



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Chair Murphy and Members of the Planning Commission

FROM: Alyson Hunter, Senior Planner

MEETING DATE: September 5, 2019

PERMIT APPLICATION NO.: Architectural Permit (AP) & Use Permit (UP) Application No. 19-0173

LOCATION: 301 Grand Ave. Pacific Grove (APN 006-287-006, -012)

SUBJECT: An Architectural Permit to develop three (3) affordable second-story residential units on APN -006 over the five (5) space parking area approved for the adjacent mixed-use development. The Use Permit is required for eight (8) or more residential units.

APPLICANT: Safwat Malek, on behalf of Manal Mansour & Ayman Adeeb, owner(s)

ZONING/LAND USE: C-D / Commercial

CEQA: Categorical Exemption, Section 15332, Class 32, In-Fill Development Projects

RECOMMENDATION

Uphold the Architectural Review Board's July 13, 2019, recommendation of conditional approval subject to findings, conditions, and a Class 32, §15332, California Environmental Quality Act (CEQA) categorical exemption for In-fill Development.

PROJECT DESCRIPTION

An Architectural Permit to develop three (3) income-qualified second-story residential units on APN -006 over the five (5) space parking area approved for the adjacent mixed-use development known as AP 18-0273. The units will be 424 sf in size with one bedroom and one bathroom each resulting in a total size of 1,272 sf of habitable space plus a new 290 sf access balcony. The proposed units are allowed under the Density Bonus provisions in Chapter [23.79](#) of the Pacific Grove Municipal Code (PGMC). The owner will enter into a 50-year term affordable housing agreement with the City of Pacific Grove (City) for all three (3) of the proposed units. One of the incentives the owner will enjoy as a result of providing the three (3) income-qualified affordable units is the relaxation of the parking requirements typically assigned to mixed-use developments. Additionally, as the project is located in the downtown commercial district, onsite parking is not required.

The site is surrounded by commercial uses to the south, west, and north, and a multi-family residential zoning district to the immediate east; the two (2) residences to the east on Fountain Ave. are legal nonconforming to the zoning district.

In cases where there are two (2) permits that are typically heard by two (2) different bodies, like an Architectural Permit and a Use Permit, § [23.72.020](#) of the PGMC allows the chief planner to request that a recommendation on the AP, for example, be provided by the ARB to the PC which will have final review authority over not only the Use Permit, but the consolidated whole of the project. In order to receive the ARB's recommendation on the project's design, neighborhood compatibility and site layout, it was heard by the ARB at its July 9th and August 13th meetings. At its July 9th meeting, the ARB continued the item to the August 13th meeting to allow the applicant to make the following revisions to the project:

1. Provide a floor plan showing the project as a whole;
2. Provide revised elevations and renderings to show proposed changes discussed at the meeting;
3. Reconfigure the east stairs;
4. Show interior landscaping and the location of a new 15-gallon tree;
5. Remove Unit 11 (the unit closest to the east property line);
6. Relocate trash/recycling area to the Grand Avenue side of garage; and
7. Alter story poles and netting to represent new parapet wall roof height for the next meeting.

The applicant submitted a revised plan set (attached) which includes items 1, 2, 3, 4, and 6, but does not include the elimination of Unit 11. The story poles and netting have been adjusted accordingly.

Sheets A-1 and A-2 include the comprehensive floorplans for the first and second floors, respectively, of the entire project. Sheet A-3 shows the slight relocation of the stairs. Sheets A-4 and A-5 show the revised elevations as requested, including the east elevation which indicates the reduced roof height and the removal of one of the windows on the east side. The total height has been reduced from 23' to 20'11" which includes the Grand Avenue side parapet wall; the actual roof elevation has been lowered from 23' to 17'2". Interior courtyard landscaping, including the location of a new tree, and the relocation of the trash and recycling area are shown on Sheet A-1. Also, the adjoining residence located at 308 Fountain Ave. has been included on the site plan, as requested.

The applicant has chosen not to remove Unit 11 and the project remains a 3-unit affordable housing project. The setback to the easterly property line remains 5' as required by the PGMC. It should be noted that the height limit in the C-D zone is 40' and a third story on this project would be permitted under the zoning code.

As a result of deliberations during the August 13th ARB meeting, the project has been further conditioned to: 1) frost the east-facing windows in Unit 11; 2) provide a more detailed landscaping plan (attached); 3) add a condition to ensure all drainage is properly addressed, which will include areas that have been excavated; and 4) lighting shall not only be down-shielded, but shall be at floor level wherever possible. The ARB's recommended conditions are included for the Planning Commission's consideration.

Please find the ARB's July 9th [hearing packet](#) and August 13th [hearing packet](#) online for more information regarding the site, surrounding land uses, applicable general plan policies and zoning requirements, and density bonus, water availability, and architectural design discussions.

Affordable Housing

In addition to General Plan Section 2.15.3, which allows residential densities in the Downtown in excess of the maximum density designated of 29 units per acre (or 5 units for the subject site based on 7,470 sf size) where such an increase furthers the goal of the General Plan, this project is utilizing the Density Bonus allowances in PGMC Chapter [23.79](#) and California Government Code § [65915](#). The provision of affordable housing that meets the State's 2019 Income Guidelines (attached) is a Council goal and a State mandate. The project includes a condition of approval requiring the owner to enter into an Affordable Housing Agreement (Agreement) with the City for a term of 50 years. This Agreement is a deed restriction that runs with the land; i.e., the Agreement will apply to future owners if the property is conveyed within the term period.

Transportation & Parking

In response to concerns regarding the availability of parking in the City's downtown public parking lots, Staff prepared the attached table which shows the number of spaces in all of the lots, those available for purchase and the permits already sold. The table indicates that 10 permits are available for purchase at the lot at Fountain and Laurel, across the street from the subject development. The project currently under construction is conditioned on the provision of five (5) onsite spaces and, prior to the issuance of a certificate of occupancy, the purchase of five (5) permits, and the proposed project is conditioned on the purchase 5 additional permits. If approved, this property will have utilized all of the available permits for this lot.

Staff recommends that the Planning Commission approve the project as conditioned based on the applicant's willingness to enter into a 50-year Low Income affordable housing agreement with the City, the project's compliance with the Commercial-Downtown (C-D) zoning development standards, and the project's advancement of the general plan's policies not only for the provision of affordable housing, but also for encouraging residential uses in the downtown (*Land Use, Policy 23*).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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. The proposed project is found to be exempt under the CEQA Guidelines Categorical Exemption, Section 15332, Class 32, In-fill Development Projects. This categorical exemption can be used if the project 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; and
- (e) The site can be adequately served by all required utilities and public services, because no building permit will be issued until water is available.

This Class of Exemptions is subject to exceptions from the exemption under Section [15300.2](#) of the CEQA Guidelines pertaining to location, cumulative impacts, significant effects, scenic highways, hazardous waste sites, and historical resources.

Although the former building on the site was on the Historic Resources Inventory (HRI), it was in such a state of disrepair that it was condemned by the Building Official through a Notice to Vacate and Demolish issued in December 2017 (attached). This Notice included the findings of an independent licensed Professional Engineer (attached) who inspected the building using the 2016 California Historic Building Code (CHBC) review standards and who found the building “*beyond the standard repair of ‘replace in-kind’.*” (B. Taluban, PE, December 14, 2017). Emergency demolition is issued under a ministerial building permit which is exempt from CEQA per §15300.1 of the Guidelines. Demolition of commercial buildings in urban areas is exempt per §15301(l)(3) of the CEQA Guidelines.

Staff recommends that the Commission find that none of these exceptions apply and that the proposed project qualifies for the Class 32 In-fill exemption.

