

RESOLUTION NO. 16-012

USE PERMIT AMENDMENT NO. UPA 15-444 TO ALLOW THE ADDITION OF ONE UNIT AND THE RELOCATION OF A PREVIOUSLY APPROVED UNIT TO AN EXISTING TWO-STORY SIX UNIT MOTEL BUILDING FOR A TOTAL OF 40 UNITS AT AN EXISTING MOTEL AND TO REMOVE THE POOL AND INSTALL NEW LANDSCAPING AT THE SEABREEZE LODGE, LOCATED AT 1101 LIGHTHOUSE AVENUE, PURSUANT TO PGMC §23.52

FACTS

1. The subject site is located at 1101 Lighthouse Avenue, Pacific Grove, 93950 APN 006-371-001
2. The subject site has a designation of VA/MDR 17.4 DU/AC on the adopted City of Pacific Grove General Plan Land Use Map.
3. The project site is located in the R-3-M zoning district.
4. The subject site is approximately 1.28 gross acres.
5. The subject site is developed with a single-story motel, a recently constructed two story additional motel rooms and consisting of several buildings.
6. An Initial Study and Mitigated Negative Declaration were prepared and circulated for this project. The Mitigated Negative Declaration found environmental impacts can be reduced to a less than significant level with mitigation.
7. This property was subject to Use Permit (UP) 2703-01 approval on March 14, 2002 and a Use Permit Amendment and Tree Permit with Development (UPA) 13-048 approved March 6, 2014.
8. The property was found ineligible for the City's Historic Resources Inventory and the State and National Register by a November 25, 2013 Phase 1 Historic Report.

FINDINGS

1. The proposed use is allowed with a use permit amendment within the applicable zoning district and complies with all applicable provisions, except for site coverage, of the zoning code regulations, because the proposed development complies with all of the applicable provisions of the special regulations outlined in PGMC §23.52.035, including parking, setbacks, maximum building height, maximum unit size, and water availability; whereas these special regulations were approved by the voters through Measure U, which offers more opportunities for innkeepers to upgrade their motel properties, stimulating a possible increase in Transient Occupancy Tax (TOT) revenues, and preserving the original intent of Measure C to protect the residential character of the City and prevent motel impacts on surrounding neighborhoods.
2. The proposed use is consistent with the general plan, because the proposed development does not constitute a major change in land use and supports Land Use Policies 2, 3 and 15; and the subject property is not regulated by the local coastal program or any specific plans.
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 the subject property has historically been in use as a motel and the proposed development is expanding that existing use by adding 1 unit, which is allowed with a use permit amendment pursuant to PGMC §23.52.035 and there is no known record reflecting any detrimental impacts to persons in the neighborhood associated with the existing motel use.

4. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity, because the development is typical of the R-3-M zoning district and Visitor Accommodation land use and the development complies with all of the applicable provisions of the special regulations outlined in PGMC §23.52.035, and approved by the voters by Measure U, several of which are geared towards protection of neighboring lower intensity R-1, R-H and R-2 residential zoning districts.
5. In reviewing this action, the City has followed guidelines adopted by the State of California as published in California Administrative Code, Title 14, §15000, et seq. Should UP15-443 be approved, the action would be a Mitigated Negative Declaration.

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

The foregoing Findings are adopted as findings of the City Council as though set forth fully herein.

Use Permit Amendment (UPA) 15-444 is hereby approved, subject to the findings and conditions herein.

