

RESOLUTION NO. 18-026

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF PACIFIC GROVE**

ARCHITECTURAL PERMIT (AP) AND USE PERMIT (UP) 18-364

FOR A COMMERCIAL PROPERTY LOCATED AT 522 (520) LIGHTHOUSE AVENUE TO ALLOW THE DEMOLITION OF THE EXISTING 3,472 SQUARE FEET BUILDING, AND TO BUILD A NEW 37,056 SQUARE FEET MIXED-USE THREE-STORY STRUCTURE CONSISTING OF TEN (10) RESIDENTIAL UNITS ON THE UPPER FLOORS, RETAIL/ RESTAURANTS ON THE FIRST FLOOR, AND AN UNDERGROUND PARKING STRUCTURE.

FACTS

1. The subject site is located at 522 (520) Lighthouse Avenue, Pacific Grove, 93950 (APN 006-178-009)
2. The subject site has a designation of Commercial on the adopted City of Pacific Grove General Plan Land Use Map.
3. The project site is located in the Commercial-Downtown (C-D) zoning district.
4. The subject site is a street-to-street parcel of 15,150 square feet (0.34 acres).
5. The subject site is developed with a 3,472 square feet single-story mixed-use building with retail and restaurants.
6. The subject site is located in the Area of Special Biological Significance.
7. The General Plan Chapter 4, Transportation, Policy 11 requires off-street parking only for new properties outside of the Downtown Parking District.

FINDINGS

CEQA:

1. In reviewing this action, the City followed guidelines adopted by the State of California as published in California Administrative Code, Title 14, §15000, et seq. The proposed project is found to be exempt under the CEQA Guidelines Categorical Exemption, Section 15332, Class 32, In-fill Development Projects as it meets all of the following criteria:
 - a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
 - b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
 - c. The project site has no value as habitat for endangered, rare or threatened species.
 - d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
 - e. The site can be adequately served by all required utilities and public services.
2. None of the exceptions to the Categorical Exemptions found at CEQA Guidelines Section 15300.2 apply to the proposed project.
3. The Council has reviewed the Notice of Exemption (NOE) and in its independent judgment and analysis finds that the NOE is adequate; the NOE has been completed in compliance with CEQA; the NOE was presented to the City Council, and the Council has reviewed and considered the information contained in the NOE prior to approving the project; and the custodian for these documents shall be the City Clerk at 300 Forest Avenue, Pacific Grove, California 93950.

Per PGMC § 23.70.080(a)(4):

4. The proposed use is allowed with a use permit within the C-D zoning district and complies with all applicable provisions of these regulations, and;
5. The proposed use is consistent with the general plan, and furthers the goals of the general plan, and;
6. 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, and;
7. 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
8. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

Per P.G.M.C. § 23.70.060(f):

9. The architecture and general appearance of the completed project are compatible with the neighborhood, and;
10. 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, and;
11. The Council has been guided by and has made reference to applicable provisions of the architectural review guidelines in making its determinations on the structure.

Per P.G.M.C. § 23.31.040 End Note 6 and General Plan § 2.15.3:

12. The residential density of 10 dwelling units on a 0.34 acre site, or 10.2 dwelling units for the project site is allowed because it furthers the goals of the General Plan, Housing Goals 2 and 3.

PERMIT

Architectural Permit (AP) and Use Permit (UP) 18-364: To allow the demolition of the existing 3,472 square feet building, and to build a new 37,056 square feet mixed-use three-story structure consisting of ten (10) residential units on the upper floors, retail/restaurants on the first floor, and an underground parking structure.

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. **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 Architectural Review Board approval.
3. **Terms and Conditions.** These terms and conditions shall run with the land, and it is the intention of the Community and Economic Development 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.

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. **Street Trees.** One tree must be planted per 50 feet of street frontage, unless otherwise noted, and must be approved by the City Arborist.
6. **Landscape Plan.** The landscape plan must conform to the City's Plant Palette.
7. **Lighting:** All exterior lighting must conform to Architectural Review Guidelines Nos. 10,11,12
8. **Stormwater Treatment Measure:** The stormwater treatment measures for commercial projects creating and/or replacing 5,000 square feet or more of impervious surface shall be maintained by the property owner in perpetuity. Tier 2 performance requirements must be met. Low impact development measures shall be implemented, and disturbance to natural drainage features, clearing, grading, and soil compaction shall be limited. Runoff shall be minimized by dispersing runoff to landscape or permeable pavement. The City of Pacific Grove staff shall be allowed access to inspect all stormwater treatment measures on an annual basis.
9. **Parking:** 1.3 parking spaces per market-rate residential unit is required, and shall be the minimum standard for this project, per PGMC § 23.64.190(g). The proposed project would require 13 spaces, and the plans currently reflect 20 parking spaces on the property.
10. **Bicycle Parking:** Within 60 days of approval, the design, location, and configuration of the bicycle rack on the public right-of-way shall be approved by staff.
11. **Construction Hours.** No construction shall be conducted before 8:30 a.m. or after 5:00 p.m. Monday through Friday, and windows shall be shut during interior construction. Contractors are required to park in the municipal parking lot.
12. **Building 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:

1. 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.
2. The Council authorizes Approval of Architectural Permit (AP) Use Permit (UP) 18-364.
3. This permit shall become effective upon the expiration of the 10-day appeal period.
4. 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 AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE ON THE 1st DAY OF AUGUST, 2018, BY THE FOLLOWING VOTE:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Garfield, Peake, and Smith.

NOES: Councilmember Huitt.

ABSENT: None.

APPROVED:



Bill Kampe, Mayor

ATTEST:



SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:



DAVID C. LAREDO, City Attorney

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.

Gerald Leigh Properties, owner

Date