



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

**AGENDA REPORT**

**TO:** City Council

**FROM:** Mark Brodeur, Director Community and Economic Development Department

**MEETING DATE:** May 20, 2015

**SUBJECT:** Appeal of Parcel Map PM 14-602 to subdivide one lot into two at 542 Lighthouse Ave (Holman Building site)

**CEQA:** This action qualifies for a Class 15 Categorical Exemption for Minor Land Divisions under Section 15315 of the California Environmental Quality Act (CEQA) Guidelines.

**RECOMMENDATION**

Approve the parcel map with the following additional conditions:

**Plan Revision:** Within 30 days of approval, Applicant shall submit revised plans that include the following corrections: 1) Move the property line 5 feet north, thereby increasing the size of Parcel 1 and decreasing the size of Parcel 2; 2) Increase the width of the easement on Parcel 2 from 20 feet to 25 feet; and (3) Show 14 parking spaces located on Parcel 2 to be reserved for the exclusive benefit of Parcel 1, which location on Parcel 2 shall be immediately adjacent to Parcel 1.

**Water Credit Assignment:** Assignment of water credits shall be made an explicit condition of approval of the parcel map.

**BACKGROUND**

On December 9, 2014, a Parcel Map application was submitted to subdivide one existing 59,218 square foot parcel (approximately 1.36 acres) bounded by Lighthouse Avenue, Grand Avenue, Central Avenue, and Fountain Avenue, into two parcels, and to include within that boundary a 20 foot wide easement. There are two existing buildings on the site: the former Holman Department store located at 542 Lighthouse Ave, and a single-story building located at 157 Grand Ave ("Grand Central Station"). The site also includes an impervious surface parking lot.

The proposed parcel map conforms to the General Plan designation, the C-1-T zoning district, and the City's Parcel Map procedures per PGMC § 24.08, and the Subdivision Map Act. There are no legal issues that would prohibit the approval of the parcel map subdividing one lot into two.

Parcel 1 is proposed to be approximately 24,600 square feet (0.57 acres), occupied by the existing Holman Building. Parcel 1 as proposed would also have rights to a 20' wide

easement on Parcel 2 that would provide access to the surface parking lot and to the rear of the Holman Building.

Parcel 2 is proposed to be approximately 34,600 square feet (0.79 acres) and would contain the surface parking lot and an existing single-story building. Parcel 2 is proposed to include 14 parking spaces to be used for the exclusive benefit of Parcel 1.

No development proposals for either parcel are on file with the Community and Economic Development Department.

The Zoning Administrator is the approval authority for Parcel Maps, but as permitted in PGMC Table 23.70.012-1, the Zoning Administrator referred this Parcel Map request to the first appeal authority, the Planning Commission, for decision.

The application was heard before the Planning Commission on March 19, 2015. It was not approved, on a 3-3-0-1 vote. An appeal of the technical denial was received and the required fee paid. The City Council considers the item *de novo*.

## **DISCUSSION**

The property is currently designated *Commercial* by the General Plan and zoned *C-1-T*. This is the only parcel in the City zoned C-1-T; the C-1-T zoning regulations were adopted by the voters in 1994 with the passage of Measure E (Attachment 6). Several issues related to the parcel and the proposed lot-split deserve special consideration.

**Site coverage.** Presently, the Holman parcel contains existing development that is legal noncomplying for site coverage and building height, as the development does not meet current zoning standards. (Site coverage is defined as the percentage of the entire site covered by structure and other impervious surfaces.) The current development exceeds the maximum permissible site coverage. As it exists today, 100% of the Holman block is covered with building or impervious surfaces. Current zoning limits maximum site coverage from 75% to 90% depending on the height of structures. The Holman Building, as built, also exceeds the maximum allowable height.

The Zoning Code prohibits any legal non-complying development from being “enlarged or increased” (§23.68.020). In this case, approval of a lot split, in and of itself, does not enlarge or increase the non-conforming buildings/development, as the development of the existing parcel is already at 100% site coverage and the actual site coverage of the buildings and other development remains unchanged. Similarly, the proposed lot split in and of itself, does not bring into play Zoning Code requirements related to building height, as specified in PGMC Table 23.31.040<sup>1</sup>.

By splitting the lot into two parcels, both parcels remain at 100% site coverage and retain their legal non-complying status.<sup>2</sup>

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<sup>1</sup> Such requirements, on the other hand, would be relevant for development proposals that may be made for either parcel, if the lot split were to be approved.

<sup>2</sup> Proposals can be entertained, for example, to bring Parcel 1 (the Holman Building parcel) into greater compliance with respect to the C-1-T zone’s site coverage requirements. The asphalt paving (an impervious surface) in the proposed easement could be removed and replaced with pervious materials that would allow

The recommended approach is to not condition the parcel split with a condition to remove paving. Such a condition would not be timely, and would be difficult to enforce over time. Such a condition should instead be considered when either parcel submits a new development proposal and application.

**Dwelling Units.** Per Table 23.31.040, the entire C-1-T zoning district is limited to a maximum of 25 dwelling units. The Code is silent as to how or whether the number of units would be divvied up should the parcel be subdivided. In the absence of any conditions or other restrictions, the first applicant to submit a complete application for dwelling unit approval would have first claim upon units available within this limit. Subsequent applications could seek approval for dwelling units only to the extent allowable dwelling units remain.

Measure E of 1994 requires the Council to adopt regulations specific to the C-1-T zone before the City may accept any application for condominium units in the zone. As stated above, no development application for either of the resulting two parcels has been submitted. To date, the City has not adopted the condominium regulations contemplated by Measure E.

**Easement.** The proposal shows a 20-foot wide easement to the north of the existing Holman Building. The purpose of the easement is to grant access to Parcel 2, should the property be developed with an infill project that is of a greater density and intensity than the existing surface parking lot and single-story building. A small portion of the proposed easement does not meet the 20 feet width requested by the Fire Department. For this reason, to better facilitate access to the Holman Building, and for the rationale stated in the site coverage discussion above, staff recommends the width of the easement on Parcel 2 be increased from 20 feet wide to 25 feet wide.

**Parking.** Parcel 1 may be able to accommodate parking in the lower basement level of the existing Holman building. To date, structural studies have not been submitted to demonstrate whether or not parking can be accommodated in the building's lower level. Also, no parking studies been completed.

14 parking spaces on Parcel 2 are proposed to be reserved for the benefit of Parcel 1. These would serve active ground floor uses that currently occupy the Holman building. The Parcel Map application proposes a condition requiring the 14 parking spaces for this use. Staff recommends the parking condition be made more explicit, and specify that 14 reserved parking spaces on Parcel 2 be dedicated for the exclusive benefit of Parcel 1, and also specify these 14 parking spaces be located on Parcel 2, immediately adjacent to Parcel 1.

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rain water to drain through it. Also, if the proposed 20-foot wide easement were increased to 25 feet wide with pervious cover, the degree of site coverage would be reduced from 100% to 85%. This is assuming, of course, that the Holman Building coverage footprint is not altered. If the building were demolished, any new development would have to be brought into full compliance with site coverage and other zoning requirements.

**Water Credits.** Under existing Monterey Peninsula Water Management District rules, it is appropriate to assign existing water credits on the site between the two proposed parcels. It is recommended that this assignment be made as a condition to the lot split. The owner has proposed to assign 6.7 acre feet per year (AFY) of water credits to Parcel 1 and 1.4 AFY in water credits to Parcel 2. Assignment of water credits in these amounts should be made an explicit condition of approval of the parcel map.

**CEQA.** This action qualifies for a Class 15 Categorical Exemption for Minor Land Divisions under Section 15315 of the California Environmental Quality Act (CEQA) Guidelines as it consists of division of urbanized property into less than five parcels, is conformance with the General Plan and applicable zoning standards, and meets all other criteria for a Class 15 Exemption.

**FISCAL IMPACT**

No direct impact from this decision. If the lot split changes the development potential and pace of development, then there could be a long-term financial impact on the City's tax revenues.

**ATTACHMENTS**

1. Resolution
2. Parcel Map
3. Exemption
4. Appeal
5. Application
6. Measure E, 1994
7. Zoning Code Chapter 23.32 *C-1 Districts* and Chapter 23.33, *C-1 T District*, just prior to the recent reformatting

SUBMITTED BY:

REVIEWED BY:



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Mark Brodeur, Director  
Community and Economic Development

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Thomas Frutchey  
City Manager

## **RESOLUTION 15-XX**

### **AUTHORIZATION FOR SUBDIVISION OF ONE LOT (APN 006-173-001 - 1.359 ACRES) INTO TWO LOTS AT 542 LIGHTHOUSE AVENUE PARCEL MAP 14-602**

#### **FACTS**

1. The site is located at 542 Lighthouse Ave, Pacific Grove, 93950, also known as APN 006-173-001.
2. The site has a designation of Commercial on the adopted City of Pacific Grove General Plan Land Use Map.
3. The project consists solely of subdivision of the site into two parcels.
4. The site is located in the C-1-T zoning district.
5. A survey of the site was completed on December 5, 2014 by Bestor Engineers.
6. APN 006-173-001 is developed with two buildings currently used for commercial retail uses and a surface parking lot. The site totals 1.36 acres.
7. Parcel 1 is proposed as a 24,617 square foot lot, and Parcel 2 is proposed as a 34,601 square foot lot.
8. This project qualifies for a CEQA Exemption pursuant to CEQA Guideline section 15315, Minor Land Subdivisions, Class 15.
9. Sidewalks and curbs are consistent with the surrounding neighborhood.

#### **FINDINGS**

1. The subdivision will neither be detrimental to the orderly and harmonious development of the city nor impair the desirability of investment or occupation in the neighborhood because the project will be improving the subject property.
2. The proposed parcel map is consistent with the General Plan because the proposed subdivision supports Land Use Policies in Chapter 2 Land Use, Policy 3, 5, 7; and 8. The subject property is not regulated by the local coastal program or any specific plans.
3. The C-1-T zoning district was approved by the voters. No provision of the C-1-T zoning district shall be repealed or amended except by a vote of the people.
4. The parcel map approved by this Resolution is located on a legally created lot.
5. The property is in compliance with all laws, regulations, and rules pertaining to uses, subdivision, setbacks, and any other application provisions of the Zoning Code C-1-T zoning district, outlined in PGMC §23.31.0040, with the exception of site coverage, height, and parking which are legal non-conforming.

6. The parcel map approved by this Resolution is in compliance with all citywide permits, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) permit.
7. Sanitary sewer facilities and connections are provided for each lot.

### **CONDITIONS OF APPROVAL**

1. **Expiration.** The approval granted by this Resolution shall not expire or become void once it takes effect.
2. **Construction Compliance.** No construction is approved by this Resolution.
3. **Terms and Conditions.** All conditions of approval shall run with the land, and shall bind all future owners and possessors of the property to the terms and conditions, unless amended. Amendments to this permit shall have force or effect only if an application is made and is approved by City, in accord with the Zoning Code.
4. **Plan Revisions:** Within 30 days after authorization of this Resolution, Applicant shall submit revised plans to incorporate the following elements: 1) Move the property line an additional 5 feet to the north and increase the size of Parcel 1, and decrease the size of Parcel 2, 2) show the vehicle access easement to be 25 feet in width, and 3) show the parking easement on Parcel 2 for the benefit of Parcel 1, as required by Paragraph 7, below. Staff shall review the revised plans, determine if they are complete and determine if the plans conform to this Resolution.
5. **Conformance to Plans.** Changes to the site shall conform to revised plans as submitted in conformance with Condition of Approval #4 on file with the Community and Economic Development Department.
6. **Deed Restriction.** The new deed description of the subdivision shall be filed with the County Recorder and recorded prior to issuance of any building permit.
7. **Easements.** A perpetual easement shall be created and recorded to enable vehicle and fire access. A separate easement shall be created and recorded to confirm and reserve fourteen parking spaces on Parcel 2 are held for the exclusive use of Parcel 1. Each space subject to this reservation shall be immediately adjacent to Parcel 1. The subdivision shall not take effect until each the easement has been recorded.

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

1. The Council determines each Fact and each Finding set forth above is true and correct, and by this reference incorporates those Facts and Findings as integral parts of this Resolution.

