

RESOLUTION NO. 14-066

USE PERMIT AMENDMENT (UPA) NO. 14-540, WHICH AMENDS USE PERMIT UPA 11-1207 TO ALLOW THE EXISTING RESTAURANT TO INCLUDE SALES OF ALCOHOL NOT SOLELY LIMITED TO BEER AND WINE FOR THE GOLF LINKS CLUBHOUSE AND POINT PINOS GRILL

FACTS

1. The subject site is located on Asilomar Blvd, Pacific Grove, 93950 APN 006-101-002
2. The subject site has a designation of O Open Space on the adopted City of Pacific Grove General Plan Land Use Map.
3. The project site is located in the O Open Space zoning district.
4. The subject site is 1.6 acres.
5. The subject site is developed with a golf course and clubhouse, including a restaurant with alcohol sales in the form of beer and wine and subject to use permit UPA 11-1207;
6. This project has been determined to be CEQA Exempt under CEQA Guidelines Class 1 15301.

FINDINGS

- 1. The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of the zoning code regulations, because:**
 - a. Pursuant to PGM §23.42.020, the City's Zoning Code establishes the subject site's applicable Open Space zoning district for the purposes of providing a "*special zone for those areas which are set aside for scenic vistas, forest preserves, public recreational, waterfront, or beach areas, public parks, or similar open space,*" with allowed uses identified as "*recreation areas, wildlife preserves, forest preserves, and waterfront areas, parks, playgrounds, public or civic buildings, structures and parking facilities, pertinent and compatible with open land usages.*" The Golf Links is considered a recreation area open space land use and the proposed amendment to the operation of the Golf Links Clubhouse and Grill, which is a public or civic building, are considered pertinent and compatible with the Golf Links open space land use because the proposed amendment does not change the fundamental use of the site.
- 2. The proposed use is consistent with the general plan, the local coastal program, and any applicable specific plan, because:**
 - a. Pursuant to Chapter 2, Land Use, the City's General Plan establishes the subject site's applicable Open Space land use designation for "*recreation areas, wildlife and forest preserves, and waterfront areas. Parks, playgrounds, public or civic buildings, structures, and parking facilities, to the degree they are pertinent to and compatible with open land uses, are allowed with a use permit.*" The Golf Links is considered a recreation area open space land use and the proposed amendment to the operation of the Golf Links Clubhouse and Grill, which is a public or civic building, is considered pertinent and compatible with the open space land use as a Golf Links because the proposed modification to the existing restaurant, which includes serving a full range of alcoholic beverages, can co-exist without conflict or detrimental effects.
 - b. There is no specific plan applicable to the project site.

- c. The project site is not located within the Coastal Zone; therefore, the Local Coastal Program does not apply to the project site.

3. The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, because:

- a. No substantial evidence has been submitted that the proposed amendment to the operation of the use would be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.
- b. Potential impacts to persons residing or working in the neighborhood of the proposed use were analyzed by the Police Department and found to be not significant.

4. The proposed amendment to use will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city, because:

- a. No substantial evidence has been submitted that the proposed amendment to the operation of the use as described and conditionally approved, will be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
- b. Potential impacts to persons residing or working in the neighborhood of the proposed use were analyzed by the Police Department and found to be not significant.

5. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity, because:

- a. The proposed amendment, which includes allowing a full range of alcohol sales in conjunction with a restaurant use, is considered a compatible use, as it expands historical and existing uses.
- b. No substantial evidence has been provided that the proposed amended use will have a significant effect on the environment, including effects to land use and land use plans, pursuant to CEQA Guidelines 15074(b).

6. CEQA Review. The recommended action constitutes a “Project” under the California Environmental Quality Act (CEQA) Guidelines, Section 15378. This project qualifies for a Class 1 Categorical Exemption, per section 15301 of the CEQA Guidelines as action relates to permitting, leasing, and licensing of an existing facility that involves no or negligible expansion of use than that which presently exists.

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

- 1. The foregoing Findings are adopted as findings of the City Council as though set forth fully herein.
- 2. Use Permit Amendment No. 15-540, which amends Use Permit 11-1207, is approved. Service of alcoholic beverages is permitted, subject to the conditions of an approved

ABC license.” All other conditions in Use Permit Amendment UPA 11-1207 remain in effect.

3. This Resolution shall become effective immediately following passage and adoption thereof.
4. This Resolution shall be deemed the record of action required by CEQA Guidelines.
5. The City Manager shall cause a Notice of Exemption to be filed in accord with CEQA Guidelines.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 5th day of November 2014, by the following vote:

AYES: Mayor Kampe, Councilmembers Cohen, Cuneo, Fischer, Huitt, Lucius

NOES: Councilmember Miller

ABSENT: None

APPROVED:

BILL KAMPE, Mayor

ATTEST:

ANN CAMEL, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney