

ORDINANCE NO. 20-014

AN ORDINANCE OF THE CITY OF PACIFIC GROVE

TO: 1) AMEND THE ZONING MAP TO REZONE A PORTION OF THE ASILOMAR STATE PARK & CONFERENCE GROUNDS FROM C-1-T TO “O”, AND TWELVE (12) OTHER PROPERTIES FROM R-1-B-2 AND R-1-B-3/C-1-T TO R-1; AND 2) A TEXT AMENDMENT TO DELETE SECTION 23.16.090 (R-1-B-2) ZONING DISTRICT

WHEREAS, the Pacific Grove Municipal Code (PGMC) Section 23.84.010 *provides procedures for legislative amendments to the general plan, this title, the zoning map, the local coastal program, specific plans, or other amendments, whenever required by necessity and general welfare;*

WHEREAS, the PGMC further states noticing and public hearing requirements that were satisfied by the November 7, 2019, and March 12, 2020, noticed public hearings of the Planning Commission wherein property owners and neighbors were notified of the proposed changes and given the opportunity to provide both written and verbal testimony;

WHEREAS, the affected owners and neighbors were noticed again for the City Council’s consideration of the proposed amendments at its April 1, 2020, public meeting.

ASILOMAR STATE PARK & CONFERENCE GROUNDS MAP AMENDMENT

WHEREAS, the Asilomar State Park & Conference Grounds (Park), located at 800 Asilomar Blvd., consists of four (properties) totaling approximately 70 acres and situated on the east and west sides of Asilomar Blvd., between Sunset Drive to the south and Sinex Ave. to the north;

WHEREAS, the proposed zoning map amendment effects only the approximately 60-acre (APN 006-591-001) parcel on the west side of Asilomar Blvd which contains the historic structures designed by early 20th century architect, Julia Morgan, and an important dune ecosystem;

WHEREAS, the subject property has been depicted on the City’s zoning map as both Residential Single-Family with a 10,000 sq. ft. minimum parcel size (R-1-B-3) and, currently, Light Commercial/Hotel/Condominium (C-1-T) zoning district. The subject property appeared as C-1-T on the 2013 zoning map as an error. Since the Park has been under the State’s jurisdiction for Coastal Development Permits and its own State Master Plan for other development requirements, the City has had no regulatory authority over operations or development there;

WHEREAS, the appropriate zoning district for this portion of the larger Park property is Open Space (“O”) which is consistent with the underlying Open Space-Institutional and Open Space-Recreational land use designations adopted in the City’s new Local Coastal Plan (LCP);

WHEREAS, per Pacific Grove Municipal Code (PGMC) Section 23.42, the “O” zoning district is intended to provide *areas which are set aside for scenic vistas, forest preserves, public recreational, waterfront, or beach areas, public parks, or similar open space*. Uses allowed include *recreation areas, wildlife and forest preserves, waterfront areas, parks, playgrounds, public or civic buildings, structures and parking facilities, pertinent and compatible with open land usages*; and

WHEREAS, future development within the Park would continue to rely on the State Park’s General Plan, in accordance to Public Resources Code 5003, with the City providing Coastal Development Permit (CDP) authority only. In other words, the Use Permit requirement in PGMC § 23.42 for the development of the open space uses reflected above would not be in effect, but CDP requirements would be.

ZONING MAP AMENDMENT CHANGING FOUR (4) PROPERTIES FROM R-1-B-2 TO R-1 AND EIGHT (8) PROPERTIES FROM R-1-B-3/C-1-T TO R-1

WHEREAS, at its November 7, 2019, meeting, the Planning Commission recommended approval of a zoning map amendment affecting the following twelve (12) properties:

