

RESOLUTION NO. 15-057

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE AUTHORIZING 1) CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, 2) ADOPTION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, (3) APPROVAL OF THE MITIGATION MEASURES AND MITIGATION MONITORING PLAN AND REPORTING PROGRAM, (4) ADOPTION OF A STATEMENT OF OVERRIDING CONSIDERATIONS, AND (5) APPROVAL OF HISTORIC DEMOLITION PERMIT HDP 14-405 FOR THE DEMOLITION OF A PUMP HOUSE LOCATED IN THE ROUNDABOUT AT THE INTERSECIION OF SINEX, EARDLEY, AND 9TH STREETS

FINDINGS

1. The Pump House is a one-story building, of approximately 860 square feet, located at the center of a roundabout at the intersection of Sinex Avenue, Eardley Avenue and 9th St. The structure is an unreinforced masonry bearing wall building, currently owned by California American Water Company (Cal-Am).
2. On September 16, 1987, the associated Pacific Grove Reservoir was established as a Historical Site by Council Resolution 5844.
3. The Pump House (also known as the “Valve House”) was listed on the City’s Historic Resources Inventory in 2004 due to its unique and unusual characteristics and the integrity of its original design.
4. The structure is cited in the City’s 2011 Historic Context Statement. It is included in the 1903-1926 Civic Improvements Historic Context section.
5. Chapter 7, Historic and Archaeological Resources, of the City General Plan lays out the City’s history, the different historic sites and buildings, its architectural styles, and historic preservation goals. Policy 2 specifies regulation of the demolition of buildings of architectural or historical importance and Policy 3 ensures that listed landmarks and cultural resources identified by ordinance are not demolished without notice and hearing.
6. Proposed demolitions of historic buildings, including the proposed project, are regulated by the historic demolition permit provisions of the Pacific Grove Municipal Code (PGMC) §23.76, in accordance with the General Plan.
7. On June 10, 2014, the City Building Official determined the Pump House was damaged beyond repair and issued an emergency “Notice and Order to Demolish the Structure” to Cal-Am. On June 25, 2014, the Order was brought to the Historic Resources Committee (HRC) for discussion.
8. A Historic Demolition Permit HDP 14-405 was submitted by Cal-Am to the City’s Community and Economic Development Department on July 7, 2014 to demolish the

structure due to ongoing safety concerns. Chain link fencing was placed around the property as a temporary measure to address safety concerns.

9. All noticing required by the PGMC was completed for the proposed HDP 14-405. Additionally, staff sent out updates to an email list of interested parties, as well as publishing informational notices in the City's Weekly Update report.
10. The proposed historic demolition permit was brought before the HRC on April 15, 2015, May 27, 2015 and July 22, 2015 for comment and information.
11. On September 30, 2015, the HRC voted unanimously to recommend to the Architectural Review Board (ARB) denial of the historic demolition permit based on the findings in PGMC § 23.76.090 (e) (2): a) The proposed action is not consistent with the purpose of historic preservation as set forth in PGMC § 23.76.010 and in the historic preservation element of the General Plan; and b) There are reasonable alternatives to the demolition at the time of the hearing.
12. On October 13, 2015, the ARB heard this item and voted 3-1 to recommend to the Council that the demolition permit be denied.
13. An Initial Study was prepared on April 13, 2015. The Study found potentially significant impacts could occur in the areas of aesthetics, biological resources, cultural resources, and hazards and hazardous materials from project implementation. As such, the City determined that an Environmental Impact Report (EIR) focusing on these four topics would be prepared.
14. On April 20, 2015, a Phase 1 Historic Report was prepared by architectural historian Richard Brandi as a technical report for the EIR. The report found the structure is eligible for listing on the California Register of Historical Resources under Criterion 1 (Event) because it is associated with the growth of Pacific Grove's water system, beginning with Monterey County Water Works and extending through all the successor companies and ownership changes. Additionally, the structure appears to be largely unaltered.
15. The City is the Lead Agency for the project evaluated in the CEQA document and independently reviewed and analyzed in the Draft EIR and Final EIR (FEIR) for the project.
16. The Notice of Preparation of the Draft EIR was circulated for public review. It requested that responsible and trustee agencies respond as to the scope and content of the environmental information germane to that agency's specific responsibilities.
17. The public review period for the Draft EIR was for 45 days between June 12, 2015 and July 27, 2015. The Draft EIR and appendices were available for public review during that time. A Notice of Completion and copies of the Draft EIR were sent to the State Clearinghouse, and Notices of Availability of the Draft EIR were published by the City.

