



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

AGENDA REPORT

TO: Mark Brodeur, Zoning Administrator
FROM: Laurel O'Halloran, Associate Planner
MEETING DATE: January 14, 2016
SUBJECT: Consideration of Permit Undocumented Unit No. 15-671 for a property located at 210 17 Mile Drive
CEQA STATUS: Exempt

RECOMMENDATION

Review the application and consider a recommendation of denial

BACKGROUND

Application: PUU 15-671

Location: 210 17 Mile Drive

APN: 006-351-015

Applicant: Anthony Davi

DISCUSSION

Staff Analysis

The subject site is located at 210 17 Mile Drive in the R-4 zone and has a designation of High Den 29.0 Du/ac on the adopted City of Pacific Grove General Plan Land Use Map.

Multi-family units are permitted with a Use Permit per PGMC section 23.28.020(c).

Per section 23.64.190 parking requirements for the single-family residence is two covered, for the two-bedroom additional dwelling unit one covered and one uncovered and for the two one bedroom units one and a half off street parking shall be provided.

The subject site is approximately 8,400 square feet.

Architectural Permit No. 49 dated December 9, 1964 allowed the conversion of the garage in to a third unit creating the exiting duplex.

The subject property received a Variance No. 78-378 in 1978 to permit a reduction in a required side and rear setbacks to allow the applicant to construct a workshop.

The subject site is developed with a 1,230 sf single family residence, a 1,830 sf duplex and an approximate 324 sf unpermitted unit.

On October 22, 1987 a code violation was opened because of the unpermitted unit.

Item 3b

An inspection dated September 12, 2014 confirmed the code violation had not been resolved. Compliance was required by January 12, 2015

Monterey Peninsula Water Management (MPWMD) does not recognize the kitchen and bathroom in the unpermitted unit.

The subject proposal will not be in compliance with all laws, regulations and rules pertaining to setback, parking and trash facilities and any other provisions of this code per section 23.70.040.c; The subject property will not meet the required three uncovered and four covered off street parking spaces for the R-4 zone with 4 units per section 23.64.190(a)(b)

The subject property will also not meet the required trash enclosure requirements for the R-4 zone with 4 units per section 23.26.080. The subject property exceeds the 60% site coverage requirement for the R-4 zone with a site coverage of 78%.

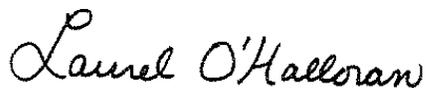
ENVIRONMENTAL REVIEW

The project qualifies for a Class 1 exemption from CEQA requirements, pursuant to Section 15301 (Class 1) – Existing Facilities.

ATTACHMENTS

1. Draft PUU
2. Application materials
3. Project Plans

RESPECTFULLY SUBMITTED:



Laurel O'Halloran, Associate Planner

CPAF
848.50
10-27-15



CITY OF PACIFIC GROVE

Community Development Department – Planning Division

300 Forest Avenue, Pacific Grove, CA 93950

Tel: 831.648.3190 • Fax: 831.648.3184 • www.cityofpacificgrove.org/cedd

Permit Application

Application # PV15-671^{3b}
Date: 10/27/15
Total Fees: 848.50
Received by: WL

Project Address: 210 17 mile Drive **APN:** 006-381-015

Project Description: Permit Undocumented Unit

Applicant ← **Owner**

Name: JYT Properties (Jacqueline Trees) Name: ANTHONY DAVI
 Phone: 310-663-6570 Phone: (831) 373-3192
 Email: _____ Email: ANTHONY@DAVILAW.COM
 Mailing Address: _____ Mailing Address: 215 WEST FRANKLIN ST #205
MONTEREY, CA 93950

Permit Request:

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

CEQA Determination:	Review Authority:	Active Permits:	Overlay Zones:
<input checked="" type="checkbox"/> Exempt	<input checked="" type="checkbox"/> Staff	<input type="checkbox"/> Active Planning Permit	<input type="checkbox"/> Butterfly Zone
<input type="checkbox"/> Initial Study & Mitigated Negative Declaration	<input checked="" type="checkbox"/> ZA	<input type="checkbox"/> Active Building Permit	<input type="checkbox"/> Coastal Zone
<input type="checkbox"/> Environmental Impact Report	<input type="checkbox"/> SPRC	<input type="checkbox"/> Active Code Violation Permit #:	<input checked="" type="checkbox"/> Area of Special Biological Significance (ASBS)
	<input type="checkbox"/> ARB		<input type="checkbox"/> Environmentally Sensitive Habitat Area (ESHA)

