FREDRICKSON, Chair

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.

	Date
Owner	



# CITY OF PACIFIC GROVE

## Community Development Department – Planning Division

300 Forest Avenue, Pacific Grove, CA 93950

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### NOTICE OF EXEMPTION FROM CEQA

**Item 7.a**

**Property Address/Location: 214 13th St, Pacific Grove, CA 93950**

**Project Description: UP 150812**

Description: To legalize a bathroom in a detached structure

APN: 006272006000

ZC: R-2

Lot Size: 3,600 sf

Applicant Name:	Jim Irwin	Phone #:	649-4642
Mailing Address:	2340 Garden Road Monterey, CA 93940		
Email Address:	jii@wrdarch.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 O'Halloran

**Date:** December 18, 2015

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT**

5 HARRIS COURT, BLDG. G · P.O. BOX 85 · MONTEREY, CA 93942 · (831) 658-5601 · FAX (831) 644-9558 www.mpwmd.net

Item 7.a

**RESIDENTIAL INSPECTION REPORT**

Conservation:  Change of Title | Permits:  Pre-Inspection/Credits  New Construction  Remodel/Addition  Re-Inspection

PROPERTY ADDRESS: 214 13<sup>TH</sup> STREET E-mail M.GONNERMAN@MPWMD.NET

CITY: PACIFIC GROVE BATHROOMS: FULL III  $\frac{1}{2}$  \_\_\_\_\_ Other \_\_\_\_\_

ASSESSOR'S PARCEL NUMBER: 006 - 272 - 006 BUSINESS NAME: \_\_\_\_\_

OWNER'S NAME: 214 13<sup>TH</sup> ST LLC PERSON CONTACTED: BECK, DEBBY

SFD  AUX. \_\_\_\_\_  MFD  NON-RES. (No. of Bldgs.) \_\_\_\_\_  MIXED USE

This form certifies that an inspection was conducted at the above address. At the time of the inspection, the property  WAS  WAS NOT found to be in compliance with MPWMD Water Efficiency Standards and/or with MPWMD Water Permit No. 33957. Additionally, fees in the amount of \_\_\_\_\_ are  PAID  DUE. Water Efficiency Standards are listed in Regulation XIV of the District Rules and Regulations; see summary on the back of this form. **(Specific Permit requirements are on file at the District office.)**

*Any discrepancies on fixture counts must be reported and cleared or appealed within 21 days of inspection date.*

No Water Credits are available for outdoor water fixtures, multiple utility sinks, and multiple showerhead installations (Pursuant to District Rules 24 & 25.5)

**WATER FIXTURE INVENTORY:**

Name of fixture	Fixture Count	Remarks/Location
3 Washbasin.....	III	
3 Toilet <u>H.E.</u> .....	III	M.F. 1.28 <u>app III</u>
Large Bathtub (over 55 gal.).....	—	
3 Standard Bathtub or Shower Stall (with one showerhead) <u>2.0</u>	III	S: II T: I <u>2.0 app III</u>
Additional Showerhead.....	—	
1 Kitchen Sink/Dishwasher <u>H.E.</u> .....	I	WHIRLPOOL WDT720PADM
Dishwasher, additional.....	—	
0 Laundry Sink or Utility Sink* (1 per Residential Site).....	—	
1 Clothes Washer <u>H.E.</u> .....	0	HOOUPS ONLY
Bidet.....	—	
Bar Sink/Vegetable Sink/Entertainment Sink.....	—	
Instant-Access Hot Water System.....	NO	
Swimming Pool (square-feet of surface area).....	—	
x Rain Sensor/Soil Sensor.....	N/A	INSTALL IF NEEDED
Rainwater Harvesting Capacity/Cistern Gallons.....	—	
Sub-metering (in line meters).....	—	
Separate meter requirement.....	—	

\* Credit is available for one utility sink only per Residential Site.

Inspector's Notes: SEND RECEIPT FOR H.E. (INF: 5.0 OR LESS) CLOTHES WASHER

**ACTION REQUIRED**

- Items not in compliance **must be corrected** within thirty (30) days.
- Re-inspection required.** Please call 658-5601 to schedule. (Re-inspection Fees of \$105.00 are required prior to inspection.)
- Provide itemized receipts for Toilets, Showerheads or signed "Showerhead Certification of Installation" form; provide photos and receipts for Rain Sensor installation. Mail documents to P.O. Box 85, Monterey, CA 93942; or fax to 644-9558.
- Water Release Form & Water Permit Application Form required (Jurisdiction). Fees may be due. **(Contact the District.)**

Debbi Beck 12/9/15 M.Gonnerman 12/9/15  
 Acknowledgment of Receipt Date MPWMD Representative Date

See Important Terms and Conditions on back of form.



WALD RUHNKE & DOST  
ARCHITECTS LLP

2340 GARDEN ROAD, SUITE 100  
MONTEREY, CALIFORNIA 93940

PHONE: 831.649.4642  
FAX: 831.649.3530

WWW.WRDARCH.COM

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# Residential Remodel

## 214 13th Street Pacific Grove, CA 93950

LEGEND	SYMBOLS	PROJECT TEAM	PROJECT INFORMATION	SHEET INDEX
<p> EARTH</p> <p> ROCK</p> <p> SAND, MORTAR, PLASTER</p> <p> CONCRETE BLOCK</p> <p> CAST-IN-PLACE (C.I.P.) CONCRETE</p> <p> (E) STUD WALL</p> <p> (N) STUD WALL</p> <p> (E) STUD WALL TO BE REMOVED</p> <p> SOUND INSULATED STUD WALL</p> <p> METAL</p> <p> WOOD FINISH</p> <p> WOOD FRAMING CONTINUOUS MEMBER</p> <p> WOOD BLOCKING</p> <p> PLYWOOD</p> <p> GYPSUM WALLBOARD</p> <p> A.C. PAVING</p>	<p> DOOR SYMBOL</p> <p> WINDOW SYMBOL</p> <p> KEY TAG</p> <p> DEMOLITION TAG</p> <p> MATCH LINE</p> <p> WORK POINT, DATUM POINT OR CONTROL</p> <p> VERTICAL OR HORIZONTAL DIAPHRAGM KEY</p> <p> SECTION IDENTIFICATION SHEET WHERE SECTION IS DRAWN</p> <p> DETAIL IDENTIFICATION SHEET WHERE DETAIL IS DRAWN</p> <p> FINISH GRADE (SPOT) ELEVATION SURFACE</p> <p> EXISTING GRADE (SPOT) ELEVATION SURFACE</p> <p> PROPERTY LINE</p> <p> REVISION</p>	<p><b>OWNER</b></p> <p>MATT TANZI 6711 MT. LENEVE SAN JOSE, CA 95120 ph: (408) 218-9809 Email: matteoj@sbcglobal.net Contact: MATT TANZI</p> <p><b>ARCHITECT</b></p> <p>WALD, RUHNKE &amp; DOST ARCHITECTS, LLP 2340 GARDEN ROAD, SUITE 100 MONTEREY, CA 93940 ph: (831) 649-4642 fax: (831) 649-3530 Email: henry@wrarch.com Contact: HENRY RUHNKE</p>	<p>PROJECT: RESIDENTIAL REMODEL</p> <p>LOCATION: 214 13th STREET PACIFIC GROVE, CA 93950</p> <p>APN: 169-081-020-000</p> <p>ZONING: R-2</p> <p>CONSTRUCTION: V-B NON-SPRINKLERED</p> <p>BUILDING AREA: (E) HOUSE 1,105 S.F. (E) RECREATION ROOM 179 S.F. 1,284 S.F.</p> <p>(N) CARPORT 260 S.F.</p> <p>LOT SIZE: 0.083 ACRES = 3,600 S.F.</p> <p><b>APPLICABLE BUILDING CODES &amp; STANDARDS</b></p> <p>2013 CALIFORNIA ADMINISTRATIVE CODE (CAC), PART 1, TITLE 24, CALIFORNIA CODE OF REGULATIONS (C.C.R.)</p> <p>2013 CALIFORNIA BUILDING CODE (CBC), PART 2, TITLE 24 C.C.R.</p> <p>2013 CALIFORNIA RESIDENTIAL CODE (CRC), PART 2.5, TITLE 24 C.C.R.</p> <p>2013 CALIFORNIA ELECTRICAL CODE (CEC), PART 3, TITLE 24 C.C.R.</p> <p>2013 CALIFORNIA MECHANICAL CODE (CMC), PART 4, TITLE 24 C.C.R.</p> <p>2013 CALIFORNIA PLUMBING CODE (CPC), PART 5, TITLE 24 C.C.R.</p> <p>2010 CALIFORNIA ENERGY CODE (CEC), PART 6, TITLE 24 C.C.R.</p> <p>2007 CALIFORNIA ELEVATOR CODE, PART 7, TITLE 24 C.C.R.</p> <p>2013 CALIFORNIA HISTORICAL BUILDING CODE (CHC), PART 8, TITLE 24 C.C.R.</p> <p>2013 CALIFORNIA FIRE CODE (CFC), PART 9, TITLE 24 C.C.R.</p> <p>2013 CALIFORNIA EXISTING BUILDING CODE (CEBC), PART 10, TITLE 24 C.C.R.</p> <p>2013 CALIFORNIA GREEN STANDARDS CODE (CALGreen), PART 11, TITLE 24 C.C.R.</p> <p>2013 CALIFORNIA REFERENCED STANDARDS CODE, PART 12, TITLE 24 C.C.R.</p> <p>TITLE 19 C.C.R., PUBLIC SAFETY, STATE FIRE MARSHAL REGULATIONS</p> <p><b>PARTIAL LIST OF APPLICABLE STATE STANDARDS</b></p> <p>NFPA 13, AUTOMATIC SPRINKLER SYSTEMS, (CA AMENDED) 2013 EDITION</p> <p>NFPA 72, NATIONAL FIRE ALARM AND SIGNALING CODE, (CA AMENDED) 2013 EDITION</p> <p>EXITING:</p> <p>NOTE: THIS BUILDING OR SPACE SHALL PROVIDE A READILY DISTINGUISHABLE MEANS OF EGRESS COMPLYING WITH CHAPTER 10 AND CHAPTER 11 (WHERE APPLICABLE FOR ACCESSIBILITY PURPOSE) OF THE 2013 EDITION OF THE CALIFORNIA BUILDING CODE. THE EXIT SYSTEM SHALL MAINTAIN A CONTINUOUS, UNOBSTRUCTED AND UNDIMINISHED PATH OF EXIT TRAVEL FROM ANY OCCUPIED POINT WITHIN THE BUILDING TO A PUBLIC WAY.</p>	<p><b>SHT. # SHEET TITLE</b></p> <p>A001 COVER SHEET</p> <p><b>ARCHITECTURAL</b></p> <p>D201 DEMOLITION FLOOR PLAN</p> <p>A100 SITE PLAN</p> <p>A201 NEW FLOOR PLANS</p> <p>A230 EXISTING AND NEW ROOF PLAN</p> <p>A401 EXTERIOR ELEVATIONS</p> <p>A402 CARPORT EXTERIOR ELEVATIONS</p>
<p><b>SCOPE OF WORK</b></p> <ol style="list-style-type: none"> <li>INTERIOR REMODEL.</li> <li>REPLACE WINDOWS.</li> <li>PATCH, REPAIR AND PAINT EXTERIOR.</li> <li>ADD NEW DRIVEWAY, PARKING PAD AND CARPORT.</li> <li>REPLACE FIREPLACE / CHIMNEY.</li> </ol>				
<p><b>VICINITY MAP</b></p>	<p><b>LOCATION MAP</b></p>	<p><b>GENERAL NOTES</b></p> <ol style="list-style-type: none"> <li>THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE VERIFICATION OF ALL DIMENSIONS, GRADES, AND OTHER CONDITIONS, AND SHALL CORRELATE AT THE JOB SITE ALL SUCH ITEMS. GENERAL CONTRACTOR SHALL REPORT ANY DISCREPANCIES TO THE ARCHITECT FOR CLARIFICATION AND CORRECTION PRIOR TO BEGINNING ANY WORK.</li> <li>THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE WORK AND THE COORDINATION OF ALL TRADES AND GOVERNING AGENCIES, AND SHALL PROVIDE ALL MATERIALS AND LABOR (SHOWN OR INFERRED) ON THESE PLANS TO RENDER THE WORK COMPLETE.</li> <li>IT SHALL BE THE GENERAL CONTRACTORS RESPONSIBILITY FOR THE SUPERVISION OF THE WORK.</li> <li>THE ARCHITECT ASSUMES NO RESPONSIBILITY FOR THE SUPERVISION OF THE WORK OR THE PROPER EXECUTION OF THE SAME.</li> <li>WRITTEN DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED DIMENSIONS. ANY AND ALL DISCREPANCIES SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY, PRIOR TO COMMENCEMENT OF WORK.</li> <li>THESE DRAWINGS SHALL BE CONSIDERED SUBSTANTIALLY COMPLETE. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO PROVIDE ALL LABOR AND MATERIALS NECESSARY TO RENDER THE WORK COMPLETE, AS IS THE INTENT OF THESE DRAWINGS, EITHER SHOWN OR INFERRED HEREIN, THROUGH PROPER AND ESTABLISHED CONSTRUCTION PRACTICES.</li> <li>EXISTING CONSTRUCTION DETAILS SHOWN HEREIN ARE ASSUMED TO BE SUBSTANTIALLY CORRECT AND MAY NOT DEPICT THE ACTUAL CONDITION. THE GENERAL CONTRACTOR SHALL VERIFY (E) CONDITIONS AND NOTIFY THE ARCHITECT ANY DISCREPANCIES PRIOR TO COMMENCEMENT OF WORK.</li> <li>ANY PROPOSED SHUT DOWN OF UTILITIES SHALL BE REGISTERED IN WRITING AT LEAST SEVEN (7) WORKING DAYS IN ADVANCE. REQUESTS SHALL BE DIRECTED TO THE ARCHITECT.</li> <li>CONSTRUCTION WASTE MANAGEMENT: RECYCLE AND /OR SALVAGE FOR REUSE A MINIMUM OF 50 PERCENT NON-HAZARDOUS CONSTRUCTION AND DEMOLITION WASTE IN ACCORDANCE WITH THE CALIFORNIA GREEN BUILDING CODE, CHAPTER 4, DIVISION 4.4.</li> </ol>		