2. Each Condition listed above is approved and made an integral part of this Resolution. Compliance with each Condition shall be required.
3. The Council authorizes APPROVAL of Parcel Map Permit 14-602.
4. This Resolution shall take effect immediately following submission, and acceptance by City staff, of complete plans as required by this Resolution.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE** this 20th day of May, 2015, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

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

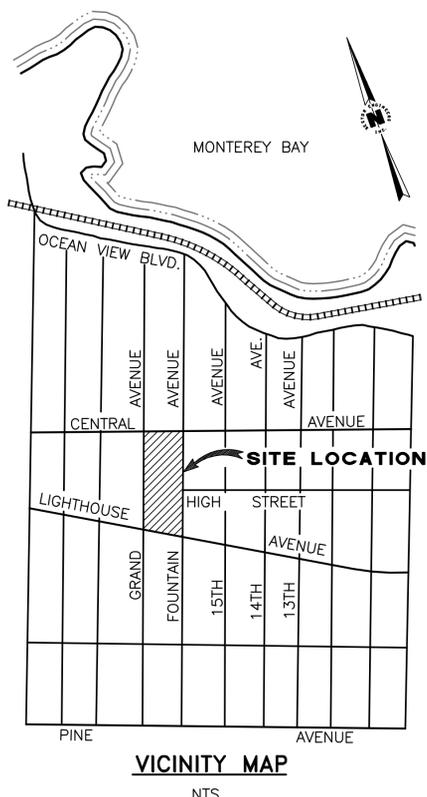
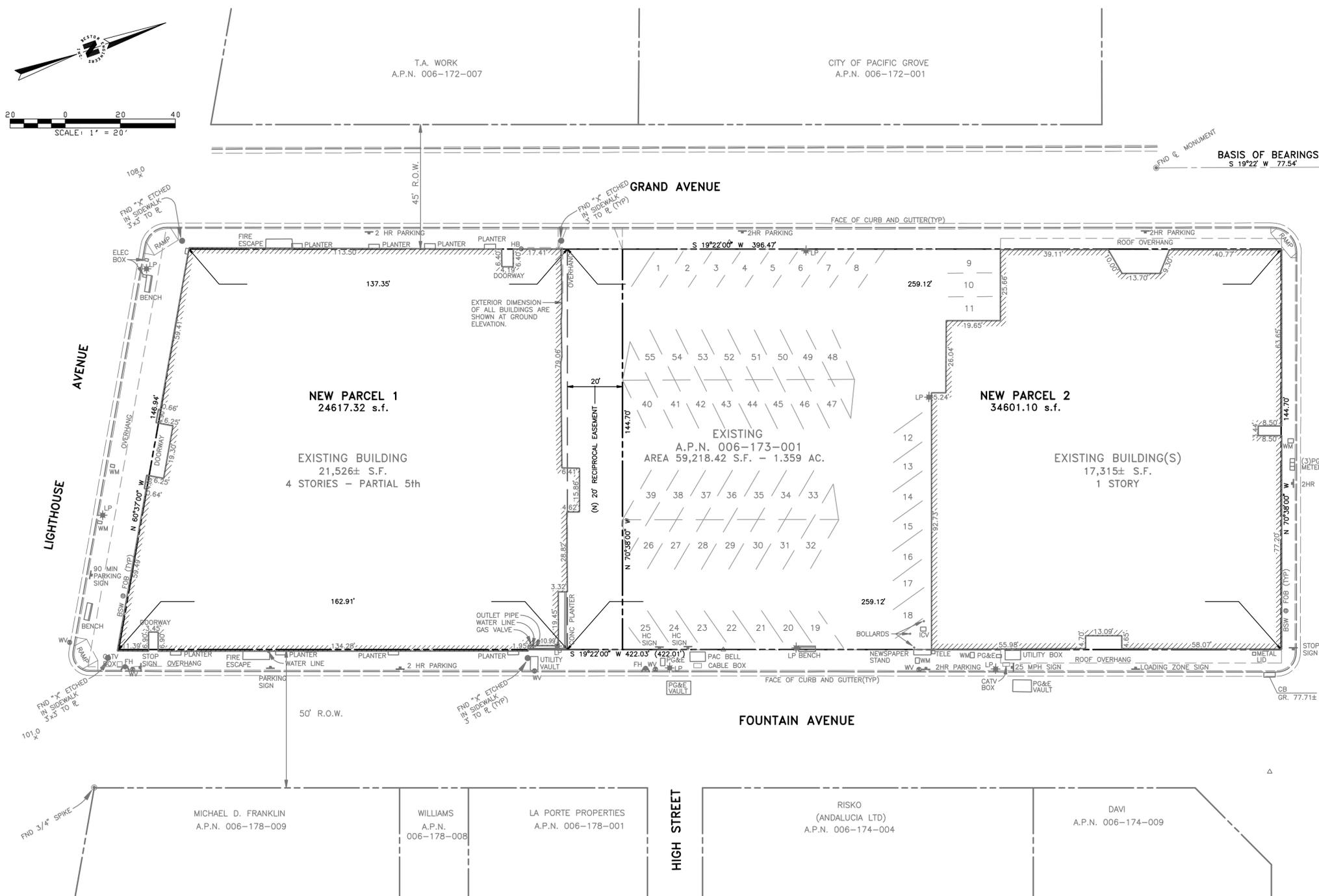
ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID C. LAREDO, City Attorney

L:\5209\520902\DWG\PLANS\TENTATIVE.DWG - hermandesj - FEB 09, 2015 - 11:45:31  
 THE USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. REPRODUCTION, OR PUBLICATION BY ANY METHOD, IN WHOLE OR IN PART, IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS IN THE ENGINEER WITHOUT PREJUDICE. VISUAL CONTACT WITH THESE PLANS AND SPECIFICATIONS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.



**LEGEND**

|         |                                |
|---------|--------------------------------|
| ℙ       | PROPERTY LINE                  |
| CB      | CATCH BASIN                    |
| CONC    | CONCRETE                       |
| FH      | FIRE HYDRANT                   |
| ICV     | IRRIGATION CONTROL VALVE       |
| WM      | WATER METER                    |
| WV      | WATER VALVE                    |
| FND     | FOUND "X" CHISELED IN SIDEWALK |
| ( )     | RECORD IF VARIES FROM MEASURED |
| BSW     | BACK OF SIDEWALK               |
| FOB     | FACE OF BUILDING               |
| ROW     | RIGHT OF WAY                   |
| ////    | EXTERIOR DIMENSION OF BUILDING |
| 101.0 x | SPOT ELEVATION                 |

**BASIS OF BEARINGS**

THE BEARING OF S 19°22' W ALONG THE CENTERLINE OF GRAND AVE. AS SHOWN FILED IN VOLUME 1 OF MAPS AT PAGE 10, RECORDS OF MONTEREY COUNTY.

**LEGAL DESCRIPTION**

**ORDER NO. 174780-CI**  
 BLOCK "H" IN PACIFIC GROVE RETREAT GROUNDS AS DELINEATED AND SO DESIGNATED ON THAT CERTAIN MAP ENTITLED "MAP OF ST. JOHN COX SURVEY OF PACIFIC GROVE", FILED IN THE OFFICE OF THE COUNTY RECORDER OF MONTEREY COUNTY, APRIL 9, 1894 AND NOW ON FILE IN SAID OFFICE OF MAP BOOK 1, CITIES AND TOWNS, AT PAGE 50.

**A.P.N. 006-173-001**

**NOTES**

- A - ZONING IS C-1-T  
 B - PARKING REQUIREMENTS: DEPENDENT ON USE PERMIT TYPE & PLANNING COMMISSION. (THERE ARE 55 PARKING SPACES, TWO OF WHICH ARE HANDICAPPED)  
 C - DENSITY REQUIREMENTS: 20 TO 30 UNITS PER ACRE  
 D - HEIGHT REQUIREMENTS: 40.0 FEET @ 75% LOT COVERAGE & 30.0 FEET @ 90% LOT COVERAGE  
 E - SETBACK REQUIREMENT: 0.0 FEET
- ALL STREETS ARE PUBLIC.
- PROPERTY IS NOT WITHIN FLOOD INSURANCE BOUNDARY AREA
- ELEVATIONS SHOWN HEREON ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1988 (NAVD88).
- THERE ARE EXISTING SEPARATE WATER METERS FOR EACH OF THE TWO BUILDINGS. PREVIOUSLY, THE WATER MANAGEMENT DISTRICT AND THE CITY OF PACIFIC GROVE HAVE APPROVED THE EXISTING WATER USAGE OF BOTH BUILDINGS AND NO TRANSFER OF EXISTING WATER ALLOCATION WILL TAKE PLACE BETWEEN THE TWO BUILDINGS. NEW PARCEL 1 ALLOCATION 6.7 A.F.  
 NEW PARCEL 2 ALLOCATION 1.4 A.F.
- EXISTING 20' ONE WAY ROAD EASEMENT TO BE RECORDED.
- PROPERTY IS PART OF CITY'S PARKING DISTRICT. FOURTEEN PARKING SPACES WILL BE DESIGNATED TO THE NEW PARCEL 1 UNTIL SUCH TIME NEW PARCEL 2 IS BUILT WITH A GARAGE. THESE 14 SPACES AT THAT TIME WILL BE TRANSFERRED TO THE NEW GARAGE.

DESIGNED BY: \_\_\_\_\_  
 DRAWN BY: SDT  
 DATE: \_\_\_\_\_  
 ENGINEER: \_\_\_\_\_  
 RCE: \_\_\_\_\_  
 EXP: \_\_\_\_\_

**PRELIMINARY**  
 NOT FOR CONSTRUCTION

**BESTOR ENGINEERS, INC.**  
 CIVIL ENGINEERING - SURVEYING - LAND PLANNING  
 9701 BLUE LARKSPUR LANE, MONTEREY, CALIFORNIA 93940



**TENTATIVE PARCEL MAP**  
 HOLMAN BUILDING - A.P.N. 006-173-001  
 542 LIGHTHOUSE AVE. - CITY OF PACIFIC GROVE  
 COUNTY OF MONTEREY, CALIFORNIA

SCALE: 1" = 20'  
 DATE: 12/5/14  
 SHEET: 1 OF 1  
 WO: 5209.02



# CITY OF PACIFIC GROVE

## Community Development Department – Planning Division

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

### NOTICE OF EXEMPTION FROM CEQA

**Property Address/Location:** \_\_542 Lighthouse Ave, Pacific Grove, CA 93950\_\_\_\_\_

**Project Description:** \_\_\_Parcel Map application to subdivide one 59,218 square foot parcel in an urbanized area into two parcels.\_\_\_\_\_

APN: \_006-173-001\_\_\_\_\_

ZC: \_\_C-1-T\_\_\_\_\_ GP: \_Commercial\_\_\_\_\_ Lot Size: \_59,218 square feet \_\_\_\_\_

Applicant Name: \_Pat Ward, Bestor Engineers\_\_\_\_\_ Phone #: \_831-373-2941\_\_\_\_\_

Mailing Address: \_9701 Blue Larkspur Lane, Monterey, CA 93940\_\_\_\_\_

#### PORTION BELOW TO BE COMPLETED BY A PLANNER:

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

**Exempt Status** (Check One):

- Ministerial Project (Sec. 21080(b)(1):15268))
- Declared Emergency (Sec. 21080(b)(3): 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))

X Categorical Exemption

Type and Section Number: \_Minor Land Divisions Class 15 S. 15315\_\_\_\_\_

Statutory Exemptions

Type and Section Number: \_\_\_\_\_

Other: \_\_\_\_\_

**Exemption Findings:** \_Parcel is in an urbanized area, conforms to the General Plan and zoning, and all services and access to the proposed parcels are available. The parcel was not involved in a land division within the previous two years and the parcel does not have an average slope greater than 20 percent.\_\_\_\_\_

**Contact Person, Title:** Anastazia Aziz, AICP, Sr. Planner\_\_\_\_\_

**Contact Phone:** \_(831) 648-3192\_\_\_\_\_

**Signature:** \_\_\_\_\_\_

04/01/15\_\_\_\_\_

**Mail to: Monterey County Clerk  
P.O. Box 29  
Salinas, CA 93902-0570**

RECEIVED

MAR 20 2015



**CITY OF PACIFIC GROVE**  
Community Development Department  
300 Forest Avenue, Pacific Grove, CA 93950  
T :: 831.648.3190 • F :: 831.648.3184 • www.ci.pg.ca.us/cdd  
**Appeal Form**

Appeal #: PM 14-602  
Date: 03/20/15  
Received By: A. [Signature]  
Total Fee: 742.75

**Project Information**

Project Address: 542 Lighthouse Ave. APN: 006-173-001  
 On HRI /  Not on HRI  
 Application & No.: PM-14-602  
 Applicant Name: Pat Ward, Bestor Eng Phone #: 873-2941  
 Mailing Address: Monterey, CA  
 Email Address: ward@bestor.com  
 Owner Name: Nadar Agha Phone #: —  
 Mailing Address: —  
 Email Address: —

**Action<sup>1</sup>**

ARB: Architectural Review Board  
 CDD: Planning Staff  
 HRC: Historic Resources Committee  
 PC: Planning Commission  
 NRC: Natural Resources Committee  
 SPRC: Site Plan Review Committee  
 ZA: Zoning Administrator

