

# CITY OF PACIFIC GROVE, CALIFORNIA COUNCIL POLICY

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## **Purpose**

Chapter 23.52 of the Pacific Grove Municipal Code, originally adopted in 1986 by vote of the people, regulates motel and similar use in the city. It was amended on November 8, 2011 by a vote of the people, in order to enable and encourage hoteliers to upgrade and modernize their businesses to stay competitive. Due to considerable and long standing interpretive difficulties associated with Chapter 23.52, the Council finds it necessary and prudent to put in place regulatory guidelines to direct staff, Planning Commission, and Council in the processing and decision-making processes regarding Chapter 23.52 land use applications.

Therefore, the following shall be applicable to all such applications and shall be directive of and shall govern staff, Planning Commission, and Council analyses, actions, and decisions.

## **Policy**

### **1. Intent of Interpretation**

This Interpretation is intended to help achieve a smoother conformity with the City of Pacific Grove Initiative Measure C, as adopted by the voters of the City in 1986, and Measure U, as adopted by the voters in 2011 ("the Ordinance"). It is in no way intended to change the Ordinance or its meaning or objectives.

### **2. Section 23.52.030(c) - Determining Height Allowance**

For purposes of determining whether a property is limited to one story above grade and not more than eighteen feet in height, under section 23.52.030(c), the 200-foot distance criterion between the R-3-M property and any R-1, R-H, or R-2 property is determined by measuring between the two closest points of the perimeter of each property line. This interpretation is consistent with prior City Council implementation of this section.

### **3. Section 23.52.030(g) - "Expansion or alteration"**

Except as provided in 4 below, "Expansion or alteration" refers to adding to the number of guest units, or increasing the structural square footage utilized for any purpose, beyond the square footage existing as of December 24, 1985, the date of publication of the notice of intention to circulate the petition for Measure C. It refers as well to modifying or rebuilding nonconforming structures as they existed on December 24, 1985, so as to do any one or more of the following: (a) increase the footprint; (b) create encroachment in setbacks; (c) add any additional story; (d) add to building height; (e) enlarge any existing second or third story; or (f) add any new non-conformity. The intent of Measure C and this Interpretation is to bring R-3-M properties into compliance with the standards of the Ordinance. As Measure C states, "expansion or alteration" requires complete conformance with all provisions of the Ordinance for the entire use. This includes removing all non-conformities.

4. Section 23.52.030(g) - What is not an expansion or alteration

Remodeling or renovation of any existing structure(s) is outside the definition of "expansion or alteration" for purposes of Section 23.52.030(g) if:

- a. The renovation complies with Section 23.52.035. Motels and hotels built prior to 1986 are categorized into groups and are allowed additional guest units over the number of permitted guest units and/or new ancillary facilities, as of the effective date of Section 23.52.035, pursuant to the specific provisions of this section.

Section 23.52.035 does the following:

- (i) Specifies the number of new guest units and/or ancillary facilities allowed, maximum floor area of new guest units and/or ancillary facilities, setback and building height requirements, the location of outdoor living areas, and landscaping requirements within setback areas;
- (ii) Requires a use permit approval, which may involve the Planning Commission's imposition of specific standards pertaining to building design;
- (iii) Allows new guest units and/or ancillary facilities to be built in phases, rather than all at one time; and
- (iv) Provides that all other R-3-M standards apply, such as parking and building coverage, but shall not require bringing existing legal nonconforming aspects of the property into conformance with Section 23.52.030 provided the new construction or conversion does not: (A) extend or expand an existing nonconformity; or (B) add any new nonconformity. New guest units and ancillary facilities must have available water.

Additionally, Section 23.52.035(g) provides for the rebuilding of nonconforming buildings that are damaged or demolished, and Section 23.52.035(h) provides for exterior remodeling within the existing footprint of nonconforming buildings.

"Ancillary facility" includes a meeting space, dining room, fitness facility, lobby, laundry facility, storage facility, or other use subordinate to and compatible with the motel or hotel use. Section 23.64.180, pertaining to accessory buildings and structures, does not apply to motels and hotels in the R-3-M District.

- b. Except for renovation consistent with 4.a above, all of the following aspects of the structure, as it existed on December 24, 1985, are maintained or reduced:
  - (i) Total structural square footage;
  - (ii) Number of units;
  - (iii) Existing second-story or third-story configuration; and
  - (iv) The building footprint, except that the building footprint may be changed so long as the new footprint does not exceed the total size of the previous footprint. A remodel or renovation falls outside the definition of "expansion or alteration" if it reduces in size any of the listed structural aspects, so long as the reduction(s) conform completely to the Ordinance. The conversion of sliding doors to swinging doors, or similar changes, is not an expansion.
- c. The quality in structure design, colors, landscaping, construction, and materials used are completely in keeping with, and blend with the quality and character of the surrounding residential properties.

- d. No other changes are made that (i) add any new non-conformity, or (ii) could adversely affect the privacy of adjacent residential properties.

This Interpretation is intended to encourage owners of R-3-M property to bring their properties into full compliance with the Ordinance.

"Expansion or alteration" excludes normal maintenance and repair of existing structures.

#### 5. Section 23.52.030(d) - Appropriate Landscaping

The Ordinance requires "appropriate landscaping" throughout the site, i.e., in all areas of any R-3-M property and not simply the street view. Within setback areas, especially adjacent to residential properties, plantings should include numerous trees, in addition to bushes and plants that will reduce the visual and noise impact of the R-3-M use on the adjacent properties. "Appropriate landscaping" also includes ongoing maintenance of the landscaping in good condition.

#### 6. Section 23.52.030(h) - Variances

Issuance of variances will be governed by the provisions of PGMC Chapter 23.70. No variance can be granted which would violate the spirit or intent of the Ordinance or this Interpretation. As explicit in Measure C, the lack of opposition to a proposed variance cannot be the basis of granting a variance or exception.

#### 7. Sections 23.52.030(b) & (i) - Abutting street(s) and setback requirements

Pursuant to sections 23.52.030(b) and 23.52.030(i), a structure on R-3-M property is subject to the requirement of a 20-foot setback if (a) the R-3-M property directly abuts R-1, R-H, or R-2 property, or (b) both of the following apply:

- A street which abuts R-1, R-H, or R-2 property lies within 20 feet of the R-3-M property; and
- One or more R-1, R-H, or R-2 properties on such abutting street are within 200 feet of the R-3-M property.

The width of the street is to be included in the 200 feet if the closest residential property is across the street.

#### 8. Section 23.52.030(b) - Minimum setback

Setbacks under the Ordinance are measured from the outermost point of the structure to the property line. Thus, any type of building extension(s) protruding into the setback should be considered an encroachment, except eave projections may extend up to three feet into any required yard, but in no case may be closer than three feet to any property line.

Adopted: November 4, 1998; Resolution No. 8-059

Amended: November 6, 2014; Resolution No. 14-067