CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Chair Murphy and Members of the Planning Commission
FROM:	Alex Othon, Assistant Planner
MEETING DATE:	January 9, 2020
PERMIT APPLICATION NO.:	Use Permit (UP) Application No. 19-0546
LOCATION:	1305 Funston Ave. Pacific Grove, CA 93950 (APN 007-567-016)
SUBJECT:	Legalize an existing second accessory structure over 70 sq. ft. with existing plumbing facilities
APPLICANT:	Xia Cui (Owner)
ZONING/LAND USE:	Residential Single-Family (R-1) / Residential Medium Density (9.7 du/ac)
CEQA:	Categorical Exemption, Section 15303(e), Class 3, Conversion of Small Structures

RECOMMENDATION

Approve the project subject to the recommended findings, conditions of approval, and a Class 3, Section 15303 (e) CEQA exemption for the Conversion of Small Structures.

PROJECT DESCRIPTION

The proposed project consists of the legalization of an existing 196 sq. ft. accessory structure with plumbing. A Use Permit is required to allow a second accessory structure over 70 sq. ft., and to allow plumbing fixtures in a detached accessory structure per PGMC 23.64.180.

BACKGROUND

Site Description

The property is approximately 4,692 sq. ft. in size and is currently developed with a single-story single-family residence, a 420 sq. ft. ADU, and two accessory structures consisting of a 120 sq. ft. shed and a 196 sq. ft. garage.

Surrounding Land Uses
The property is located in a neighborhood that consists of similarly sized lots, with single-family residences. The neighborhood consists of fairly narrow streets with no sidewalks. The construction of in-fill sidewalk is not required for this project.

DISCUSSION

Applicable General Plan Policies
The Pacific Grove General Plan provides a framework for future growth and development within the City. The Land Use Element includes goals and polices that call for the orderly, well-planned, and balanced development, consistent with the historic nature of Pacific Grove, the capacity of the City's infrastructure, and ability to assimilate new growth. This residential project helps the City achieve several of its housing goals as stated in the General Plan and is in compliance with the Residential Medium Density land use designation.

Applicable Zoning Code Regulations
General Plan policies are implemented through the R-1 zoning district which allows single-family residential development and accessory structures and uses in areas with adequate public services.

The proposed project is in full compliance with the zoning regulations set forth in PGMC 23.16. This includes and is not limited to the height limit, setback requirements, gross floor area and allowable building coverage. The project will bring the property into compliance with the parking standards for single-family residential development in PGMC Section 23.16.070 which requires one covered and one uncovered parking spaces. By reverting the accessory structure back into a garage, the residence will provide a one-car garage and space for one additional vehicle in the driveway.

The subject site has a maximum allowed site coverage of 2,815 sq. ft. Currently the total site coverage is 3,100 sq. ft., however, per PGMC 23.08.020, 400 sq. ft. of a driveway may be exempt from the site coverage measurement. This brings the property's site coverage to a total of 2,700 sq. ft., which conforms to the requirements of the code.

Architecture and Design Consideration
With the exception of the proposed one-car garage door, no other exterior alterations are proposed.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed project is found to be exempt under the CEQA Guidelines Categorical Exemption, Section 15303(e), Class 3, Conversion of Small Structures.

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

This Class of exemption is subject to exceptions from the exemption under 15300.2 of the CEQA Guidelines pertaining to location, cumulative impacts, significant effects, scenic highways, hazardous waste sites, and historical resources. Staff finds that none of these exceptions applies and that the proposed project qualifies for the Class 3 exemption.

ATTACHMENTS

1. Application
2. Draft Permit
3. Notice of Exemption
4. Plans

RESPECTFULLY SUBMITTED:

Alex Othon
Assistant Planner

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 # AUP 19-0546
Date: 8/29/19
Total Fees: $1630.70

APPLICANT/OWNER:

Project Address: 1305 Funston Ave, Pacific Grove **APN:** 007567016000

Project Description: Obtaining permits for two existing accessory structures, legalizing (1) a storage shed (2) a garage.