The Draft EIR was available for review at the City of Pacific Grove's offices, located at 300 Forest Avenue, Pacific Grove, California 93950, and the City Public Library at 550 Central Ave, Pacific Grove, CA 93950.

18. The City evaluated the seven comment letters on environmental issues received from persons who reviewed the Draft EIR, and prepared written responses. The FEIR provides adequate, good faith and reasoned responses to the comments, and these responses were provided to the commenters on September 15, 2015. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information to the Draft EIR regarding adverse environmental impacts.
19. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the FEIR.
20. The City finds the FEIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit all comments made during the public review period.
21. The proposed demolition of an historic resource is considered a *significant and unavoidable impact* that cannot be reduced to a less than significant level and could also result in cumulative impacts on cultural resources and subject to an Environmental Impact Report as that term is defined under the CEQA Section 21002.1.
22. The CEQA Document evaluated the following impacts: (1) aesthetics; (2) biological resources; (3) cultural resources; (4) hazards and hazardous materials; (5) hydrology and water quality. Additionally, the CEQA Document considered, in separate sections, significant irreversible environmental changes as well as a reasonable range of project alternatives. All of the significant environmental impacts of the Project were identified in the CEQA Document.
23. Documentation, relocation, and other alternatives to demolition were considered as part of the EIR process. The EIR also identified four alternatives: No Project; Relocated Pump House; Leave in Place; and Adaptive Reuse/Residential Use.
24. Specific economic, legal, social, technological, and other considerations make infeasible the alternatives identified in the EIR, including but not limited to the substantial structural damage to the building, such that it may not be safely entered, the lack of a business purpose for the building on the site, the impact on public safety caused by the building's obstruction of views across the traffic circle, and the risk to public safety that would be caused by use of the building.

25. The Mitigation and Monitoring Program (MMRP) includes all of the mitigation measures identified in the CEQA Document and has been designed to ensure compliance during implementation of the Project. The MMRP provides the steps necessary to ensure that the mitigation measures are fully enforceable.
26. Multiple vehicles have collided with the building over time and the Pump House has substantial structural damage on the northeast side and visible cracks. Further, a structural assessment report found that due to a lack of Concrete Masonry Units reinforcements and wall anchorage ties at the roof, the structure lacks the ability to absorb seismic shocks and high wind gust. The report further found that the exterior damage from car collisions diminished the structure's ability to withstand seismic shaking. In addition, the structure's material age, excessive moisture, and undersized roof supports demonstrate that the building's roof has a short life span. The report also found that masonry joints throughout the building show visible signs of deterioration, which could further impact the structure's ability to withstand seismic shaking. As such, the structure poses a significant safety issue to the public and the project site. Left in place without any improvements, the structure could collapse and create a safety hazard for the community.
27. Cal-Am is a ratepayer funded company with a critical mission and obligation to ensure customers have high quality, dependable water service. Redirection of funds towards structures and infrastructure that are no longer in service is not in alignment with the company's mission, particularly in this time of potable water scarcity.
28. As such, and due to the nature of the project, the Council finds that safety considerations outweigh the loss of cultural resources in the City.
29. In determining whether the Project may have a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21081.5 and 21082.2.
30. The impacts of the Project have been analyzed to the extent feasible at the time of certification of the CEQA Document.
31. Notice of the Public Hearing on Certification of the EIR was published in the Monterey Herald on October 11, 2015. The City Council made no decisions related to approval of the project prior to the October 21, 2015 public hearing. The City Council also did not commit to a definite course of action with respect to the project prior to the October 21, 2015 public hearing.
32. Copies of all the documents incorporated by reference in the CEQA Document are and have been available upon request at all times at the City of Pacific Grove's offices, located at 300 Forest Avenue, Pacific Grove, California 93950; the City is the custodian of record for such documents or other materials.

33. The responses to the comments on the Draft EIR, which are contained in the FEIR, clarify and amplify the analysis in the Draft EIR.
34. The proposed demolition is necessary to correct an unsafe or dangerous condition on the property.