RESIDENTIAL REMODEL  
214 13TH STREET, PACIFIC GROVE

A.P.N.: 006-272-006-000

MATT TANZI  
6711 MT. LENEVE  
SAN JOSE, CA 95120

JOB NO.: 14094

PRINT DATE: 9.16.2014

PLOT DATE: 9.16.2014

DRAWN BY:

CHECKED BY:

SET ISSUED:

09.16.2014 PLANNING SUBMITTAL

COVER SHEET

SHEET NO.:

A001

FILE NAME: 14094-A001P

### DEMOLITION NOTES

THE DEMOLITION NOTES THAT FOLLOW APPLY TO THE DRAWING(S) ON THIS SHEET ONLY. REFER TO FOLLOWING SHEETS FOR NOTES THAT ARE APPLICABLE TO THOSE DRAWINGS.

- D1 REMOVE WALL, OR PORTION OF WALL.
- D2 REMOVE CABINETRY, CASEWORK AND SHELVING.
- D3 REMOVE DOOR & FRAME ENTIRELY.
- D4 REMOVE EXTERIOR WINDOW. FRAMING TO REMAIN INTACT EXCEPT WHERE INDICATED TO RESIZE THE OPENING TO ACCOMMODATE NEW WORK.
- D5 REMOVE SINK AND ASSOCIATED APPURTENANCES - CAP PLUMBING AT NEAREST SOURCE.
- D6 REMOVE TOILET - CAP PLUMBING AT NEAREST SOURCE.
- D7 REMOVE TUB OR SHOWER AND ASSOCIATED APPURTENANCES - CAP PLUMBING AT NEAREST SOURCE.
- D8 REMOVE APPLIANCES, REFRIGERATOR, DISHWASHER, RANGE, OVEN, WASHER, DRYER, ETC. - CAP PLUMBING AT NEAREST SOURCE.
- D9 REMOVE INTERIOR WINDOW AND FRAME IN THEIR ENTIRETY.
- D10 REMOVE FIREPLACE/CHIMNEY IN THEIR ENTIRETY.
- D11 REMOVE WOOD RAMP IN ITS ENTIRETY.

### KEY NOTES

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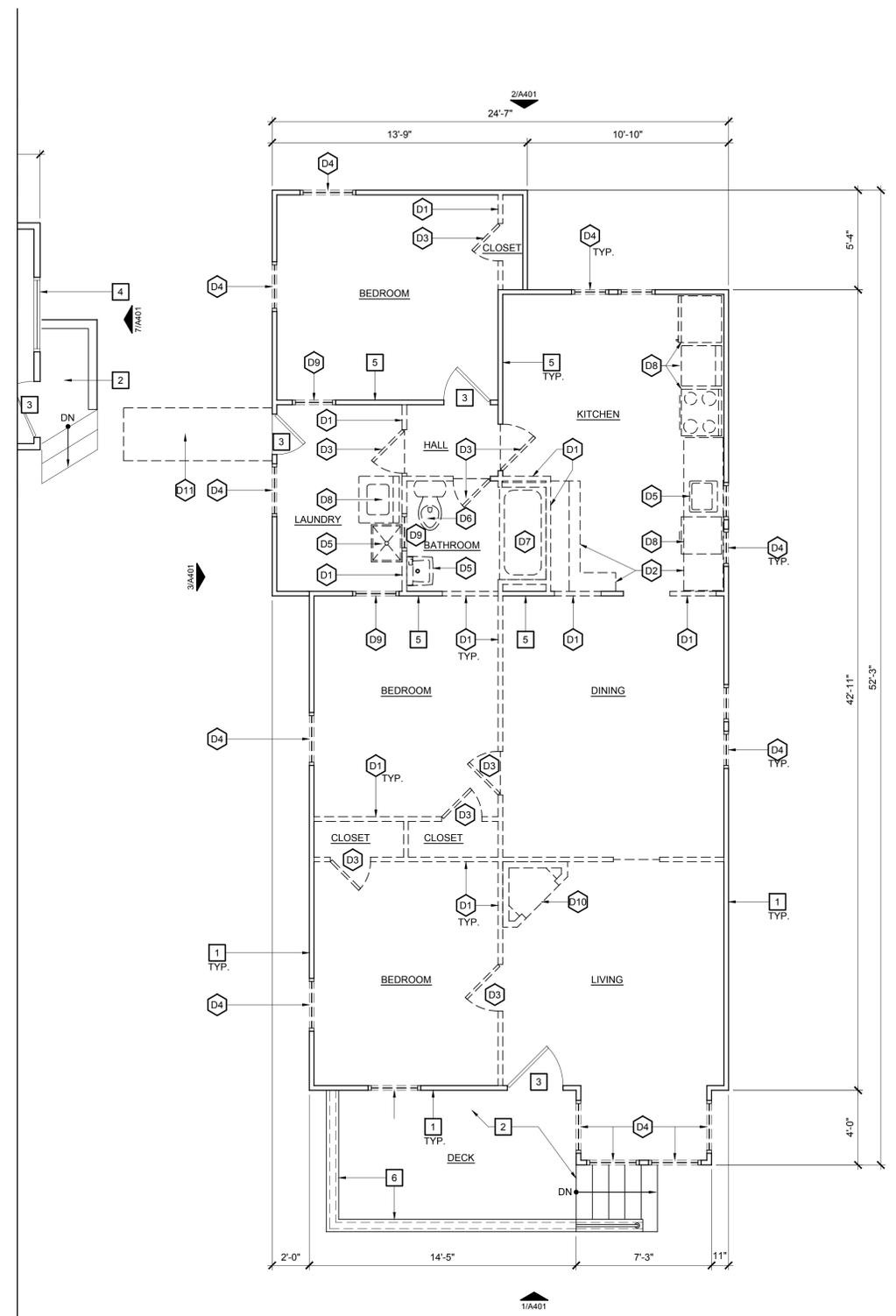
- 1 EXTERIOR WALLS TO REMAIN INTACT, TYP.
- 2 DECK / LANDING AND STEPS TO REMAIN INTACT.
- 3 DOOR TO REMAIN INTACT.
- 4 WINDOW TO REMAIN INTACT.
- 5 WALL, OR PORTION OF WALL, TO REMAIN.
- 6 DECK LOW WALL TO REMAIN INTACT.

### DEMOLITION GENERAL NOTES

1. CONTRACTOR SHALL FIELD VERIFY ALL EXISTING CONDITIONS PRIOR TO BEGINNING WORK. THE CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES BETWEEN THE DOCUMENTS AND FIELD CONDITIONS PRIOR TO PROCEEDING WITH THE WORK. IF ANY QUESTIONS ARISE AS TO THE REMOVAL OF ANY MATERIAL, CLARIFY THE POINT IN QUESTION WITH THE ARCHITECT BEFORE PROCEEDING. ALL ELEMENTS NOT SHOWN TO REMAIN ARE TO BE DEMOLISHED PER ARCHITECT'S APPROVAL.
2. CONTRACTOR SHALL PROTECT ALL EXISTING ITEMS THAT ARE NOT SCHEDULED FOR REMOVAL FROM DAMAGE. CONTRACTOR SHALL BE RESPONSIBLE FOR PATCHING AND/OR REPAIRING ANY DAMAGE CAUSED TO THE ITEMS TO REMAIN.
3. CONTRACTOR SHALL FURNISH ALL LABOR, MATERIALS, AND EQUIPMENT AS REQUIRED TO COMPLETE DEMOLITION AND REMOVAL OF ALL ITEMS AS INDICATED.
4. PROVIDE STRICT CONTROL OF JOB CLEANING AND PREVENT DUST AND DEBRIS FROM EMANATING FROM DEMOLITION/CONSTRUCTION AREA. KEEP AREA CLEAN.
5. AT COMPLETION OF DEMOLITION WORK, THE CONSTRUCTION AREA(S) SHALL BE LEFT IN "BROOM CLEAN" CONDITION. ALL DEBRIS AND MISCELLANEOUS MATERIAL SHALL BE REMOVED.
6. THE ELECTRICAL CONTRACTOR SHALL FURNISH A SYSTEM OF TEMPORARY LIGHT AND POWER IN THE SPACE DURING CONSTRUCTION, INCLUDING PROVISIONS FOR EMERGENCY LIGHTING.
7. REMOVE ALL EXISTING CARPET, TILE, VCT AND SHEET VINYL WHERE OCCURS, U.O.N. REMOVE ALL EXISTING IRREGULAR MATERIALS WHICH CAUSE RISES OR DEPRESSIONS IN FLOORING SURFACE, SUCH AS FASTNERS, OUTLET CORES, COVER PLATES, CARPET PADS, FLASH PATCH, CONCRETE FILL, PLYWOOD, ETC.
8. DEMOLITION IS NOT NECESSARILY LIMITED TO WHAT IS SHOWN ON DRAWINGS. THE INTENT IS TO INDICATE THE GENERAL SCOPE OF DEMOLITION REQUIRED TO COMPLETE THE WORK IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
9. REMOVE TO SOURCE AND CAP ALL PIPES, VENTS, APPLIANCES AND/OR DRAINS NOT BEING RE-USED.
10. ALL DOORS, FRAMES, HARDWARE, MECHANICAL ITEMS, PLUMBING FIXTURES, LIGHT FIXTURES (INCLUDING DOWNLIGHTS & FLUORESCENTS), AND SPECIAL EQUIPMENT TO BE DEMOLISHED EXCEPT AS SPECIFICALLY EXCLUDED BECOMES PROPERTY OF THE CONTRACTOR AND SHOULD BE REMOVED FROM THE PREMISES.
11. GENERAL CONSTRUCTION CONTRACTOR SHALL PROVIDE APPROPRIATE WEATHER PROTECTION OF EXISTING STRUCTURE WHEN DEMOLITION WORK CAUSES EXPOSURE OF EXISTING CONSTRUCTION TO THE ELEMENTS.
12. PATCH AND REPAIR WALL SURFACES TO REMAIN TO MATCH SCHEDULE FINISHES AFTER COMPLETION OF DEMOLITION WORK AND INSTALLATION OF NEW PARTITIONS AND/OR NEW DOORS AND WINDOWS.
13. AT ALL WALLS TO REMAIN, REFER TO DRAWINGS FOR TREATMENT OF EXISTING SURFACES OTHER THAN PAINT. PATCH AND FILL WALLS, PREP FOR NEW FINISH.
14. CONTRACTOR SHALL LEGALLY DISPOSE OF ANY MATERIAL SCHEDULED FOR DEMOLITION.

