

RESOLUTION NO. 16-041

USE PERMIT (UP) NO. 16-093 TO INSTALL PROTECTIVE GOLF BARRIER NETTING (14 FEET HEIGHT X 320 FEET WIDTH) INCLUDING 7 POLES, AND TO PLANT 6 TREES, ALONG THE FIFTH HOLE OF PACIFIC GROVE GOLF LINKS.

FACTS

1. The subject site is located at 77 Asilomar Ave., Pacific Grove, 93950 (APN 006-094-099)
2. The subject site has a designation of Open Space adopted by the City of Pacific Grove General Plan Land Use Map.
3. The project site is located in the O zoning district.
4. The subject site is developed with a golf course and a maintenance building.
5. The subject site is located in the Archaeological Zone.
6. The subject site is located in the Area of Special Biological Significance Watershed.
7. This project has been determined to be CEQA Exempt under CEQA Guidelines Class 3 Section 15303.
8. A use permit is required when structures are to be developed in the O zoning district.

FINDINGS

1. The proposed use is allowed in the O zoning district with a use permit per Pacific Grove Municipal Code 23.42.020, and;
2. The proposed development will meet the development regulations set forth in the O zoning district, and;
3. The proposed use is consistent with the general plan, and;
3. The establishment, maintenance or operation of the use will not, under the circumstances of this particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use, and;
4. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city, and;
5. The location, size, and design of the proposed development are compatible with the existing and future land uses in the vicinity because the proposed structure is characteristic in the neighborhood, and;
6. The completed project 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, and;
7. An archaeological report was completed on February 12, 2016 by Gary S. Breschini, Ph.D. and determined that the proposed project to not be delayed for archaeological reasons.

CONDITIONS OF APPROVAL CONDITIONS OF APPROVAL:

1. **Permit Expiration:** This permit shall expire and be null and void if a building permit has not been applied for within one (1) year from and after the date of approval. Application for extension of this approval must be made prior to the expiration date.
2. **Archaeological Resources:** A qualified archaeological monitor should be present during initial project excavations. If archaeological resources or human remains are unexpectedly discovered during construction, work shall be halted within 50 meters (± 165 feet) of the find until it has been evaluated for significance by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated, with the concurrence of the lead agency, and implemented.
3. **Construction and Use Compliance:** All activities must occur in strict compliance with the proposal as set forth in the application for this Use Permit, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff, and may require City Council approval as a use permit amendment.
4. **Public Works, Fire, and Building:** Review and approval by the Public Works, Fire and Building Departments are required prior to issuance of a building permit. Work taking place in the public right-of-way shall require an encroachment permit prior to issuance of the building permit.
5. **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.
6. **Stormwater Treatment:** The stormwater treatment measures shall be maintained by the property owner in perpetuity and City of Pacific Grove staff shall be allowed access to inspect all stormwater treatment measures on an annual basis.
7. **Terms and Conditions:** These terms and conditions shall run with the land, and it is the intention of the City Council 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 the City Council approves, any such amendments pursuant to the Zoning Code regulations.

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

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

- I. The Council determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Permit.
- II. The Council authorizes approval of Use Permit No. 16-02 to install protective golf barrier netting (14 feet height x 320 feet width) including 7 poles, and to plant 6 trees, along the fifth hole of Pacific Grove Golf Links.
- III. This permit shall become effective upon the expiration of the 10-day appeal period.
- IV. This permit shall not take effect until the owner acknowledges and agrees to all terms and conditions and agrees to conform to and comply with those terms and conditions.

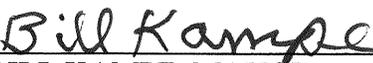
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE this 15th day of June, 2016, by the following vote:

AYES: Councilmembers Cuneo, Fischer, Huitt, Lucius and Miller.

NOES: Mayor Kampe and Councilmember Peake.

ABSENT: None.

APPROVED:



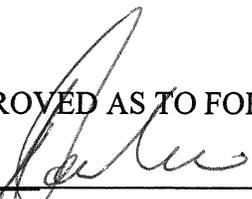
BILL KAMPE, MAYOR

ATTEST:



SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:



DAVID C. LAREDO, City Attorney