Will the project create, add, or replace impervious surface? ☐ Yes ☑ No

Will the project impact any tree(s) on site? ☐ Yes ☑ No

Applicant		Owner	
Name:	Xia Cui	Name:	Xia Cui
Phone:	(831) 224-3628	Phone:	Same as applicant
Email:	cuiwendy8@gmail.com	Email:	"
Mailing Address:	1319 Lawton Ave Pacific Grove, CA 93950	Mailing Address:	"

PLANNING STAFF USE ONLY:

Permit Request:

☐ CRD: Counter Determination	☐ SP: Sign Permit	☐ IHS: Initial Historic Screening	☐ VAR: Variance
☐ AP: Architectural Permit	☐ UP: Use Permit	☐ HPP: Historic Preservation	☐ MMP: Mitigation Monitoring
☐ AAP: Administrative AP	☑ AUP: Administrative UP	☐ A: Appeal	☐ Stormwater Permit
☐ ADC: Arch Design Change	☐ ADU: Acc. Dwelling Unit	☐ TPD: Tree Permit W/ Dev't	☐ Other:
☐ ASP: Admin Sign Permit	☐ LLA: Lot Line Adjustment	☐ EIR: Environmental Impact	☐ Other:

CEQA Determination:
☑ Exempt
☐ Initial Study & Mitigated Negative Declaration
☐ Environmental Impact Report

Review Authority:
☑ Staff ☐ HRC
☐ ZA ☐ PC
☐ SPRC ☐ CC
☐ ARB ☐ _____

Active Permits:
☐ Active Planning Permit
☐ Active Building Permit
☐ Active Code Violation
Permit #: _____

Overlay Zones:
☐ Butterfly Zone
☐ Coastal Zone
☐ Area of Special Biological Significance (ASBS)
☐ Environmentally Sensitive Habitat Area (ESHA)

Property Information
Lot: 3 Block: 20 Tract: Del Monte Park
ZC: R-1 GP: Med. Density Residential Lot Size: 4,692 ±
☐ Historic Resources Inventory ☐ Archaeologically Sensitive Area

Staff Use Only:
Received by: AO
Assigned to:

RECEIVED
AUG 29 2019
CITY OF PACIFIC GROVE
COMMUNITY DEV DEPT

$ PAID
1630.70
8-29-19

Application # AUP 19-0596

INDEMNIFICATION CONDITION

In consideration for City review and approval of application in this matter, the Owner/Applicant shall indemnify, defend, protect and hold harmless the City, its elected and appointed officials, officers, agents, and employees (collectively "Indemnitees"), using counsel approved in writing by the City, from and against, any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements which may accrue against Indemnitees by reason of the City's processing, approval or denial of the request and application in this matter. Indemnification shall include, but shall not be limited to any action, or proceeding brought to attack, set aside, void, annul, limit, or inhibit the approval of the application referenced above, and shall expressly include causes of action under the California Environmental Quality Act (CEQA), or the National Environmental Policy Act (NEPA).

The obligation to indemnify shall include, but not be limited to, all costs relating to preparing administrative records, investigations, responses to discovery, retention of experts, and other costs, including attorney's fees or obligations related to this matter, including actions brought by the Owner/Applicant and also extend to any expense incurred in establishing the City's right to indemnification. City expenses shall be paid by Owner/Applicant upon City request notwithstanding final disposition of the matter has not yet occurred. If the City is later determined to not be entitled to indemnification, the City shall repay amounts so advanced.

This indemnification condition is the Owner/Applicant's inducement to the City to process and approve the application, which approval would otherwise be withheld by City due to its concern for liability or expense that may result from performance of the City's duties. Should any dispute arise regarding interpretation of this condition, the prevailing party shall recover all reasonable costs incurred, including court costs, attorney fees and related expenses. Recovery of expenses shall be as additional costs awarded to the prevailing party, and shall not require initiation of a separate legal proceeding.