ATTACHMENTS

- A. Application
- B. Project Data Sheet
- C. Draft Permit
- D. ARB-Approved and Signed Permit
- E. CEQA Documentation
- F. 2019 Income Guidelines for Housing
- G. Parking Lot and Permits Table
- H. Letters from the Public Received for July 9 and August 13 ARB Meetings
- I. Landscape Plan
- J. Memo from Building Official dated August 27, 2019
- K. ARB Minutes – July 9th and August 13th
- L. Engineering Inspection Report (December 2017) and Building Official Order (December 2017)
- M. Site Plan & Elevations

RESPECTFULLY SUBMITTED:

Alyson Hunter

Alyson Hunter, Senior Planner



CITY OF PACIFIC GROVE

Community Development Department – Planning Division

300 Forest Avenue, Pacific Grove, CA 93950

Tel: 831.648.3190 • Fax: 831.648.3184 • www.cityofpacificgrove.org/cedd

Permit Application

Application #

AP19-0173

Date:

3/13/19

Total Fees:

\$3,945.80

APPLICANT/OWNER:

Project Address: 301 Grand ave APN: 006-287-012 & 006

Project Description: Addition of three upper studio

Will the project create, add, or replace impervious surface? Yes No

Will the project impact any tree(s) on site? Yes No

Applicant

Name: Mahad Mansour

Phone: 831-869-3641

Email: Jmaresidentials@gmail.com

Mailing Address: PO Box 565 Monterey CA 93942

Owner

Name: Mahad Mansour

Phone: (831) 869-3641

Email: JMAresidentials@gmail.com

Mailing Address: PO Box 565 Monterey CA 93942

PLANNING STAFF USE ONLY:

Permit Request:

- | | | | |
|--|---|--|---|
| <input type="checkbox"/> CRD: Counter Determination | <input type="checkbox"/> SP: Sign Permit | <input type="checkbox"/> IHS: Initial Historic Screening | <input type="checkbox"/> VAR: Variance |
| <input checked="" type="checkbox"/> AP: Architectural Permit | <input type="checkbox"/> UP: Use Permit | <input type="checkbox"/> HPP: Historic Preservation | <input type="checkbox"/> MMP: Mitigation Monitoring |
| <input type="checkbox"/> AAP: Administrative AP | <input type="checkbox"/> AUP: Administrative UP | <input type="checkbox"/> A: Appeal | <input type="checkbox"/> Stormwater Permit |
| <input type="checkbox"/> ADC: Arch Design Change | <input type="checkbox"/> ADU: Acc. Dwelling Unit | <input type="checkbox"/> TPD: Tree Permit W/ Dev't | <input type="checkbox"/> Other: _____ |
| <input type="checkbox"/> ASP: Admin Sign Permit | <input type="checkbox"/> LLA: Lot Line Adjustment | <input type="checkbox"/> EIR: Environmental Impact | <input type="checkbox"/> Other: _____ |

CEQA Determination:

- Exempt
 Initial Study & Mitigated Negative Declaration
 Environmental Impact Report

Review Authority:

- Staff HRC
 ZA PC
 SPRC CC
 ARB _____

Active Permits:

- Active Planning Permit
 Active Building Permit
 Active Code Violation
 Permit #: _____

Overlay Zones:

- Butterfly Zone
 Coastal Zone
 Area of Special Biological Significance (ASBS)
 Environmentally Sensitive Habitat Area (ESHA)

Property Information

Lot: 1, 2, 3 (merged)

Block: 35

Tract: 1st Addn PG

ZC: C-D

GP: Commercial

Lot Size: 5,670 sf ±

- Historic Resources Inventory Archaeologically Sensitive Area

Staff Use Only:

Received by: AH

MAR 13 2019

Assigned to: AH

CITY OF PACIFIC GROVE
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\$ PAID
3,945.80
3-13-19



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Application # _____

Planning Permit Fee Calculation

Permit	Select	Fee
Architectural Permit – Single Family		\$2,921
Administrative Architectural Permit		\$1,406
Architectural Design Change		\$1,406
Counter Review & Determination – no new square footage		\$136
Counter Review & Determination – new square footage		\$603
Initial Historic Screening		\$432
Sign Permit		\$1,611
Administrative Sign Permit		\$788
Use Permit and Amendments – Single Family		\$1,753
Major Administrative Use Permit		\$1,133
Minor Administrative Use Permit		\$1,147
Variance and Amendment		\$2,438
Administrative Variance and Amendment		\$1,363
Inquiry Fee		\$320
Historic Preservation Permit		\$1,660
Accessory Dwelling Unit Permit		\$1,706
Tree Permit with Development		\$260
Appeal		25% of base permit fee or \$1,000 whichever is greater plus noticing costs
Other <i>AP for multi-family</i>	✓	<i>3,573.00</i>

Additional Fees

General Plan Update Fee	5% of Permit Fee		
CEQA Exemption Fee	\$266	✓	<i>\$266</i>
Butterfly Buffer Zone	5% of Permit Fee		
Coastal Zone	25% of Permit Fee		
Area of Special Biological Significance	5% of Permit Fee		
Environmentally Sensitive Habitat Area	15% of Permit Fee		
Noticing – Mailings	\$0.48 * (# of Mailings)	✓	<i>4.80</i>
Noticing – Herald Ad	\$334		
Stormwater Fee	Varies	✓	<i>\$51</i>
County filing fee	Varies	✓	<i>\$51</i>
File maintenance fee	Varies		
Other	Varies		

Total Fees: *\$3,945.80*

Application # _____

INDEMNIFICATION CONDITION

In consideration for City review and approval of application in this matter, the Owner/Applicant shall indemnify, defend, protect and hold harmless the City, its elected and appointed officials, officers, agents, and employees (collectively "Indemnitees"), using counsel approved in writing by the City, from and against, any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements which may accrue against Indemnitees by reason of the City's processing, approval or denial of the request and application in this matter. Indemnification shall include, but shall not be limited to any action, or proceeding brought to attack, set aside, void, annul, limit, or inhibit the approval of the application referenced above, and shall expressly include causes of action under the California Environmental Quality Act (CEQA), or the National Environmental Policy Act (NEPA).

The obligation to indemnify shall include, but not be limited to, all costs relating to preparing administrative records, investigations, responses to discovery, retention of experts, and other costs, including attorney's fees or obligations related to this matter, including actions brought by the Owner/Applicant and also extend to any expense incurred in establishing the City's right to indemnification. City expenses shall be paid by Owner/Applicant upon City request notwithstanding final disposition of the matter has not yet occurred. If the City is later determined to not be entitled to indemnification, the City shall repay amounts so advanced.

This indemnification condition is the Owner/Applicant's inducement to the City to process and approve the application, which approval would otherwise be withheld by City due to its concern for liability or expense that may result from performance of the City's duties. Should any dispute arise regarding interpretation of this condition, the prevailing party shall recover all reasonable costs incurred, including court costs, attorney fees and related expenses. Recovery of expenses shall be as additional costs awarded to the prevailing party, and shall not require initiation of a separate legal proceeding.

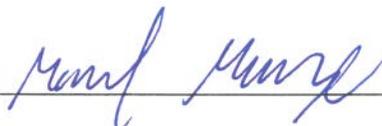
This indemnification condition shall not require the Owner/Applicant to indemnify the City or other Indemnities: (a) to the extent that an obligation is actually paid by an insurer pursuant to an insurance policy; (b) in connection with any remuneration paid to the City, if it shall be finally adjudged that such remuneration was in violation of law; or (c) on account of the City's misconduct if such misconduct shall be finally adjudged to have been knowingly fraudulent, deliberately dishonest or willful.

Any permit or other approval given by the City to the Owner/Applicant Guarantor shall be valid only so long as this indemnification condition is given full force and effect. If this indemnification condition is revoked, the permit or other approval of the City shall then become null and void.

Owner/Applicant represents it (and any subsidiary) is (a) duly formed and organized, (b) validly existing and in good standing under state law, and (c) has all necessary power to execute and deliver this document and perform its obligations. Owner/Applicant also represents it is authorized to enter into this agreement by all requisite partnership, corporate or other action, and its terms are a valid and legally binding obligation. Neither execution nor delivery of this document nor performance of its obligations will violate any law or provision of any agreement, articles of incorporation, by-laws or other organizational or governing documents relating to Owner/Applicant, nor conflict with any court order relating to Owner/Applicant.