Date of Action: 03/19/15  
 Action Taken: Denial of parcel map

**Appeal Information**

Appellant Name: Kenneth Tjergen Phone #: (831) 649-4642  
 Mailing Address: 2340 Gordon Road, Monterey CA 93940  
 Email Address: kent@wrdarch.com  
 Appeal Deadline: 5:00 p.m. on 1/1  
 Grounds for Appeal: Proposal conforms with the General plan for zoning and should have been approved by Planning Commission  
*If necessary, use additional pages.*

**Fees**

|   |    |               |
|---|----|---------------|
| Discretionary Fees <sup>2</sup>                   | \$ | <u>1,405-</u> |
| Appeal Fee = 25% of discretionary fees            | \$ | <u>366.25</u> |
| Cost of publication of legal notice <sup>3</sup>  | \$ | <u>300-</u>   |
| Photocopies _____ copies @ 10¢ each               | \$ | <u>—</u>      |
| Postage <sup>4</sup> <u>170</u> stamps @ 45¢ each | \$ | <u>76.50</u>  |
| Other _____                                       | \$ | <u>—</u>      |
| <b>Total Appeal Fee</b>                           | \$ | <u>742.75</u> |

Appellant Signature: [Signature] Date: 3/20/15

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



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### Permit & Request Application

**\$ PAID**  
1465-00

12/9/14

**Project Permit(s) & Fees**

|                                 |                  |                                 |                                       |
|---------------------------------|------------------|---------------------------------|---------------------------------------|
| Permit: <u>Final parcel map</u> | Fee: <u>1465</u> | Multiple Permit Discount: _____ | App. #: <u>14-602</u>                 |
| _____                           | _____            | _____                           | Date: <u>Dec. 9, 2014</u>             |
| _____                           | _____            | _____                           | Received By: <u>Laurel O'Kelloran</u> |
| _____                           | _____            | _____                           | Total Fee: <u>\$1465</u>              |

**Project/Property Information**

Project Address: 542 LIGHTHOUSE AVE APN: 006-173-001-000  
 Lot: \_\_\_\_\_ Block: H. Tract: PACIFIC GROVE RETREAT  
 ZC: C-1-T GP: Commercial Lot Size: 59,218 SF.

Project: 2 LOT PARCEL MAP  
 Description: LOT 1- 20,000 SF ± LOT 2- 39,000 SF ±.

Applicant Name: BESTOR ENGINEERS. Phone #: 831 373 2941  
 Mailing Address: 9701 BLUE LARKSPUR LANE, MONTEREY CA 93940  
 Email Address: WARD@BESTOR.COM

Owner Name: NADER AGHA. Phone #: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

**Permit(s)/Request(s)**

|   |  |  |   |
|---|--|--|---|
| <input type="checkbox"/> CRD: Counter Determination     | <input 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 checked="" type="checkbox"/> LLA: Lot Line Adjustment | <input type="checkbox"/> PUU: Permit Undocumented Unit     | <input type="checkbox"/> MMP: Mitigation Monitoring     |
| <input checked="" type="checkbox"/> FM: Final Tract Map | <input type="checkbox"/> JLM: Lot Merger                     | <input type="checkbox"/> GPA: General Plan Amendment       | <input type="checkbox"/> Other: <u>Final Parcel map</u> |
| <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 checked="" 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 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.

Patrick \_\_\_\_\_ 12/5/14 \_\_\_\_\_ [Signature] \_\_\_\_\_ 12-2-14 \_\_\_\_\_  
 Applicant Signature Date Owner Signature (Required) Date



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T :: 831.648.3190 • F :: 831.648.3184 • www.ci.pg.ca.us/cdd

**Permit & Request Application**

**for Lot Line Adjustment (LLA), Lot Merger (LM) or Subdivision (SUB)**

Engineer/Surveyor or  
other designated representative

Address BESTOR ENGINEERS INC.  
9701 BLUE LARES PUR LANE, MONTEREY CA  
Daytime Phone # 831 373 2941 93940  
Email Address WARD@BESTOR.COM

I. Deed Restrictions (attach copy of restrictions, if available):

a. What Deed Restrictions are presently effective on the property and pertain to the proposed request?

\_\_\_\_\_  
\_\_\_\_\_

II. Owner's Certification:

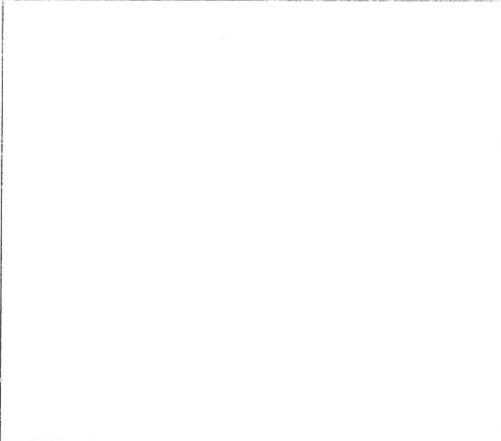
a. I/We WADERT. AGHA being first duly sworn, depose and say: That I/We am/are the owner(s) in the above application and know the contents thereof; that the property has been surveyed and all lot corners staked as required by the City of Pacific Grove; that the same is true of my/our knowledge, except as to those matters which are therein stated on information or belief, and that those matters are believed to be true and correct.

[Signature] 1-2-14  
Owner Signature Date

Owner Signature Date

STATE OF CALIFORNIA )  
COUNTY OF Monterey ) ss.

Subscribed and sworn to before me on \_\_\_\_\_, 2010.  
[NOTARY SEAL ↓]



\_\_\_\_\_  
Notary Signature

NOTARY PUBLIC

\_\_\_\_\_  
Notary Name Typed or Printed



# MONTEREY COUNTY

## ELECTION DEPARTMENT

P.O. BOX 1848, 93902 - 1370 B SOUTH MAIN STREET, SALINAS, CALIFORNIA 93901

755-6085 SALINAS  
647-7821 MONTEREY  
385-8321 KING CITY  
755-6485 FAX

**TONY ANCHUNDO**

REGISTRAR OF VOTERS

April 22, 1994

Chief, Voting Section  
U.S. Department of Justice  
P.O. Box 66128  
Washington, D.C. 20035-6128

**RE: SUBMISSION UNDER SECTION 5 OF THE VOTING RIGHTS ACT  
SPECIAL ELECTION CITY OF PACIFIC GROVE**

**JUNE 7, 1994**

Dear Sir:

Pursuant to Section 5 of the Federal Voting Rights Act I am submitting for preclearance a special election called in the City of Pacific Grove to be held on Tuesday June 7, 1994. The purpose of the election is to vote on a MEASURE TO ESTABLISH A NEW ZONE DISTRICT.

Enclosed for your information is a copy of the resolution calling the election, a copy of the proposed ordinance along with the Impartial Analysis of the measure prepared by the City Attorney.

The City of Pacific Grove has requested election administrative services from this department and I am submitting the request for preclearance on behalf of the district.

Enclosed please find:

- 1) A copy of the resolution calling the election and specifying the election particulars; and,
- 2) A list of the eligible precincts within the city and their estimated ethnicity based upon the 1990 federal census.

Sincerely,

**TONY ANCHUNDO, Registrar of Voters**  
County of Monterey



CITY COUNCIL  
JEANNE C. BYRNE, AIA  
MAYOR  
FLORENCE "FLO" SCHAEFER  
ROBERT (BOB) DAVIS  
ELEANOR C. ROGGE  
VERN YADON  
TERRENCE B. ZITO  
BRUCE D. ROBERTS

GARY W. BALES  
CITY MANAGER  
WILLIAM S. PITT  
ADMIN. SERVICES DIRECTOR  
CITY CLERK AND TREASURER  
GEORGE C. THACHER  
CITY ATTORNEY

## CITY OF PACIFIC GROVE

300 FOREST AVENUE  
PACIFIC GROVE, CALIFORNIA 93950  
TELEPHONE (408) 648-3100  
FAX (408) 375-9863

February 25, 1994

Monterey County Election Dept.  
P. O. Box 1848  
Salinas, CA 93902

Attention: Tony

Dear Tony:

Enclosed are certified copies of Resolution No. 6363 Calling for a Special Municipal Election to be held in the City of Pacific Grove on the Seventh Day of June 1994, for a Ballot Measure Submitted to the Electorate of the City and Resolution No. 6364 Submitting a Measure to Establish a New Zone District - - Allowing Hotel Use In, and Modifying Condominium Regulations Applicable to, an Area of the Downtwon Defined by the Block Bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue - - to the Electorate of the City at a Special Municipal Election to be Held in the City of Pacific Grove on the Seventh Day of June 1994.

Please let us know at your earliest convenience, the schedule for publishing and what all we should publish and the letter identification of the measure.

We would appreciate your checking the resolutions to see that they meet your requirements.

Thank you for your help.

Sincerely,

Carol J. Sims  
Deputy City Clerk

Encs. 2 Resolutions

**RESOLUTION NO. 6394**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE SUBMITTING A MEASURE TO ESTABLISH A NEW ZONE DISTRICT -- ALLOWING HOTEL USE IN, AND MODIFYING CONDOMINIUM REGULATIONS APPLICABLE TO, AN AREA OF THE DOWNTOWN DEFINED BY THE BLOCK BOUNDED BY LIGHTHOUSE AVENUE, GRAND AVENUE, CENTRAL AVENUE AND FOUNTAIN AVENUE -- TO THE ELECTORATE OF THE CITY AT A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF PACIFIC GROVE ON THE SEVENTH DAY OF JUNE 1994**

**WHEREAS**, by Resolution No. 6393 this council previously has called a Special Municipal Election of the City of Pacific Grove to be held on June 7, 1994, and has requested the County of Monterey to provide for consolidation of said election with the Gubernatorial Primary Election to be held on the same day; and

**WHEREAS**, by that Resolution No. 6393 this council has noted that a ballot measure will be submitted to the electorate, said measure to be described by separate resolution; and

**WHEREAS**, by this resolution this council shall fully describe the measure;

**NOW, THEREFORE**, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS FOLLOWS:

SECTION A. Qualified electors at the Special Municipal Election to be held in the City of Pacific Grove on Tuesday, June 7, 1994, shall be entitled to vote for one measure, as follows: A measure proposing to amend city's zoning regulations to establish a new zone district (C-1-T), where hotel and other commercial uses would be allowed, and where condominium development would be allowed pursuant to regulations specific to said district, said district to be defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue.

SECTION B. The proposed measure would, if a majority of the voters voting on the measure vote "yes", result in the adoption by the People of the following ordinance:

"ORDINANCE NO. \_\_\_\_\_ N.S.

**ORDINANCE OF THE PEOPLE OF THE CITY OF PACIFIC GROVE  
ADDING CHAPTER 23.33 (C-1-T DISTRICT) TO THE PACIFIC GROVE  
MUNICIPAL CODE TO ESTABLISH A NEW ZONE DISTRICT  
WHEREIN HOTEL USE AND/OR CONDOMINIUM USE PURSUANT  
TO REGULATIONS SPECIFIC TO SAID NEW DISTRICT, AND C-1**

**ZONE DISTRICT COMMERCIAL USES ARE ALLOWED, SAID NEW  
ZONE DISTRICT TO BE DEFINED BY THE BLOCK BOUNDED BY  
LIGHTHOUSE AVENUE, GRAND AVENUE, CENTRAL AVENUE AND  
FOUNTAIN AVENUE**

**THE PEOPLE OF THE CITY OF PACIFIC GROVE DO ORDAIN AS  
FOLLOWS:**

**SECTION 1. The People of the City of Pacific Grove find as follows:**

(a) Although current regulations prohibit hotels and severely limit condominium development in the downtown area, limited hotel and condominium use in the downtown would stimulate and enhance commerce and commercial growth in that area.

(b) The block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue presents not only a central, convenient location for hotel and/or residential use, but also is the site of a large, unique, presently vacant building ideally suited for a mixed hotel/retail use.

(c) Hotel and/or residential use on the referenced block, given its proximity to the core retail uses in the downtown, would be especially beneficial to the vigor of city's economy.

(d) Hotel use on the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue is consistent with historic use of this property in that from 1887 to 1918 a three-story, 114 room hotel, known first as the El Carmelo Hotel and later as the Pacific Grove Hotel, was located on this site.

(e) City's draft general plan provides that hotel use and/or mixed commercial/residential uses are appropriate and to be encouraged in the downtown area.

**SECTION 2. Chapter 23.33 hereby is added to the Pacific Grove Municipal Code, to read as follows:**

**Chapter 23.33  
C-1-T DISTRICT**

**23.33.010 Statement of intent.** (a) It is the intent of the people of the city of Pacific Grove in enacting this chapter to establish a zone district in the city's downtown area where hotel use is permitted, as are all other uses listed in Chapter 23.32 (C-1 zone district) of this code. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for hotel development. Further, except as modified by this chapter, all provisions of the motel/hotel regulation ballot measure enacted by the people

at the June 3, 1986, special municipal election, as set out at Chapter 23.52 of this code, shall remain unchanged and in full force and effect.

