

## **ORDINANCE NO. 19-010**

### **AN ORDINANCE OF THE CITY OF PACIFIC GROVE AMENDING THE ZONING MAP OF THE CITY OF PACIFIC GROVE**

#### **FACTS**

1. Pursuant to Pacific Grove Municipal Code (PGMC) section 23.12.020, the designations, locations and boundaries of the zoning districts within the City of Pacific Grove (City) are established by and delineated upon the map entitled "Zoning Map, City of Pacific Grove, California," dated January, 1987 (Zoning Map); amendments to the Zoning Map must be adopted by ordinance.
2. Lots 61, 62, and 63 were created in 1980 by the Calabrese Canyon Townhomes final map filed in Volume 14, Cities & Towns, Page 47.
3. Lots 61, 62, and 63 (collectively, Lots) are also known as Assessor Parcel Nos. 007-611-023, 007-611-024, and 007-611-025, respectively.
4. These Lots, in addition to Lot "F" adjacent and owned by the City, are zoned Planned Unit Development (PUD) as they were once part of the larger Calabrese Canyon Townhomes PUD.
5. The Lots were subsequently sold separately to individuals.
6. Lots 61 and 63 were developed with single-family residences; the third lot, Lot 62, remains vacant.
7. As required by City Council Resolution No. 5347, adopted June 4, 1980, which granted the Use Permit for the Calabrese Canyon Townhome PUD and which requires a Use Permit for the four smaller lots (Lots 61, 62, 63 and "F"), the existing homes on Lots 61 and 63 received Use Permits in 1998 and 1991, respectively.
8. The Lots are surrounded on the south and west by the Residential Single-Family (R-1) zoning district and across the street to the north by the Residential Multiple-Family (R-3) zoning district..
9. The Lot owners have initiated amendment of the Zoning Map to change Lots 61, 62, and 63 from PUD to R-1.
10. The proposed amendment would create a more conforming situation regarding lot size as the approximately 6,900 sq. ft. Lots are currently nonconforming to the minimum lot size of the PUD zone, which is one (1) acre.

11. The owners of Lots 61 and 62 intend to seek a lot line adjustment between these two properties to accommodate the exchange of 1,574 sq. ft. pursuant to Section 66412(d) of the Subdivision Map Act and in conformance with the City's General Plan.

12. Under California Environmental Quality Act (CEQA) guideline 15061(b)(3), the amendment is exempt from review as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

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

**SECTION 1.** The City Council hereby finds and determines each of the foregoing Facts, which are incorporated into this ordinance by reference, are true and correct.

**SECTION 2.** The zoning map amendment was initiated by the owners of record of the three Lots that are subject to the proposed amendment.

**SECTION 3.** The amendment application was reviewed in compliance with Chapter 23.72 PGMC (Permit Application Filing and Processing) and the Planning Commission provided a recommendation of approval, based on the findings contained in PGMC 23.86.080 (Notice of Recommendation by Planning Commission on Amendments), at a noticed public hearing.

**SECTION 4.** The City Council hereby amends the Zoning Map, City of Pacific Grove, California, dated January 1987, adopted by Ordinance 1574 N.S. as described in the Facts above, and as reflected in the revised Zoning Map, attached hereto as Exhibit 1, and incorporated by reference.

**SECTION 5.** If any provision, section, paragraph, sentence, clause or phrase of this Ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

**SECTION 6.** In accord with Article 15 of the City Charter, this Ordinance shall take effect 30 days after adoption on the second reading.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS 7<sup>th</sup> day of August, 2019, by the following vote:

AYES: Mayor Peake, Councilmembers Amelio, Garfield, Huitt, McAdams, and Smith.

NOES: None.

ABSENT: Councilmember Tomlinson.

APPROVED:



\_\_\_\_\_  
BILL PEAKE, Mayor

ATTEST:

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

APPROVED AS TO FORM:

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

EXHIBIT 1