Property Address	Assessor Parcel No.	Appr. Parcel Size	Current Zoning	Proposed Zoning	Current Gen. Plan
701 17 Mile Dr.	006-561-013	3,859 sf	C-1-T (Commercial)	R-1 (Single-Family-4,000 sq. ft. min.)	MD 17.4 du/ac
703 17 Mile Dr.	006-561-012	3,967 sf	C-1-T (Commercial)	R-1 (“)	MD 17.4 du/ac
705 17 Mile Dr.	006-561-010	4,127 sf	C-1-T (Commercial)	R-1 (“)	MD 17.4 du/ac
707 17 Mile Dr.	006-561-008	4,127 sf	C-1-T (Commercial)	R-1 (“)	MD 17.4 du/ac
709 17 Mile Dr.	006-561-014	4,244 sf	C-1-T (Commercial)	R-1 (“)	MD 17.4 du/ac
711 17 Mile Dr.	006-561-015	5,383 sf	C-1-T (Commercial)	R-1 (“)	MD 17.4 du/ac
990 Sinex Ave.	006-561-005	9,800 sf	R-1-B-3 (Single-Family-10,000 sf min.)	R-1 (“)	MD 17.4 du/ac
980 Sinex Ave.	006-561-006	7,686 sf	R-1-B-3 (“)	R-1 (“)	MD 17.4 du/ac
135 Asilomar Bld.	006-114-011	9,726 sf	R-1-B-2 (Single-Family-6,000 sf min.)	R-1 (“)	LD 2 du/ac
145 Asilomar Bld.	006-114-010	10,773 sf	R-1-B-2 (“)	R-1 (“)	LD 2 du/ac
1205 Jewell Ave.	006-382-032	6,959 sf	R-1-B-2 (“)	R-1 (“)	LD 4.4 du/ac
200 Crocker Ave.	006-382-035	8,904 sf	R-1-B-2 (“)	R-1 (“)	LD 4.4 du/ac

WHEREAS, if approved, the zoning change to R-1 would allow four (4) of the subject properties, potentially, to be subdivided, which would provide additional residential development and housing opportunities;

WHEREAS, the proposed Residential Single-Family (R-1) zoning district is compatible with the underlying General Plan designations for these properties as depicted

in the table above;

WHEREAS, the proposed zoning amendment does not change the allowed uses on each of the properties and, in the case of 701 -711 17 Mile Drive, corrects a previous mapping error.

DELETION OF SECTION 23.16.090 (R-1-B-2) ZONING DISTRICT

WHEREAS, at its November 7, 2019, meeting, the Planning Commission recommended approval to rezone four (4) properties located near the intersection of Asilomar Dr., Jewell Ave., and Crocker Ave. from Residential Single-Family with a 6,000 sq. ft. minimum parcel size (R-1-B-2) to Residential Single-Family (R-1), which has a 4,000 sq. ft. minimum parcel size. The subject properties are known as APN 006-114-011 (135 Asilomar Blvd.), 006-114-010 (145 Asilomar), 006-382-032 (1205 Jewell Ave.), and 006-382-035 (200 Crocker Ave.) and are further described in the table above;

WHEREAS these four (4) properties are the last properties in the City with the R-1-B-2 zoning district;

WHEREAS, since, upon adoption of this Ordinance by the City Council, there will no longer be any properties in the City with R-1-B-2 zoning, staff recommends that the classification be deleted through this text amendment. The zoning classifications of R-1 and R-1-B-3 (4,000 sf and 10,000 sf, respectively) are sufficient to capture the existing single-family properties;

WHEREAS, staff recommends the deletion of the section as follows;

~~23.16.090 R-1-B-2 districts.~~

~~(a) The regulations in this section shall apply in all R-1-B-2 combined districts.~~

~~(b) Except as provided in subsection (c) of this section all regulations and provisions set out in PGMC [23.16.010](#) through [23.16.070](#), inclusive, shall apply in the R-1-B-2 combined districts.~~

~~(c) Exceptions.~~

~~(1) Building site area required: for each dwelling, a minimum 6,000 square feet and a minimum width of 60 feet shall be required.~~

~~(2) Front yard setback required: minimum 20 feet.~~

~~(3) Rear yard setback required: 20 percent of lot depth with a minimum requirement of 20 feet and a maximum required of 25 feet.~~

~~(4) Parking standards: two covered spaces required.~~

WHEREAS, the proposed PGMC Zoning Ordinance and Map Amendments are exempt from environmental review per Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines which exempts a project if there is no potential for causing a significant effect on the environment. In other words, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This is also known as “the common sense” exemption.

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

SECTION 1. The City Council hereby makes the following findings as required per PGMC Section 23.84.060(b) for zoning ordinance and map amendments:

- (1) Findings required for all zoning ordinance/map amendments:
 - (A) The proposed amendment is consistent with the general plan and, if applicable, the certified local coastal program; and
 - (B) The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city.
- (2) Additional finding for zoning ordinance amendments: the proposed amendment is internally consistent with other applicable provisions of these regulations.
- (3) Additional finding for zoning map amendments: the site is physically suitable (including ability to meet requested zoning regulations, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses.