This indemnification condition shall not require the Owner/Applicant to indemnify the City or other Indemnities: (a) to the extent that an obligation is actually paid by an insurer pursuant to an insurance policy; (b) in connection with any remuneration paid to the City, if it shall be finally adjudged that such remuneration was in violation of law; or (c) on account of the City's misconduct if such misconduct shall be finally adjudged to have been knowingly fraudulent, deliberately dishonest or willful.

Any permit or other approval given by the City to the Owner/Applicant Guarantor shall be valid only so long as this indemnification condition is given full force and effect. If this indemnification condition is revoked, the permit or other approval of the City shall then become null and void.

Owner/Applicant represents it (and any subsidiary) is (a) duly formed and organized, (b) validly existing and in good standing under state law, and (c) has all necessary power to execute and deliver this document and perform its obligations. Owner/Applicant also represents it is authorized to enter into this agreement by all requisite partnership, corporate or other action, and its terms are a valid and legally binding obligation. Neither execution nor delivery of this document nor performance of its obligations will violate any law or provision of any agreement, articles of incorporation, by-laws or other organizational or governing documents relating to Owner/Applicant, nor conflict with any court order relating to Owner/Applicant.

Applicant Signature: Nia Cui **Date:** 8/29/2019

Owner Signature (Required): Nia Cui **Date:** 8/29/2019

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/cdd

Application # AUP 19-0546

Planning Permit Fee Calculation

Permit	Select	Fee
Architectural Permit – Single Family	☐	$3,052
Administrative Architectural Permit	☐	$1,469
Architectural Design Change	☐	$1,469
Counter Review & Determination – no new square footage	☐	$212
Counter Review & Determination – new square footage	☐	$856
Initial Historic Screening	☐	$452
Sign Permit	☐	$2,241
Administrative Sign Permit	☐	$1,241
Use Permit and Amendments – Single Family	☐	$1,832
Major Administrative Use Permit	☒	$1,184
Minor Administrative Use Permit	☐	$1,199
Variance and Amendment	☐	$2,548
Administrative Variance and Amendment	☐	$1,425
Inquiry Fee	☐	$334
Historic Preservation Permit	☐	$1,735
Accessory Dwelling Unit Permit	☐	$1,783
Tree Permit with Development	☐	$272
Appeal	☐	25% of base permit fee or $1,045 whichever is greater plus noticing costs
Other	☐	

Additional Fees

General Plan Update Fee	**5% of Permit Fee**	☒	$59.2
CEQA Exemption Fee	**$278**	☒	$278
Butterfly Buffer Zone	5% of Permit Fee	☐	
Coastal Zone	25% of Permit Fee	☐	
Area of Special Biological Significance	5% of Permit Fee	☐	
Environmentally Sensitive Habitat Area	15% of Permit Fee	☐	
Noticing – Mailings	$0.55 * (# of Mailings)	☒	$5.50
Noticing – Herald Ad	$349	☐	
Stormwater Fee	Varies	☐	
County filing fee	Varies	☒	$50
File maintenance fee	Varies	☒	$54
Other	Varies	☐	

Total Fees: $1,630.70

CITY OF PACIFIC GROVE
Community Development Department – Planning Division
300 Forest Avenue, Pacific Grove, CA 93950
T: 831.648.3183 • F: 831.648.3184 •

USE PERMIT (UP) NO. 19-0546 FOR A PROPERTY LOCATED AT 1305 FUNSTON AVENUE TO ALLOW A SECOND DETACHED ACCESSORY STRUCTURE WITH PLUMBING.

FACTS

1. The subject site is located at 1305 Funston Avenue, Pacific Grove, CA 93950 (APN 007-567-016)
2. The subject site has a designation of Medium Density Residential (9.7 du/ac) on the adopted City of Pacific Grove General Plan Land Use Map.
3. The project site is located in the R-1 zoning district.
4. The subject site is 4,692 square feet.
5. The subject site is developed with a one-story single-family home, an accessory dwelling unit, a 120 sq. ft. tuff shed, and a 196 sq. ft. accessory structure.
6. This project has been determined to be CEQA Exempt under CEQA Guidelines Section 15303 (e) – Conversion of Small Structures.