(b) It is also the intent of the people of the city of Pacific Grove in enacting this chapter to provide for an exception to the strict regulations governing condominium development found at Chapter 23.45 of this code, said chapter enacted by the people at an election held in the city on November 2, 1982. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for condominium development in a manner less restrictive than defined by regulations set out in Chapter 23.45. Further, except as modified by this chapter, the provisions of Chapter 23.45 shall remain unchanged and in full force and effect.

**23.33.020 Uses permitted.** The following uses are permitted in the C-1-T district:

(a) Any use permitted in the C-1 districts (Chapter 23.32 of this code) as said district regulations may from time to time be amended by the council.

(b) Hotel use shall be allowed, subject to the following:

(i) Hotel uses shall be subject to first securing a use permit in each case.

(ii) Height limits and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) All other regulations and conditions of approval shall be as provided by use permit approved pursuant to this title. Said regulations and conditions shall include, without limitation, provisions for architectural review, land area per unit, neighborhood compatibility, landscaping, parking, traffic and accessory buildings.

(iv) Required parking, if any, may be located on or off site, the location to be designated by the use permit.

(c) Condominium use shall be allowed, subject to the following:

(i) Condominium use shall be subject to first securing a use permit in each case.

(ii) Height limit and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) The provisions of Chapter 23.45 of this code shall not apply to development of condominiums in the C-1-T District. The council shall, by ordinance, establish standards, conditions and other appropriate regulations to govern the development of condominiums in the C-1-T District. Until and unless such standards, conditions and other regulations are in place, no application for such development shall be accepted or processed. Such standards, conditions and regulations established by the council shall be in addition to and harmonious with state law governing condominium development.

**23.33.030 Maximum residential development.** In no event shall residential development in the C-1-T zone district exceed 25 dwellings units. This limitation shall not be subject to variance.

**23.33.040 Boundaries of district.** The C-1-T district shall be that area defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue.

**23.33.050 Amendment.** No provision of this chapter shall be repealed or amended except by a vote of the people.

SECTION 3. If approved by a majority of the voters voting on this ordinance, this ordinance shall be considered adopted upon the date that the vote is declared by the council and shall go into effect ten days following that date.

**APPROVED** by the following vote of the people on June 7, 1994:

YES .....

NO.....

TOTAL VOTES CAST.....

**ADOPTED** by declaration of the vote by the City Council of the City of Pacific Grove on \_\_\_\_\_, 1994.

EFFECTIVE DATE: \_\_\_\_\_, 1994.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY"

The ballot format for the measure shall be substantially as follows:

**CITY MEASURE ( )**

Shall the Pacific Grove Municipal Code be amended to establish a new zone district ("C-1-T") where condominiums (subject to a limitation that no more than 25 residential dwelling units shall be developed in the district), hotels and commercial uses shall be allowed, the area of said district defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue?

YES \_\_\_\_\_

NO \_\_\_\_\_

SECTION C. The city clerk is directed to publish the measure pursuant to Elections Code 22835, Government Code Section 6066 and as may be otherwise required by law.

SECTION D. Submission of measures to vote of city's electorate is not a project under the terms of the California Environmental Quality Act. (14 Cal. Admin. Code, Section 15378)

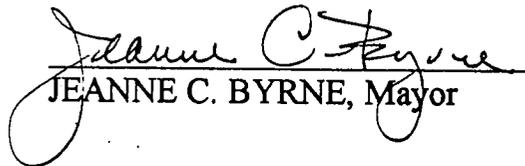
**PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE** this 23rd day of February, 1994, by the following vote:

AYES: Byrne, Davis, Roberts, Rogge, Schaefer, Yadon

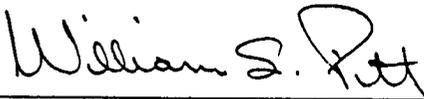
NOES: None

ABSENT: Zito

APPROVED:

  
JEANNE C. BYRNE, Mayor

ATTEST:



WILLIAM S. PITT, City Clerk

APPROVED AS TO FORM:



GEORGE C. THACHER, City Attorney

**RESOLUTION NO. 6393**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PACIFIC GROVE CALLING FOR A SPECIAL MUNICIPAL  
ELECTION TO BE HELD IN THE CITY OF PACIFIC  
GROVE ON THE SEVENTH DAY OF JUNE 1994, FOR A  
BALLOT MEASURE SUBMITTED TO THE ELECTORATE  
OF THE CITY**

**WHEREAS**, pursuant to the Charter of the City of Pacific Grove and the General Laws of the State of California, this council may call special elections;

**NOW, THEREFORE**, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS FOLLOWS:

SECTION 1. In accordance with Article 8 of the Charter of the City of Pacific Grove, a Special Municipal Election of the City of Pacific Grove shall be held in the City on Tuesday, June 7, 1994, from the hours of 7:00 o'clock A.M. until 8:00 o'clock P.M., at which latter hour the polls shall be closed.

SECTION 2. Qualified electors at said election shall be entitled to vote for a ballot measure to be described by this council by separate resolution.

SECTION 3. Concurrently herewith the City Council is requesting the Board of Supervisors of the County of Monterey to provide for consolidation of the Special Municipal Election, called by Section 1 hereof, with the Gubernatorial Primary Election scheduled for Tuesday, June 7, 1994, insofar as the City of Pacific Grove is concerned, and to provide that within the City of Pacific Grove the election precincts, polling places and voting booths shall in every case be the same and there shall be only one set of election officers in each of said precincts, and to further provide that there shall be set forth in the form of a ballot to be used at said election, insofar as the same is held within the City of Pacific Grove, the measure referenced in Section 2 hereof. The Board of Supervisors of Monterey County further is requested to order the County Registrar of Voters (a) to set forth on all sample ballots, to be mailed to qualified electors of the City, appropriate places to answer "Yes" or "No" to the measure and to mail with said sample ballots to said electors printed copies of ballot statements, arguments and analysis, and the text of the measure proposed by the question, and (b) to provide absent voter ballots for said consolidated election for use by qualified electors of the City who are entitled thereto, in the manner provided by law.

---

SECTION 4. The Board of Supervisors of Monterey County hereby is further authorized to canvass, or cause to be canvassed, as provided by law, the returns of this Special Municipal Election with respect to votes cast on the measure and to certify such canvass of said votes. The canvass is to be completed as soon as practicable following the election.

SECTION 5. The City Clerk hereby is authorized and directed to certify to the due adoption of this resolution and to transmit a copy hereof, so certified, to the Board of Supervisors of Monterey County, and to file a copy hereof, so certified, with the County Clerk and the County Registrar of Voters.

SECTION 6. The City Clerk and County Registrar of Voters are authorized to print such forms, publish such notices and provide such information as may be necessary or convenient to assure the orderly holding of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner harmonious and consistent with law.

SECTION 7. The Registrar of Voters is authorized to bill the City, on a prorated basis, for costs associated with the Special Municipal Election hereby called.

SECTION 8. The City Attorney is directed to submit an impartial analysis of the proposed measure pursuant to Elections Code Section 5011.

SECTION 9. The last day for submitting arguments for or against the proposed measure shall be March 25, 1994. The last day for filing rebuttal arguments shall be April 4, 1994.

SECTION 10. Upon receipt, the City Clerk shall submit to the County Clerk all materials submitted pursuant to Elections Code Sections 5011, 5012, 5013, and 5014.5.

SECTION 11. This Council shall meet on the first available regular council meeting date following the election hereby called to declare the results of the election.

SECTION 12. The city clerk is directed to provide for all publications required by law.

---

SECTION 13. Submission of a measure to vote of City's electorate is not a project under the terms of the California Environmental Quality Act. (14 Cal. Admin. Code, Section 15378)

**PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE** this 23rd day of February, 1994, by the following vote:

AYES: Byrne, Davis, Roberts, Rogge, Schaefer, Yadon

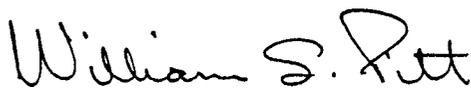
NOES: None

ABSENT: Zito

APPROVED:

  
JEANNE C. BYRNE, Mayor

ATTEST:

  
WILLIAM S. PITT, City Clerk

APPROVED AS TO FORM:

  
GEORGE C. THACHER, City Attorney

CITY COUNCIL

JEANNE C. BYRNE, AIA  
MAYOR

FLORENCE "FLO" SCHAEFER  
ROBERT (BOB) DAVIS  
ELEANOR C. ROGGE  
VERN YADON  
TERRENCE B. ZITO  
BRUCE D ROBERTS



CITY OF PACIFIC GROVE

300 FOREST AVENUE  
PACIFIC GROVE, CALIFORNIA 93950  
TELEPHONE (408) 648-3100  
FAX (408) 375-9863

GARY W. BALES  
CITY MANAGER  
WILLIAM S. PITT  
ADMIN. SERVICES DIRECTOR  
CITY CLERK AND TREASURER  
GEORGE C. THACHER  
CITY ATTORNEY

March 2, 1994

Monterey County Election Department  
P. O. Box 1848  
Salinas, CA 93902

Attention: Junel

Gentlemen:

Enclosed is a copy of Ordinance of the People of the City of Pacific Grove Adding Chapter 23.33 (C-1-T District) to the Pacific Grove Municipal Code to Establish a New Zone District Wherein Hotel Use and/or Condominium Use Pursuant to Regulations Specific to Said New District, and C-1 Zone District Commercial Uses are Allowed, Said New Zone District to be Defined by the Block Bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue, pursuant to your request during our telephone conversation today.

Sincerely,

Carol J. Sims  
Deputy City Clerk

Enc. Ordinance

**ORDINANCE NO. \_\_\_\_\_ N.S.**

**ORDINANCE OF THE PEOPLE OF THE CITY OF PACIFIC GROVE ADDING CHAPTER 23.33 (C-1-T DISTRICT) TO THE PACIFIC GROVE MUNICIPAL CODE TO ESTABLISH A NEW ZONE DISTRICT WHEREIN HOTEL USE AND/OR CONDOMINIUM USE PURSUANT TO REGULATIONS SPECIFIC TO SAID NEW DISTRICT, AND C-1 ZONE DISTRICT COMMERCIAL USES ARE ALLOWED, SAID NEW ZONE DISTRICT TO BE DEFINED BY THE BLOCK BOUNDED BY LIGHTHOUSE AVENUE, GRAND AVENUE, CENTRAL AVENUE AND FOUNTAIN AVENUE**

**THE PEOPLE OF THE CITY OF PACIFIC GROVE DO ORDAIN AS FOLLOWS:**

**SECTION 1. The People of the City of Pacific Grove find as follows:**

(a) Although current regulations prohibit hotels and severely limit condominium development in the downtown area, limited hotel and condominium use in the downtown would stimulate and enhance commerce and commercial growth in that area.

(b) The block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue presents not only a central, convenient location for hotel and/or residential use, but also is the site of a large, unique, presently vacant building ideally suited for a mixed hotel/retail use.

(c) Hotel and/or residential use on the referenced block, given its proximity to the core retail uses in the downtown, would be especially beneficial to the vigor of city's economy.

(d) Hotel use on the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue is consistent with historic use of this property in that from 1887 to 1918 a three-story, 114 room hotel, known first as the El Carmelo Hotel and later as the Pacific Grove Hotel, was located on this site.

(e) City's draft general plan provides that hotel use and/or mixed commercial/residential uses are appropriate and to be encouraged in the downtown area.

**SECTION 2. Chapter 23.33 hereby is added to the Pacific Grove Municipal Code, to read as follows:**

---

**Chapter 23.33**  
**C-1-T DISTRICT**

**23.33.010 Statement of intent.** (a) It is the intent of the people of the city of Pacific Grove in enacting this chapter to establish a zone district in the city's downtown area where hotel use is permitted, as are all other uses listed in Chapter 23.32 (C-1 zone district) of this code. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for hotel development. Further, except as modified by this chapter, all provisions of the motel/hotel regulation ballot measure enacted by the people at the June 3, 1986, special municipal election, as set out at Chapter 23.52 of this code, shall remain unchanged and in full force and effect.

(b) It is also the intent of the people of the city of Pacific Grove in enacting this chapter to provide for an exception to the strict regulations governing condominium development found at Chapter 23.45 of this code, said chapter enacted by the people at an election held in the city on November 2, 1982. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for condominium development in a manner less restrictive than defined by regulations set out in Chapter 23.45. Further, except as modified by this chapter, the provisions of Chapter 23.45 shall remain unchanged and in full force and effect.

**23.33.020 Uses permitted.** The following uses are permitted in the C-1-T district:

(a) Any use permitted in the C-1 districts (Chapter 23.32 of this code) as said district regulations may from time to time be amended by the council.

