



REVISED MINUTES

CITY OF PACIFIC GROVE

PLANNING COMMISSION

REGULAR MEETING MINUTES

6:00 p.m., Thursday, February 6, 2014

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.ci.pg.ca.us/pc](http://www.ci.pg.ca.us/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.*

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**1. Call to Order**

**2. Roll Call**

Present: Bill Bluhm (Vice-Chair), Robin Aeschliman, Jeanne Byrne, Rachel Davis and Donald Murphy. One vacancy.

Absent: Bill Fredrickson (Chair)

**3. Approval of Minutes**

- a. November 14, 2013 Special Meeting
- b. December 5, 2013 Regular Meeting
- c. December 19, 2013 Regular Meeting – Cancelled
- d. January 2, 2014 Regular Meeting – Cancelled
- e. January 16, 2014 Regular Meeting - Cancelled

**Motion made to approve defer Items 3.a and 3.b due to lack of quorum of present members and approve Items 3.c, 3.d, and 3.e. Motion passed 5-0-1-1 (Commissioner Fredrickson absent, 1 vacancy).**

**4. Public Comments**

None.

**5. Written Communications**

None.

**6. New Business**

- a. Report on the new Stormwater Regulations.  
**Anastazia Aziz, Senior Planner, gave a brief overview and presentation on the new Stormwater Regulations which take effect on March 6, 2014.**

**7. Regular Agenda**

- a. **Public Hearing: Use Permit Amendment UPA13-048 for the property located**

at **1101 Lighthouse Avenue (Sea Breeze Lodge)** to amend Use Permit UP2703-01 to allow a two-story six unit motel building in place of an approved conference facility, and to remodel an existing storage building to allow two larger motel units than previously approved, for total of 39 motel units, and associated parking, and the removal of two Monterey Pine trees 39" and 43" in diameter base height. Recommended Action: APPROVE Use Permit Amendment UPA13-048 with conditions of approval.

**Deferred to February 20, 2014 Planning Commission hearing.**

- b. **Public Hearing: Appeal of the Architectural Review Board action for the property located at 712 Laurel Avenue.**

Recommended Action: UPHOLD the appeal and DENY the Architectural Permit AP13-208.

**Dropped from agenda. Owners withdrew permit. Any new proposal requires a new development permit application.**

- c. **Public Hearing: Appeal of the Notice of Administrative Decision action for the property located at 231 Park Street.**

Description: Addition and construction of a second-story deck on the property located at 231 Park Street.

Applicant/Owner: John Josef Costandi

Zoning/Land Use: R-3 | High Dens 29.0 DU/ac

Legal Description: HDR29.0

CEQA Status: Categorical Exemption Class 1 Section 15301

Staff Reference: Matthew Feske, Planner

**Recommended Action: UPHOLD the appeal and DENY the Administrative Architectural Permit AAP13-086**

Planner Matthew Feske introduced the project and responded to Planning Commission questions. Donald Murphy, Planning Commissioner, observed the subject property from Park, Laurel and 19<sup>th</sup> Streets; and further questioned the appeal being filed more than a month later, in August, when the decision had been made in June.

In response to this question Mr. Feske stated that the property owner and neighbors were attempting to find a compromise in the period between decision and appeal; as well as an internal administrative review by the Planning Commission

The Chair opened the public hearing and the following people testified in regard to **UPHOLDING THE APPEAL:**

- Ron Brown, Architect for Sherard Russell (resident at 228 19<sup>th</sup> Street) – presented slideshow and submitted a packet of information indicating property owner's past violations and transgressions of the City's Municipal Codes and Building Codes and Building Permit requirements in consideration for upholding the appeal. Further cited owner's lack of a variance application or

approval for the property setback; as well as potential problems with noise and privacy issues associated with property. Indicated that his independent zoning analysis shows new deck would exceed lot coverage by 41.25SF, and that existing site coverage exceeds allowable limit by 559SF.

- Richard and Mary Flaig, Property Owner of 226 19<sup>th</sup> Street – read letter from Jan Leasure, Property Manager at Monterey Rentals, regarding the negative impact the proposed deck construction would create for neighboring properties' values, occupation and privacy.
- Hope Sinclair, Resident of 233 Park Street – concerned about the negative impact that construction of the proposed deck would have to the value and privacy of her property.
- Sherard Russell, Resident at 228 19<sup>th</sup> Street – concerned about the negative impact that construction of the proposed deck would have to her property, namely the decreased amount of light and privacy, and the increased amount of noise.
- John Costandi, Resident at 231 Park Street (Subject Property) – stated he has complied with all specifications and regulations of the city's Planning Commission, and is prepared to comply with the city's requirements as needed. Presented a letter from the City, indicating that an 11/6/2012 inspection stated the property was in compliance with city municipal codes. Costandi also cited a medical need for the deck based on his doctor's recommendations that he be exposed to sunlight 3-4 hours/day; and a denial of the deck construction would do him harm. Submitted photographs indicating privacy of neighboring properties would not be impacted.
- Darlene Haynes, Neighbor to Subject Property – expressed concerns about validity of Costandi's claims, and the general safety of his home. Concerned about the City setting a precedent for building without full inspection of the property.

With no one else wishing to testify, the Chair closed the public hearing. The Planning Commission discussed the concerns raised, and the reasons for property setbacks being established. A Commission member asked Mr. Feske whether the property was in compliance with Health and Safety requirements. Mr. Feske responded that the code compliance officer had not entered the property for inspection, and inspections were exterior only. The Commission member stated she would not support approval for construction of the deck.

Planning Commission members raised concern that inspections on the Health and Safety standards of the property were not further investigated by Building Department, and that this has the potential to expose the city to liability for not doing further follow-up and inspection. Mr. Feske indicated he would research the matter on the inspections and the

processes that have been pursued, then provide an update to the Planning Commission at a future date.

Commissioner Murphy, requested clarification of the plan, as to whether it included both construction of the second-story deck, as well as expansion of the ground floor deck. Mr. Feske agreed that both construction and expansion were included in the site plan; and upon questioning, agreed the plan does significantly exceeds the rear yard setback.

**Commissioner Byrne made a motion to vote on the matter, and was seconded by Commissioner Murphy. The Planning Commission voted 5-0-1-1 (Commissioner Fredrickson absent, one vacancy) to Uphold the Appeal and Deny the Administrative Architectural Permit AAP13-086 due to the plan exceeding the allowable lot coverage, and setback requirements. The Motion passed.**

**d. Public Hearing: Text Amendment to Section 23.70 of the Pacific Grove Municipal Code, specifically to add the hotel/motel use to the C-D, C-2 and C-V zoning districts.**

Recommended Action: RECOMMEND to the Council to APPROVE the Text Amendment to PGMC Section 23.70.

**Withdrawn.**

**8. Acceptance of Minutes from Other Bodies**

a. None

**9. Reports of Planning Commission Subcommittees**

None.

**10. Reports of Planning Commission Members**

None.

**11. Reports from Council Liaison**

None.

**12. Reports from Staff**

None.

**13. Meeting was adjourned at 7:05pm.**

*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.