FINDINGS

1. The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of these regulations;
2. The proposed use is consistent with the general plan, the local coastal program, and any applicable specific plan;
3. The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;
4. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city; and
5. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

PERMIT

Use Permit (UP) 19-0546 to allow a second detached accessory structure with plumbing in compliance with PGMC 23.64.180.

Per Pacific Grove Municipal Code 23.70.080(a) with the following conditions:

CONDITIONS OF APPROVAL

1. **Permit Expiration.** This permit shall expire and be null and void if a building permit has not been applied for within 180 days from and after the date of approval. Application for extension of this approval must be made prior to the expiration date.
2. **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 Planning Commission approval.
3. **Terms and Conditions**. These terms and conditions shall run with the land, and it is the intention of the CDD 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.

4. **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.
5. **Conformance to Plans.** Development of the site shall conform to approved plans for "1305 Funston" submitted August 29, 2019, on file with the Community and Economic Development Department and to the Building Code, with the exception of any subsequently approved changes.
6. **Building Plans:** All conditions of approval for the Planning permit(s) shall be printed on a full size sheet and included with the construction plan set submitted to the Building Department.

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

1. The Commission determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Permit.

2. The Commission authorizes Approval of Use Permit (UP) 19-0546 as conditioned and pursuant to a Class 3, Section 15303, CEQA categorical exemption for Conversion of Small Structures.

3. This permit shall become effective upon the expiration of the 10-day appeal period.

4. This permit shall not take effect until the owner acknowledges and agrees to all terms and conditions and agrees to conform to and comply with those terms and conditions.

PASSED AND ADOPTED BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE this 9th day of January 2020, by the following votes:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____
Donald Murphy, 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.

_____ _____
Xia Cui, Owner Date

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

County Clerk
County of: Monterey

From: (Public Agency): City of Pacific Grove
300 Forest Ave
Pacific Grove, CA 93950
(Address)

Project Title: Cui Accessory Building Conversion

Project Applicant: Xia Cui, Owner

Project Location - Specific:
1305 Funston Ave, Pacific Grove, CA 93950 (APN 007-567-016)

Project Location - City: Pacific Grove Project Location - County: Monterey

Description of Nature, Purpose and Beneficiaries of Project:

Convert an existing accessory structure to a garage with plumbing fixtures.

Name of Public Agency Approving Project: City of Pacific Grove

Name of Person or Agency Carrying Out Project: Xia Cui, Owner

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. State type and section number: 15303(e) - Converstion of Small Structures
- ☐ Statutory Exemptions. State code number: _____

Reasons why project is exempt:

The Class 3 exemption allows for the conversion of small accessory structures.

Lead Agency Contact Person: Alex Othon Area Code/Telephone/Extension: 831-648-3183

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ Date: 12/24/2019 Title: Assistant Planner