(b) Hotel use shall be allowed, subject to the following:

(i) Hotel uses shall be subject to first securing a use permit in each case.

(ii) Height limits and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) All other regulations and conditions of approval shall be as provided by use permit approved pursuant to this title. Said regulations and conditions shall include, without limitation, provisions for architectural review, land area per unit, neighborhood compatibility, landscaping, parking, traffic and accessory buildings.

(iv) Required parking, if any, may be located on or off site, the location to be designated by the use permit.

(c) Condominium use shall be allowed, subject to the following:

(i) Condominium use shall be subject to first securing a use permit in each case.

(ii) Height limit and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) The provisions of Chapter 23.45 of this code shall not apply to development of condominiums in the C-1-T District. The council shall, by ordinance, establish standards, conditions and other appropriate regulations to govern the development of condominiums in the C-1-T District. Until and unless such standards,

conditions and other regulations are in place, no application for such development shall be accepted or processed. Such standards, conditions and regulations established by the council shall be in addition to and harmonious with state law governing condominium development.

**23.33.030 Maximum residential development.** In no event shall residential development in the C-1-T zone district exceed 25 dwellings units. This limitation shall not be subject to variance.

**23.33.040 Boundaries of district.** The C-1-T district shall be that area defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue.

**23.33.050 Amendment.** No provision of this chapter shall be repealed or amended except by a vote of the people.

**SECTION 3.** If approved by a majority of the voters voting on this ordinance, this ordinance shall be considered adopted upon the date that the vote is declared by the council and shall go into effect ten days following that date.

**APPROVED** by the following vote of the people on June 7, 1994:

YES ..... \_\_\_\_\_  
NO ..... \_\_\_\_\_  
TOTAL VOTES CAST ..... \_\_\_\_\_

**ADOPTED** by declaration of the vote by the City Council of the City of Pacific Grove on \_\_\_\_\_, 1994.

**EFFECTIVE DATE:** \_\_\_\_\_, 1994

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**

## CITY ATTORNEY'S ANALYSIS OF MEASURE E

Measure E is submitted by the City Council to the voters of the City of Pacific Grove for adoption or rejection. A "YES" vote will be to adopt Measure E, and a "NO" vote will be to reject Measure E. Measure E will, if adopted, result in amendments to City's zoning regulations, as described below.

At present the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue (hereinafter called "the block") is located in the C-1 zone district. C-1 zone district regulations allow a variety of commercial and residential uses. However, hotel use is currently prohibited in the C-1 district. Further, condominium development in the C-1 district is restricted by regulations that, among other provisions, require a minimum of 4,000 square feet of land area per condominium unit.

Measure E will, if adopted, establish a new zone district, known as C-1-T, and will designate the block as the only area in C-1-T. The new district's regulations will allow hotel development on the block, subject to conditions to be set by the discretionary use permit process. The new regulations, if adopted, will also allow the City Council to adopt condominium development standards specific to the C-1-T zone district. However, the measure itself, if adopted, will provide that no more than 25 residential dwelling units (condominiums or any other form of residential dwelling unit) shall be allowed in the C-1-T zone district. All other C-1 zone district uses will also continue to be allowed in the new C-1-T zone district.

This measure is being submitted to the voters of the city because only the voters may amend regulations previously adopted by the voters. This measure affects matters (hotel restrictions and condominium development standards) previously acted on by the voters at elections held in 1986 and 1982.

To be adopted Measure E must be approved by a simple majority of the voters voting at the election.



---

George C. Thacher, City Attorney

**NUMBER OF REGISTERED VOTERS            10,232**

**PRECINCTS:     464001.00 464002.00 464003.00 464004.00 464005.00  
                  464006.00 464007.00 464008.00 464009.00 464010.00**

**CENSUS TRACT:     120 121 122 123 124.01 124.02**

**CENSUS TRACTS POPULATION:        17,073**

**ETHNIC BREAKDOWN:**

**HISPANIC:                    1,022**  
**WHITE:                        14,858**  
**BLACK:                        260**  
**I.A.E.:                         89**  
**A.P.I.:                         827**  
**OTHER:                        17**



# MONTEREY COUNTY

## ELECTION DEPARTMENT

P.O. BOX 1848, 93902 - 1370 B SOUTH MAIN STREET, SALINAS, CALIFORNIA 93901

755-5085 SALINAS  
 647-7621 MONTEREY  
 385-8321 KING CITY  
 755-5485 FAX

**TONY ANCHUNDO**

REGISTRAR OF VOTERS

MARCH 3, 1994

CAROL J SIMS  
 Deputy City Clerk  
 City of Pacific Grove  
 300 Forest Avenue  
 Pacific Grove, Ca 93950

Dear Carol:

This is to notify you of the total number of words allowed and due dates for arguments, rebuttals and impartial analysis for Pacific Grove's **MEASURE E** to be submitted to voters on June 7, 1994.

PRIMARY ARGUMENTS FOR OR AGAINST

| DUE DATE       | WORDS |
|----------------|-------|
| MARCH 25, 1994 | 300   |

REBUTTAL ARGUMENTS

|               |     |
|---------------|-----|
| APRIL 4, 1994 | 250 |
|---------------|-----|

IMPARTIAL ANALYSIS

|               |     |
|---------------|-----|
| APRIL 4, 1994 | 500 |
|---------------|-----|

I am providing form 5350-STATEMENT TO BE FILED BY AUTHOR for interested parties submitting primary or rebuttal arguments.

Please contact me if you should have any questions at 647-7621.

Sincerely,

**TONY ANCHUNDO**  
 Registrar of Voters  
 Monterey County

CITY COUNCIL  
JEANNE C. BYRNE, AIA  
MAYOR  
FLORENCE "FLO" SCHAEFER  
ROBERT (BOB) DAVIS  
ELEANOR C. ROGGE  
VERN YADON  
TERRENCE B. ZITO  
BRUCE D. ROBERTS



GARY W. BALES  
CITY MANAGER  
WILLIAM S. PITT  
ADMIN. SERVICES DIRECTOR  
CITY CLERK AND TREASURER  
GEORGE C. THACHER  
CITY ATTORNEY

## CITY OF PACIFIC GROVE

300 FOREST AVENUE  
PACIFIC GROVE, CALIFORNIA 93950  
TELEPHONE (408) 648-3100  
FAX (408) 375-9863

March 25, 1994

Monterey County Election Department  
P. O. Box 1848  
Salinas, CA 93902

Attention: Tony Anchundo, Registrar of Voters

Dear Tony:

Enclosed is the original "Argument in Favor of Measure E" and the original "Statement to be Filed by Author" in regard to the June 7, 1994, election. The documents have been signed by Mayor Byrne.

If you have any questions, please call 408-648-3100.

Sincerely,

Carol J. Sims  
Deputy City Clerk

Enc. Original "Argument in Favor of Measure E"

Original "Statement to be Filed by Author"

## ARGUMENT IN FAVOR OF MEASURE E

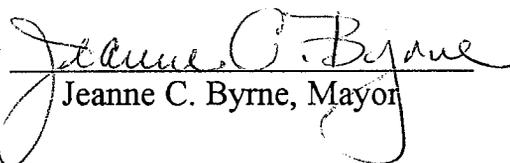
By unanimous vote taken on March 16, 1994, your City Council (Mayor Jeanne Byrne, and Council Members Bob Davis, Bruce Roberts, Eleanor Rogge, Flo Schaefer, Vern Yadon and Terrence Zito) urges you to support Measure E. The revitalization of the Holman building and its return to productivity is of utmost economic importance to the City of Pacific Grove. In addition, the Holman building has great historical significance for Pacific Grove. Passage of this measure could facilitate the restoration of the exterior to its traditional 1930's appearance, which would enhance the ambiance of downtown.

To achieve these ends, the City seeks voter approval to amend the downtown business district zoning for the Holman Block to allow hotel and/or condominium usage. In recent years, the four story Holman building has become less and less viable as a competitive business environment. This is mainly due to area wide competition and the unwillingness of large-scale department stores to invest in buildings and locations where shopping center amenities are not available. The problem for the Holman building appears to be the 3rd and 4th floors which are considered to be insufficiently productive in today's market. But because of the spectacular views available from this building, hotel or condominium usage would produce a market for these floors and thereby make the entire building a viable business enterprise. The revitalization of the Holman building would attract sales tax-producing businesses while hotel usage would add to the transient occupancy tax accrual, a major source of city tax revenue.

To assure reasonable development, the number of hotel rooms, parking, and other requirements would be set by use permit. Condominiums would be limited to not more than 25 units.

Please approve Measure E. Not to approve this measure might ensure an empty Holman building into an unforeseeable future.

PACIFIC GROVE CITY COUNCIL

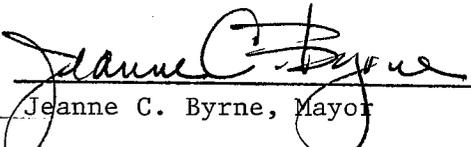
by   
Jeanne C. Byrne, Mayor

STATEMENT TO BE FILED BY AUTHOR

The undersigned author(§) of the primary argument  
(primary/rebuttal)  
in favor of ballot proposition Measure E  
(in favor/against) (name or number)  
primary  
at the (name of election)  
City of Pacific Grove  
election for the (jurisdiction)  
to be held on June 7, 1994, hereby states that such  
(date)  
argument is true and correct to the best of her belief.  
(his/their)

Signed

Date

  
\_\_\_\_\_  
Jeanne C. Byrne, Mayor

3-25-94  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE ARGUMENT WAS APPROVED BY UNANIMOUS VOTE OF THE PACIFIC GROVE CITY COUNCIL  
ON MARCH 16, 1994.

## ARGUMENT IN FAVOR OF MEASURE E

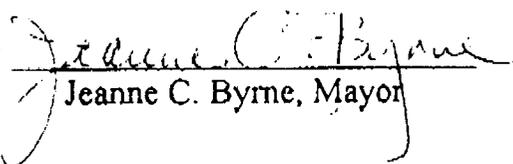
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Please approve Measure E. Not to approve this measure might ensure an empty Holman building into an unforeseeable future.

PACIFIC GROVE CITY COUNCIL

by   
Jeanne C. Byrne, Mayor

## FAX Transmission Cover Sheet

To: ELECTION DEPT TONY ANCHUNDICO

Destination FAX Number: 755-154815

Date: 3-25-94 Time: 8:16 A

Number of Pages (including this cover sheet): 2

Subject: ARGUMENT IN FAVOR OF MEASURE E

Comments or Special Instructions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please call (408) 648-3100 if you experience any  
problems receiving this transmission. Thank you.

*Thanks!!*

Name of Sender: Daniel J. Amis

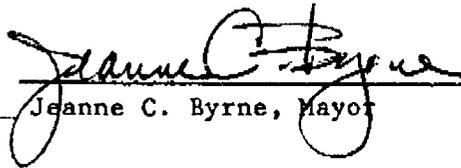
STATEMENT TO BE FILED BY AUTHOR

The undersigned author(s) of the primary argument  
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in favor of ballot proposition Measure E  
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at the (name of election)  
election for the City of Pacific Grove  
(jurisdiction)  
to be held on June 7, 1994, hereby states that such  
(date)

argument is true and correct to the best of her belief.  
(his/their)

Signed

Date

  
\_\_\_\_\_  
Jeanne C. Byrne, Mayor

3-25-94  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE ARGUMENT WAS APPROVED BY UNANIMOUS VOTE OF THE PACIFIC GROVE CITY COUNCIL  
ON MARCH 16, 1994.

CITY COUNCIL  
JEANNE C. BYRNE, AIA  
MAYOR  
FLORENCE "FLO" SCHAEFER  
ROBERT (BOB) DAVIS  
ELEANOR C. ROGGE  
VERN YADON  
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CITY CLERK AND TREASURER  
GEORGE C. THACHER  
CITY ATTORNEY

## CITY OF PACIFIC GROVE

300 FOREST AVENUE  
PACIFIC GROVE, CALIFORNIA 93950  
TELEPHONE (408) 648-3100  
FAX (408) 375-9863

February 25, 1994

Monterey County Election Dept.  
P. O. Box 1848  
Salinas, CA 93902

Attention: Tony

Dear Tony:

Enclosed are certified copies of Resolution No. 6363 Calling for a Special Municipal Election to be held in the City of Pacific Grove on the Seventh Day of June 1994, for a Ballot Measure Submitted to the Electorate of the City and Resolution No. 6364 Submitting a Measure to Establish a New Zone District -- Allowing Hotel Use In, and Modifying Condominium Regulations Applicable to, an Area of the Downtwon Defined by the Block Bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue -- to the Electorate of the City at a Special Municipal Election to be Held in the City of Pacific Grove on the Seventh Day of June 1994.

Please let us know at your earliest convenience, the schedule for publishing and what all we should publish and the letter identification of the measure.