SECTION 2. The Asilomar State Park and Conference Grounds property is included as Exhibit 1 and referenced herein.

SECTION 3. The twelve (12) residential properties affected by the zoning map amendment are described in the table above and hereby referenced in Exhibit 2.

SECTION 4. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 5. Severability. 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 5. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
THIS 6th day of May, 2020, by the following vote:

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

NOES: None.

ABSENT: None.

APPROVED:

Bill Peake

BILL PEAKE, Mayor

ATTEST: 5/12/2020

DATED: _____

Sandra Kandell

SANDRA KANDELL, City Clerk

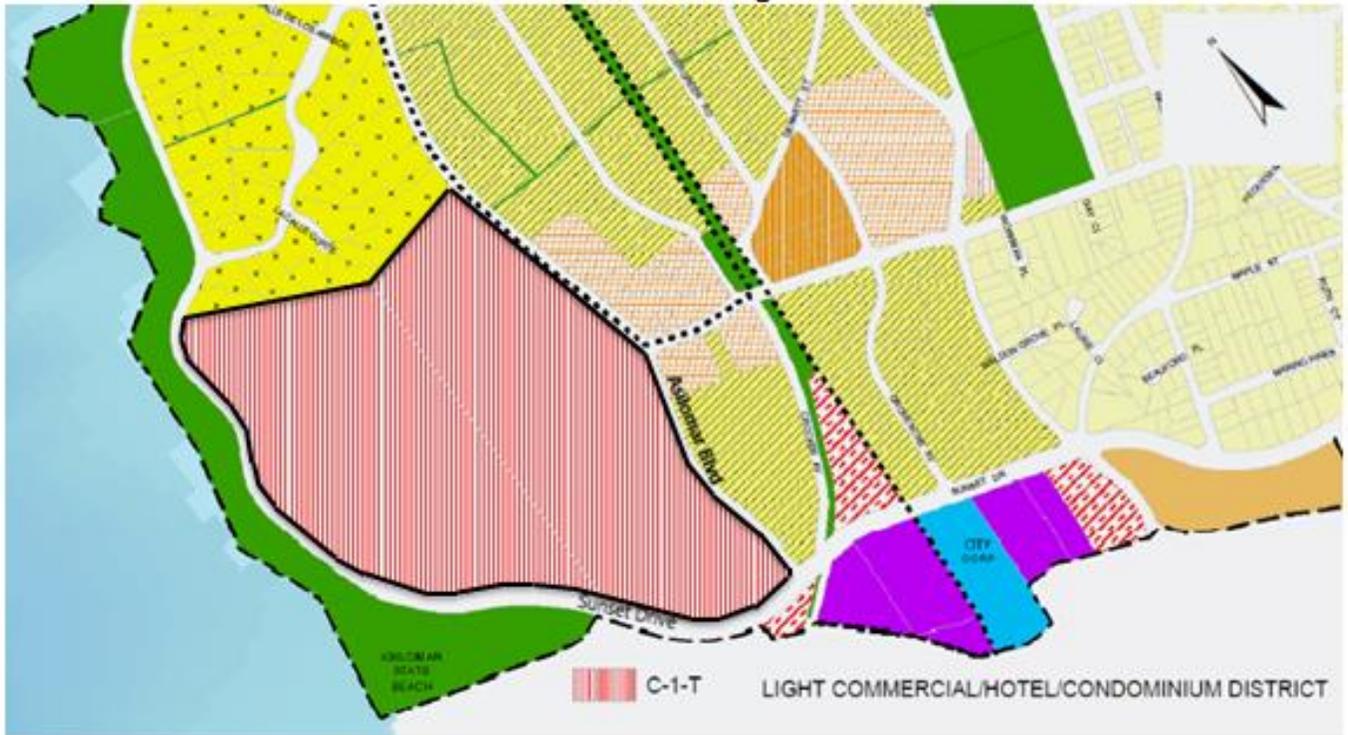
APPROVED AS TO FORM:

David C. Laredo

DAVID C. LAREDO, City Attorney

Exhibit 1

Existing C-1-T Zoning



Proposed O Zoning



Exhibit 2