Property Information

Lot: 3 Block: 313 Tract: P6 Acres

ZC: R-4 GP: HDR 29 dulae Lot Size: 8,400

Historic Resources Inventory Archaeologically Sensitive Area

Staff Use Only:

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

Applicant Signature: [Signature]

Date: 10-22-15

Owner Signature (Required): [Signature]

Date: 10-22-15



CITY OF PACIFIC GROVE

Community Development Department – Planning Division

300 Forest Avenue, Pacific Grove, CA 93950

T: 831.648.3183 • F: 831.648.3184 • www.ci.pg.ca.us/cdd

PERMIT UNDOCUMENTED UNIT (PUU) PERMIT 15-671 FOR A PROPERTY LOCATED AT 210 17 MILE DRIVE

Anthony Davi applied on October 27, 2015 to Permit an Undocumented Unit for a property located at 210 17 Mile Drive. Per PGMC 23.64.360

FACTS

1. The subject site is located at 210 17 Mile Drive Pacific Grove, CA 93950 APN 006-351-015
2. The subject site has a designation of High Den 29.0 Du/ac on the adopted City of Pacific Grove General Plan Land Use Map.
3. The project site is located in the R-4 zoning district.
4. Multi-family units are permitted with a Use Permit per PGMC section 23.28.020(c).
5. Per section 23.64.190 parking requirements for the single-family residence is two covered, for the two-bedroom additional dwelling unit one covered and one uncovered and for the two one bedroom units one and a half off street parking shall be provided.
6. The subject site is approximately 8,400 square feet.
7. Architectural Permit No. 49 dated December 9, 1964 allowed the conversion of the garage in to a third unit creating the exiting duplex.
8. The subject property received a Variance No. 78-378 in 1978 to permit a reduction in a required side and rear setbacks to allow the applicant to construct a workshop.
9. The subject site is developed with a 1,230 sf single family residence, a 1,830 sf duplex and an approximate 324 sf unpermitted unit.
10. On October 22, 1987 a code violation was opened because of the unpermitted unit.
11. An inspection dated September 12, 2014 confirmed the code violation had not been resolved. Compliance was required by January 12, 2015
12. Monterey Peninsula Water Management (MPWMD) does not recognize the kitchen and bathroom in the unpermitted unit.
13. This project has been determined to be exempt under CEQA Guidelines Class 3 (b)

FINDINGS

1. The proposed approval as conditioned conforms to the applicable provisions of the General Plan, the Local Coastal Plan, and any applicable specific plan and these regulations;
2. The proposed approval is located on a legally created lot;
3. The subject proposal will not be in compliance with all laws, regulations and rules pertaining to setback, parking and trash facilities and any other provisions of this code per section 23.70.040.c;
4. The subject property will not meet the required three uncovered and four covered off street parking spaces for the R-4 zone with 4 units per section 23.64.190(a)(b);
5. The subject property will not meet the required trash enclosure requirements for the R-4 zone with 4 units per section 23.26.080;
6. The subject property exceeds the 60% site coverage requirement for the R-4 zone with a site coverage of 78% ;