We would appreciate your checking the resolutions to see that they meet your requirements.

Thank you for your help.

Sincerely,

Carol J. Sims  
Deputy City Clerk

Encs. 2 Resolutions

**RESOLUTION NO. 6394**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE SUBMITTING A MEASURE TO ESTABLISH A NEW ZONE DISTRICT -- ALLOWING HOTEL USE IN, AND MODIFYING CONDOMINIUM REGULATIONS APPLICABLE TO, AN AREA OF THE DOWNTOWN DEFINED BY THE BLOCK BOUNDED BY LIGHTHOUSE AVENUE, GRAND AVENUE, CENTRAL AVENUE AND FOUNTAIN AVENUE -- TO THE ELECTORATE OF THE CITY AT A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF PACIFIC GROVE ON THE SEVENTH DAY OF JUNE 1994**

**WHEREAS**, by Resolution No. 6393 this council previously has called a Special Municipal Election of the City of Pacific Grove to be held on June 7, 1994, and has requested the County of Monterey to provide for consolidation of said election with the Gubernatorial Primary Election to be held on the same day; and

**WHEREAS**, by that Resolution No. 6393 this council has noted that a ballot measure will be submitted to the electorate, said measure to be described by separate resolution; and

**WHEREAS**, by this resolution this council shall fully describe the measure;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS FOLLOWS:**

SECTION A. Qualified electors at the Special Municipal Election to be held in the City of Pacific Grove on Tuesday, June 7, 1994, shall be entitled to vote for one measure, as follows: A measure proposing to amend city's zoning regulations to establish a new zone district (C-1-T), where hotel and other commercial uses would be allowed, and where condominium development would be allowed pursuant to regulations specific to said district, said district to be defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue.

SECTION B. The proposed measure would, if a majority of the voters voting on the measure vote "yes", result in the adoption by the People of the following ordinance:

**"ORDINANCE NO. \_\_\_\_\_ N.S.**

**ORDINANCE OF THE PEOPLE OF THE CITY OF PACIFIC GROVE  
ADDING CHAPTER 23.33 (C-1-T DISTRICT) TO THE PACIFIC GROVE  
MUNICIPAL CODE TO ESTABLISH A NEW ZONE DISTRICT  
WHEREIN HOTEL USE AND/OR CONDOMINIUM USE PURSUANT  
TO REGULATIONS SPECIFIC TO SAID NEW DISTRICT, AND C-1**

**ZONE DISTRICT COMMERCIAL USES ARE ALLOWED, SAID NEW ZONE DISTRICT TO BE DEFINED BY THE BLOCK BOUNDED BY LIGHTHOUSE AVENUE, GRAND AVENUE, CENTRAL AVENUE AND FOUNTAIN AVENUE**

**THE PEOPLE OF THE CITY OF PACIFIC GROVE DO ORDAIN AS FOLLOWS:**

SECTION 1. The People of the City of Pacific Grove find as follows:

(a) Although current regulations prohibit hotels and severely limit condominium development in the downtown area, limited hotel and condominium use in the downtown would stimulate and enhance commerce and commercial growth in that area.

(b) The block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue presents not only a central, convenient location for hotel and/or residential use, but also is the site of a large, unique, presently vacant building ideally suited for a mixed hotel/retail use.

(c) Hotel and/or residential use on the referenced block, given its proximity to the core retail uses in the downtown, would be especially beneficial to the vigor of city's economy.

(d) Hotel use on the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue is consistent with historic use of this property in that from 1887 to 1918 a three-story, 114 room hotel, known first as the El Carmelo Hotel and later as the Pacific Grove Hotel, was located on this site.

(e) City's draft general plan provides that hotel use and/or mixed commercial/residential uses are appropriate and to be encouraged in the downtown area.

SECTION 2. Chapter 23.33 hereby is added to the Pacific Grove Municipal Code, to read as follows:

**Chapter 23.33  
C-1-T DISTRICT**

**23.33.010 Statement of intent.** (a) It is the intent of the people of the city of Pacific Grove in enacting this chapter to establish a zone district in the city's downtown area where hotel use is permitted, as are all other uses listed in Chapter 23.32 (C-1 zone district) of this code. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for hotel development. Further, except as modified by this chapter, all provisions of the motel/hotel regulation ballot measure enacted by the people

at the June 3, 1986, special municipal election, as set out at Chapter 23.52 of this code, shall remain unchanged and in full force and effect.

(b) It is also the intent of the people of the city of Pacific Grove in enacting this chapter to provide for an exception to the strict regulations governing condominium development found at Chapter 23.45 of this code, said chapter enacted by the people at an election held in the city on November 2, 1982. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for condominium development in a manner less restrictive than defined by regulations set out in Chapter 23.45. Further, except as modified by this chapter, the provisions of Chapter 23.45 shall remain unchanged and in full force and effect.

**23.33.020 Uses permitted.** The following uses are permitted in the C-1-T district:

(a) Any use permitted in the C-1 districts (Chapter 23.32 of this code) as said district regulations may from time to time be amended by the council.

(b) Hotel use shall be allowed, subject to the following:

(i) Hotel uses shall be subject to first securing a use permit in each case.

(ii) Height limits and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) All other regulations and conditions of approval shall be as provided by use permit approved pursuant to this title. Said regulations and conditions shall include, without limitation, provisions for architectural review, land area per unit, neighborhood compatibility, landscaping, parking, traffic and accessory buildings.

(iv) Required parking, if any, may be located on or off site, the location to be designated by the use permit.

(c) Condominium use shall be allowed, subject to the following:

(i) Condominium use shall be subject to first securing a use permit in each case.

(ii) Height limit and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) The provisions of Chapter 23.45 of this code shall not apply to development of condominiums in the C-1-T District. The council shall, by ordinance, establish standards, conditions and other appropriate regulations to govern the development of condominiums in the C-1-T District. Until and unless such standards, conditions and other regulations are in place, no application for such development shall be accepted or processed. Such standards, conditions and regulations established by the council shall be in addition to and harmonious with state law governing condominium development.

**23.33.030 Maximum residential development.** In no event shall residential development in the C-1-T zone district exceed 25 dwellings units. This limitation shall not be subject to variance.

**23.33.040 Boundaries of district.** The C-1-T district shall be that area defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue.

**23.33.050 Amendment.** No provision of this chapter shall be repealed or amended except by a vote of the people.

SECTION 3. If approved by a majority of the voters voting on this ordinance, this ordinance shall be considered adopted upon the date that the vote is declared by the council and shall go into effect ten days following that date.

**APPROVED** by the following vote of the people on June 7, 1994:

YES .....

NO .....

TOTAL VOTES CAST .....

**ADOPTED** by declaration of the vote by the City Council of the City of Pacific Grove on \_\_\_\_\_, 1994.

EFFECTIVE DATE: \_\_\_\_\_, 1994.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY"

The ballot format for the measure shall be substantially as follows:

**CITY MEASURE ( )**

Shall the Pacific Grove Municipal Code be amended to establish a new zone district ("C-1-T") where condominiums (subject to a limitation that no more than 25 residential dwelling units shall be developed in the district), hotels and commercial uses shall be allowed, the area of said district defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue?

YES \_\_\_\_\_  
NO \_\_\_\_\_

SECTION C. The city clerk is directed to publish the measure pursuant to Elections Code 22835, Government Code Section 6066 and as may be otherwise required by law.

SECTION D. Submission of measures to vote of city's electorate is not a project under the terms of the California Environmental Quality Act. (14 Cal. Admin. Code, Section 15378)

**PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE**  
this 23rd day of February, 1994, by the following vote:

AYES: Byrne, Davis, Roberts, Rogge, Schaefer, Yadon  
NOES: None  
ABSENT: Zito

APPROVED:

**CLERK'S CERTIFICATION**

I, WILLIAM S. PITT, City Clerk of the City of Pacific Grove, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 6393 passed and adopted by the Council of the City of Pacific Grove on February 23, 1994.

WILLIAM S. PITT  
Clerk of the City of Pacific Grove

By: Carol J. Sims  
Carol J. Sims, Deputy

Dated: February 25, 1994

**RESOLUTION NO. 6393**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
PACIFIC GROVE CALLING FOR A SPECIAL MUNICIPAL  
ELECTION TO BE HELD IN THE CITY OF PACIFIC  
GROVE ON THE SEVENTH DAY OF JUNE 1994, FOR A  
BALLOT MEASURE SUBMITTED TO THE ELECTORATE  
OF THE CITY**

**WHEREAS**, pursuant to the Charter of the City of Pacific Grove and the General Laws of the State of California, this council may call special elections;

**NOW, THEREFORE**, THE COUNCIL OF THE CITY OF PACIFIC GROVE DOES RESOLVE AS FOLLOWS:

SECTION 1. In accordance with Article 8 of the Charter of the City of Pacific Grove, a Special Municipal Election of the City of Pacific Grove shall be held in the City on Tuesday, June 7, 1994, from the hours of 7:00 o'clock A.M. until 8:00 o'clock P.M., at which latter hour the polls shall be closed.

SECTION 2. Qualified electors at said election shall be entitled to vote for a ballot measure to be described by this council by separate resolution.

SECTION 3. Concurrently herewith the City Council is requesting the Board of Supervisors of the County of Monterey to provide for consolidation of the Special Municipal Election, called by Section 1 hereof, with the Gubernatorial Primary Election scheduled for Tuesday, June 7, 1994, insofar as the City of Pacific Grove is concerned, and to provide that within the City of Pacific Grove the election precincts, polling places and voting booths shall in every case be the same and there shall be only one set of election officers in each of said precincts, and to further provide that there shall be set forth in the form of a ballot to be used at said election, insofar as the same is held within the City of Pacific Grove, the measure referenced in Section 2 hereof. The Board of Supervisors of Monterey County further is requested to order the County Registrar of Voters (a) to set forth on all sample ballots, to be mailed to qualified electors of the City, appropriate places to answer "Yes" or "No" to the measure and to mail with said sample ballots to said electors printed copies of ballot statements, arguments and analysis, and the text of the measure proposed by the question, and (b) to provide absent voter ballots for said consolidated election for use by qualified electors of the City who are entitled thereto, in the manner provided by law.

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SECTION 4. The Board of Supervisors of Monterey County hereby is further authorized to canvass, or cause to be canvassed, as provided by law, the returns of this Special Municipal Election with respect to votes cast on the measure and to certify such canvass of said votes. The canvass is to be completed as soon as practicable following the election.

SECTION 5. The City Clerk hereby is authorized and directed to certify to the due adoption of this resolution and to transmit a copy hereof, so certified, to the Board of Supervisors of Monterey County, and to file a copy hereof, so certified, with the County Clerk and the County Registrar of Voters.

SECTION 6. The City Clerk and County Registrar of Voters are authorized to print such forms, publish such notices and provide such information as may be necessary or convenient to assure the orderly holding of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner harmonious and consistent with law.

SECTION 7. The Registrar of Voters is authorized to bill the City, on a prorated basis, for costs associated with the Special Municipal Election hereby called.

SECTION 8. The City Attorney is directed to submit an impartial analysis of the proposed measure pursuant to Elections Code Section 5011.

SECTION 9. The last day for submitting arguments for or against the proposed measure shall be March 25, 1994. The last day for filing rebuttal arguments shall be April 4, 1994.

SECTION 10. Upon receipt, the City Clerk shall submit to the County Clerk all materials submitted pursuant to Elections Code Sections 5011, 5012, 5013, and 5014.5.

SECTION 11. This Council shall meet on the first available regular council meeting date following the election hereby called to declare the results of the election.

SECTION 12. The city clerk is directed to provide for all publications required by law.

SECTION 13. Submission of a measure to vote of City's electorate is not a project under the terms of the California Environmental Quality Act. (14 Cal. Admin. Code, Section 15378)

**PASSED AND ADOPTED** BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 23rd day of February, 1994, by the following vote:

AYES: Byrne, Davis, Roberts, Rogge, Schaefer, Yadon

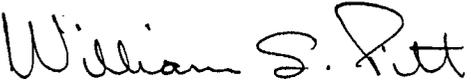
NOES: None

ABSENT: Zito

APPROVED:

  
JEANNE C. BYRNE, Mayor

ATTEST:

  
WILLIAM S. PITT, City Clerk

APPROVED AS TO FORM:

  
GEORGE C. THACHER, City Attorney

CITY COUNCIL  
JEANNE C. BYRNE, AIA  
MAYOR  
FLORENCE "FLO" SCHAEFER  
ROBERT (BOB) DAVIS  
ELEANOR C. ROGGE  
VERN YADON  
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GARY W. BALES  
CITY MANAGER  
WILLIAM S. PITT  
ADMIN. SERVICES DIRECTOR  
CITY CLERK AND TREASURER  
GEORGE C. THACHER  
CITY ATTORNEY

## CITY OF PACIFIC GROVE

300 FOREST AVENUE  
PACIFIC GROVE, CALIFORNIA 93950  
TELEPHONE (408) 648-3100  
FAX (408) 375-9863

March 2, 1994

Monterey County Election Department  
P. O. Box 1848  
Salinas, CA 93902

Attention: Junel

Gentlemen:

Enclosed is a copy of Ordinance of the People of the City of Pacific Grove Adding Chapter 23.33 (C-1-T District) to the Pacific Grove Municipal Code to Establish a New Zone District Wherein Hotel Use and/or Condominium Use Pursuant to Regulations Specific to Said New District, and C-1 Zone District Commercial Uses are Allowed, Said New Zone District to be Defined by the Block Bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue, pursuant to your request during our telephone conversation today.