Applicant Signature: 

Date: 5/13/19

Owner Signature (Required): 

Date: 5/13/19

3 UNIT ADDITION OVER PARKING
PROJECT DATA SHEET

Project Address: 301 Grand Ave
Applicant(s): Mausum Trust

Submittal Date: 5/20/19
Permit Type(s) & No(s): Residential Planning

	REQUIRED/ Permitted	Existing Condition	Proposed Condition	Notes
Zone District	CD	CD ✓	CD	
Building Site Area		5760	576	
Density (multi-family projects only)		✓		
Building Coverage		23 UNITS/AC		
Site Coverage		N/A		
Gross Floor Area <u>w/2NDFC</u>		6179	7579	TOTAL
Square Footage not counted towards Gross Floor Area		1458		
Impervious Surface Area Created and/or Replaced		N/A 5505	5505	
Exterior Lateral Wall Length to be demolished in feet & % of total*		NONE	0/0%	
Exterior Lateral Wall Length to be built		166		
Building Height	40	23	27	
Number of stories	2	2	2	
Front Setback	0	0	0	
<u>0</u> Side Setback (specify side)	0	0	0	
<u>5</u> Side Setback (specify side)	0	0	0	
Rear Setback	5	5	5	
Garage Door Setback		0		
Covered Parking Spaces		N/A		
Uncovered Parking Spaces		N/A 5	5	
Parking Space Size (Interior measurement)	9' x 20'	N/A	9x20	
Number of Driveways	1	N/A 1	1	
Driveway Width(s)	14	N/A	14	
Back-up Distance	N/A	N/A	N/A	
Eave Projection (Into Setback)	3' maximum	NONE	NONE	
Distances Between Eaves & Property Lines	3' minimum	N/A	N/A	
Open Porch/Deck Projections		N/A	N/A	
Architectural Feature Projections		See plans		
Number & Category of Accessory Buildings		N/A	N/A	
Accessory Building Setbacks		N/A	N/A	
Distance between Buildings		N/A	N/A	
Accessory Building Heights		N/A	N/A	
Fence Heights		N/A	6'	

REVISED

RECEIVED

*If project proposes demolition to an HRI structure, also indicate % of proposed demolition of the surface of exterior walls facing a public street or streets, if applicable.

JUN 03 2019
CITY OF PACIFIC GROVE
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CITY OF PACIFIC GROVE

Community Development Department – Planning Division

300 Forest Avenue, Pacific Grove, CA 93950

T : 831.648.3183 • F : 831.648.3184 • www.cityofpacificgrove.org

ARCHITECTURAL PERMIT & USE PERMIT (AP/UP) 19-0173

FOR THE DEVELOPMENT OF THREE (3) 424 SQ. FT. AFFORDABLE SECOND-STORY RESIDENTIAL UNITS LOCATED AT 301 GRAND AVENUE. THE USE PERMIT IS REQUIRED IN THE COMMERCIAL-DOWNTOWN DISTRICT FOR EIGHT (8) OR MORE UNITS. THE PROPOSED UNITS COMBINE WITH THE PREVIOUSLY APPROVED EIGHT (8) FOR A TOTAL OF ELEVEN (11) UNITS. THE PROJECT INCLUDES USE OF THE CITY'S DENSITY BONUS ORDINANCE TO EXCEED ALLOWED DENSITY PER CHAPTER 23.79 OF THE PACIFIC GROVE MUNICIPAL CODE (PGMC).

FACTS

1. The project site is located at 301 Grand Avenue, Pacific Grove, 93950 APNs 006-287-006, -012 (property).
2. The project site has a designation of Commercial on the adopted City of Pacific Grove (City) General Plan Land Use Map.
3. The project site is located in the C-D zoning district.
4. The project site is 7,470 square feet (sf) in size.
5. The project site was developed with a 6,179 sf mixed use building with 2 retail units and 5 residential units which was demolished under a Notice to Vacate and Demolish issued by the City in December 2017.
6. An Architectural Permit (AP 16-0121) for the development of a new, two-story mixed-use building with eight (8) residential units was approved by the Architectural Review Board (ARB) in July 2016. This building is currently under construction.
7. The subject site is within the Area of Special Biological Significance, but it is not on the Historic Resources Inventory, not in the Coastal zone, nor in an archaeologically sensitive area.
8. The current project seeks to utilize the City's Density Bonus provisions in PGMC Chapter 23.79 to exceed the allowed density (5 units) by six (6) units for a total of eleven (11) units in exchange for the dedication of the three (3) proposed units as low income-qualified units regulated through a deed restriction and administered by the City's Housing Division for a 50-year term.
9. This project has been determined to be categorically exempt under CEQA Guidelines §15332, Class 32, for In-fill Development.

FINDINGS

For Architectural Permits per PGMC [§23.70.060\(f\)](#):

1. The architecture and general appearance of the completed project are compatible with the neighborhood;
2. 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
3. The Commission has been guided by and has made reference to applicable provisions of the Architectural Review Guidelines in making its determinations on single-family residences.

For Use Permits per PGMC [§23.70.80\(a\)\(4\)](#):

1. The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of these regulations;
2. The proposed use is consistent with the General Plan, the Local Coastal Program, and any applicable specific plan;
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;

4. 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
5. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

The architectural design and materials of the proposed project will be a continuation of the design authorized under AP 16-0121 and currently under construction. It appears the proposed project would not be detrimental to the development of the City; nor would it would impair the desirability of investment or occupation in the neighborhood. The project does not consist of a single-family residence and this City does not presently have downtown commercial architectural guidelines. The plans were revised in response to comments from neighbors and direction of the ARB.

According to PGMC [Table 23.31.030](#), the C-D zoning district principally permits mixed-use (residential above or behind commercial – no density specified) and multi-family (8 or more units) with a Use Permit (UP). This application includes a UP as eleven (11) units total are proposed to be developed, 3 of which will be income-qualified, low-income units. But for the UP for the number of residential units and the waiver of required parking as an incentive for providing dedicated income-qualified units, the project is in conformance with the development standards of the C-D zoning and the Commercial General Plan and, specifically, the goals and policies of the Housing Element for the development of affordable units.

PERMIT

Architectural Permit & Use Permit (AP/UP) 19-0173:

An Architectural Permit to develop three (3) second-story residential units on APN 006-287-006 over the five (5) space parking area approved for the adjacent mixed-use development. The proposed units are allowed under the Density Bonus provisions in PGMC Chapter 23.79. The project includes a UP for 8 or more residential units per Table 23.31.030 of the PGMC.

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 two (2) years 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 ARB and/or Planning Commission approval.
3. **Terms and Conditions.** These terms and conditions shall run with the land; it is the intention of the City and the owner/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 by the City, 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. **Affordable Housing Term.** The owner shall enter into a 50-year agreement with the City through issuance and recordation of a deed restriction to ensure the three (3) affordable units are retained and actively used as Low Income (as specified in California HCD guidelines current at the time of entry into the contract) rental units for the life of the term.

6. **Occupancy of Affordable Units.** To ensure immediate occupancy of the affordable units, the construction plans for the proposed development shall be amended to the existing Building Permit (PGBP 18-1432) and shall be issued a Certificate of Occupancy at the same time or before occupancy of the market-rate residential units.
7. **Water.** The affordable units may qualify for entitlement water from the affordable housing reserve established City Council Resolution on May 15, 2019, but available water is not assured by this AP/UP . Applicant shall apply for, acquire and pay for any water needed by the units; applicant may request, but is not assured the City will share in the cost of water needed for the project. Approved use of water to the property must comply with requirements of the Monterey Peninsula Water Management District. Limitations may apply regarding installation and use of California American Water Company water meters.
8. **Bike Storage.** The owner shall install and maintain a minimum of four (4) covered bicycle parking facilities onsite.
9. **Transit Passes.** The owner shall provide annual all-access transit passes to the tenants of the three (3) affordable units for the life of the term agreement.
10. **Stormwater Treatment Measure.** The stormwater treatment measures shall be maintained by the property owner in perpetuity and City staff shall be allowed access to inspect all stormwater treatment measures on an annual basis.
11. **Parking.** The project is located in the Downtown Parking District; commercial uses may use City parking lots and on-street parking. Density Bonus provisions allow waiver of parking requirements provided the owner provides five (5) additional City parking permits to tenants of those units throughout the 50-year term of the affordable agreement.
12. **Construction Hours.** Given the proximity of nearby dwellings and to coincide with construction hours allowed for the existing project, construction activities shall not occur before 8:30 a.m. or after 5:00 p.m. Monday through Friday, or at any time on Saturday or Sunday. Furthermore, windows shall be closed during interior construction. Contractors are required to park in the City lot.
13. **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.
14. **Landscaping.** At a minimum, the applicant shall have installed, prior to the issuance of Certificate(s) of Occupancy, a 15-gallon tree in the center of the open center courtyard and evergreen screening trees appropriate for the area along the east property line. All trees and plants shall be species chosen from the City's [Landscape Guidelines & Plant Palette](#).
15. **Windows.** The windows on the east side of Unit 11 shall be frosted.
16. **Drainage Analysis.** Prior to final approval of PGBP 18-1432, the applicant shall demonstrate compliance with all California Building Code grading and drainage requirements, including through the installation of retaining structures as needed.
17. **Lighting.** All lighting shall be down-shielded, directed within the property and located along the ground on walkways, exterior stairs and balconies.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE FINDS THE FOLLOWING:

1. The Planning Commission has determined 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 Planning Commission authorizes Approval of Architectural Permit and Use Permit (AP/UP) 19-0173.
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(s) 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 Planning Commission of the City of Pacific Grove on the 5th day of September, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Donald Murphy, Chair

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.