PERMIT

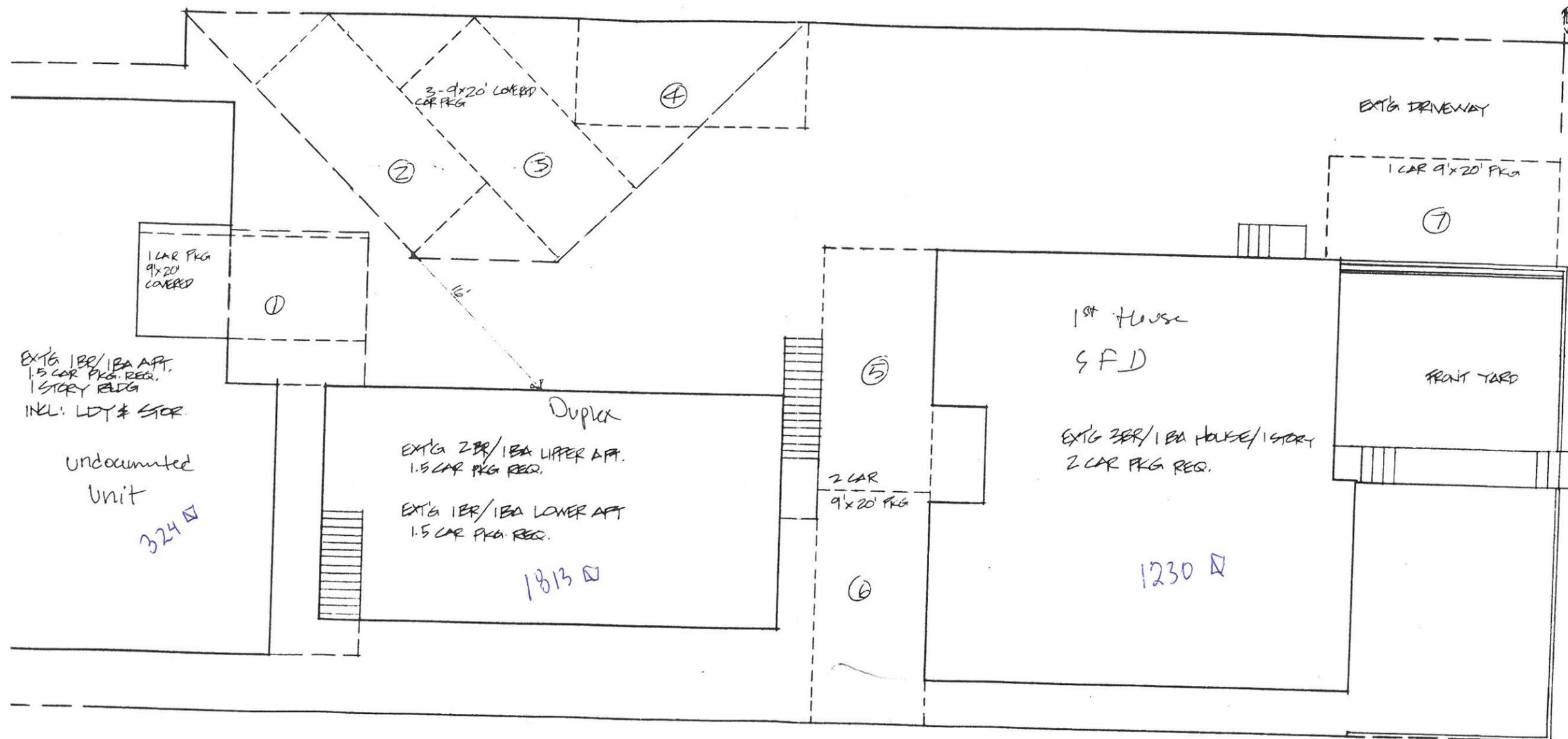
Permit of an Undocumented Unit

Per Pacific Grove Municipal Code 23.64.360

DENIED BY THE ZONING ADMINISTRATOR OF THE CITY OF PACIFIC GROVE this 14th day of January, 2016, by the following vote:

DENIED:

MARK BRODEUR, ZONING ADMINISTRATOR



EXT'G 1BR/1BA APT.
1.5 CAR PKG. REQ.
1 STORY BLDG
INCL. LDY & STOR.

Undocumented
Unit
324

1 CAR PKG
9x20'
COVERED

3-9x20' COVERED
CAR PKG

EXT'G DRIVEWAY

1 CAR 9x20' PKG

1ST HOUSE
SFD

FRONT YARD

EXT'G 3BR/1BA HOUSE/1 STORY
2 CAR PKG REQ.

Duplex
EXT'G 2BR/1BA UPPER APT.
1.5 CAR PKG REQ.

EXT'G 1BR/1BA LOWER APT
1.5 CAR PKG REQ.

1813

2 CAR
9x20' PKG

1230

Lot size 8,400



Online Property Database

Access basic property information without having to leave home.