CONDITIONS OF APPROVAL

1. **Permit Expiration.** The demolition permit shall expire and be null and void if a building permit has not been applied for within one (1) year from the date of adoption of this resolution. Application for extension of this permit must be made in writing, providing the reasons that the City should adopt and extension, 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 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.
4. **Public Works, Fire, and Building Departments.** 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. **Conformance to Plans.** Development of the site shall conform to approved Historic Demolition Plans HDP 14-405 plans entitled, *Eardley Pump Station Abandonment Project*, dated August 2013 on file with the Community Development Department, and to the Building Code.
6. **During-Construction Pollution Prevention.**
 - (a). During construction, the developer shall employ storm water best management practices (BMPs) for erosion and sediment control, prevention of non-stormwater discharges, and implement good housekeeping and construction waste management practices to protect the storm drainage system and water quality as required by City Code Section 9.30.130(c), the City Phase II NPDES Permit, State Water Resources Control Board (SWRCB) Construction General Permit (CGP), and the Monterey Regional Storm Water Management Program (MRSWMP). Plans for during-construction storm water management and BMPs, such as a Storm Water Pollution Prevention Plan (SWPPP), shall be submitted to the City and subject to review and approval of the Public Works/Community Development Director and Building Official prior to issuance of a grading and/or building permit.

(b). Construction activities subject to BMP requirements shall continuously employ measures to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality, contamination, or unauthorized discharge of pollutants.

(c). Whenever construction activity is being done contrary to and in violation of Municipal Code Chapter 9.30, the Public Works/Community Development Director may order that construction activity to stop by posting a written notice on the premises. All persons shall immediately stop such work unless or until the public works director authorizes removing the stop work order and allows construction activity to proceed.

7. **Archeology.** If archaeological resources or human remains are discovered during construction, work shall be halted within 50 meters of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated, with the concurrence of the City of Pacific Grove staff, and implemented.
8. **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 and submit a report to the City Arborist for review and approval.
9. **Mitigation and Monitoring Plan.** The attached mitigation and monitoring program shall be complied with prior to demolition including but not limited to MM-3.3.1.b.
10. **Curb and gutter.** Repair and replace the existing curb and gutter to Public Works specifications.
11. **The Roundabout.** The roundabout site shall remain intact, and as part of required mitigation, described in more detail in attached Mitigation and Monitoring Program), the applicant is required to document the historicity of the building and place a historical plaque either on or near the site commemorating the structure's historical importance, including the overall importance of the site.
12. **Additional Required Actions.** In addition to demolishing the building, Cal-Am is to install a memorial plaque approved by the City, install drought-resistant landscaping approved by the City, install one or more above-ground, non-working valves or other demonstrative aids, approved by the City, to assist the public in visualizing the nature of the pump house infrastructure; and donate the land and improvements to the City. City approval shall not be unreasonably withheld.

13. **Revised Landscape Plan.** Cal-Am shall submit a revised Landscape Plan specifying native drought-tolerant plants within 30 days or the permit is null and void.

14. **Construction Hours.** Construction hours shall be limited to 7am-6pm Monday through Friday.

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

1. Finds and 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 Resolution.
2. Determines that the Final EIR was completed in compliance with CEQA and the State CEQA Guidelines.
3. The Council and each participating Councilmember, has reviewed and considered the information contained in the Final EIR for the Pump House prior to deciding whether or not to certify the EIR.
4. The Final EIR reflects the independent judgment of the City Council.
5. Having reviewed the information contained in the EIR and in the administrative record, the Council finds that there is no new significant information regarding adverse environmental impacts of the Project in the FEIR.
6. The City Council approves the accompanying Mitigation Monitoring Plan.
7. The City Council adopts the Statement of Overriding Considerations.
8. Having received, reviewed, and considered all information and documents in the CEQA Document, as well as all other information in the record of proceedings on this matter, these Findings are hereby adopted by the City in its capacity as the CEQA Lead Agency.
9. The City Council hereby certifies the Final EIR.
10. The City Council determines that, safety considerations outweigh the loss of cultural resources in the City.
11. Having received, reviewed, and considered all information and documents pertaining to Historic Demolition Permit HDP 14-405, the City Council hereby APPROVES Historic Demolition Permit HDP 14-405 and associated mitigation measures and conditions.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this 21st day of October, 2015, by the following vote:

AYES: Mayor Kampe, Councilmembers Cuneo, Fischer, Huitt, Lucius and Peake


NOES: Councilmember Miller

ABSENT: None

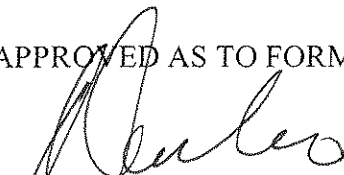
APPROVED:


BILL KAMPE, Mayor

ATTEST:


SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:


DAVID C. LAREDO, City Attorney