Manal Mansour, owner

Date

Ayman Adeeb, owner

Date



CITY OF PACIFIC GROVE

Community Development Department – Planning Division
300 Forest Avenue, Pacific Grove, CA 93950
T : 831.648.3183 • F : 831.648.3184 • www.cityofpacificgrove.org

ARCHITECTURAL PERMIT & USE PERMIT (AP/UP) 19-0173

FOR THE DEVELOPMENT OF THREE (3) 424 SQ. FT. AFFORDABLE SECOND-STORY RESIDENTIAL UNITS LOCATED AT 301 GRAND AVENUE. THE USE PERMIT IS REQUIRED IN THE COMMERCIAL-DOWNTOWN DISTRICT FOR EIGHT (8) OR MORE UNITS. THE PROPOSED UNITS COMBINE WITH THE PREVIOUSLY APPROVED EIGHT (8) FOR A TOTAL OF ELEVEN (11) UNITS. THE PROJECT INCLUDES USE OF THE CITY'S DENSITY BONUS ORDINANCE TO EXCEED ALLOWED DENSITY PER §23.79 OF THE PACIFIC GROVE MUNICIPAL CODE (PGMC).

FACTS

1. The subject site is located at 301 Grand Avenue, Pacific Grove, 93950 APNs 006-287-006, -012
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 C-D zoning district.
4. The subject site is 7,560 square feet (sf).
5. The subject site was developed with a 6,179 sf mixed use building with 2 retail units and 5 residential units which was demolished under a Notice to Vacate and Demolish issued by the City in December 2017.
6. An Architectural Permit (AP 16-0121) for the development of a new, two-story mixed-use commercial building with eight (8) residential units was approved by the Architectural Review Board (ARB) in July 2016. This building is currently under construction.
7. The subject site is within the Area of Special Biological Significance, but it is not on the Historic Resources Inventory, is not in the Coastal zone, nor in an archaeologically sensitive area.
8. The current project seeks to utilize the City's Density Bonus provisions in PGMC §23.79 to exceed the allowed density (5 units) by six (6) units for a total of eleven (11) units in exchange for the dedication of the three (3) proposed units as low income-qualified units regulated through a deed restriction and administered by the City's Housing Division for a 50-year term.
9. This project has been determined to be categorically exempt under CEQA Guidelines §15332, Class 32, for In-fill Development.

FINDINGS

For Architectural Permits per PGMC §23.70.060(f):

1. The architecture and general appearance of the completed project are compatible with the neighborhood;
2. 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
3. The board has been guided by and has made reference to applicable provisions of the architectural review guidelines in making its determinations on single-family residences.

For Use Permits per PGMC §23.70.80(a)(4):

1. The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of these regulations;
2. The proposed use is consistent with the general plan, the local coastal program, and any applicable specific plan;
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;

4. 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
5. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

The architectural design and materials of the proposed project will be a continuation of the design authorized under AP 16-0121 and currently under construction. It appears the proposed project would not be detrimental to the development of the City, nor would it would impair the desirability of investment or occupation in the neighborhood. The project does not consist of a single-family residence and this City does not presently have downtown commercial architectural guidelines.

According to PGMC Table 23.31.030, the C-D zoning district principally permits mixed-use (residential above or behind commercial – no density specified) and multi-family (8 or more units) with a Use Permit (UP). This application includes a Use Permit as eleven (11) units total are proposed to be developed, 3 of which will be income-qualified low-income units. But for the UP for the number of residential units and the waiver of required parking as an incentive for providing dedicated income-qualified units, the project is in conformance with the development standards of the C-D zoning and the Commercial General Plan and, specifically, the goals and policies of the Housing Element for the development of affordable units.

PERMIT

Architectural Permit & Use Permit (AP/UP) 19-0173:

An Architectural Permit to develop three (3) second-story residential units on APN 006-287-006 over the five (5) space parking area approved for the adjacent mixed-use development. The proposed units are allowed under the Density Bonus provisions in §23.79 of the Pacific Grove Municipal Code (PGMC). The project includes a Use Permit for 8 or more residential units per Table 23.31.030 of the PGMC.

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 two (2) years 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 and/or Planning Commission approval.
3. **Terms and Conditions.** These terms and conditions shall run with the land; it is the intention of the City 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 by the City, 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. **Affordable Housing Term.** The property owner shall enter into a 50-year agreement with the City through issuance and recordation of a deed restriction to ensure the three (3) affordable units are retained and

- actively used as **Low Income** (as specified in California HCD guidelines current at the time of entry into the contract) rental units for the life of the term.
6. **Occupancy of Affordable Units.** To ensure immediate occupancy of the affordable units, the construction plans for the proposed development shall be amended to the existing Building Permit (PGBP 18-1432) and shall be issued a Certificate of Occupancy at the same time or before occupancy of the market-rate residential units.
 7. **Water.** The affordable units may qualify for entitlement water from the affordable housing reserve established City Council Resolution on May 15, 2019, but available water is not assured by this AP/UP. Applicant shall apply for, acquire and pay for any water needed by the units; applicant may request, but is not assured the City will share in the cost of water needed for the project. Approved use of water to the property must comply with requirements of the Monterey Peninsula Water Management District (District). Limitations may apply regarding installation and use of Cal-Am water meters.
 8. **Bike Storage.** The owner shall install and maintain a minimum of four (4) covered bicycle parking facilities onsite.
 9. **Transit Passes.** The owner shall provide annual all-access transit passes to the tenants of the three (3) affordable units for the life of the term agreement.
 10. **Stormwater Treatment Measure.** The stormwater treatment measures shall be maintained by the property owner in perpetuity and City of Pacific Grove staff shall be allowed access to inspect all stormwater treatment measures on an annual basis.
 11. **Parking.** The project is located in the Downtown Parking District; commercial uses may use City parking lots and on-street parking. Density Bonus provisions allow waiver of parking requirements provided the owner provides five (5) additional City parking permits to tenants of those units throughout the 50-year term of the affordable agreement.
 12. **Construction Hours.** Given the proximity of nearby dwellings and to coincide with construction hours allowed for the existing project, construction activities shall not occur before 8:30 a.m. or after 5:00 p.m. Monday through Friday, or at any time on Saturday or Sunday. Furthermore, windows shall be closed during interior construction. Contractors are required to park in the City lot.
 13. **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.
 14. **Landscaping.** At a minimum, the applicant shall have installed, prior to the issuance of Certificate(s) of Occupancy, a 15-gallon tree in the center of the open center courtyard and evergreen screening trees appropriate for the area along the east property line. All trees and plants shall be species chosen from the City's Landscaping Guidelines & Plant Palette.
 15. **Windows.** The windows on the east side of Unit 11 shall be frosted.
 16. **Drainage Analysis.** Prior to final approval of PGBP 18-1432, the applicant shall demonstrate compliance with all California Building Code grading and drainage requirements.

17: **Lighting.** All lighting shall be down-shielded, directed within the property and located along the ground on walkways, exterior stairs and balconies.