Map data ©2015 Google Imagery ©2015, A Report a map error

Property Details

APN: 006351015000
Site Address: 210 17 MILE DR #C
City: PACIFIC GROVE
Zip Code: 93950-2455
Approx. Lot Size (Sq. Ft.): 8399.31
Archaeological Zone: No
Coastal Zone: No
Historic Resources Inventory: No
Area of Special Biological Significance Watershed: Yes
Butterfly Habitat: No
Environmentally Sensitive Habitat Area: No
Septic: No
Runoff Retention Required: No
Land Use: High Dens 29.0 DU/ac
Lot/Block: PACIFIC GROVE ACRES POR OF BLK 313 A BLK 3313A & POR OF SUB D OF LOT 3 BLK 313A DESC AS EXCEPTION 2 IN VOL 1947 PG 148
Zoning: [R-4](#)

Building Details

Unit Details

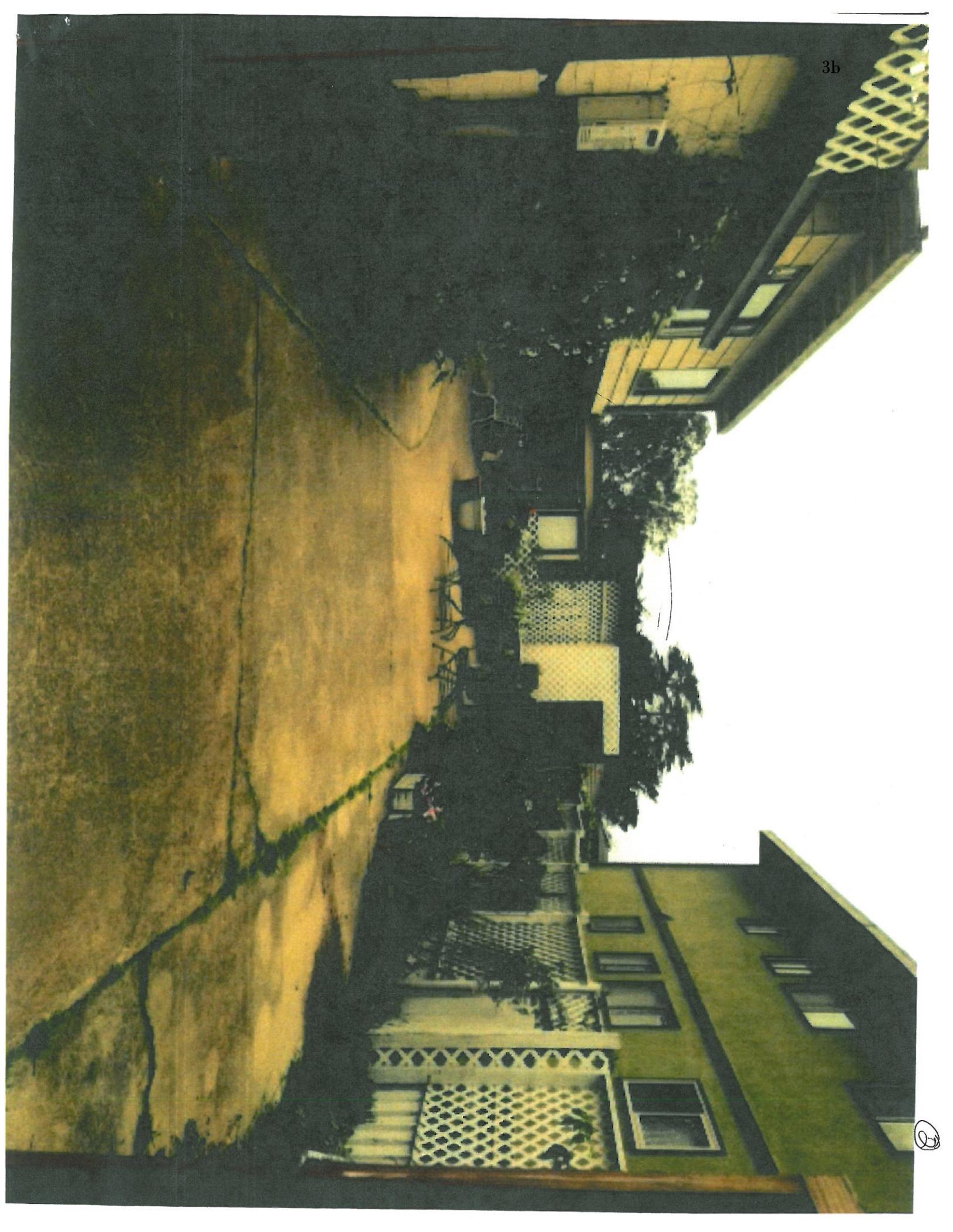
Unit Sequence Number: 1
Unit Size (Sq. Ft.): 1230
Number of Bedrooms: 3
Number of Full Bathrooms: 1
Number of Half Bathrooms: 0
Number of Total Rooms: 8
Number of Fireplaces: 1