Sincerely,

Carol J. Sims  
Deputy City Clerk

Enc. Ordinance

**ORDINANCE NO. \_\_\_\_\_ N.S.**

**ORDINANCE OF THE PEOPLE OF THE CITY OF PACIFIC GROVE ADDING CHAPTER 23.33 (C-1-T DISTRICT) TO THE PACIFIC GROVE MUNICIPAL CODE TO ESTABLISH A NEW ZONE DISTRICT WHEREIN HOTEL USE AND/OR CONDOMINIUM USE PURSUANT TO REGULATIONS SPECIFIC TO SAID NEW DISTRICT, AND C-1 ZONE DISTRICT COMMERCIAL USES ARE ALLOWED, SAID NEW ZONE DISTRICT TO BE DEFINED BY THE BLOCK BOUNDED BY LIGHTHOUSE AVENUE, GRAND AVENUE, CENTRAL AVENUE AND FOUNTAIN AVENUE**

**THE PEOPLE OF THE CITY OF PACIFIC GROVE DO ORDAIN AS FOLLOWS:**

**SECTION 1. The People of the City of Pacific Grove find as follows:**

(a) Although current regulations prohibit hotels and severely limit condominium development in the downtown area, limited hotel and condominium use in the downtown would stimulate and enhance commerce and commercial growth in that area.

(b) The block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue presents not only a central, convenient location for hotel and/or residential use, but also is the site of a large, unique, presently vacant building ideally suited for a mixed hotel/retail use.

(c) Hotel and/or residential use on the referenced block, given its proximity to the core retail uses in the downtown, would be especially beneficial to the vigor of city's economy.

(d) Hotel use on the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue is consistent with historic use of this property in that from 1887 to 1918 a three-story, 114 room hotel, known first as the El Carmelo Hotel and later as the Pacific Grove Hotel, was located on this site.

(e) City's draft general plan provides that hotel use and/or mixed commercial/residential uses are appropriate and to be encouraged in the downtown area.

**SECTION 2. Chapter 23.33 hereby is added to the Pacific Grove Municipal Code, to read as follows:**

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**Chapter 23.33**  
**C-1-T DISTRICT**

**23.33.010 Statement of intent.** (a) It is the intent of the people of the city of Pacific Grove in enacting this chapter to establish a zone district in the city's downtown area where hotel use is permitted, as are all other uses listed in Chapter 23.32 (C-1 zone district) of this code. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for hotel development. Further, except as modified by this chapter, all provisions of the motel/hotel regulation ballot measure enacted by the people at the June 3, 1986, special municipal election, as set out at Chapter 23.52 of this code, shall remain unchanged and in full force and effect.

(b) It is also the intent of the people of the city of Pacific Grove in enacting this chapter to provide for an exception to the strict regulations governing condominium development found at Chapter 23.45 of this code, said chapter enacted by the people at an election held in the city on November 2, 1982. The people have determined that the area of the downtown defined by Section 23.33.040 of this chapter is appropriate for condominium development in a manner less restrictive than defined by regulations set out in Chapter 23.45. Further, except as modified by this chapter, the provisions of Chapter 23.45 shall remain unchanged and in full force and effect.

**23.33.020 Uses permitted.** The following uses are permitted in the C-1-T district:

(a) Any use permitted in the C-1 districts (Chapter 23.32 of this code) as said district regulations may from time to time be amended by the council.

(b) Hotel use shall be allowed, subject to the following:

(i) Hotel uses shall be subject to first securing a use permit in each case.

(ii) Height limits and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) All other regulations and conditions of approval shall be as provided by use permit approved pursuant to this title. Said regulations and conditions shall include, without limitation, provisions for architectural review, land area per unit, neighborhood compatibility, landscaping, parking, traffic and accessory buildings.

(iv) Required parking, if any, may be located on or off site, the location to be designated by the use permit.

(c) Condominium use shall be allowed, subject to the following:

(i) Condominium use shall be subject to first securing a use permit in each case.

(ii) Height limit and yard requirements shall be as set out in Sections 23.32.030 and 23.32.050 of this code.

(iii) The provisions of Chapter 23.45 of this code shall not apply to development of condominiums in the C-1-T District. The council shall, by ordinance, establish standards, conditions and other appropriate regulations to govern the development of condominiums in the C-1-T District. Until and unless such standards,

conditions and other regulations are in place, no application for such development shall be accepted or processed. Such standards, conditions and regulations established by the council shall be in addition to and harmonious with state law governing condominium development.

**23.33.030 Maximum residential development.** In no event shall residential development in the C-1-T zone district exceed 25 dwellings units. This limitation shall not be subject to variance.

**23.33.040 Boundaries of district.** The C-1-T district shall be that area defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue.

**23.33.050 Amendment.** No provision of this chapter shall be repealed or amended except by a vote of the people.

**SECTION 3.** If approved by a majority of the voters voting on this ordinance, this ordinance shall be considered adopted upon the date that the vote is declared by the council and shall go into effect ten days following that date.

**APPROVED** by the following vote of the people on June 7, 1994:

YES ..... \_\_\_\_\_  
NO ..... \_\_\_\_\_  
TOTAL VOTES CAST ..... \_\_\_\_\_

**ADOPTED** by declaration of the vote by the City Council of the City of Pacific Grove on \_\_\_\_\_, 1994.

**EFFECTIVE DATE:** \_\_\_\_\_, 1994

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

## CITY ATTORNEY'S ANALYSIS OF MEASURE E

Measure E is submitted by the City Council to the voters of the City of Pacific Grove for adoption or rejection. A "YES" vote will be to adopt Measure E, and a "NO" vote will be to reject Measure E. Measure E will, if adopted, result in amendments to City's zoning regulations, as described below.

At present the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue (hereinafter called "the block") is located in the C-1 zone district. C-1 zone district regulations allow a variety of commercial and residential uses. However, hotel use is currently prohibited in the C-1 district. Further, condominium development in the C-1 district is restricted by regulations that, among other provisions, require a minimum of 4,000 square feet of land area per condominium unit.

Measure E will, if adopted, establish a new zone district, known as C-1-T, and will designate the block as the only area in C-1-T. The new district's regulations will allow hotel development on the block, subject to conditions to be set by the discretionary use permit process. The new regulations, if adopted, will also allow the City Council to adopt condominium development standards specific to the C-1-T zone district. However, the measure itself, if adopted, will provide that no more than 25 residential dwelling units (condominiums or any other form of residential dwelling unit) shall be allowed in the C-1-T zone district. All other C-1 zone district uses will also continue to be allowed in the new C-1-T zone district.

This measure is being submitted to the voters of the city because only the voters may amend regulations previously adopted by the voters. This measure affects matters (hotel restrictions and condominium development standards) previously acted on by the voters at elections held in 1986 and 1982.

To be adopted Measure E must be approved by a simple majority of the voters voting at the election.



---

George C. Thacher, City Attorney

CITY COUNCIL

JEANNE C. BYRNE, AIA  
MAYOR

FLORENCE "FLO" SCHAEFER  
ROBERT (BOB) DAVIS  
ELEANOR C. ROGGE  
VERN YADON  
TERRENCE B. ZITO  
BRUCE D. ROBERTS



CITY OF PACIFIC GROVE

300 FOREST AVENUE  
PACIFIC GROVE, CALIFORNIA 93950  
TELEPHONE (408) 648-3100  
FAX (408) 375-9863

GARY W. BALES  
CITY MANAGER  
WILLIAM S. PITT  
ADMIN. SERVICES DIRECTOR  
CITY CLERK AND TREASURER  
GEORGE C. THACHER  
CITY ATTORNEY

March 18, 1994

Mrs. Junel Davidson  
Monterey County Election Dept.  
P. O. Box 1848  
Salinas, CA 93902

Dear Mrs. Davidson:

Enclosed is the City Attorney's Analysis of Measure E on the  
June 7, 1994, gubernatorial primary ballot.

Please include this analysis with the ballot materials for the  
June 7 ballot.

Sincerely,

Carol J. Sims  
Deputy City Clerk

Enc. City Attorney's Analysis of Measure E

*City of Pacific Grove*

MONTEREY COUNTY

BALLOT QUESTION

CITY MEASURE

JUNE 7, 1994 PRIMARY ELECTION

**CITY MEASURE ( )**

Shall the Pacific Grove Municipal Code be amended to establish a new zone district ("C-1-T") where condominiums (subject to a limitation that no more than 25 residential dwelling units shall be developed in the district), hotels and commercial uses shall be allowed, the area of said district defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue?

YES \_\_\_\_\_

NO \_\_\_\_\_

E

# Memorandum

**To:** City Clerks/Managers  
School Districts/Special Districts

**CC:** Election File

**From:** JUNEL DAVIDSEN, MONTEREY CO OFFICE OF  
ELECTIONS

**Date:** June 16, 1994

**Subject:** June 7, 1994 Primary Election

---

Enclosed please find "Official Statement of Votes" together with Certification and Summary Report for contests consolidated by your jurisdiction with the June 7, 1994 Primary Election in Monterey County.

Should you require further information, please let me know.

Thank-you for this opportunity to serve you.

# MONTEREY COUNTY

Agenda No.



## ELECTION DEPARTMENT

P.O. BOX 1848, 93902 - 1370 B SOUTH MAIN STREET, SALINAS, CALIFORNIA 93901

755-5085 SALINAS  
647-7621 MONTEREY  
385-8321 KING CITY  
755-5485 FAX

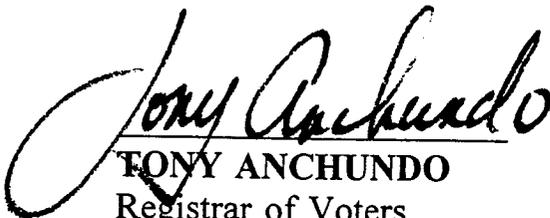
TONY ANCHUNDO

REGISTRAR OF VOTERS

### STATEMENT OF VOTES CAST

I, Tony Anchundo, Registrar of Voters for the County of Monterey, State of California, do hereby certify that the attached Statement of Votes Cast is an official copy of such statement and accurately reflects the total number of votes cast within each precinct for each candidate and For and Against each measure voted upon at the Direct Primary Election held on Tuesday June 7, 1994 throughout Monterey County.

In witness whereof I hereby set my hand and affix my official seal this 16th day of June 1994.



TONY ANCHUNDO  
Registrar of Voters  
County of Monterey

(Seal)





\*CONSOLIDATED GUBERNATORIAL PRIMARY ELECTION\*  
\* HELD WITHIN MONTEREY COUNTY ON 06/07/94 \*  
S U M M A R Y R E P O R T

|  |     |   |      |
|--|-----|---|------|
| <b>COUNTY MEASURE C</b> (#/PCT 166)<br>(#/RPT 166)<br>(No. to vote for 1) (%/RP 100.0) |     | <b>AROMAS-SAN JUAN MEAS A</b> (#/PCT 1)<br>(#/RPT 1)<br>(No. to vote for 1) (%/RP 100.0)    |      |
| MOTOR VEHICLE  | YES | 37051   | 75.3 |
| REVENUE FOR TRANSIT  | NO  | 12134   | 24.6 |
| <b>SCHOOL BONDS</b> YES 451 72.3<br><b>INDEBTEDNESS</b> NO 172 27.6                    |     | <b>COALINGA-HURON MEASURE B</b> (#/PCT 999)<br>(#/RPT 0)<br>(No. to vote for 1) (%/RP 0.0)  |      |
| <b>SCHOOL BONDS</b> YES 8 44.4<br><b>INDEBTEDNESS</b> NO 10 55.5                       |     | <b>CITY OF MARINA MEASURE D</b> (#/PCT 6)<br>(#/RPT 6)<br>(No. to vote for 1) (%/RP 100.0)  |      |
| <b>SHALL USER TAX</b> YES 1249 54.5<br><b>BE IMPOSED?</b> NO 1039 45.4                 |     | <b>PACIFIC GROVE MEASURE E</b> (#/PCT 10)<br>(#/RPT 10)<br>(No. to vote for 1) (%/RP 100.0) |      |
| <b>ESTABLISH NEW</b> YES 3668 81.4<br><b>ZONE DISTRICT</b> NO 834 18.5                 |     | <b>GREENFIELD FIRE MEAS F</b> (#/PCT 3)<br>(#/RPT 3)<br>(No. to vote for 1) (%/RP 100.0)    |      |
| <b>ESTABLISH FIRE</b> YES 458 57.6<br><b>SUPPRESSION DISTRICT</b> NO 336 42.3          |     | <b>GREENFIELD FIRE MEAS G</b> (#/PCT 3)<br>(#/RPT 3)<br>(No. to vote for 1) (%/RP 100.0)    |      |
| <b>CHANGE IN</b> YES 445 57.0<br><b>APPROPRIATIONS LIMIT</b> NO 335 42.9               |     |   |      |



U.S. Department of Justice

Civil Rights Division

Agenda No. 11A, Attachment 6  
Page 44 of 44

DLP:CMK:ACJ:tlb  
DJ 166-012-3  
94-2590

*Voting Section  
P.O. Box 66128  
Washington, D.C. 20035-6128*

June 27, 1994

Mr. Tony Anchundo  
Registrar of Voters  
P. O. Box 1848  
Salinas, California 93902

Dear Mr. Anchundo:

This refers to the procedures for conducting the June 7, 1994, special election for the City of Pacific Grove in Monterey County, California, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. We received your submission on April 28, 1994; supplemental information was received on June 16, 1994.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

Sincerely,

Deval L. Patrick  
Assistant Attorney General  
Civil Rights Division

By: *Steven H. Rosenbaum*

*SR* Steven H. Rosenbaum  
Chief, Voting Section

(g) Architectural approval shall be required as prescribed in Chapter 23.73 PGMC.

