

**ORDINANCE NO. 16-009A**

**ORDINANCE OF THE PEOPLE OF THE CITY OF PACIFIC GROVE  
AMENDING CHAPTER 23.31 AND ADDING CHAPTER 23.31.025  
OF THE PACIFIC GROVE MUNICIPAL CODE TO IMPLEMENT AN INITIATIVE  
MEASURE REQUIRING A VOTE OF THE PEOPLE TO CHANGE THE ZONING OF  
THE AMERICAN TIN CANNERY**

**WHEREAS**, the People of the City of Pacific Grove, at a Special Election held on April 19, 2016, approved an initiative measure ("Measure X") to change the zoning of the American Tin Cannery (ATC) to enhance the commercial viability of this area and to provide for the uses envisioned in the Land use Plan and California Coastal Act;

**WHEREAS**, the ATC site is one of the major gateways to Pacific Grove.

**WHEREAS**, the current land uses at the ATC site do not provide necessary public revenue to Pacific Grove nor the full range of uses sought by residents or visitors to the adjacent Monterey Bay Aquarium and the Cannery Row vicinity;

**WHEREAS**, without voter authority, the ATC site could not be redeveloped with "overnight lodging," which the Pacific Grove Local Coastal Program Land Use Plan (Land Use Plan) identifies as a "principal permitted use;"

**WHEREAS**, the existing voter approved zoning restrictions allow only the uses allowed in the C-V (Visitor Commercial) and C-2 (Heavy Commercial), but hotels are not allowed;

**WHEREAS**, it is necessary to include such regulation in the City's zoning regulations;

**WHEREAS**, enactment of this ordinance action does not constitute a "project" as defined by California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment; or

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

**SECTION 1. ZONING CODE AMENDMENT.** Section 23.31.025 is added to Pacific Grove Municipal Code as follows;

- (a) Boundaries of District. The C-V-ATC zoning district shall apply to the American Tin Cannery site that is comprised of Assessor's Parcel Numbers 006-231-001, 006-234-004, and 006-234-005 and that segment of Sloat Avenue that is continuous to the American Tin Cannery site.
- (b) Uses Permitted. Notwithstanding any other provision of the Pacific Grove Municipal Code, the following uses shall be permitted in the C-V-ATC zoning district:

1. Hotels and any accessory uses, such as restaurants, bars and lounges, meeting and event facilities, spa and fitness facilities, parking, and buildings, spaces, and structures incidental to such uses, subject to first securing a use permit.
  2. All uses that are permitted in the C-V zoning district and additional uses permitted by subsequent amendment to the zoning ordinance.
- (c) Development Standards. Development standards in the C-V-ATC zoning district, including floor area coverage, density, setbacks and height limits shall be in accordance with the applicable standards set forth in the local Coastal Program Land Use Plan, as updated or amended, or if no such standards are provided in the local coastal Program Land Use Plan, as updated or amended, in accordance with the standards set forth in the use permit or other required permit for a use allowed in the C-V-ATC zoning district.
- (d) Except as modified by this Section 23.31.025, all provisions of the motel/hotel regulation ballot measure enacted by the people at the June 3, 1986, special election, as set out at chapter 23.52 shall remain unchanged and in full force and effect.

**SECTION 2. MEASURE PREVAILS.** If any provision, section, paragraph, sentence, clause, or phrase of this measure, or any part thereof is for any reason found inconsistent with other provisions of the Pacific Grove Municipal Code, the provisions of this measure shall prevail.

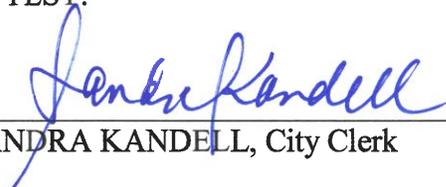
**SECTION 3. EFFECTIVE DATE.** If approved by a majority of the voters voting on this ordinance, this ordinance shall be considered adopted upon the date that the vote is declared by the City Council and shall go in effect ten days following that date.

**PASSED AND ADOPTED BY THE PEOPLE OF THE CITY OF PACIFIC GROVE**  
this 18<sup>th</sup> day of May, 2016, by the majority vote.

APPROVED:

  
BILL KAMPE, Mayor

ATTEST:

  
SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

  
DAVID C. LAREDO, City Attorney