②

3b



8



②

RESIDENTIAL BUILDING RECORD

ADDRESS

SHEET 2 OF 3 SHEETS

Duplex
PARCEL 39
1727

CLASSIFICATION CONSTRUCTION RECORD

CLASSIFICATION	CONSTRUCTION RECORD	STRUCTURAL	EXTERIOR	ROOF	DESCRIPTION OF BUILDING	LIGHTING	WIRING	WATER	HEATING	PLUMBING	MECHANICAL	CONDITION	ROOM AND FINISH DETAIL	FINISH	CEILING	
ARCHITECTURE	Light	Substand	Single Wall	Siding	Flat	Asph Shingle	KT	Central	Water	Oil Burner	Grill	Central	Rooms	Floors	Floor Finish	Interior Finish
	Standard	Standard	Alum Siding	1/2 Pitch	Gable x Shed	Asph Shingle	KT	W.B.T.U.	Water	Grill	Grill	W.B.T.U.	Floors	Floor Finish	Interior Finish	Walls
	Above Stand	Conc Block	Asph Shingle	Flt Overhand	Flt Overhand	Asph Shingle	KT	Floor Unit	Water	Grill	Grill	W.B.T.U.	Floors	Floor Finish	Interior Finish	Walls
USE TYPE	Special	Brick	Wood Shingle	No Ridges	Sealed	Asph Shingle	KT	Zone Unit	Water	Grill	Grill	W.B.T.U.	Floors	Floor Finish	Interior Finish	Walls
FOUNDATION	Concrete	Adoba Post	Wood Shingle	X No Ridges	Sealed	Asph Shingle	KT	Wall Unit	Water	Grill	Grill	W.B.T.U.	Floors	Floor Finish	Interior Finish	Walls
Double	Reinforced	Floor Joist	Stone	X Intergal	Sealed	Asph Shingle	KT	Radiant	Water	Grill	Grill	W.B.T.U.	Floors	Floor Finish	Interior Finish	Walls
Duplex	Brick	Beam Girder	Stone	X Gutters	Sealed	Asph Shingle	KT	Zone Unit	Water	Grill	Grill	W.B.T.U.	Floors	Floor Finish	Interior Finish	Walls
Apartment	Wood	Conc Slab	Stone	X Dormers	Sealed	Asph Shingle	KT	Radiant	Water	Grill	Grill	W.B.T.U.	Floors	Floor Finish	Interior Finish	Walls
Guest House	Diets	Sub Floor	Stone	X Shingle	Sealed	Asph Shingle	KT	Zone Unit	Water	Grill	Grill	W.B.T.U.	Floors	Floor Finish	Interior Finish	Walls
Count	Diets	Sub Floor	Stone	X Shake	Sealed	Asph Shingle	KT	Zone Unit	Water	Grill	Grill	W.B.T.U.	Floors	Floor Finish	Interior Finish	Walls
More	Diets	Sub Floor	Stone	X Shake	Sealed	Asph Shingle	KT	Zone Unit	Water	Grill	Grill	W.B.T.U.	Floors	Floor Finish	Interior Finish	Walls
UNITS	Medium	Ins Ceilings	Alum Sash	Composition	Composition	Asph Shingle	KT	Zone Unit	Water	Grill	Grill	W.B.T.U.	Floors	Floor Finish	Interior Finish	Walls
Light Heavy	Ins Walls	Steel Sash	Alum Sash	Composition	Composition	Asph Shingle	KT	Zone Unit	Water	Grill	Grill	W.B.T.U.	Floors	Floor Finish	Interior Finish	Walls
CONSTRUCTION RECORD	AMT	DATE	EFFECTIVE YEAR	APPR YEAR	NORMAL % GOOD	RATING (E.G. A.F.P.)	BUILDING SPEC FEATURES	BATH DETAIL	DETAIL	DETAIL	DETAIL	DETAIL	DETAIL	DETAIL	DETAIL	DETAIL
Per Prop	Per Prop	Per Prop	Per Prop	Per Prop	Per Prop	Per Prop	Per Prop	Per Prop	Per Prop	Per Prop	Per Prop	Per Prop	Per Prop	Per Prop	Per Prop	Per Prop

UNIT	AREA	UNIT COST	COST														
Normal % Good	5424	2020	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000
Normal % Good	5424	2020	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000

APPRASER	DATE	UNIT COST	COST														
Normal % Good	5424	2020	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000
Normal % Good	5424	2020	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000	11000



39.