NOW, THEREFORE, BE IT RESOLVED BY THE ARCHITECTURAL REVIEW BOARD OF THE CITY OF PACIFIC GROVE RECOMMENDS TO THE PLANNING COMMISSION THE FOLLOWING:

1. The Board recommends the Planning Commission determine 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 Board recommends that the Planning Commission authorize Approval of Architectural Permit and Use Permit (AP/UP) 19-0173 as amended herein.
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 Architectural Review Board of the City of Pacific Grove on the 13th day of August, 2019, by the following vote:

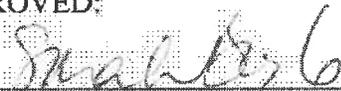
AYES: COEN, GUNBY, BOYLE, VAN ZANTEN

NOES: NONE

ABSENT: VEITENGRUBER, EDMONDS

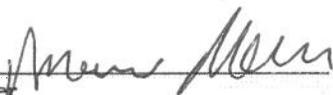
ABSTENTIONS: NONE

APPROVED:

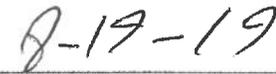


 Sarah Boyle, Chair

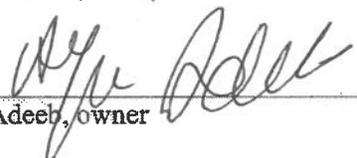
The undersigned hereby acknowledge and agree to the approved terms and conditions, and agree to fully conform to, and comply with, said terms and conditions.



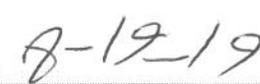
 Manal Mansour, owner



 Date



 Ayman Adeeb, owner



 Date



CITY OF PACIFIC GROVE
Community Development Department – Planning Division
300 Forest Avenue, Pacific Grove, CA 93950
T :: 831.648.3190 • F :: 831.648.3184 • www.ci.pg.ca.us/cdd
NOTICE OF EXEMPTION FROM CEQA

Property Address/Location: 301 Grand Avenue, Pacific Grove, CA 93950
File No. AP/UP 19-0173 **APN** 006-287-006, -012

Project Description: An Architectural Permit to develop three (3) second-story residential units on APN -006 over the five (5) space parking area approved for the adjacent mixed-use development. The proposed units are allowed under the Density Bonus provisions in §23.79 of the Pacific Grove Municipal Code (PGMC). The project includes a Use Permit for 8 or more residential units per Table 23.31.030 of the PGMC.

ZC: Commercial Downtown (C-D) **GP:** Commercial **Lot Size:** 7,560 sq. ft.

Applicant Name: Manal Mansour & Ayman Adeb (Owners) Phone #: 831-915-0797
Mailing Address: PO Box 565, Monterey 93940
Email Address: jmaresidentiala@gmail.com

Public Agency Approving Project: City of Pacific Grove, Monterey County, California

Exempt Status (Check One):

- Ministerial (Sec. 21080(b)(1):15268))
- Declared Emergency (Sec. 21080(b)(3): 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Categorical Exemption

Type and Section Number: Class 32, Section 15332

- Statutory Exemptions
Type and Section Number: _____
- Other: _____

Exemption Findings:

Class 32, In-fill Development, pertains to developments where:

- (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, because no building permit will be issued until water is available.

The exceptions to exemptions in Section 15300.2 of the CEQA Guidelines apply to the Class 32 exemption, but the proposed project does not fall under any of the parameters of the exceptions.

Contact: Alyson Hunter, Senior Planner

Contact Phone: (831) 648-3127

Signature:

Date: September 6, 2019



City of Pacific Grove
COMMUNITY DEVELOPMENT DEPARTMENT - HOUSING DIVISION
300 Forest Avenue, Pacific Grove CA 93950
Email:tschaeffer@cityofpacificgrove.org, Phone: (831) 648-3199

MEMORANDUM

TO: Mayor and City Council, Planning Commission
 FROM: Housing Division
 DATE: August 16, 2019
 SUBJECT: **2019 INCOME GUIDELINES FOR HOUSING PROGRAMS**

The following table shows the recently received State CDBG Income guidelines for determining eligible income levels in Pacific Grove effective June 28, 2019. Income levels are used to determine eligibility in various City housing programs. These figures are updated annually.

Note: AMI = Area Median Income (Monterey County)

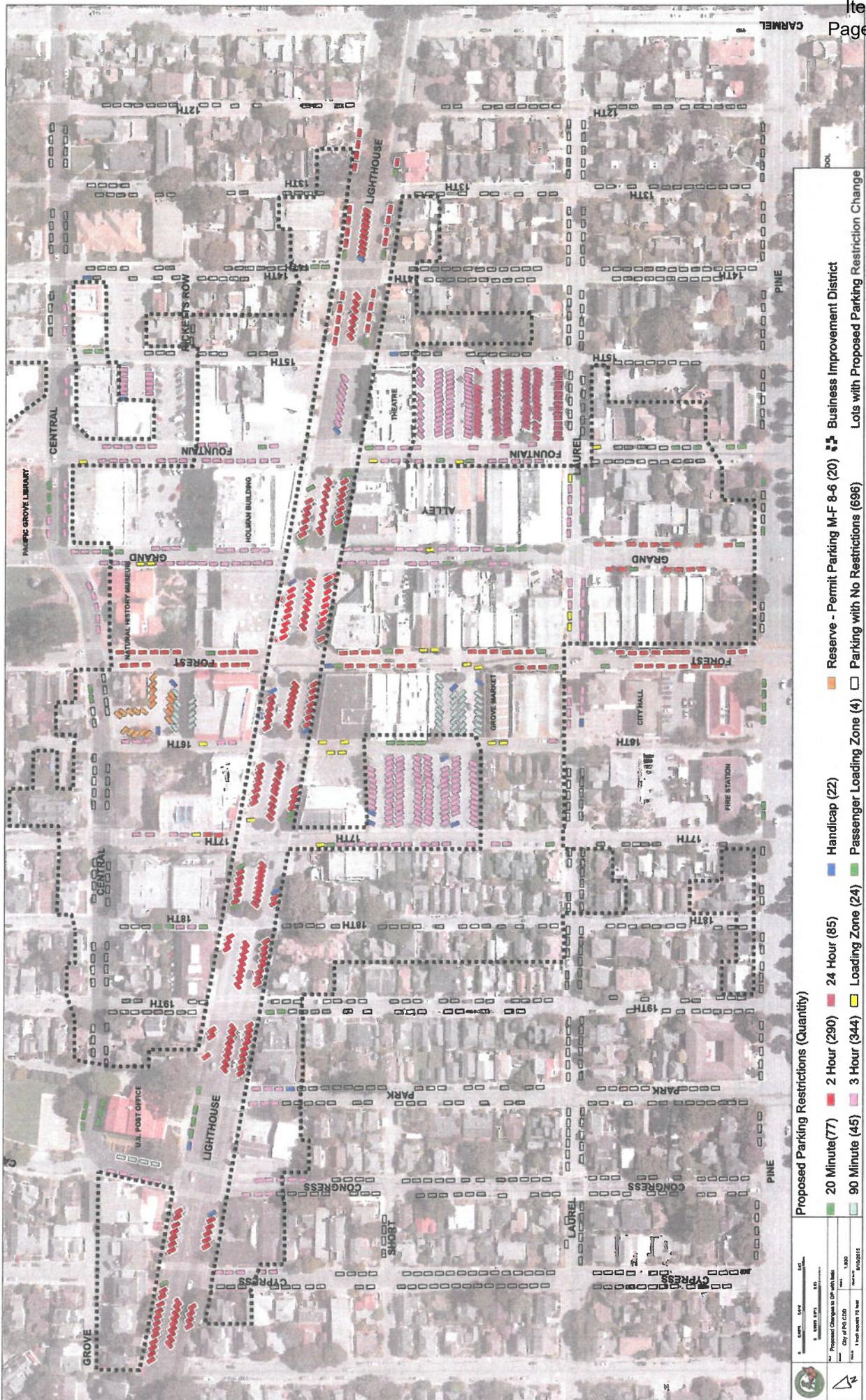
MAXIMUM GROSS ANNUAL INCOME	HOUSEHOLD SIZE					
	Number of people in the household					
	1	2	3	4	5	6
<u>EXTREMELY LOW (30% AMI)</u>						
Annual (\$)	18,900	21,600	24,300	26,950	29,150	31,300
Monthly (\$)	1,575	1,800	2,025	2,246	2,429	2,608
30% of Monthly (\$)	473	540	608	674	729	783
<u>VERY LOW INCOME (50% AMI)</u>						
Annual (\$)	31,450	35,950	40,450	44,900	48,500	52,100
Monthly (\$)	2,621	2,996	3,371	3,742	4,042	4,342
30% of Monthly (\$)	786	899	1,011	1,123	1,213	1,303
<u>LOWER INCOME (60% AMI)</u>						
Annual (\$)	37,740	43,140	48,540	53,880	58,200	62,520
Monthly (\$)	3,145	3,595	4,045	4,490	4,850	5,210
30% of Monthly (\$)	944	1,079	1,214	1,347	1,455	1,563
<u>LOW INCOME (80% AMI)</u>						
Annual (\$)	50,300	57,500	64,700	71,850	77,600	83,350
Monthly (\$)	4,192	4,792	5,392	5,988	6,467	6,946
30% of Monthly (\$)	1,258	1,438	1,618	1,796	1,940	2,084
<u>AREA MEDIAN INCOME (100%)</u>						
Annual (\$)	51,850	59,300	66,700	74,100	80,050	85,950
Monthly (\$)	4,321	4,942	5,558	6,175	6,671	7,163
30% of Monthly (\$)	1,296	1,483	1,668	1,853	2,001	2,149
<u>MODERATE (120% AMI)</u>						
Annual (\$)	62,250	71,100	80,000	88,900	96,000	103,100
Monthly (\$)	5,188	5,925	6,667	7,408	8,000	8,592
30% of Monthly (\$)	1,556	1,778	2,000	2,223	2,400	2,578