### LEGEND

- (E) WALL TO REMAIN.
- (E) DOOR TO REMAIN.
- (E) WINDOW TO REMAIN. (U.N.O.)
- (E) WALL TO BE REMOVED
- (E) DOOR AND FRAME TO BE REMOVED.
- (E) WINDOW TO BE REMOVED.



### AND RECREATION ROOM ION FLOOR PLANS

RESIDENTIAL REMODEL  
214 13TH STREET, PACIFIC GROVE

A.P.N.: 006-272-006-000

MATT TANZI  
6711 MT. LENEVE  
SAN JOSE, CA 95120

JOB NO.:  
**14094**

PRINT DATE:  
PLOT DATE: 9.16.2014

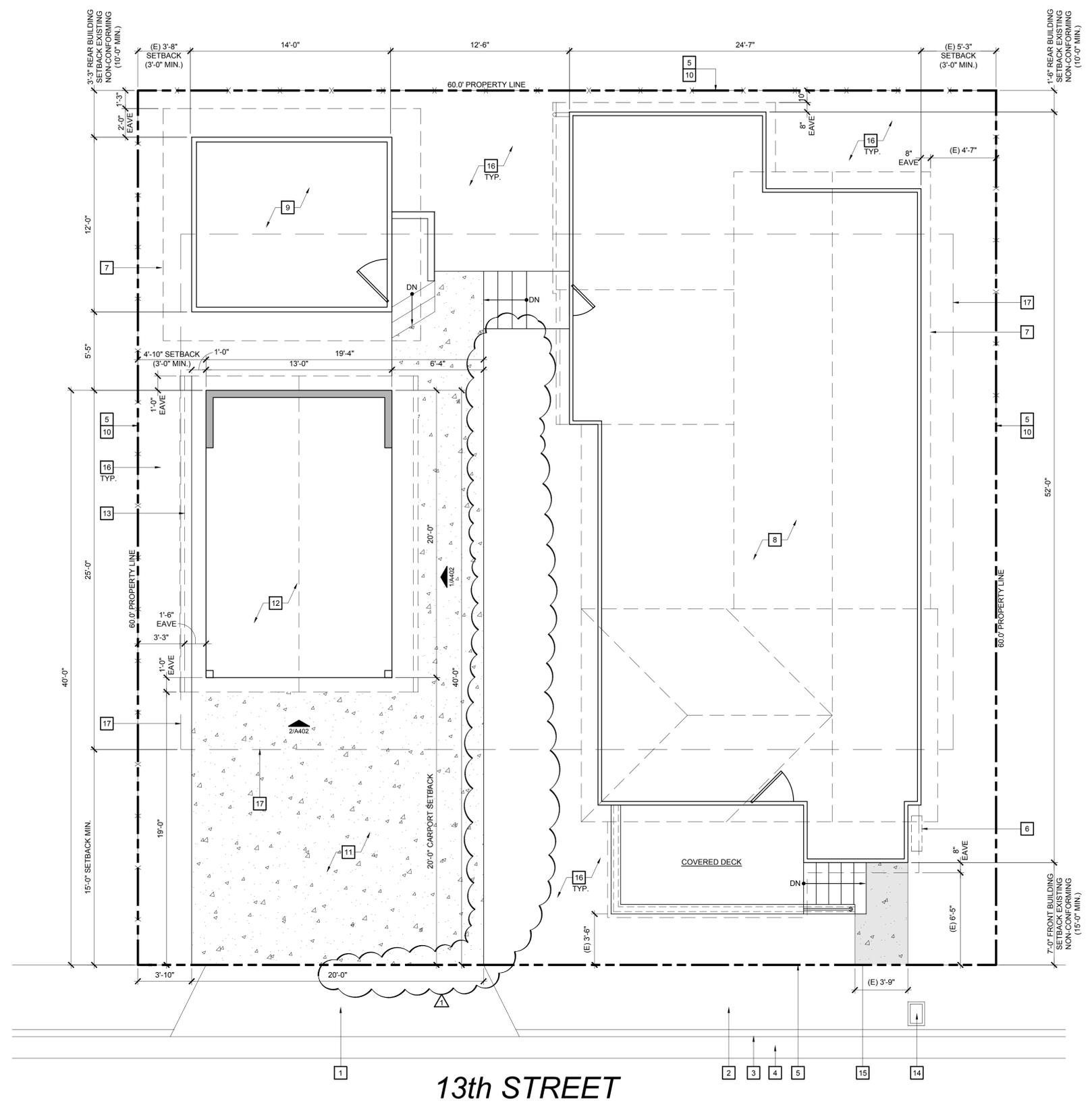
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CHECKED BY: HR/PS

SET ISSUED:  
09.16.2014 PLANNING SUBMITTAL

SHEET NAME:  
**DEMOLITION FLOOR PLANS**

SHEET NO.:  
**D201**

FILE NAME: 14094-D201



PLAN NORTH

**SITE PLAN**

SCALE: 1/4"=1'-0"

THE KEY TO FOOTNOTES	
1	EX
2	EX
3	EX
4	EX
5	EX
6	EX
7	EX
8	EX
9	EX
10	EX
11	NE
12	NE
13	NE
14	EX
15	EX
16	EX
17	LIT

1. A
2. A
3. A
4. F
5. S



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RESIDENTIAL REMODEL  
214 13TH STREET, PACIFIC GROVE

MATT TANZI  
6711 MT. LENEVE  
SAN JOSE, CA 95120

A.P.N.: 006-272-006-000

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14094

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PLOT DATE: 9.16.2014

DRAWN BY:

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09.16.2014 PLANNING SUBMITTAL

SHEET NAME:

NEW FLOOR PLAN

SHEET NO.:

A201

FILE NAME: 14094-A201

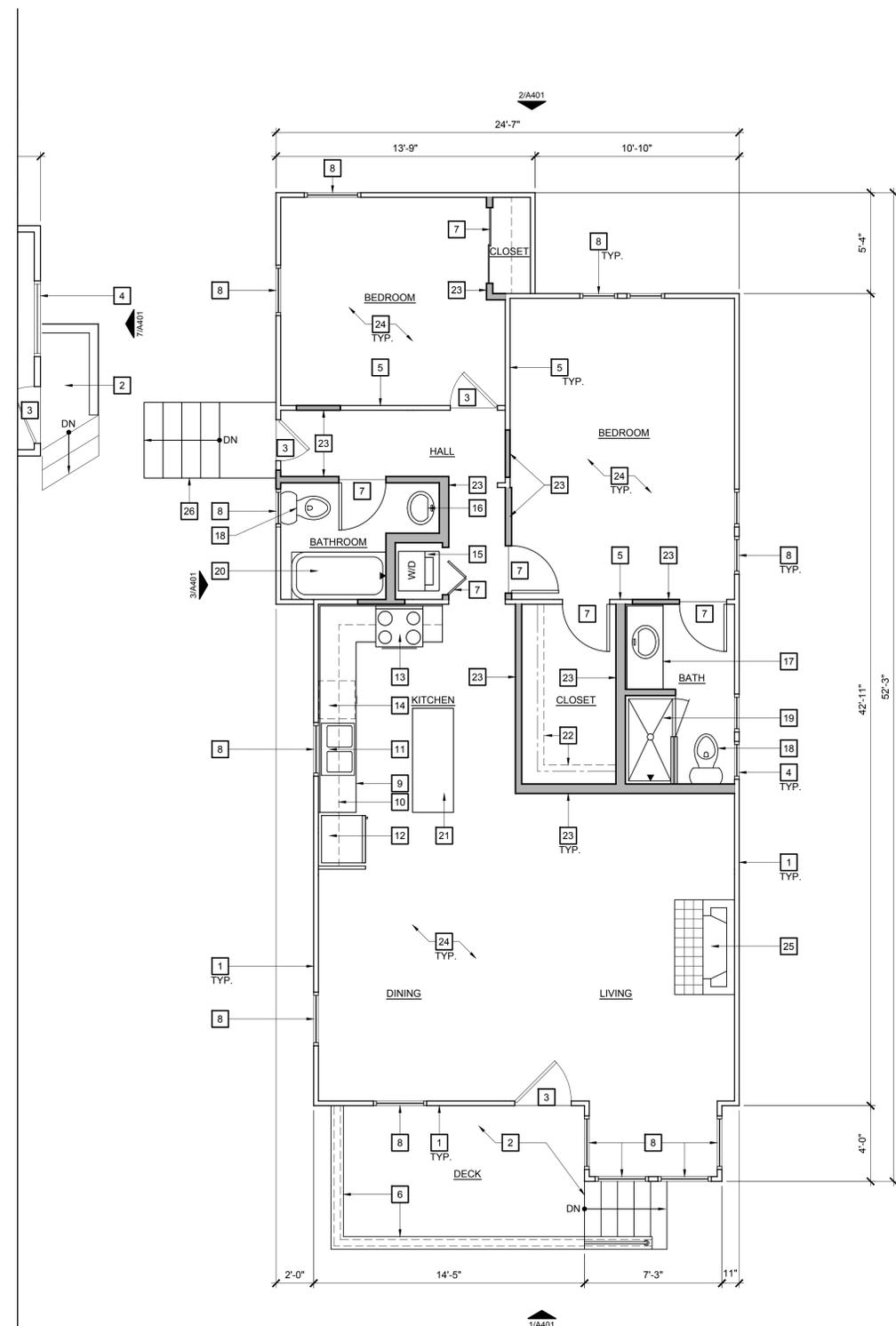
KEY NOTES

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- 1 EXTERIOR WALLS TO REMAIN INTACT, TYP.
- 2 DECK / LANDING AND STEPS TO REMAIN INTACT.
- 3 DOOR TO REMAIN INTACT.
- 4 WINDOW TO REMAIN INTACT.
- 5 WALL, OR PORTION OF WALL, TO REMAIN.
- 6 DECK LOW WALL TO REMAIN INTACT.
- 7 (N) WOOD DOOR.
- 8 (N) ALUMINUM WOOD CLAD WINDOW.
- 9 (N) LOWER CASEWORK AND SHELVING.
- 10 (N) UPPER CASEWORK AND SHELVING.
- 11 (N) DOUBLE KITCHEN SINK.
- 12 (N) REFRIGERATOR.
- 13 (N) RANGE / OVEN.
- 14 (N) DISHWASHER.
- 15 (N) STACKABLE WASHER / DRYER.
- 16 (N) BATHROOM PEDESTAL SINK.
- 17 (N) BATHROOM VANITY.
- 18 (N) TOILET.
- 19 (N) SHOWER STALL.
- 20 (N) BATHTUB / SHOWER.
- 21 (N) KITCHEN ISLAND.
- 22 (N) CLOSET SHELF AND POLE.
- 23 (N) WALL, OR INFILL PORTION OF WALL.
- 24 (N) FLOORING THROUGHOUT.
- 25 (N) FIREPLACE.
- 26 (N) LANDING AND STEPS.