Case No. _____

CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
COMPLAINT AND INVESTIGATION FORM

DATE RECEIVED 10-22-87 BY _____

LOCATION OF VIOLATION 210 17 Mile Drive

APN. 06-351-15 ZONE R-4

NAME OF OWNER G.E. Herzog

ADDRESS OF OWNER 212 17 Mile Drive

NAME OF TENANT _____

COMPLAINANT/REFERRAL SOURCE _____

ADDRESS _____ PHONE _____

COMPLAINT: *Visiting the site this morning we suspected an additional unit (it seems that the owner converted a covered carport to a unit). In fact we also found 5 mail boxes instead of 4. Every thing in the file showed 1#DB + 2 units apartment.*

ASSIGNED TO _____ DATE 10/22/87

INVESTIGATION FINDINGS:

VIOLATION OF _____
DISPOSITION: _____

- _____ UNSUBSTANTIATED COMPLAINT/NO VIOLATION (SEE FINDINGS)
- _____ FOLLOW UP/COMPLIANCE DATE _____
- _____ REFERRED _____ DATE _____
- _____ REASON _____
- _____ CLEARED _____

EXHIBIT
2

5a
3b

RECORDING REQUESTED BY:

Chicago Title Company
Escrow No.: 09-52503687-GW
Locate No.: CACTI7727-7727-4525-0052503687
Title No.: 09-52503687-MM

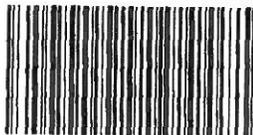
Stephen L. Vagnini
Monterey County Recorder
Recorded at the request of
Chicago Title

CRMELISSA
10/02/2009
8:00:00

**When Recorded Mail Document
and Tax Statement To:**

Jacqueline Y. Trees
1112 Montana Ave #238
Santa Monica .CA 90403

DOCUMENT: 2009062533



Titles: 1/ Pages: 3

Fees.... 13.00
Taxes... 951.50
Other...
AMT PAID \$964.50

APN: 006-351-015

SPACE ABOVE THIS LINE FOR RECORDER'S USE

GRANT DEED

The undersigned grantor(s) declare(s)
Documentary transfer tax is \$951.50 LP

- computed on full value of property conveyed, or
- computed on full value less value of liens or encumbrances remaining at time of sale,
- City of **Pacific Grove**,

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

Rafaela Gutierrez, Trustee, or her successors in trust, under the Survivor's Trust established under the Gutierrez Family Trust, dated December 11, 1995 and Louis Daniel Gutierrez, Successor Trustee of the Gutierrez Family Trust dated December 11, 1995

hereby GRANT(S) to

Jacqueline Trees, Trustee of the Jacqueline Trees Living Trust dated May 20, 1996
the following described real property in the City of Pacific Grove, County of Monterey, State of California:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The within document is executed in two counterparts for the purpose of facilitating its execution by the parties hereto. The two counterparts are to be construed and interpreted as a single document

DATED: September 8, 2009
State of ~~California~~ **MAINE**
County of ~~San Diego~~ **YORK**

The Survivors Trust Established under the Gutierrez Family Trust, dated December 11, 1995

On SEPTEMBER 10 2009 before me,
FRANKIE R KEEFE, Notary Public
(here insert name and title of the officer), personally appeared
LOUIS DANIEL GUTIERREZ

Rafaela Gutierrez, Trustee

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

The Gutierrez Family Trust dated December 11, 1995

Louis Daniel Gutierrez 9-10-9
Louis Daniel Gutierrez, Trustee Trustee

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Frankie R Keefe (Seal)

Frankie R. Keefe, Notary Public
State of Maine
My Commission Expires 3/12/2016



MAIL TAX STATEMENTS AS DIRECTED ABOVE

Escrow No.: 09-52503687-GW
Locate No.: CACTI7727-7727-4525-0052503687
Title No.: 09-52503687-MM