cc: City Manager, Finance, CDD Staff

City of Pacific Grove
Public Parking Lots

Lot No.	Location	Landmark	Restrictions	Spaces Available	Permits Allowed	Permits Sold	Permits Available
1	Fountain Avenue/Laurel	Movie Theater	3 & 24-hour	(85) 24 hr & (54) 3 hr	(5) Residential & (5) General	0	10
2	17th Street/16th Street/Lighthouse	Fandango's	3 hour	(94) 3 hr & (4) ADA	50	29	21
3	Forest Avenue/16th Street/Lighthouse	Grove Market	90 minute	(30) 90 min & (1) ADA	None	N/A	N/A
4	Forest Avenue/15th Street/Central	Pepper's	90 minute	(11) 90 min/(2) ADA/ (20) permit only	20	20	0
5	15th Street/ Ricketts Row/ Central)	Aqua Terra	90 minute	(11) 2 hr & (1) ADA	7	1	6
6	Lover's Point (17th & Ocean View)	Lover's Point	2 hour	(31) 2 hr & (3) ADA	None	N/A	N/A
6a	Directly across from Lover's Point Lot	55+ Community	2 hour	(20) 2 hr & (1) ADA	None	N/A	N/A

Total Lot Permits Allowed	87
Total Lot Parking Spaces (Downtown)	313



Proposed Parking Restrictions (Quantity)

- 20 Minute (77)
- 2 Hour (290)
- 24 Hour (85)
- Handicap (22)
- Reserve - Permit Parking M-F 8-6 (20)
- Business Improvement District
- 90 Minute (45)
- 3 Hour (344)
- Passenger Loading Zone (4)
- Parking with No Restrictions (696)
- Lots with Proposed Parking Restriction Change

City of Pacific Grove
 Planning Department
 1000 Pacific Grove Blvd
 Pacific Grove, CA 93950
 Phone: (408) 342-1000
 Fax: (408) 342-1001
 Email: info@cityofpg.org

Paul J. Marko

304 Fountain Ave, Pacific Grove, CA 93950

Email: paul.j.marko@gmail.com

Phone: (619) 818-3842

July 1, 2019

To the Pacific Grove Architectural Review Board,

The purpose of this letter is to oppose the proposal for an addition to the current construction project at **301 Grand Ave**, which is on your agenda for the July 9th board meeting. The proposed addition of three apartments and a covered garage is attempting to exploit a revenue opportunity without considering the cost to the community and neighboring properties. I request that the ARB disapprove this project for the following reasons:

1. The addition goes way above and beyond the ARB-approved plan on this parcel of land, which intended to place a mixed-use structure at 301 Grand Ave that would match the aesthetic, shape and footprint of the original historic building that was unfortunately condemned and demolished.
2. The addition creates excessive traffic and demand for parking already restricted by the surrounding businesses, public bus route, residences, church, school, and municipal buildings.
3. The addition creates a greater environmental impact by increasing urban density.
4. The addition will further invade the privacy, peace, and natural light access of neighboring properties; qualities that have already been compromised by the increased size of the current project compared to the original historic structure.

I respectfully request that you consider my concerns and disapprove this proposal. The current 301 Grand Avenue construction project as it stands will be more than sufficient for the economic and aesthetic enhancement of downtown Pacific Grove.

Thank you for your time and consideration.

Sincerely,

Paul J. Marko

P.S., Please provide a copy of this letter to each member of the Architectural Review Board and City Council liaison prior to the scheduled July 9, 2019 meeting.

To: Pacific Grove Architectural Review Board
From: Heather Gregg
304 Fountain Ave, Pacific Grove, CA 93950
Re: New Building Proposed for 305 Grand Ave
Date: June 28, 2019

Dear Members of the Pacific Grove Architectural Review Board:

I am writing to express my concern regarding the newly proposed addition to 301 Grand Avenue, and the request to build three additional dwelling units above five parking spaces at 305 Grand Avenue. I ask that this memorandum be made part of the official record of the public response to the proposed project, and that it be forwarded to each member of the Architectural Review Board before the scheduled July 9, 2019 meeting.

I do not support the building of this additional structure for the following reasons:

1. The destruction of the original historic nature of the building and the neighborhood

As the committee knows, the original building at 301 Grand was a HRI property that dated back to 1900. In December 2017, the city mandated the building's demolition citing that it was structurally unsound. The agreement of the owner and the ARB (as stipulated in the April 24, 2018 meeting) was to replace the historic building with a new building "in kind," meaning a building with a similar style, size and footprint. The 301 Grand project, currently being built, is mostly honoring this stipulation. The building is considerably higher than the older one and raised the number of apartments from four to eight but, overall, I was in support of the replacement building's design and believe it has kept this promise.

The new proposed project on 305 Grand, however, will not be honoring the promise of a building "in kind". The new addition will be completely changing the historical footprint of the building and, by extension, the neighborhood. For this reason, the proposed addition of 305 Grand should not be allowed.

2. The overwhelming size of the project, when combined with 301 Grand

The proposed addition at 305 Grand will make an already large building complex massive and completely out of proportion with the rest of the block. If allowed, this new project will introduce an apartment complex that will total 11 units, up from the original 4 units, and as many as 22 occupants in a neighborhood that previously did not have an apartment complex. Furthermore, the project will include four retail spaces and a dentist's office, which will further increase the impact of the project on the neighborhood.

The combined size of these two projects is out of character with the neighborhood and, as such, should not be allowed.

3. The impact of the project on parking and traffic density

The introduction of a mixed use building of this size (11 units, four retail spaces and a dentist's office) will adversely affect the population density and traffic in the neighborhood.

Currently, non-restricted parking begins at Fountain and Laurel, and goes up Fountain one block (where it becomes limited on Pine) and down Laurel towards 15th Ave. Parking on the 300 block of Fountain contains 16 non-restricted spaces and two 24-minute spaces. These 16 unrestricted spaces are already challenged by multiple, competing interests: a day care and church at the top of the street; Robert Downs School, including teachers and parents parking on this street; individuals that work on Lighthouse and other restricted parking areas and use Fountain Avenue to park; and the residents that live on the 300 block of Fountain. Fountain Avenue also has the Number 2 city bus that now goes both up and down the street, in addition to considerable foot traffic, including children walking to and from school.

Per the terms of the city, apartment buildings should have 1.3 spaces per dwelling unit. 301 Grand, the current project has a total of 8 units, with 5 proposed parking spaces next to the building and 5 spots “reserved” in the municipal lot. There are no reserved spaces for the retail spaces on site or in the neighborhood. The proposed building will bring the number of dwelling units to 11, requiring 15 parking spaces (if rounding up), with no additional spaces provided on the premises.