(h) Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 7, 2012; Ord. 853 N.S. § 1, 1975].

## Chapter 23.32

### C-1 DISTRICTS

#### Sections:

- 23.32.010 Generally.
- 23.32.020 Uses permitted.
- 23.32.030 Building height and site coverage.
- 23.32.040 Building site area required.
- 23.32.050 Yards required.
- 23.32.060 Use permit.

#### **23.32.010 Generally.**

The regulations found in this chapter shall apply in all C-1 districts and shall be subject to the provisions of Chapter 23.64 PGMC. [Ord. 210 N.S. § 11-134(1), 1952].

#### **23.32.020 Uses permitted.**

The following uses are permitted in the C-1 district:

(a) Any use permitted in any R district; provided, that any building in which such a use is located conforms to all the conditions and restrictions on such a use, such as setbacks, yard areas and site area requirements pertaining to such a use in the R district where it is permitted, except that where there is a mixed usage and over 50 percent of the street-level frontage is devoted to a C-1 type of usage, the C-1 conditions and restrictions only shall apply.

(b) Abstract and title companies, antique stores, art supplies, art galleries, bicycle shops, bookstores, bakeries – retail, barbershops, beauty parlors, blueprint, photocopy or addressograph services, contractors (general building, general engineering, specialty or subcontractors as defined in the Business and Professions Code of the state of California), candle shops, candy stores, collection agencies, drapery stores, dressmaking stores, dress shops and clothing stores, drugstores, florists, furniture stores, furriers, gift shops, gunsmiths, hardware stores, hobby shops, ice cream stores, jewelers, locksmiths, music stores, mail order catalogue stores, offices, newsstands, paint stores, photographic or camera shops or studios, picture framing shops, radio or television stores, shade shops, shoe stores, shoeshine parlors, stationery stores, sporting goods stores, stamp and coin stores, stamp redemption stores, tobacco shops,

travel agencies, typewriter repairs, telephone exchange or answering services, toy stores, tailor shops, variety stores, yarn shops; provided, that no merchandise, tools, machinery, equipment, or materials shall be stored or displayed outside of a building.

(c) The following, subject to first securing a use permit:

(1) Appliance repairs, ambulance services, auctioneers, automobile agencies, amusement arcades, automobile repair shops, banks, billiard parlors, bowling alleys, boat sales, bath or massage parlors, business, professional, or trade colleges, businesses from which minors are excluded by law or by the owner, bus depots, creative arts, cleaners, catering services, ceramic studios, chemists, dancing studios or academies, department stores, diaper services, employment agencies, exterminators, electronics assembly manufacture, furniture refinishing, gymnasium and health studios, garden shops, golf ranges, grocery stores, hatcheries, lapidary or gemstone stores, laundries or laundromats, laboratories, linen supply services, mortuaries, mobile home sales, motorcycle sales, miniature golf courses, parking lots, print shops, produce markets, plumbing shops, parcel delivery services, parking garages, pet grooming, recycling facilities, rental of appliances, tools or machinery, refrigeration equipment, repair services, radio or television stations, restaurants, savings and loan associations, service stations, sign painting or manufacturers, taxi service, theaters, tile shops, used car lots, veterinarians, other commercial uses that are determined to be of the same general character as the above permitted uses, pursuant to the procedures in Chapter 23.82 PGMC (Interpretations of Permitted Use Lists); provided, that no merchandise, tools, machinery, equipment, or materials shall be stored or displayed outside of a building; and it is further provided, that coin-operated vending or amusement machines displayed outside of a building shall require a separate use permit.

(2) Temporary use permits, good for not over 30 days, may be granted for temporary outdoor sales events of new merchandise by merchants holding use permits or otherwise qualified to operate in a C-1 district; provided, that such outdoor sales are operated in conjunction with their established retail operations, and for Christmas tree

sales, or other sales on private property, connected with festivals or holidays.

(3) Applications for permit shall be made to the community development department on prescribed forms, and shall be granted if they qualify under the above criteria. Fees for processing all such permits shall be as established by the council, and shall accompany each application. All forms of outdoor sales displays, except as specifically permitted herein, are prohibited.

(4) Other uses may be added to the list in this section under procedures set forth in Chapter 23.82 PGMC (Interpretations of Permitted Use Lists).

(d) Notwithstanding the provisions of subsection (c) of this section, no use permits shall be granted for service stations in the area bounded by Grove Street and Central Avenue on the north, 12th Street on the east, Pine Avenue on the south, and Granite and Pacific Streets on the west.

(e) Notwithstanding the foregoing provisions, the gardening of vacant lots may be permitted in the C-1 district under a use permit reviewable every six months and subject to such conditions as the use permit may prescribe. The application shall be accompanied by a written agreement by the owner to grant the city a lien for any cost incurred by the city in restoring such property to its condition prior to such use, in the event the owner fails to make such restoration after such use ceases. [Ord. 11-001 § 3, 2011; Ord. 09-005 § 34, 2009; Ord. 1765 N.S. § 17, 1991; Ord. 1613 N.S. § 1, 1987; Ord. 1418 N.S. § 4, 1984; Ord. 1110 N.S. § 1, 1979; Ord. 1065 N.S. § 6, 1979; Ord. 948 N.S. § 1, 1977; Ord. 855 N.S. § 1, 1975; Ord. 822 N.S., 1975; Ord. 602 N.S. § 1, 1968; Ord. 532 N.S., 1966; Ord. 453 N.S., 1964; Ord. 210 N.S. § 11-134(1)(a), 1952].

**23.32.030 Building height and site coverage.**

The maximum height of any building shall be 40 feet, with a maximum site coverage of 75 percent, or 30 feet with a maximum site coverage of 90 percent. [Ord. 12-003 § 8, 2012; Ord. 1141 N.S. § 4, 1979; Ord. 210 N.S. § 11-134(1)(b), 1952].

**23.32.040 Building site area required.**

For each main building a minimum 2,000 square feet shall be required. [Ord. 210 N.S. § 11-134(1)(c), 1952].

**23.32.050 Yards required.**

(a) Front Yard. None required, except where the frontage in a block is partially in an R district, in which case the front yard shall be the same as required in such R district.

(b) Side Yard. None required except where the side of a lot abuts upon the side of a lot in an R district, in which case the side yard shall be not less than five feet.

(c) Rear Yard. None required except where the rear of a lot abuts on an R district in which case the rear yard shall be not less than five feet. [Ord. 210 N.S. § 11-134(1)(d), 1952].

**23.32.060 Use permit.**

A use permit shall be first secured for any new or enlarged commercial use which shall result in either the use of more than one structure on a building site or a total of more than 3,000 square feet of interior floor space. [Ord. 795 N.S., 1974].

**Chapter 23.33****C-1-T DISTRICT**

## Sections:

- 23.33.010 Statement of intent.
- 23.33.020 Uses permitted.
- 23.33.030 Maximum residential development.
- 23.33.040 Boundaries of district.
- 23.33.050 Amendment.

**23.33.010 Statement of intent.**

(a) It is the intent of the people of the city of Pacific Grove in enacting the ordinance codified in this chapter to establish a zone district in the city's downtown area where hotel use is permitted, as are all other uses listed in Chapter 23.32 PGMC (C-1 district). The people have determined that the area of downtown defined by PGMC 23.33.040 is appropriate for hotel development. Further, except as modified by this chapter, all provisions of the motel/hotel regulation ballot measure enacted by the people at the June 3, 1986, special municipal election, as set out at Chapter 23.52 PGMC, shall remain unchanged and in full force and effect.

(b) It is also the intent of the people of the city of Pacific Grove in enacting the ordinance codified in this chapter to provide for an exception to the strict regulations governing condominium development found at Chapter 23.45 PGMC, said chapter enacted by the people at an election held in the city on November 2, 1982. The people have determined that the area of the downtown defined by PGMC 23.33.040 is appropriate for condominium development in a manner less restrictive than defined by regulations set out in Chapter 23.45 PGMC. Further, except as modified by this chapter, the provisions of Chapter 23.45 PGMC shall remain unchanged and in full force and effect. [Ord. 1951 N.S. § 2, 1994].

**23.33.020 Uses permitted.**

The following uses are permitted in the C-1-T district:

(a) Any use permitted in the C-1 districts (Chapter 23.32 PGMC) as said district regulations may be from time to time amended by the council.

(b) Hotel use shall be allowed, subject to the following:

(c) The height of any structure shall not exceed 25 feet.

(d) Two covered automobile parking spaces shall be provided for the exclusive use of each dwelling unit. [Ord. 1315 N.S. § 1, 1982].

**23.45.020 Timeshare projects prohibited.**

Timeshare projects shall not be permitted in the city of Pacific Grove. [Ord. 1315 N.S. § 1, 1982].

**23.45.030 Intention of chapter.**

It is the intention of this chapter to avoid special privileges for condominiums and planned unit developments and to have such forms of development conform to the zoning standards and subdivision standards applicable to single-family residential district development. It is also the intention of this chapter in prohibiting timeshares to avoid the conversion and loss of the city’s residential stock and character. [Ord. 1315 N.S. § 1, 1982].

**23.45.040 Building permit issuance restricted.**

No building permit shall be issued that is not consistent with the provisions of this enactment. [Ord. 1315 N.S. § 1, 1982].

**23.45.050 Severability.**

The provisions of this enactment are independent and separable and if any one provision is held to be invalid the people declare their intention that they would have enacted each provision separately. [Ord. 1315 N.S. § 1, 1982].

**Chapter 23.52**

**R-3-M DISTRICTS**

Sections:

- 23.52.010 Regulations generally.
- 23.52.020 Uses permitted.
- 23.52.030 Regulations for R-3-M uses.
- 23.52.035 Special regulations for motels and hotels built prior to 1986.
- 23.52.040 Statement of intent.
- 23.52.050 Other provisions.
- 23.52.060 Amendment.

**23.52.010 Regulations generally.**

Effective the date of the adoption of the ordinance codified in this section by the city council or by the voters of the city of Pacific Grove, the regulations of the ordinance codified in this section shall apply in the R-3-M district in lieu of any ordinance or resolution to the contrary:

(a) The R-3-M district is defined as those areas so designated on the official zoning map of the city of Pacific Grove referred to in PGMC 23.12.020. Said districts may be classified by the city council to R-1, R-H, or R-2, where already developed as such, but no new R-3-M districts shall be created.

(b) Motel and hotel uses shall be restricted to the R-3-M district, including any uses accessory or ancillary to a motel. The ordinance codified in this section shall also apply to any use described in PGMC 23.52.020 proposed for the construction or expansion in any R-3-M district, including uses accessory or ancillary to such use. [Ord. 1536 N.S. § 2, 1986].

**23.52.020 Uses permitted.**

The following uses are permitted in the R-3-M districts:

- (a) Any use permitted in the R-3 district, subject to obtaining a use permit for any use for which such is required in an R-3 district;
- (b) Motels, subject to first securing a use permit in each case;
- (c) Hotels, subject to first securing a use permit in each case;
- (d) Adult communities, retirement homes and rest homes, subject to first securing a use permit in each case. [Ord. 575 N.S., 1967; Ord. 453 N.S.,