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF PACIFIC GROVE, COUNTY OF MONTEREY, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL I:

BEGINNING at a point on the Westerly line of Dennett Street, distant thereon S. 19° 23' 45" W., 100.00 feet from the point of intersection of said Westerly line of Dennett Street with the Southerly line of Lighthouse Road in the said City of Pacific Grove, California, and running thence S. 19° 23' 45" W., along said Westerly line of Dennett Street, 50.00 feet; thence at right angles N. 70° 36' 15" W., 140.00 feet; thence at right angles N. 19° 23' 45" E., 50.00 feet; thence at right angles S. 70° 36' 15" E., 140.00 feet to the point of beginning.

Being a part of that certain tract of land conveyed by Madelaine Crenner to U. Leandro and May Leandro, his wife, by deed dated July 5, 1945 in Volume 872 of Official Records of Monterey County, at Page 300.

PARCEL II:

BEGINNING at a point on the Westerly line of Dennett Street, distant thereon s. 19° 23' 45" W., 90 feet from the point of the intersection of said Westerly line of Dennett Street, now 17 Mile Drive, with the Southerly line of Lighthouse Avenue, in the City of Pacific Grove, California; and running thence S. 19° 23' 45" W., along said Westerly line of 17 Mile Drive, 10 feet; thence at right angles N. 70° 36' 15" W., 140 feet; thence N. 19° 23' 45" E., 5.88 feet to the Southwest corner of that certain parcel of land conveyed to Mildred Waterman, et al., by deed dated December 10, 1956 in Volume 1758 of Official Records of Monterey County, at Page 446; thence at right angles S. 70° 36' 15" E., 18.11 feet to the Southeast corner thereof; thence along the Southeasterly boundary thereof N. 41° 20' 15" E., 4.12 feet, more or less, to the point of intersection thereof with a line drawn N. 70° 36' 15" W., from the point of beginning; thence leaving said Southeasterly boundary S. 70° 36' 15" E., to the point of beginning.

APN: 006-351-015

END OF DOCUMENT

LOB



Laurel O'Halloran <lohalloran@cityofpacificgrove.org>

210 17-Mile Dr

1 message

Dana Schlagheck <schlagheck@monterey.org>
To: Laurel O'Halloran <lohalloran@cityofpacificgrove.org>

Mon, Nov 30, 2015 at 1:18 PM

Laurel,

Per our site visit for documenting an illegal unit at 210 17-Mile Dr, following are the inspection corrections I noted:

Owner needs to submit 3 sets of complete floor plans to the building department for review and approval and to obtain a building permit.
Unit needs a water permit,
Required GFCI protected outlets for kitchen countertops,
Remove wall heater from sleeping room,
Carbon monoxide detector.

Thank you,
Dana

—
Dana Schlagheck
City of Monterey
Inspector



**MONTEREY PENINSULA
WATER MANAGEMENT DISTRICT**

187 Eldorado, Suite C • P.O. Box 85 • Monterey, CA 93942-0085 • (408) 649-2500

INSPECTION REPORT

Conservation: Change of Title Change in Use Existing Business Reinspection
Permits: New Construction Remodel/Addition Demolition/Credits

PROPERTY ADDRESS: 210 n-mile Drive

NAME OF BUSINESS: NA

CITY: Pacific Grove **ZIP:** 93953

ASSESSOR'S PARCEL NUMBER: 006 - 351 - 15

OWNER'S NAME: GE Hertzog B S

PERSON CONTACTED ON SITE: GE Hertzog **PHONE:** _____

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 the requirements of Ordinance 30 and/or Permit # _____.

The following items were not in compliance (see back of form):

- Showerheads
- Faucet Aerators
- Toilets
- Hot Water System
- Landscape Irrigation

Inspector's Notes: 3 Apartments - ea 1 bath - UR VIF toilets

- Violations noted above must be corrected by _____
- Reinspection required. Please call 649-2500.
- Send itemized receipts to P.O. Box 85, Monterey, CA 93940.
- Fees for additional fixtures (if any) must be received by _____

NA
Acknowledgement of Receipt _____ Date _____

Stephanie [Signature] 6-22-90
MPWMD Representative Date