LEGEND

- (E) WOOD STUD FRAMED WALL TO REMAIN.
- (N) 2x WOOD STUD INTERIOR FRAMED WALL.
- EXISTING DOOR TO REMAIN
- NEW DOOR



AD RECREATION  
LOOR PLANS



WALD RUHNKE & DOST ARCHITECTS LLP

2340 GARDEN ROAD, SUITE 100  
MONTEREY, CALIFORNIA 93940

PHONE: 831.649.4642  
FAX: 831.649.3530

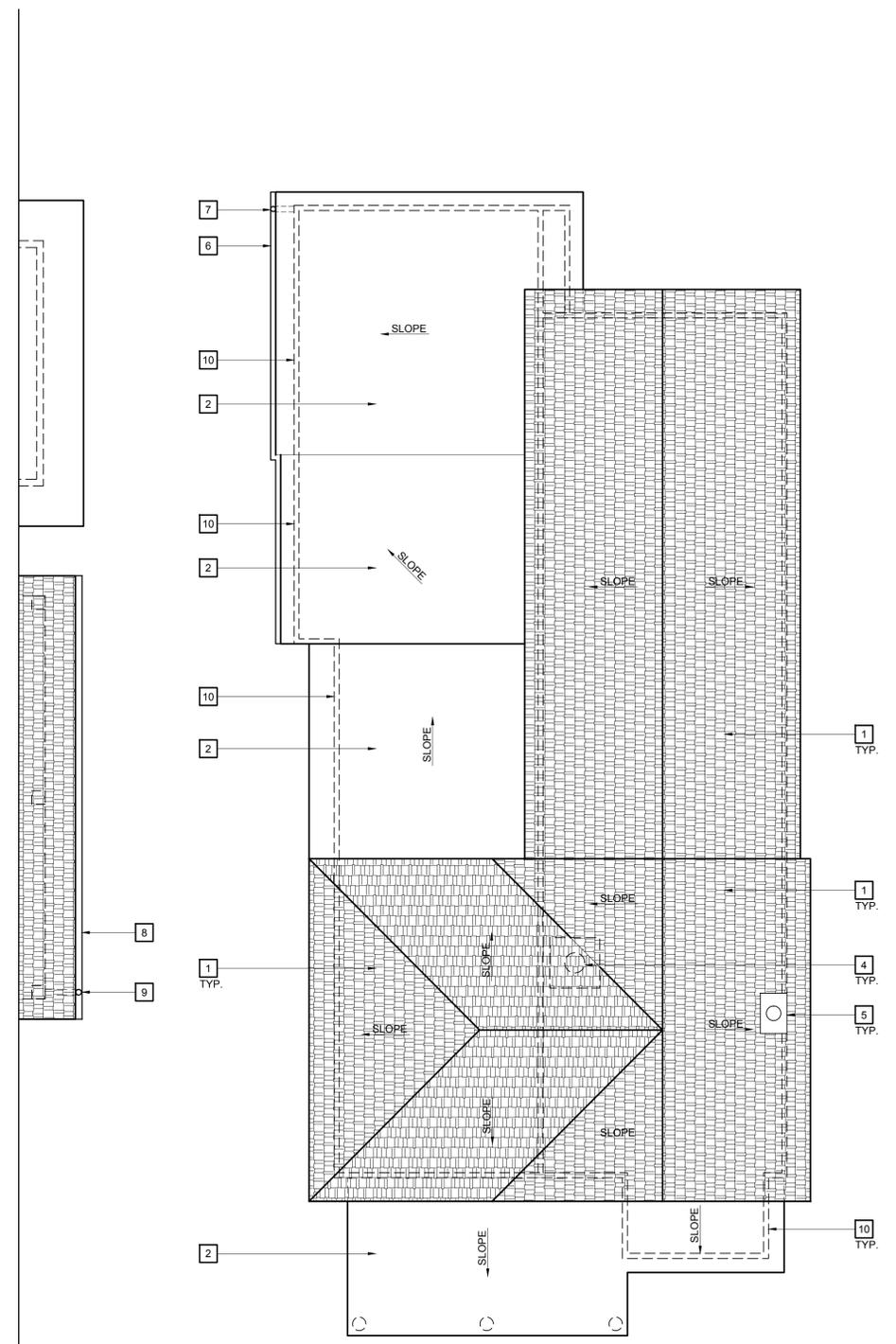
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### KEY NOTES

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- 1 (E) ASPHALT COMPOSITION SHINGLE ROOF SYSTEM TO REMAIN.
- 2 (E) LOW SLOPE BUILT-UP ROOF SYSTEM TO REMAIN.
- 3 (N) ASPHALT COMPOSITION SHINGLE ROOF SYSTEM TO MATCH (E) RESIDENCE STYLE.
- 4 (E) CHIMNEY TO BE REMOVED. PATCH AND REPAIR ROOF IN AREA AFFECTED.
- 5 (N) CHIMNEY.
- 6 (E) GUTTER.
- 7 (E) DOWNSPOUT.
- 8 (N) GUTTER.
- 9 (N) DOWNSPOUT.
- 10 DASHED LINE INDICATES WALL OR STRUCTURE OUTLINE BELOW.



(E) PRIMARY RESIDENCE

ANS

RESIDENTIAL REMODEL  
214 13TH STREET, PACIFIC GROVE

MATT TANZI  
6711 MT. LENEVE  
SAN JOSE, CA 95120

A.P.N.: 006-272-006-000

JOB NO.:  
**14094**

PRINT DATE:

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DRAWN BY:

CHECKED BY:

SET ISSUED:

09.16.2014 PLANNING SUBMITTAL

SHEET NAME:

ROOF PLANS

SHEET NO.:

# A230

FILE NAME: 14094-A230

**KEY NOTES**

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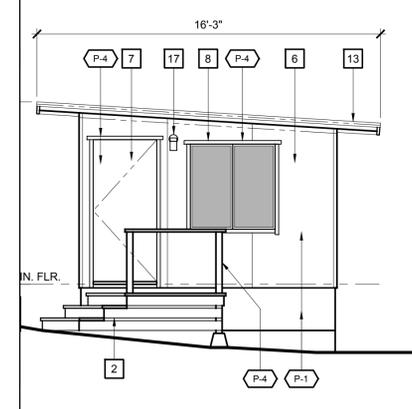
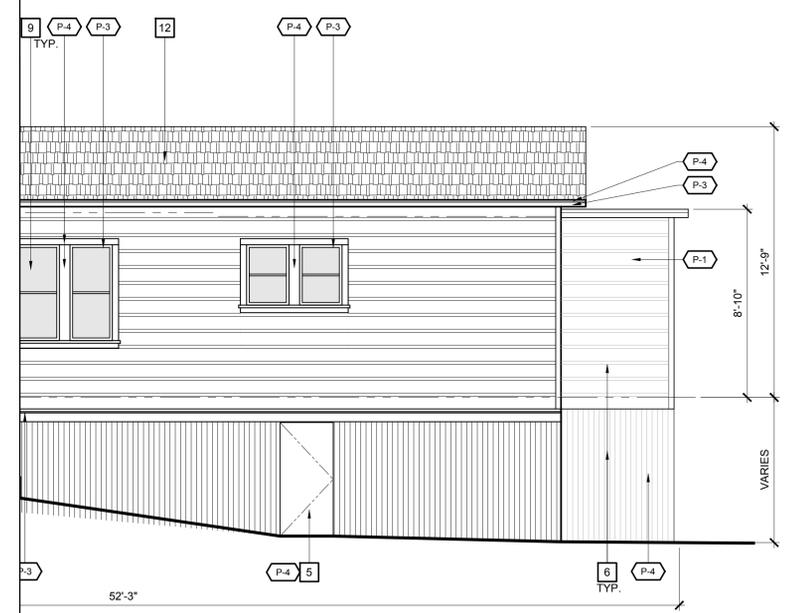
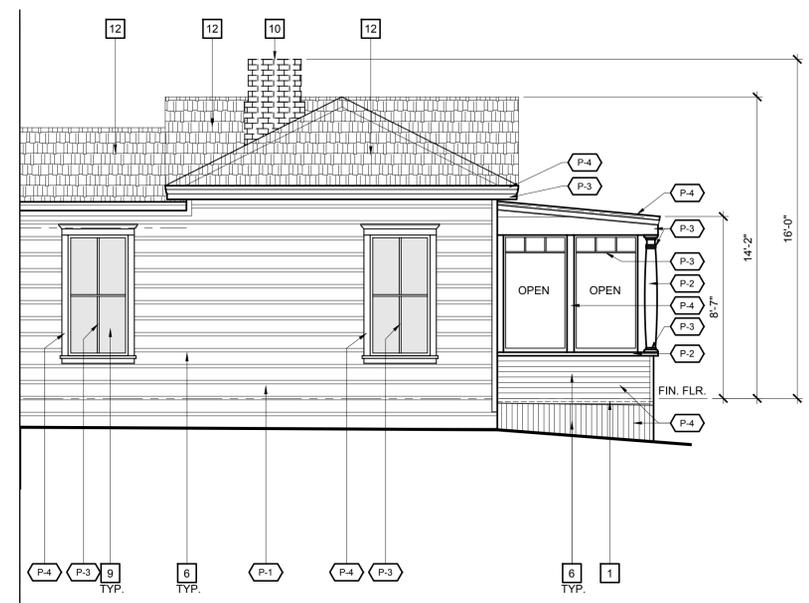
- 1 (E) DECK TO REMAIN.
- 2 (E) WOOD STEPS TO REMAIN.
- 3 (E) GAS METER TO REMAIN.
- 4 (E) ELECTRICAL METER AND CIRCUIT BREAKER BOX TO REMAIN.
- 5 (E) UNDER-FLOOR ACCESS DOOR TO REMAIN.
- 6 (E) WOOD SIDING.
- 7 (E) DOOR TO REMAIN.
- 8 (E) WINDOW TO REMAIN.
- 9 (N) ALUMINUM WOOD CLAD CASEMENT WINDOW.
- 10 (E) CHIMNEY TO BE REMOVED.
- 11 (N) CHIMNEY.
- 12 (E) ASPHALT COMPOSITION SHINGLE ROOF SYSTEM TO REMAIN.
- 13 (E) LOW SLOPE BUILT-UP ROOF SYSTEM TO REMAIN.
- 14 (E) GUTTER TO REMAIN.
- 15 (E) DOWNSPOUT TO REMAIN.
- 16 (E) DECK-ROOF SUPPORT COLUMN TO REMAIN.
- 17 (E) LIGHTING.