1. **Previous Permits Superseded.** The permit and conditions in UPA15-444 supersede all other previous permits.
2. **Permit Expiration.** This permit shall expire and be null and void if a building permit has not been applied for within one (1) year from and after the date of approval. Application for extension of this approval must be made prior to the expiration date. Applicant shall actively perform due diligence towards completion of this project.
3. **Construction Compliance.** All construction must occur in strict compliance with the proposal as set forth in the application, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff, and may require Planning Commission approval.
4. **Terms and Conditions.** These terms and conditions shall run with the land, and it is the intention of the CEDD Director and the Permittee to bind all future owners and possessors of the subject property to the terms and conditions, unless amended. Amendments to this permit may be achieved only if an application is made and approved, pursuant to the Zoning Code.
5. **Public Works, Fire and Building.** Review and approval by the Public Works, Fire and Building Departments are required prior to issuance of a building permit. Work taking place

in the public right-of-way shall require an encroachment permit prior to issuance of the building permit. Minimum driveway width of 16 ft. must be maintained to allow fire truck access.

6. **Conformance to Plans.** Development of the site shall conform to approved UPA15-444 plans entitled "Addition and Remodel for Seabreeze Lodge" dated 09/01/15, on file with the Community Development Department and to the Building Code.
7. **Curbs and Sidewalks.** Install curbs and sidewalks along Lighthouse and Jewell Avenues.
8. **Street Trees.** One tree shall be planted per 30 feet of frontage, with a minimum of two trees.
9. **Tree Replacement:** Removal of any Tree shall be in conformance with Municipal Code Section 12. Replacement trees shall be of a suitable species and planted in a suitable location, as agreed to by the city arborist and the property owner in conformance with the *Management Plan for Monterey Cypress and Monterey Pines* by Urban Forest Care dated February 18, 2013.
10. **Tree Protection Standards During Construction:** Pursuant to Municipal Code Chapters 12.20 and 12.30, and the *Urban Forestry Standards*, all trees that are otherwise protected and will be impacted as a result of Development, both proposed for pruning or removal and where the development will impact the critical root zone of the tree are protected. Prior to issuance of the building permit, the Project Arborist shall review grading, drainage, utility, building and landscape plans to determine impacts to individual Trees, to determine required minimum Tree protection standards during construction.
11. **Archeology.** If archaeological resources or human remains are discovered during construction, work shall be halted within 50 meters of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated, with the concurrence of the City of Pacific Grove staff, and implemented.
12. **Landscaping.** Planting and irrigation are to be provided as indicated on the approved plans. Landscaped areas shall be maintained and all dead plant material is to be removed and replaced.
13. **Water Efficiency Requirements.** All Monterey Peninsula Water Management District water efficiency requirements, including the installation of high efficiency toilets, shall be implemented to minimize the amount of water allocated from the City's commercial water reserve.
14. **Storm Water Maintenance Agreement:** Prior to finalization of the Building Permit, the developer shall enter into a legal agreement or covenant with the City to provide verification of maintenance of any necessary post-construction storm water facilities constructed on the site. The legal agreement or covenant shall be subject to review and approval of the City Engineering and City Attorney. The provisions in the agreement shall run with the land and the document shall be recorded with the County Recorder.

15. **Construction Hours.** No construction shall be conducted before 8:00 a.m. or after 5:00p.m. Monday through Friday, no jackhammering shall be conducted before 10:00a.m.and construction dumpsters must be retained on-site, rather than on the street.

16. **Building Plans:** All conditions of approval for the Planning permit(s) shall be printed on a full size sheet and included with the construction plan set submitted to the Building Department.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
this 2nd day of March 2016 by the following vote:

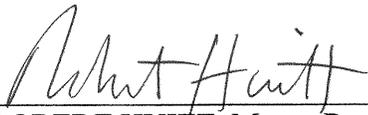
AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Huitt, Lucius, Miller and Peake.

NOES: None.

ABSTAIN: None.

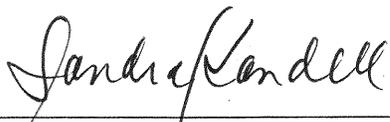
ABSENT: None.

APPROVED:



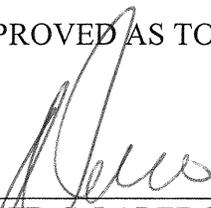
ROBERT HUITT, Mayor Pro Tempore

ATTEST



SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:



DAVID C. LAREDO, City Attorney