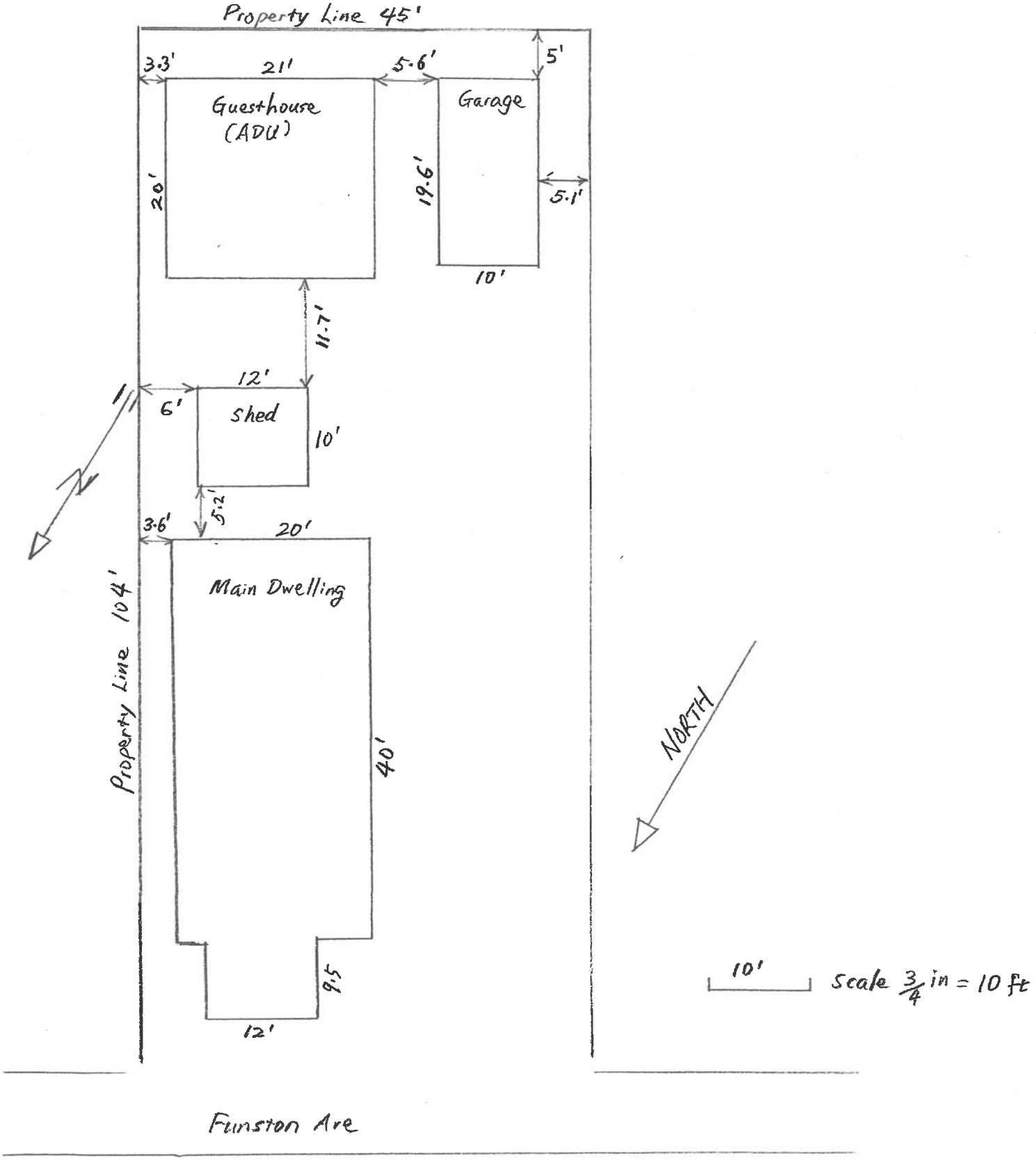
☐ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