**LEGEND**

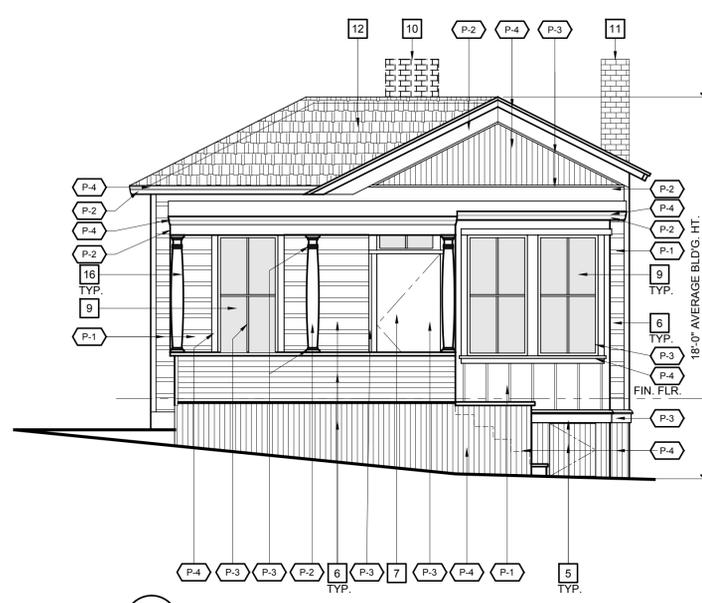
----- AREA OF DEMOLITION

**EXTERIOR FINISH LEGEND**

- P-1 PAINT - KELLY MOORE, KM5272 SPARKLING CHAMPAGNE, FLAT
- P-2 PAINT - KELLY MOORE, KM5325-1 TIZZY, EGGSHELL
- P-3 PAINT - KELLY MOORE, KM5812 WINTER SOLSTICE, EGGSHELL
- P-4 PAINT - KELLY MOORE, KM5699 TAMARIND TART, FLAT & EGGSHELL \*FLAT FINISH AT SURFACE, EGGSHELL FINISH AT TRIM



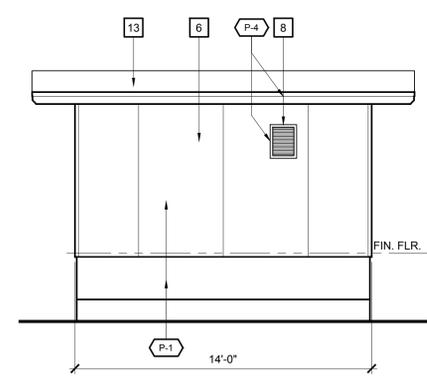
**5 RECREATION ROOM NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"



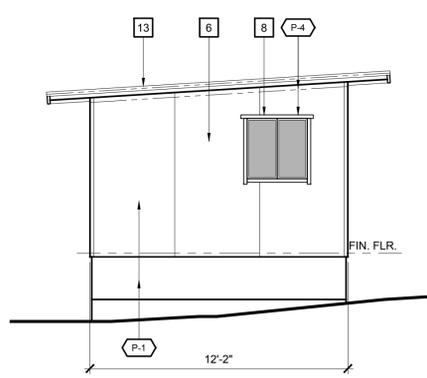
**1 EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



**2 WEST ELEVATION**  
SCALE: 1/4" = 1'-0"



**6 RECREATION ROOM WEST ELEVATION**  
SCALE: 1/4" = 1'-0"



**5 RECREATION ROOM SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"

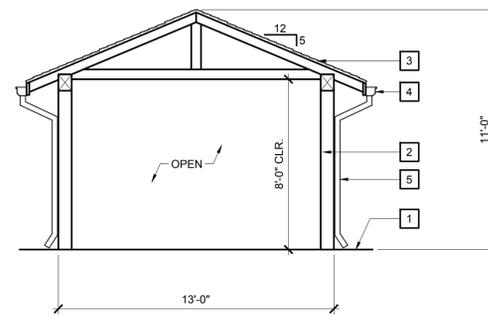
**KEY NOTES**

THE KEY NOTES THAT FOLLOW APPLY TO THE DRAWING(S) ON THIS SHEET ONLY. REFER TO FOLLOWING SHEETS FOR NOTES THAT ARE APPLICABLE TO THOSE DRAWINGS.

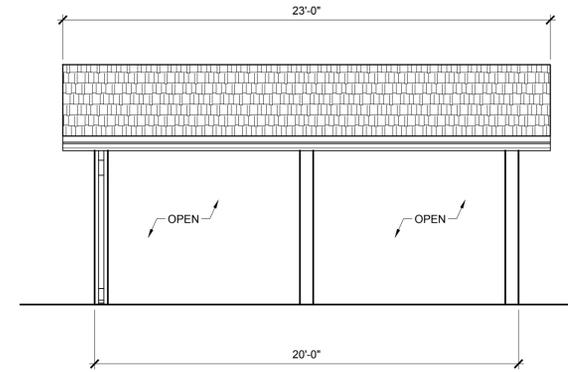
- 1 NEW CONCRETE PAD.
- 2 NEW WOOD FRAMED CARPORT STRUCTURE - PAINTED P-4.
- 3 NEW ASPHALT SHINGLE ROOF SYSTEM TO MATCH EXISTING RESIDENCE STYLE.
- 4 NEW GALVANIZED METAL GUTTER - PAINTED P-4.
- 5 NEW GALVANIZED DOWNSPOUT - PAINTED P-4.

**EXTERIOR FINISH LEGEND**

- P-4 PAINT - KELLY MOORE, KM5699 TAMARIND TART, FLAT & EGGSHELL  
FLAT FINISH AT SURFACE, EGGSHELL FINISH AT TRIM



**2 CARPORT EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



**1 CARPORT NORTH ELEVATION**  
SCALE: 1/4" = 1'-0"

RESIDENTIAL REMODEL  
214 13TH STREET, PACIFIC GROVE

MATT TANZI  
6711 MT. LENEVE  
SAN JOSE, CA 95120

A.P.N.: 006-272-006-000

JOB NO.:  
**14094**

PRINT DATE:

PLOT DATE: 9.16.2014

DRAWN BY:

CHECKED BY:

SET ISSUED:

09.16.2014 PLANNING SUBMITTAL

SHEET NAME:  
**CARPORT EXTERIOR ELEVATIONS**

SHEET NO.:

**A402**

FILE NAME: 14094-A402



Guest Unit



Guest Unit



Item 7.a









Item 7.a



Item 7.a





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

**AGENDA REPORT**

**TO:** Planning Commission  
**FROM:** Mark Brodeur, Community and Economic Development Director  
**MEETING DATE:** January 7, 2016  
**SUBJECT:** Local Coastal Program Update – 2016 Timeline  
**CEQA STATUS** Statutory Exemption, CEQA Guidelines Section 15265

**RECOMMENDATION**

Receive as information and provide confirmation of timeline.

**DISCUSSION**

The City has undertaken an effort to update and certify the City’s Local Coastal Program which is underwritten in part by a grant received from the Coastal Commission in April 2014. The grant ends on April 30, 2016. The Local Coastal Program is composed of two documents, the Land Use Plan and the Implementing Ordinance.

There are two overriding purposes for this update effort. First, to bring the plan current, providing the community and other stakeholders the opportunity to rethink all of the key principles that guide land use and re-use in the Coastal Zone. And second, once the program is certified by the Coastal Commission, to facilitate the review and approval of land use applications, as the Coastal Commission will delegate authority for those functions to the City.

The City’s [Local Coastal Program Update](#) webpage includes all information released to date, including the Draft Land Use Plan and related background reports and outreach activities. Outreach ended on November 20, 2015 with the second of two Workshops held at Asilomar Conference Center. The Draft Land Use Plan is being updated based on comments received from May – November 2015, and the accompanying Implementing Ordinance document is being drafted concurrently.

**Final Land Use Plan and Implementing Ordinances 2016 Timeline**

The timeline below outlines a schedule that incorporates review periods for both the Final Draft Land Use Plan and Draft Implementing Ordinances, workshops for both the Planning Commission and Council and the public, and submission to the Coastal Commission by the end of April 2016.

Activity	Date
Public Release Final Draft Revised Land Use Plan and Draft Implementing Ordinances	January 29, 2015
Implementing Ordinances Public Workshop	February 2, 2016
Joint City Council and Planning Commission Implementing Ordinances Workshop	February 10, 2016

**Item 7.b**

Release Final Draft Revised Implementing Ordinances	February 29, 2016
Planning Commission Recommendation on Land Use Plan and Implementing Ordinances	March 24, 2016
City Council First Read	April 6, 2016
City Council Second Read	April 20, 2016
Submit to Coastal Commission	April 29, 2016
Coastal Commission hearing	August 10, 2016

RESPECTFULLY SUBMITTED:



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Mark Brodeur, Community and Economic Development Director



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

**AGENDA REPORT**

**TO:** Planning Commission  
**FROM:** Mark Brodeur, Director, Community & Economic Development  
**MEETING DATE:** January 7, 2016  
**SUBJECT:** Ordinance To Amend PGMC Chapter 7.40 Regarding Short-Term Rentals

**CEQA:** The City prepared an Initial Study and Mitigated Negative Declaration to review ordinance pursuant to the California Environmental Quality Act (CEQA), and this Ordinance has been mitigated to a point where the proposed project will not have the potential to significantly degrade the environment; will have no significant impact on long-term environmental goals; will have no significant cumulative effect upon the environment; and will not cause substantial adverse effects on human beings, either directly or indirectly.

**RECOMMENDATION**

Receive staff report and provide recommendation for approval to City Council.

**DISCUSSION**

At its December 16, 2015 meeting City Council directed staff to bring back an Ordinance updating the City of Pacific Grove Municipal to address a surge in short-term rental activity and the subsequent consequences of this activity on the community and staff resources. The City Council reiterated by majority vote its support of the Transient Use of residential property in the City but identified the need for stronger short-term rental restrictions.

Effective modifications to our existing short-term rental regulations are tailored to address specific needs of the community. Offered below are the ordinance modifications recommended by City Council.

**Fixed Cap.** Council supported the concept of a three type short term rental types: “Type A” means a short term rental unit where the owner does not reside on site and the property is available for short term guests for an unlimited period; “Type B” means a short term rental unit where the property owner resides at the site and the property is available for short term guests for no more than 90 days in a single license year (365 days); “Type C” means a short term rental site whereby the owner resides at the site and only a single room or set of rooms on site are available for short term guest for an unlimited period provided the owner simultaneously occupies the site. The City shall allow a maximum number of 260 “Type A” short term rental licenses. There is no cap on the number of “Type B” and “Type C” licenses.

**Density Restrictions.** Since it is recognized that short term rentals have the potential to be incompatible with surrounding residential uses, especially when several are concentrated in the same area, Council directed staff to develop an approach to mitigate the impact on density. Staff recommends amendments to include a definition of block face. Density limits will not apply to Ocean View Boulevard and Mermaid Street (Avenue). Density limits will include: one “Type A” license per parcel unless the parcel includes a duplex, or is governed by home owner association or held as tenants in common whereby the limit one per parcel will not apply. A second or subsequent license may be approved as long as the total number of licenses does not exceed 15% of the Block Face on which it is located.

**Annual Re-Licensing and Inspections.** The term of the license is changed from July 1 to an expiration date of March 31. Transient use licenses issued and current as of February 15, 2016 shall expire March 31, 2017 and shall not be subject to revisions to Chapter 7.40 until after March 31, 2017. For each initial transient use license application, and each license renewal, the applicant and each property owner shall submit an inspection report to the City that provides and verifies information, in the form and manner required by the Chief Building Official, to ensure the property is safe and habitable for its intended use, including verification of adequate egress from sleeping quarters and common areas, installation of accessible fire extinguishers, and a carbon monoxide alarm on each level, and that the property exists in accord with appropriate land use and building permits.

**Other Requirements.** Amendments also address parking issues, noise issue, and limits to size of party or group gatherings at the short term site. The owner or owner representative shall cause notice of the application or any license renewal, and of any hearing on the application or renewal to be posted and mailed to notify neighbors within 300 feet of the transient use licensed site. The notice shall include a statement of the maximum number of guests permitted to stay in the short term unit.

**Compliance Assistance Program.**

While not part of the ordinance revisions, the City Council directed staff to contract with Cadence Communications to supply a Hotline Service to answer complaints about short term rentals. The City Staff will also produce a Short Term Rental Guidebook to be circulated to property owners and made available on the City website.

**OPTIONS**

1. Do nothing.
2. Provide recommendation of approval of the ordinance.

**FISCAL IMPACT**

No direct impact.

**ATTACHMENTS**

1. Draft Ordinance

**RESPECTFULLY SUBMITTED,**

A handwritten signature in black ink, reading "Mark Brodeur", enclosed in a thin black rectangular border.

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Mark Brodeur, Director  
Community & Economic Development

**ORDINANCE NO. 2016-**

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE  
AMENDING MUNICIPAL CODE SECTION 23.64.350 AND  
CHAPTER 7.40 RELATED TO THE LICENSE PROCESS FOR  
TRANSIENT USE OF RESIDENTIAL PROPERTY**

**FACTS**

1. Before 2010, many residential properties within the City violated then-existing limits on the transient use of residential property for remuneration.
2. In 2010, Chapter 7.40 and Chapter 23.64 of the Pacific Grove Municipal Code (PGMC) were amended by Ordinance 10-001 to regulate transient use of residential property within residential zones, and required those sites to hold an annual license from the City. The transient use licensing program, coupled with enhanced enforcement, was intended to regulate and control this activity.
3. Since 2010, online host sites such as VRBO, Airbnb, and others have become increasingly popular means to market homes available for transient use. As demand has increased, the City has experienced a dramatic increase in license applications. The 2010 regulations did not anticipate nor adequately address the surge in short-term rental activity, both licensed and unlicensed. Although 170 sites are presently licensed for this use, these sites do not exceed 4% of the City's total housing stock.
4. In October, 2015 a City Task Force was convened to elicit public input to examine short term rental issues in depth and to recommend needed changes to the program. The Task Force held open meetings every Wednesday from October 28 to December 2, 2015. The matter was returned to Council for direction at its meeting of December 16, 2015 at which time public comment was received from 40 members of the public.
5. This ordinance amends Chapter 7.40 and Chapter 23.64 of the Municipal Code.
6. The Planning Commission reviewed this ordinance and recommends the Council adopt it.
7. The City prepared an Initial Study and Mitigated Negative Declaration to review ordinance pursuant to the California Environmental Quality Act (CEQA), and this Ordinance has been mitigated to a point where the proposed project will not have the potential to significantly degrade the environment; will have no significant impact on long-term environmental goals; will have no significant cumulative effect upon the environment; and will not cause substantial adverse effects on human beings, either directly or indirectly.

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

SECTION 1. The foregoing factual recitals are adopted as findings of the City Council.

SECTION 2. Existing Municipal Code section 23.64.350 of Chapter 23.64, shall be re-titled “Transient use of residential property for remuneration” and shall be amended by the deletion of all text shown in ~~strikeout text~~ and by the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

(a) Definitions. For the purpose of this chapter certain terms used herein shall have the meanings set forth in this chapter, and such meanings shall prevail in case of conflict with the definitions set forth in Chapter 23.08 PGMC.

- (1) “Person” means an individual, a group of individuals, or an association, firm, partnership, corporation or other entity, public or private.
- (2) “Owner” means the person who possesses fee title to a transient use site.
- (3) “Owner representative” means any person authorized by the owner to fully manage the transient use site.
- (4) “Remuneration” means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property.
- (5) “Residential property” means any dwelling unit, except those dwelling units lawfully established as second units established pursuant to Chapter 23.80 PGMC or as part of a bed and breakfast inn, motel, hotel, timeshare development, or other transient use.
- (6) “Responsible tenant” means a person aged 18 or older who has received notice of occupancy, parking and other limits and regulations that apply to the transient use site, and who has agreed to be responsible to ensure that impermissible or inappropriate behavior does not occur at the transient use site.
- (7) “Transient” means a period of time less than 30 consecutive calendar days.
- (8) “Transient use of residential property” means the commercial use, by any person, of residential property for transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is less than 30 consecutive calendar days.
- (9) “Transient use site” and “transient use” mean property occupied and used for transient or short-term rental purposes.
- (10) “Use” means the purpose for which land or premises of a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

(b) Transient use of residential property for remuneration is prohibited, except (1) as otherwise expressly permitted by this title, or (2) when such use is permitted by a transient use license issued in accord with Chapter 7.40 PGMC.

(c) Liability and Enforcement.

- (1) Any owner, owner representative, responsible tenant, person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who uses, arranges, or negotiates for the use of residential property in violation of the provisions of this chapter is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this chapter.
- (2) Any owner, owner representative, responsible tenant, or other person who uses, or allows the use of, residential property in violation of the provisions of this chapter is guilty of an

infraction for each day in which such residential property is used, or allowed to be used, in violation of this chapter.

(3) Violations of this chapter may be prosecuted pursuant to Chapter 1.16 PGMC, or enforced pursuant to Chapter 1.19 PGMC.

(4) Penalties may be assessed for violations as provided in Chapters 1.16, 1.19, and/or 7.40 PGMC. The maximum limits set for administrative penalties in PGMC 1.19.200, however, shall not apply to any violation of this chapter or Chapter 7.40 PGMC.

SECTION 3. A new Municipal Code Chapter 7.40, entitled “Transient Use License,” shall be amended by the deletion of all text shown in ~~strikeout text~~ and by the addition of all text shown in bold, italic, underscored text (***bold, italic, underscored text***), as follows:

**7.40.005**      *Statement of Purpose.*

***The purpose of this chapter is to establish a permitting process, together with appropriate standards that regulate short-term rental of single-family and multi-family dwellings, to minimize negative secondary effects of short-term rental use on surrounding neighborhoods; and to preserve the character of neighborhoods in which any such use occurs. This chapter addresses traffic, noise and density; ensures health, safety and welfare of neighborhoods as well as of renters and guests patronizing short-term rentals; and imposes limits on the number of permits issued to ensure long-term availability of the affordable housing stock. This chapter also sets regulations to ensure enforcement of these standards, and collection and payment of fees and transient occupancy taxes.***

***This chapter shall not provide any property owner with the right or privilege to violate any private conditions, covenants or restrictions applicable to the owner’s property that may prohibit the use of such owner’s residential property for short-term rental purposes as defined in this chapter.***

***The city council finds adoption of a comprehensive code to regulate issuance of and conditions attached to short-term rental permits is necessary to protect the public health, safety and welfare. The purposes of this chapter are to provide a permit system and to impose operational requirements in order to minimize the potential adverse impacts of transient uses on residential neighborhoods***

***The city council finds the regulation of short term rental uses, including its nontransferability provisions, to be a valid exercise of the city’s police power in furtherance of the legitimate governmental interests documented in this chapter.***

**7.40.010**      *Definitions.*

The terms “owner,” “owner representative,” “person,” “remuneration,” “residential property,” “responsible tenant,” “transient,” “transient use,” “transient use of residential property,” and “transient use site” as used in this chapter shall be given the same definition as those terms in PGMC 23.64.350.

“Block Face” is a term that shall mean one side of the street between two consecutive intersecting streets or alleys.

“STR Type A” is a term that shall mean a short term rental unit licensed for transient use of residential property for remuneration where the property owner does not reside at the site, and where the property is available for short term guests for an unlimited period throughout its term.

“STR Type B” is a term that shall mean a short term rental unit licensed for transient use of residential property for remuneration where the property owner resides at the site, and where the property is available for short term guests for no more than 90 days in a single license year (365 days).

“STR Type C” is a term that shall mean a short term rental unit licensed for transient use of residential property for remuneration where the property owner resides at the site, and where only a single room or set of rooms on the property site is available for short term guests for an unlimited period provided the site is simultaneously occupied by the property owner.

#### 7.40.20 Allowed Use.

(a) Transient use of residential property for remuneration is allowed pursuant to Chapter 23.64 PGMC or this chapter; provided, that a separate transient use license has first been granted and validly maintained for each transient use site.

(b) Each Transient Use License must meet all the requirements of this Chapter. Transient Use Licenses are issued for a term. If no expiration date is shown, each shall expire on March 31. No guarantee is given or implied that Transient Use License will be extended or renewed for a term subsequent to its expiration. Transient Use Licenses issued and current as of February 15, 2016 shall expire on March 31, 2017. Those Licenses shall not be subject to revisions to this Chapter until after March 31, 2017.

(c) For the purposes of this Chapter, the city recognizes and sets discrete requirements for each of three different classes of Transient Use Licenses. These are “STR Type A”, “STR Type B” and “STR Type C”.

(d) Each contract or tenancy that allows transient use shall identify the name, address, phone and e-mail contact information of at least one responsible tenant who has been informed of, and has agreed to abide by occupancy, parking and other limits that apply to that transient use. The owner or owner representative shall make a record of the motor vehicle license number of each motor vehicle used by an occupant of the transient use site, and shall upon request provide that information to the city manager or his delegated agent.

(e) For each initial transient use license application, and each license renewal, the applicant and each property owner shall submit an inspection report to the City that provides and verifies information, in the form and manner required by the Chief Building Official, to ensure the property is safe and habitable for its intended use, including verification of adequate egress from

sleeping quarters and common areas, installation of accessible fire extinguishers, and a carbon monoxide alarm on each level, and that the property exists in accord with appropriate land use and building permits.

(e) The owner or owner representative shall cause notice of the application or any license renewal, and of any hearing on the application or renewal to be posted and mailed to notify neighbors within 300 feet of the transient use licensed site. The notice shall include a statement of the maximum number of guests permitted to stay in the short term unit.

**7.40.25 License Caps and Density Limits.**

(a) License Cap. The maximum number of STR Type A licenses allowed within the City shall be 260. If applications exceeding this number are received, the city manager shall place the excess number on a STR license waiting list and process those in order of receipt as licenses become available. The maximum number of Type B and Type C Transient Use Licenses is not limited by this Chapter

(b) Density Limit. A STR Type A license shall not be issued if granting that STR Type A license would cause the STR Type A density limit to be exceeded for that area, provided however, no STR density limit shall apply to the Ocean View Boulevard and Mermaid Street (Avenue?) areas designated as High Density (24.8 DU/Acre).

The following density limits shall apply:

(1) One STR Type A license per parcel. This limit shall not apply to any duplex, to a property governed by the duly adopted bylaws of a City-approved home owners association (HOA), or to properties held as tenants in common.

(2) A second or subsequent STR Type A license shall be approved only if the total number of such licenses does not exceed 15% of the Block Face on which it is to be located.