Given that the municipal lot is a block away from 301 Grand, the possibility that tenants in the building will park closer, including on Fountain Avenue, is likely and will challenge the already limited number of parking spaces for residents on that street. I also question the ability of the city to enforce the “reserved” status of the parking spaces in the municipal parking lot. If someone is parking in a tenant’s spot, are they to call 911 and have the city tow the vehicle? That is unlikely. In other words, the city has not produced an adequate solution to the building’s already limited parking situation, and now is considering letting the owner build additional units.

For reasons of severely limited parking, an unacceptable solution to the parking problem, and neighborhood traffic density, 305 Grand should not be approved.

4. The unmet promise to provide affordable housing at 301 Grand

The original ARB approved project (March 2016) promised to put several affordable income apartments in 301 Grand. It was our understanding that the speed with which ARB and the city approved the 301 Grand project was because of the need for affordable housing in Pacific Grove, the state’s demand and incentives for mixed use projects that provided affordable housing.

At the April 2018 ARB meeting, it was announced that all of the apartments would be offered at “market value”. In other words, this critical reason for speeding through the process of approving 301 Grand in March 2016, and reapproving it in April 2018, has not been met.

Now the owner is claiming, again, to provide affordable housing in the new project. Given that this did not happen with the first building, it is worth questioning the owner’s intention of following through with this claim. For this reason, the project should not be approved.

5. The removal of the tree in the courtyard and the impact of the project on our peace, privacy and quality of life

Prior to the beginning of demolition in April 2018, there was a plum tree that sat in the courtyard of the original building. That tree provided visual coverage and noise abatement, in addition to being beautiful. The tree had to be removed because it was diseased, and the April 2018 ARB meeting stipulated that a tree “in kind” be placed in the courtyard of the new project. The 305 Grand

architectural designs show no tree in the courtyard. We would like to confirm that a tree “in kind” will be planted there, as stipulated.

Finally, it bears mentioning that a project this size will negatively affect our peace and privacy and that of our neighbors. The number of residents could be 22, or more, along with those visiting the retail spaces and the dentist’s office. The current project has a staircase outside our bedroom, and three second-story doors. Adding three more units, which will use the same staircase, will further add to already considerable noise from foot-traffic and doors opening and closing. We ask that the ARB consider the impact a project of this size and number of people will have on the neighbors, including their peace and privacy, and not allow the project for these reasons.

6. Continued limitation of construction hours

Finally, at the 2016 ARB meeting we asked that the hours of construction be limited, given the very close proximity of the construction site to our house, the close proximity of the site to our neighbors, and the density of foot and car traffic of this neighborhood (including children walking to and from school, and parents dropping their kids off at the daycare and school). We thank the ARB for allowing us this request!

We also would like to request that the limits placed on the construction crew’s work hours in the 2016 and 2018 ARB meetings should be maintained at **8:30AM to 5:30PM, Monday through Friday, and that no work be done on the site on Saturday or Sunday until the exterior of the building is completed, including the roof.**

In closing, I would like to say that I am delighted to be a citizen of Pacific Grove. My husband and I met in Pacific Grove in 2008 at the Feast of the Lanterns Celebration, we fell in love here, and we moved here after getting married. There is no place we would rather be.

We thank the ARB for its time and consideration of these matters. Please do not hesitate to contact us should you have any questions or concerns.

Most sincerely,

Heather S. Gregg

Edmonds Design & Construction, 225 Congress Ave, Pacific Grove, Ca. 93950

Phone # 831-402-1347-- www.edmondsconstruction.com Ca. License # B349605

email: jeffedmonds@edmondsconstruction.com

7/2/2019

To: ARB, via Allyson Hunter, city of PG, planning department
Re: 301 Grand ave, PG

Dear Allyson, and ARB Board Members

Regarding the 301 Grand project, there have been a series of issues with this project. I am listing the timeline with comments here:

As best we have put together, the timeline relating to this project is as follows:

Feb 2016 - story poles put up based on plans drafted by JHW Architects. These plans were for renovation of the original historic building and included adding 2nd story to the building

March 8, 2016 - plans were approved by ARB

Sept/Oct 2017 - property and plans were sold to current owner

Dec 2017 - building was condemned, tenants evicted, and demolition of historic building was approved

(This demolition decision was not monitored by the HRC, or ARB. There should have been discussion and findings to allow the demolition).

April 24, 2018 - modified plans were submitted to the city. Plans were drafted by Enviro and had been redrawn to allow for new construction rather than renovation of existing building. At the meeting the owner's representative stated that in an effort to streamline the process, minimal changes had been made to the already approved plans. It was noted that a change had been made to the facade at the northwest corner of the building (corner of Grand and Laurel). The new plans were for retail and an ADA unit on the ground floor. And 7 units on the second floor. A prior requirement for some units to be affordable housing was removed from the conditions for approval.

(Why were the affordable units eliminated? That was a requirement of the original approval.)

The new plans were approved by the ARB with minimal discussion.(I don't remember any discussion of removing the affordable units from the project,, or any discussion of the added height to the building,, see photo)

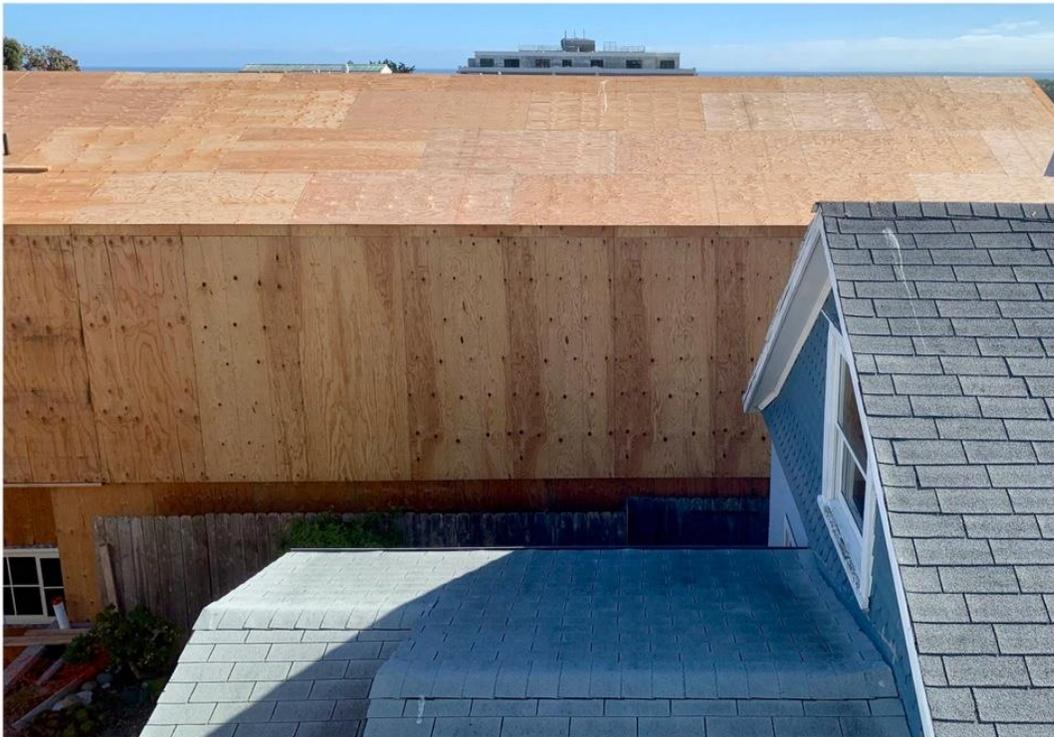
May 2018 - historic building was demolished and construction of new building began

I have photos from a neighbor on Fountain, showing the original netting from her upstairs window, and then below it, the actual building and where it lies in relation to the netting. These requirements to install the netting should be vetted by the building inspector or someone he assigns to confirm that the netting at least somewhat represents the actual building.

As far as the latest application to increase the size of the building, and to add 2nd story apartments, I am opposed.

I think the neighbors have been misled since the story poles and the new construction do not compare. Any additional reduction in their view, light and air, would be an insult to the neighbors.

Jeff Edmonds



You can see what the view above the netting looks like, and where the actual building is located.