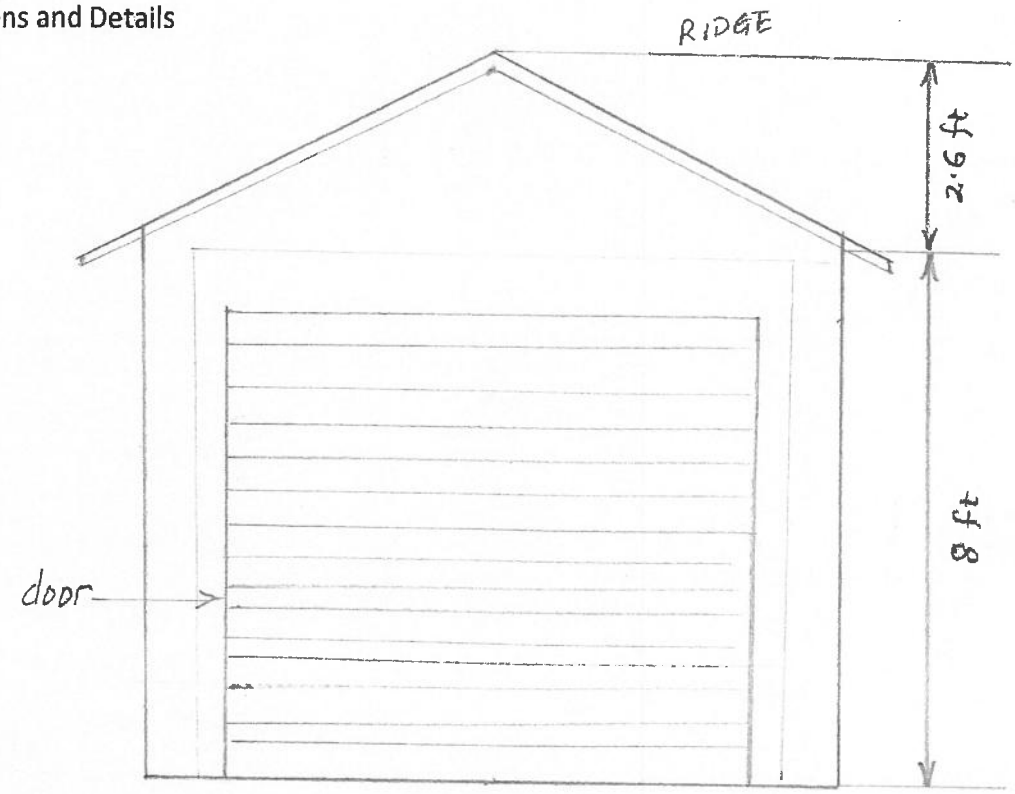
Site Plan

Property Address: 1305 Funston Ave, Pacific Grove, CA 93950
Legal Description: Del Monte Park Lot 3 Block 20. APN: 007567016000



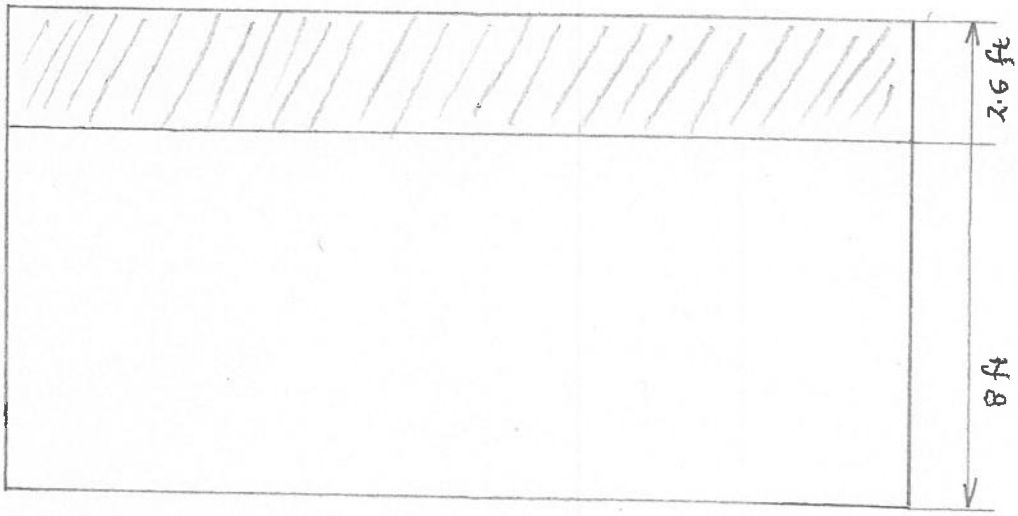
Elevations and Details

Garage:



North Elevation
Scale: 3/8" = 1'0"