**7.40.030 Limits on Transient Use .**

Transient use of residential property for remuneration allowed by Chapter 23.64 PGMC or this chapter shall be subject to each and every limitation in this section:

(a) Each contract or tenancy that enables transient use shall be in writing, and identify thereon the name, address, phone and e-mail contact information of (1) the owner, (2) the owner representative, and (3) at least one responsible tenant occupying the transient use site who shall be responsible for all limits required by this chapter;

(b) Each contract or tenancy that allows transient use shall identify the name, address, phone and e-mail contact information of at least one responsible tenant who has been informed by the owner or owner representative of the occupancy, parking and other limits that apply to transient

use by this chapter **and shall be informed of residential parking and noise limits, including but not limited to PGMC §11.96.010, the City codes that regulates unlawful noises;**

(c) The transient use site (1) shall be used and maintained in a manner consistent with the character of the neighborhood, (2) shall not impair the desirability of investment or occupation of the surrounding neighborhood, and (3) shall not have displayed thereon any sign that indicates the property is used or available for transient or short-term rental purposes;

(d) Owner and owner representative shall each use their best efforts, and respond in a reasonable and timely manner, to ensure that every occupant of the transient use site does not create or contribute to unreasonable use of the property, cause unreasonable noise or disturbance, engage in disorderly or unlawful conduct, or overcrowd the site;

(e) The owner or owner representative shall be on-call full time to manage the property and shall be able to be physically present at the transient use site within 30 minutes of request during any time the property is occupied for transient use. Within 24 hours of the time an initial call is attempted, the owner or owner representative shall use his or her best efforts to prevent the recurrence of such conduct by the occupants and take corrective action to address any violation. Failure to respond timely to two or more complaints regarding tenant violations is grounds for penalties as set forth in this chapter;

(f) The maximum number of occupants aged 18 or older authorized to stay overnight at any transient use site shall be limited to two persons per bedroom, plus one additional person per site;

(g) A maximum of two motor vehicles shall be allowed on street at the transient use site by the responsible tenant or any other occupant between the hours of 6:00 p.m. and 6:00 a.m. **if no on-site parking is provided;** and

(h) Each designated on-site parking space at a transient use site shall be made available for use by overnight occupants of that site **and any on-site driveway must be available for the use of the renters of the site; and**

(i) **The maximum size party, event or large group gathering allowed at the transient use site shall not exceed two times the maximum number of occupants (aged 18 or older) authorized to stay overnight at that site, as shown on the STR license, and in no event shall exceed 20 persons; and**

(j) **Amplified sound that is audible beyond the property boundaries of the short-term rental dwelling is prohibited; and**

(k) **Auctions, commercial functions, and other similar events are prohibited at the short-term rental property.**

7.40.040      *Transient Use License.*

It is unlawful for any person to transact and carry on any business relating to or supporting the transient use of residential property in the city without first having procured a transient use license from the city to do so, and paying the license fee and any other fees associated with approval of an application of a license, ~~hereinafter prescribed~~, and also without complying with any and all applicable provisions of this chapter. A transient use license, however, shall not be required for any lawfully established bed and breakfast inn, motel, hotel, or timeshare development.

**7.40.050      *Display of Transient Use License.***

The owner or owner representative shall cause a copy of the transient use license to be displayed in a prominent location within the interior of the transient use site, and shall provide a copy to each responsible tenant. Each Internet or online ad, sign, circular, card, telephone book, or newspaper advertisement that indicates or represents a transient use site is available for transient or short-term rental purposes shall prominently display thereon the transient use license number assigned to that site by the city of Pacific Grove.

**7.40.060      *Separate Properties.***

A separate transient use license shall be obtained for each separate transient use site. A single transient use license may be issued for ~~multiple~~ a maximum of residential dwelling units under identical ownership at a single site. In all other circumstances, a separate license shall be required for each transient use. A transient use license shall authorize the licensee to transact and carry on transient use of residential property only at the location and in the manner and subject to the limits designated in such license.

**7.40.070      *Contents of license.***

Every person required to have a license under the provisions of this chapter shall make application to the ~~collector of the city~~ and tender payment of the prescribed application and license fee. Thereafter, in accord with the provisions of this chapter, the ~~collector~~ city shall issue to such person a license which shall contain the following information:

(a) The name and contact information of the owner to whom the license is issued, and the name and contact information for the owner representative;

(b) The transient use site licensed; and whether the license is a “STR Type A”, “STR Type B” or “STR Type C”

(c) The date of the expiration of such license;

(d) The maximum number of occupants aged 18 or older who are authorized to stay overnight at that transient use site in accordance with the number of bedrooms on site;

(e) The maximum number of motor vehicles allowed for use by overnight occupants at that transient use site based on the available on-site parking as shown on the application site plan;

(f) Such other administrative information as may be necessary for the enforcement of the provisions of this chapter.

**7.40.080 Application - First license.**

**Each short-term rental permit shall be in the name of the owner of the real property upon which the short-term rental use is to be permitted.** When a person first makes an application for a license pursuant to this chapter, such person shall furnish to the ~~city collector~~ a sworn statement, upon a form provided by the ~~city collector~~, setting forth the following information:

(a) The address of the transient use site to which the license shall apply, and all places of residence of the owner(s) of same;

(1) In the event an application is made for issuance of a license to a person doing business under a fictitious name, the application shall set forth the names and places of residence of those owning the business;

(2) In the event an application is made for the issuance of a license to a corporation or a partnership, the application shall set forth the names and places of residence of the principal officers and all partners thereof;

(b) Each application shall set forth such information as may be therein required by the city collector and deemed necessary to estimate the annual transient occupancy tax to be charged for that property; **The owner and applicant shall maintain city business licenses at all times, and shall agree to collect and remit transient occupancy taxes on all gross receipts pertaining to the property.**

(c) Each application shall identify the name, address, phone and e-mail contact information of the owner and the owner representative;

(d) Each application shall include a site plan, which **labels each room and the structure of the property, including** ~~shows~~ the number of bedrooms and the number of ~~on-street and off-street~~ parking spaces;

(e) An **certification** affidavit **signed by the owner** affirming that smoke detectors are installed in all sleeping quarters and common areas and that fire extinguishers are accessible **and a carbon monoxide alarm is installed on each level,** to protect the health and safety of the occupants of the transient use site and the applicant shall provide access and information to the fire inspector as needed to ensure health and safety for occupants of the transient use site; and

(f) Such further information which the ~~city collector~~ may require to enable proper administration of the license.

The applicant shall remit all required annual fees in accord with the master fee schedule set by council resolution. The applicant shall agree to renew and/or amend the license in accord with the requirements of this chapter, and if there is a change in any material fact stated in the application.

**7.40.90          *Renewal license.***

(a) In all cases, the applicant for the renewal of a license shall submit to the collector on or before ~~July~~ March 1st, an application for renewal containing a sworn statement upon a form to be provided by the collector, setting forth such information concerning the applicant's transient occupancy activity during the preceding calendar year as may be required by the collector to enable him or her to verify the amount of the transient occupancy tax paid by said applicant pursuant to the provisions of this chapter. **Evidence that a site has been vacant or unused for transient use during the preceding 12 months shall cause non-renewal of a license.**

(b) The applicant shall remit the annual license fee, as set by resolution, at the same time as the renewal application. The property owner ~~applicant~~ shall submit an annual affidavit affirming that smoke detectors are installed and maintained in all sleeping quarters and common areas, ~~and~~ that fire extinguishers are accessible, **and a carbon monoxide alarm is installed on each level.** The owner and applicant shall provide access and information to the inspector ~~as may be needed~~ to ensure health and safety for occupants of the transient use site, **including verification of adequate egress from sleeping quarters and common areas, and installation of accessible fire extinguishers, and a carbon monoxide alarm on each level.**

**7.40.100          *Change to license information.***

A request to amend any information provided on the license issued pursuant to this chapter shall be made within 14 days of any change of owner, a change of the owner representative, a change in any material fact upon which the license was issued, or if any other person acquires an ownership interest in the transient use site.

**7.40.110          *Evidence of transient occupancy of residential property.***

When any owner, owner representative or other person makes use of Internet services, signs, circulars, cards, telephone books, or newspapers, and/or advertises, holds out, or represents that he or she allows transient occupancy of residential property in the city, and such person fails to provide a sworn statement to the City collector that he or she does not allow transient occupancy of residential property in the city after being requested to do so by the City collector, then such information shall be considered prima facie evidence that he or she is conducting a business in the city of allowing transient occupancy of residential property. Until proper evidence to the contrary is presented to the City collector, the City collector shall be entitled to presume that residential property is subject to the license required by this chapter, and/or that the transient use of residential property has occurred at the transient use site.

**7.40.120          *Statements and records.***

No statement shall be conclusive as to the matters set forth therein, nor shall the filing of such statement keep the city from collecting by appropriate action taxes and/or fees that are due and

payable hereunder. In the event that the City collector deems it necessary, he or she may require that a licensee or applicant for a license submit verification of financial information necessary to calculate the transient occupancy tax due, or at the option of the licensee or applicant, may authorize the City collector to examine records or business transactions to compute the transient occupancy tax that is owed.

**7.40.130      *Failure to file statement or corrected statement.***

If any person fails to file any required statement within the time prescribed, or if after demand therefor made by the City collector he or she fails to file a corrected statement, or if any person subject to the tax imposed by this chapter fails to apply for a license, the City collector may determine the amount of tax due from such person by means of such information as he or she may be able to obtain and shall give written notice thereof to such person. Delinquent payment shall be subject to penalties calculated in the same manner as set forth in PGMC 7.04.200.

**7.40.140      *Payment of transient occupancy tax.***

The owner or owner representative shall remit the transient occupancy tax as set forth in Chapter 6.09 PGMC.

**7.40.150      *Appeal of Tax.***

Any person aggrieved by any decision of the City collector with respect to the amount of the transient occupancy tax or fees associated thereto may appeal to the administrative enforcement hearing officer panel by filing a notice of appeal with the city clerk within 15 days after receipt of written notice from the City collector. The hearing officer assigned by the panel shall thereupon fix a time and place for hearing such appeal. The city clerk shall give notice to such person of the time and place of hearing by serving it personally or by depositing in the United States Post Office at Pacific Grove, California, postage prepaid, addressed to such person at his or her last known address. The hearing officer shall have authority to determine all questions raised by such appeal; provided, however, that no such determination shall conflict with any substantive provision of this chapter.

**7.40.160      *Additional power of City collector.***

In addition to all other power conferred upon the collector, he or she shall have the power, for good cause shown:

(a) To extend the time for filing any required sworn statement or application for a period not exceeding 30 days, and in such case to waive any penalty that would otherwise have accrued; and

(b) Whenever any fee, tax or penalty pursuant to this chapter is due and payable but has not been satisfied in full within 90 days and/or has not been successfully challenged by a timely writ of mandate, such amounts shall constitute a lien against the real property, and be subject to the processes set forth in PGMC 1.19.270 through 1.19.290, inclusive.

**7.40.170 License nontransferable - Changed location.**

No license issued pursuant to this chapter shall be transferable to any other person or location.

**7.40.180 License denial or revocation.**

Any application for a license may be denied, and any license issued pursuant to this chapter may be revoked, ~~as hereinafter provided, unless substantial evidence~~ shall be ~~is~~ presented as to why the application should not be denied, or the license should not be revoked for any of the following reasons, including but not limited to:

(a) A false material statement or misrepresentation has been made in, or in support of, the application;

(b) A change occurs in any material fact upon which the license was issued that has not been reported to the city as a change to the required license content within 14 days;

(c) The transient use site, or any other location owned by the owner or applicant, has been the site of a violation of any provision of law, or otherwise fails to meet sanitation or health standards of the neighborhood, within the two years immediately preceding;

(d) The owner or applicant has violated any provision of the municipal code or any provision of the Health and Safety Code, within the two years immediately preceding;

(e) The owner, owner representative or applicant has been convicted of any crime involving moral turpitude;

(f) The owner, owner representative or applicant has failed to timely respond to two or more complaints regarding limits on transient use as required by PGMC 7.40.030 within the two years immediately preceding.

(g) The site does not meet the definition of dwelling unit as per PGMC23.64.350(5).

(h) The owner, applicant, guest or any occupant of a STR site allows or facilitates a party, event or large group gathering at that site that exceeds two times the maximum number of occupants (aged 18 or older) authorized to stay overnight at that transient use site, as shown on the STR license.

(i) The owner, applicant, guest or any occupant of a STR site regularly engages in disorderly conduct, violates provisions of this code or any state law pertaining to noise, disorderly conduct, or uses illegal drugs.

