



CITY OF PACIFIC GROVE

Community Development Department – Planning Division

300 Forest Avenue, Pacific Grove, CA 93950

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RESOLUTION NO. 14-028

USE PERMIT AMENDMENT NO. UPA 13-048 TO ALLOW A TWO-STORY SIX UNIT MOTEL BUILDING TO REPLACE AN APPROVED CONFERENCE FACILITY, AND TO REMODEL AN EXISTING STORAGE BUILDING TO ALLOW TWO LARGER MOTEL UNITS THAN PREVIOUSLY APPROVED, FOR A TOTAL OF 39 MOTEL UNITS AND ASSOCIATED PARKING, AND THE REMOVAL OF TWO MONTEREY PINE TREES 39' AND 43' IN DIAMETER BASE HEIGHT 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 consisting of several buildings.
6. The subject site is located within the 100 yard butterfly buffer zone.
7. This project has been determined to be Exempt under CEQA Guidelines 15303.c, 15304 and 15332.
8. This property was subject to Use Permit UP2703-01 approval on March 14, 2002.
9. 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.
10. Tree Hazard Evaluation Forms dated August, 23, 2013 were prepared by Jennifer Chapman of Urban Forest Care and found two Monterey Pines, 39" and 43" in diameter base height.
11. A *Management Plan for Monterey Cypress and Monterey Pines* was prepared on February 18, 2013 by Jennifer Chapman of Urban Forest Care which also assesses the trees on site and includes pruning and replanting requirements.

FINDINGS

1. The proposed use is allowed with a use permit amendment within the applicable zoning district and complies with all applicable provisions 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, the local coastal program, and any applicable specific 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 8 units, which is allowed with a use permit or 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. Two Monterey Pine trees, 39” and 43” in diameter base height were found to be hazardous and impacted by development by the City Arborist and the removal and replacement of the trees is in conformance with Title 12.
6. The City’s commercial water supply contains 0.501 acre feet which is adequate to support the project.
7. 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 UPA13-048 be approved, the action would be a Class 3 Categorical Exemption under CEQA Guidelines Section 15303(c), 15304, and 15332.

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

1. The foregoing Findings are adopted as findings of the Planning Commission as though set forth fully herein.
2. Use Permit Amendment UPA13-048 is hereby approved, subject to the findings and conditions herein.
3. **Previous Permits Superseded.** The permit and conditions in UPA13-048 supersede all other previous permits.

4. **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.
5. **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.
6. **Terms and Conditions.** These terms and conditions shall run with the land, and it is the intention of the CDD 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.
7. **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.
8. **Conformance to Plans.** Development of the site shall conform to approved UPA13-048 plans entitled “Addition and Remodel for Seabreeze Lodge” dated 02/14/14, on file with the Community Development Department and to the Building Code.
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 in conformance with the *Management Plan for Monterey Cypress and Monterey Pines* by Urban Forest Care dated February 18, 2013. For upper canopy trees on lots with available landscape area in excess of 2,000 square feet, at least half of all replacement trees shall be native trees (Gowen cypress, Coast live oak, Monterey cypress, Shore pine, Torrey pine, or Monterey pine).
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. **Butterfly Buffer Zone:** Removal or pruning of any tree shall be done in compliance with S.12.20.040.
12. **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.

13. **Construction Hours.** No construction shall be conducted before 9:00 a.m. or after 4:00p.m. Monday through Friday, no construction shall be conducted on weekend days, no jackhammering shall be conducted before 10:00a.m. and construction dumpsters must be retained on-site, rather than on the street.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE this 7TH day of May, 2014, by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

APPROVED:

BILL KAMPE, Mayor

The undersigned hereby acknowledge and agree to the approved terms and conditions, and agree to fully conform to, and comply with, said terms and conditions.

GREG ZIMMERMAN
Owner

Date

ANTHONY FAUX
Owner

Date