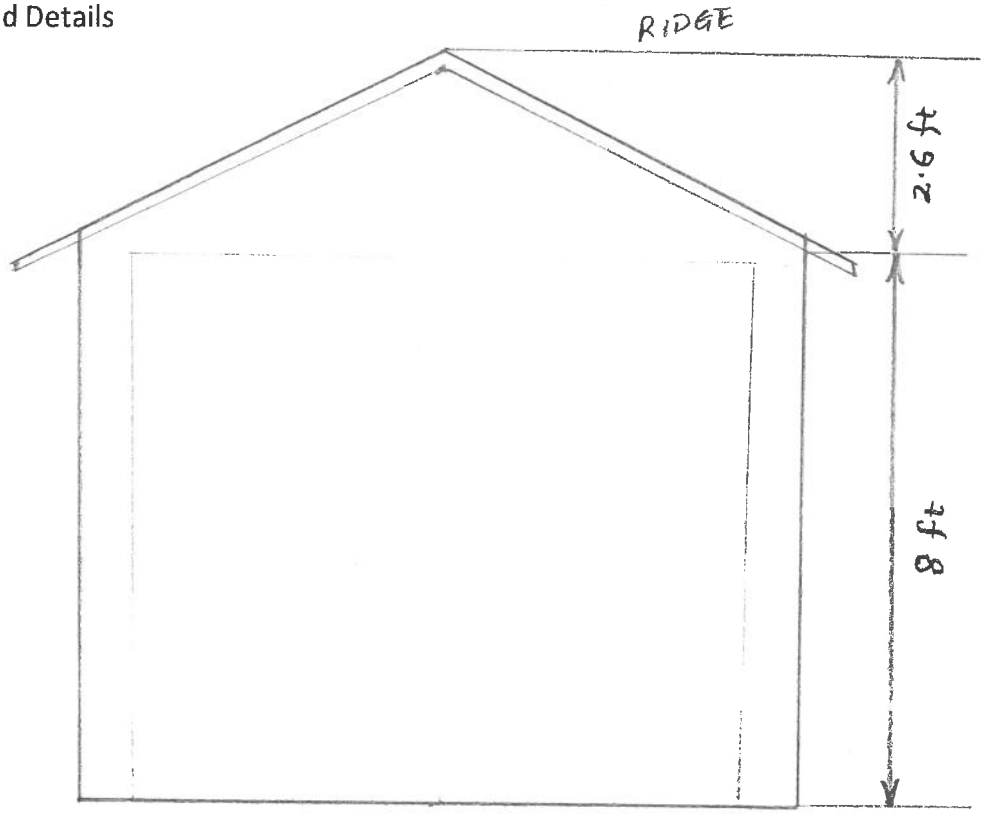
(South Elevation is same as North)



East & West Elevation
Scale: 1/4" = 1'0"

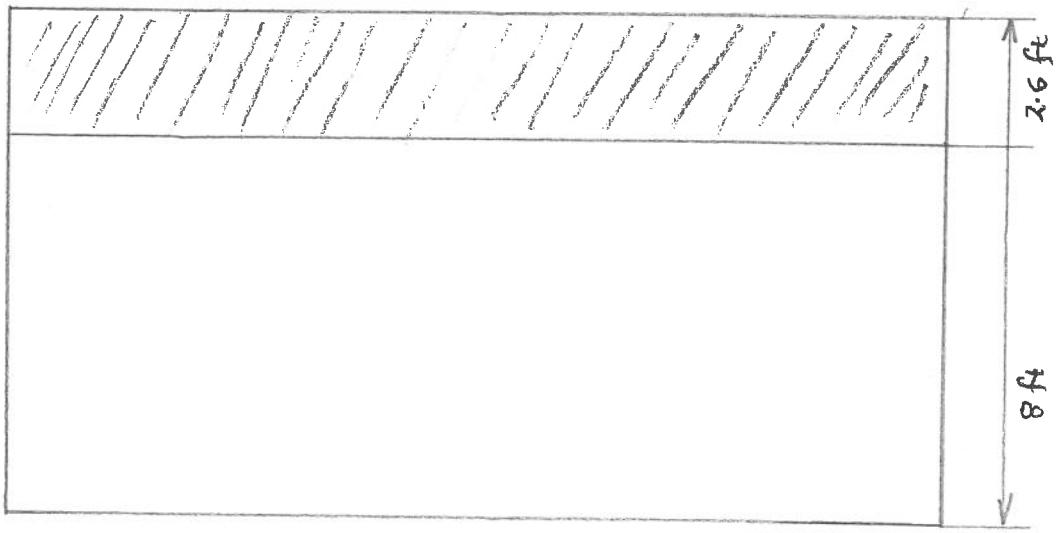
Elevations and Details

Garage:



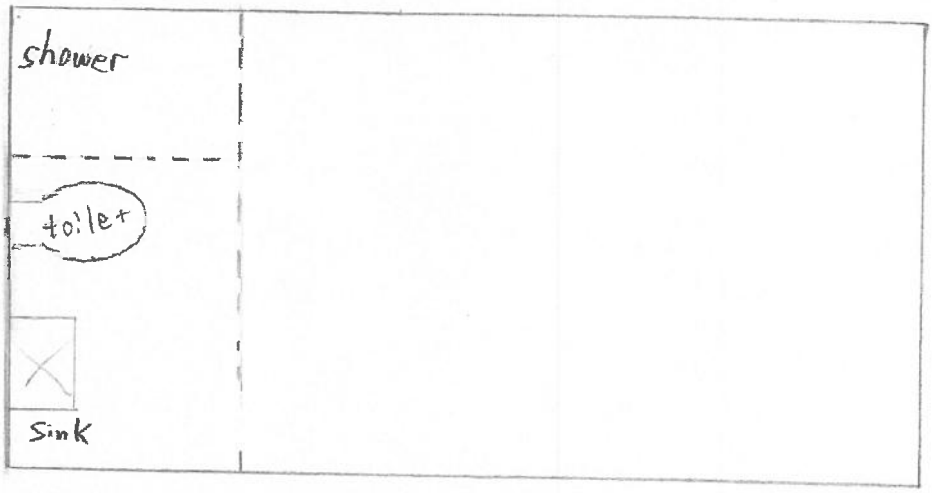
North Elevation
Scale: 3/8" = 1'0"

(South Elevation is same as North)



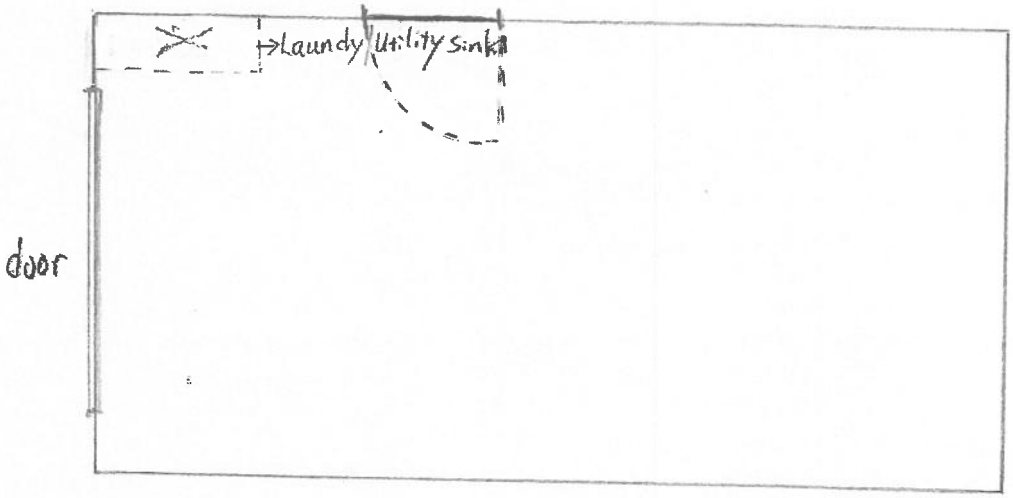
East & West Elevation
Scale: 1/4" = 1'0"

Floor Plans for Garage:



Existing Floor Plan

Scale: 1/4" = 1'0"



Proposed Floor Plan

Scale 1/4" = 1' 0"