**7.40.190 ~~City Manager Review~~ Appeal of Revocation or Suspension.**

Any person who has been denied a license or to whom notice of revocation or suspension of a license has been mailed may appeal to the administrative enforcement hearing panel under Chapter 1.19, pursuant to a request for hearing under PGMC 1.19.090. ~~before the city manager. Notice of the proceeding shall conform to PGMC 1.12.010, and the hearing shall conform to the process set at PGMC 1.16.090 and following. The hearing officer shall have authority to determine all questions raised by such appeal; provided, however, that no such determination shall conflict with any substantive provision of this Chapter.~~ The city manager, in that event, shall give each applicant or licensee at least 10 days' written notice of hearing. The city manager's decision, after hearing, shall be final. Any applicant or license holder whose license shall have been denied or revoked shall be ineligible for a two-year period from applying for a new license. No person whose license has been revoked shall continue to engage in or carry on the activity for which the license was granted, unless and until such license has been reinstated or reissued. The decision of the hearing officer ~~city manager~~ shall be final. Notice of the decision, and the opportunity for judicial review, shall conform to PGMC 1.20.010,

#### **7.40.200 Penalties.**

Penalties as set forth in Chapter 1.16 PGMC, or the administrative process set forth in Chapter 1.19 PGMC, may be imposed for failure to comply with the provisions of Chapter 23.64 PGMC or this chapter, with respect to:

(a) Any owner, owner representative, or person who transacts or carries on any activity relating to or supporting the transient use of residential property in the city without first having procured and complied with a transient use license from the city so to do and paying all applicable license fees shall be subject to administrative penalties as set forth in Chapter 1.19 PGMC, including administrative penalties imposed by a Hearing Officer for violation of any provision of this code in an amount not to exceed a maximum of \$2,500 per day for each continuing violation, exclusive of administrative costs, interest and restitution for compliance re-inspections, for any related series of violations, and/or forfeiture of all rents received during the period transient use was allowed without a transient use license, whichever amount is greater; or

(b) Any owner, owner representative, or person who carries on any activity that advertises to the surrounding neighborhood that the site has been licensed to allow, or is used for, transient occupancy, and who has failed to timely remedy this violation in response to two or more complaints, shall be subject to administrative penalties; or

(c) Any owner, owner representative, responsible tenant or person who allows a transient use site to be used or maintained in a manner detrimental to the peace, public health, safety or general welfare of persons or property of the neighborhood or the public, and fails to timely remedy this violation in response to two or more complaints; or

(d) Any owner, owner representative, responsible tenant or person who allows impermissible or inappropriate behavior at the transient use site or action that exceed the limits on transient use set by PGMC 7.40.030 following two or more complaints; or

(e) Limits upon administrative penalties in PGMC 1.19.200 shall not apply to any violation of this chapter.

**7.40.210 Liens.**

Whenever the amount of any penalty, forfeiture, and/or administrative cost imposed by a hearing officer pursuant to this chapter or to Chapter 1.19 PGMC has not been satisfied in full within 90 days and/or has not been successfully challenged by a timely writ of mandate, this obligation shall constitute a lien against the real property on which the violation occurred, and be subject to the processes set forth in PGMC 1.19.270 through 1.19.290, inclusive.

SECTION 4. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 5. In accord with Article 15 of the City Charter, this ordinance shall become effective immediately upon adoption on second reading.

SECTION 6. The Planning Commission, at a meeting held on or about twelve months following enactment of this ordinance, shall review the effects of this ordinance and submit recommendations to the City Council as to amendments that may be appropriate.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS \_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

\_\_\_\_\_  
BILL KAMPE, Mayor

ATTEST:

\_\_\_\_\_  
Sandra Kandell, Deputy City Clerk

APPROVED AS TO FORM:

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DAVID C. LAREDO, City Attorney

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

**AGENDA REPORT**

**TO:** Planning Commission  
**FROM:** Terri C. Schaeffer, Housing Program Coordinator  
**MEETING DATE:** January 7, 2016  
**SUBJECT:** Ordinance to Permit Home Sharing  
**CEQA:** Exemption as per Section 15301 Class 1

**RECOMMENDATION**

Receive report and provide recommendation for approval to City Council.

**DISCUSSION**

The City Council at its meeting on December 16, 2015 reiterated its support of short term vacation rentals (STVR) in City residential zones. Specifically, the Council supported and recommended the Planning Commission adopt the use of the rental of a single room for transient use as a STVR. Staff requests the Planning Commission’s consideration of amendments to the Pacific Grove Municipal Code (PGMC) Chapter 23 (Zoning Code) and upon discussion and review, make recommendations to City Council.

Staff recommends adding a new section regarding the “Home Sharing” to Chapter 23.64 General Provisions and Exceptions. Section “23.64.370 Home Sharing” will allow property owners desiring to rent a room to unrelated guests for less than 30 days for a fee, to obtain a permit for this use in any residential zone. Home sharing is limited to single family dwellings in any residential or commercial zone. Home sharing is not permitted in dwelling units lawfully established as second units established pursuant to Chapter 23.80 PGMC; any accessory unit to a dwelling unit, condominium, multi-family dwelling unit or any other “tenants in common” dwelling unit; any room, detached rooms, or a portion of a residential unit that does not provide both kitchen and bathroom facilities; or as part of a bed and breakfast inn, motel, hotel, timeshare development, or other transient use.

To obtain a Home Sharing Permit a owner or owner representative of any qualifying residential property may submit an application to the City for an administrative home sharing permit, along with payment of the approved fees, an affidavit affirming that smoke detectors are installed and maintained in all sleeping quarters and common areas, that fire extinguishers are accessible, and a carbon monoxide alarm is installed on each level. The owner or owner representative shall provide access and information to a certified inspector to ensure health and safety of the home share site, prior to issuance of the permit; a report verifying inspection of the site has occurred, and that the Home Sharing site conforms to all requirements of PGMC Section 23.64.370.

Once a permit is approved, all transient occupancy taxes as set forth in Chapter 6.09 PGMC, and fees, as adopted from time to time in the City's Master Fee Schedule shall be collected and remitted to the City, applicable.

**OPTIONS**

1. Recommend the City Council adopt the attached Ordinance Amendments
2. Do nothing.

**ATTACHMENTS**

1. Draft Ordinance

**FISCAL IMPACT**

An increase in transient occupancy tax revenue is expected.

RESPECTFULLY SUBMITTED,



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Terri C. Schaeffer  
Housing Program Coordinator/  
Code Compliance Officer

RESPECTFULLY SUBMITTED,



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Mark Brodeur  
Director  
Community and Economic Development

**ORDINANCE NO. 15-**

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE AMENDING  
THE PACIFIC GROVE MUNICIPAL CODE AT PGMC §23.64 TO ALLOW AND  
REGULATE HOME SHARING**

**FACTS**

- 1. The Pacific Grove Municipal Code (PGMC) controls land use and zoning through PGMC Title 23, “Zoning.”
- 2. Title 23 allows for the transient use of residential property. Home sharing, by which the resident of a home provides accommodations for less than 30 days to unrelated guests, while the owner or long-term tenant is present, is one possible type of transient use of residential property commonly considered in Pacific Grove and elsewhere.
- 3. The City Council has the authority to legalize home sharing.
- 5. To ensure home sharing fully considers the health and safety of the short-term tenants, and preserves or enhances the existing character of the neighborhood in which the home is shared, it is desirable for the City to adopt regulations similar to, but in some ways different from, those regulations adopted for motels, hotels, bed and breakfasts, and other short-term transient uses. Such standards, conditions and regulations established by Council shall be in addition to and harmonious with the Coastal Act and the City’s General Plan.
- 6. Enactment of this ordinance action is a Project, as defined by California Environmental Quality Act (CEQA), and is exempt according to Section 15301 Class 1, since amendments proposed by these ordinances do not result in any new or significant impacts to the environment because they are either more protective or procedural in nature.

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

SECTION 1. The foregoing Facts are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Existing Municipal Code section of Chapter 23.64 “General Provisions and Exceptions” shall be amended by the addition of Section 23.64.370, “Home Sharing,” as follows:

- (a) Definitions. For the purposes of this section, certain terms used herein shall have the meanings set forth below or in section 23.64.350, and such meanings shall prevail in case of conflict with the definitions set forth in Chapter 23.08 PGMC.
  - (1) “Guest” means a person who rents a bedroom and ancillary facilities at a home sharing site

- (2) “Home sharing” means an activity whereby Residents host Guests in their homes, for compensation, for periods of 30 consecutive days or less, while at least one of the dwelling unit’s Residents lives in the dwelling unit.
  - (3) “Home sharing site” means property occupied and used for home sharing purposes.
  - (4) “Resident” means a person legally residing in a dwelling unit in excess of 30 consecutive days. Such Resident may be the owner or a tenant living there with the approval of the owner.
- (b) Home sharing for remuneration is allowed pursuant to this chapter, provided that a separate home sharing permit has first been granted and validly maintained for each home sharing site.
  - (c) Each home sharing permit shall meet all requirements of this section, including:
    - (1) Each “Home Sharing” permit shall be subject to the following conditions:
      - a) Home sharing is limited to single family dwellings in any residential or commercial zone. Home sharing is not permitted in dwelling units lawfully established as second units established pursuant to Chapter 23.80 PGMC; any accessory unit to a dwelling unit, condominium, multi-family dwelling unit or any other “tenants in common” dwelling unit; any room, detached rooms, or a portion of a residential unit that does not provide both kitchen and bathroom facilities; or as part of a bed and breakfast inn, motel, hotel, timeshare development, or other transient use.
      - b) The resident shall also occupy the home throughout the duration of any home sharing;
      - c) A maximum of one bedroom in the home may be rented to adults; a second bedroom may be rented to children as part of the same contract;
      - d) No more than 2 adults shall occupy the rented bedroom;
      - e) Guest(s) shall have exclusive use of the rented bedroom(s) and shared use of a full bathroom and kitchen;
      - f) Neither bedrooms nor bathrooms shall not contain cooking facilities;
      - g) A designated on-site parking space for use by overnight guests, if it exists, or one parking space on any on-site driveway, if it exists.
    - (2) Owner or owner representative of any qualifying residential property may submit an application to the City for an administrative home sharing permit, along with payment of the approved fees, an affidavit affirming that smoke detectors are installed and maintained in all sleeping quarters and common areas, that fire extinguishers are accessible, and a carbon monoxide alarm is installed on each level. The owner or owner representative shall provide access and information to a certified inspector to ensure health and safety of the home share site, prior to issuance of the permit; a report verifying inspection of the site has occurred, and that the Home Sharing site conforms to all requirements of PGMC Section 23.64.370.
    - (3) A home sharing permit shall continue in force, as long the conditions are met, except upon cancellation by the owner or owner representative, or upon the sale or transfer of the property.
    - (4) Once a permit is approved, all transient occupancy taxes as set forth in Chapter 6.09 PGMC, and fees, as adopted from time to time in the City’s Master Fee Schedule shall be collected and remitted to the City, applicable.

- (5) Evidence of transient occupancy of a permitted home sharing site, statements and records, failure to file statement or corrected statement, payment of transient occupancy tax, appeal of tax, additional power of City, permit nontransferability, permit denial or revocation, appeal of revocation or suspension, penalties, and liens, shall be as provided in sections 7.40.110 through 7.40.210, inclusive.
- (d) Liability and Enforcement. For the purposes of this section, liability and enforcement shall be the same as PGMC section 23.64.350 (c).

SECTION 3. In accord with Article 15 of the City Charter, this ordinance shall take effect thirty days following passage and adoption hereof.

SECTION 4. The City Manager and City Clerk are directed to perform all tasks necessary to implement this ordinance. This measure may, but shall not be required to, cause republication of the Pacific Grove Municipal Code.

SECTION 5. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses, or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

**PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE** this \_\_\_\_ day of \_\_\_\_\_, 2015, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

\_\_\_\_\_  
BILL KAMPE, Mayor

ATTEST:

\_\_\_\_\_  
SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:

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DAVID C. LAREDO, City Attorney