Alyson Hunter <ahunter@cityofpacificgrove.org>

301 Grand, Pacific Grove

Carolyn Hill <carolyn.pg.zermatt@gmail.com>
To: ahunter@cityofpacificgrove.org, kuehl@monterey.org
Cc: Eric Kawashima <eckawahill@gmail.com>

Thu, Jun 27, 2019 at 7:29 AM

Dear Alyson and John,

On Monday June 23 story poles were erected at the western edge of lot at 301 Grand. Plans filed with the city show the developer has proposed a 2 story building that will completely fill the lot.

Our home at 308 Fountain is adjacent to the proposed project. We respectfully request additional story poles be erected at the eastern edge of the lot that accurately reflect (1) setback from neighboring residential fence line and (2) roofline of proposed project.

In addition, we ask that the story poles be independently certified by a 3rd party. As you can see from the attached photos, story poles relating to the original project at this site were grossly misleading to the city and the public.

Thank you for your consideration.
Carolyn Hill & Eric Kawashima

Sent from my iPad



image1.JPG
492K

To: Pacific Grove Architectural Review Board
From: Heather Gregg
304 Fountain Ave, Pacific Grove, CA 93950
Re: New Building Proposed for 305 Grand Ave
Date: June 28, 2019

Dear Members of the Pacific Grove Architectural Review Board:

I am writing to express my concern regarding the newly proposed addition to 301 Grand Avenue, and the request to build three additional dwelling units above five parking spaces at 305 Grand Avenue. I ask that this memorandum be made part of the official record of the public response to the proposed project, and that it be forwarded to each member of the Architectural Review Board before the scheduled July 9, 2019 meeting.

I do not support the building of this additional structure for the following reasons:

1. The destruction of the original historic nature of the building and the neighborhood

As the committee knows, the original building at 301 Grand was a HRI property that dated back to 1900. In December 2017, the city mandated the building's demolition citing that it was structurally unsound. The agreement of the owner and the ARB (as stipulated in the April 24, 2018 meeting) was to replace the historic building with a new building "in kind," meaning a building with a similar style, size and footprint. The 301 Grand project, currently being built, is mostly honoring this stipulation. The building is considerably higher than the older one and raised the number of apartments from four to eight but, overall, I was in support of the replacement building's design and believe it has kept this promise.

The new proposed project on 305 Grand, however, will not be honoring the promise of a building "in kind". The new addition will be completely changing the historical footprint of the building and, by extension, the neighborhood. For this reason, the proposed addition of 305 Grand should not be allowed.

2. The overwhelming size of the project, when combined with 301 Grand

The proposed addition at 305 Grand will make an already large building complex massive and completely out of proportion with the rest of the block. If allowed, this new project will introduce an apartment complex that will total 11 units, up from the original 4 units, and as many as 22 occupants in a neighborhood that previously did not have an apartment complex. Furthermore, the project will include four retail spaces and a dentist's office, which will further increase the impact of the project on the neighborhood.

The combined size of these two projects is out of character with the neighborhood and, as such, should not be allowed.

3. The impact of the project on parking and traffic density

The introduction of a mixed use building of this size (11 units, four retail spaces and a dentist's office) will adversely affect the population density and traffic in the neighborhood.

Currently, non-restricted parking begins at Fountain and Laurel, and goes up Fountain one block (where it becomes limited on Pine) and down Laurel towards 15th Ave. Parking on the 300 block of Fountain contains 16 non-restricted spaces and two 24-minute spaces. These 16 unrestricted spaces are already challenged by multiple, competing interests: a day care and church at the top of the street; Robert Downs School, including teachers and parents parking on this street; individuals that work on Lighthouse and other restricted parking areas and use Fountain Avenue to park; and the residents that live on the 300 block of Fountain. Fountain Avenue also has the Number 2 city bus that now goes both up and down the street, in addition to considerable foot traffic, including children walking to and from school.

Per the terms of the city, apartment buildings should have 1.3 spaces per dwelling unit. 301 Grand, the current project has a total of 8 units, with 5 proposed parking spaces next to the building and 5 spots “reserved” in the municipal lot. There are no reserved spaces for the retail spaces on site or in the neighborhood. The proposed building will bring the number of dwelling units to 11, requiring 15 parking spaces (if rounding up), with no additional spaces provided on the premises.

Given that the municipal lot is a block away from 301 Grand, the possibility that tenants in the building will park closer, including on Fountain Avenue, is likely and will challenge the already limited number of parking spaces for residents on that street. I also question the ability of the city to enforce the “reserved” status of the parking spaces in the municipal parking lot. If someone is parking in a tenant’s spot, are they to call 911 and have the city tow the vehicle? That is unlikely. In other words, the city has not produced an adequate solution to the building’s already limited parking situation, and now is considering letting the owner build additional units.

For reasons of severely limited parking, an unacceptable solution to the parking problem, and neighborhood traffic density, 305 Grand should not be approved.

4. The unmet promise to provide affordable housing at 301 Grand

The original ARB approved project (March 2016) promised to put several affordable income apartments in 301 Grand. It was our understanding that the speed with which ARB and the city approved the 301 Grand project was because of the need for affordable housing in Pacific Grove, the state’s demand and incentives for mixed use projects that provided affordable housing.

At the April 2018 ARB meeting, it was announced that all of the apartments would be offered at “market value”. In other words, this critical reason for speeding through the process of approving 301 Grand in March 2016, and reapproving it in April 2018, has not been met.

Now the owner is claiming, again, to provide affordable housing in the new project. Given that this did not happen with the first building, it is worth questioning the owner’s intention of following through with this claim. For this reason, the project should not be approved.

5. The removal of the tree in the courtyard and the impact of the project on our peace, privacy and quality of life

Prior to the beginning of demolition in April 2018, there was a plum tree that sat in the courtyard of the original building. That tree provided visual coverage and noise abatement, in addition to being beautiful. The tree had to be removed because it was diseased, and the April 2018 ARB meeting stipulated that a tree “in kind” be placed in the courtyard of the new project. The 305 Grand

architectural designs show no tree in the courtyard. We would like to confirm that a tree “in kind” will be planted there, as stipulated.

Finally, it bears mentioning that a project this size will negatively affect our peace and privacy and that of our neighbors. The number of residents could be 22, or more, along with those visiting the retail spaces and the dentist’s office. The current project has a staircase outside our bedroom, and three second-story doors. Adding three more units, which will use the same staircase, will further add to already considerable noise from foot-traffic and doors opening and closing. We ask that the ARB consider the impact a project of this size and number of people will have on the neighbors, including their peace and privacy, and not allow the project for these reasons.

6. Continued limitation of construction hours

Finally, at the 2016 ARB meeting we asked that the hours of construction be limited, given the very close proximity of the construction site to our house, the close proximity of the site to our neighbors, and the density of foot and car traffic of this neighborhood (including children walking to and from school, and parents dropping their kids off at the daycare and school). We thank the ARB for allowing us this request!

We also would like to request that the limits placed on the construction crew’s work hours in the 2016 and 2018 ARB meetings should be maintained at **8:30AM to 5:30PM, Monday through Friday, and that no work be done on the site on Saturday or Sunday until the exterior of the building is completed, including the roof.**

In closing, I would like to say that I am delighted to be a citizen of Pacific Grove. My husband and I met in Pacific Grove in 2008 at the Feast of the Lanterns Celebration, we fell in love here, and we moved here after getting married. There is no place we would rather be.

We thank the ARB for its time and consideration of these matters. Please do not hesitate to contact us should you have any questions or concerns.

Most sincerely,

Heather S. Gregg

Paul J. Marko

304 Fountain Ave, Pacific Grove, CA 93950

Email: paul.j.marko@gmail.com

Phone: (619) 818-3842

July 1, 2019

To the Pacific Grove Architectural Review Board,

The purpose of this letter is to oppose the proposal for an addition to the current construction project at **301 Grand Ave**, which is on your agenda for the July 9th board meeting. The proposed addition of three apartments and a covered garage is attempting to exploit a revenue opportunity without considering the cost to the community and neighboring properties. I request that the ARB disapprove this project for the following reasons:

1. The addition goes way above and beyond the ARB-approved plan on this parcel of land, which intended to place a mixed-use structure at 301 Grand Ave that would match the aesthetic, shape and footprint of the original historic building that was unfortunately condemned and demolished.
2. The addition creates excessive traffic and demand for parking already restricted by the surrounding businesses, public bus route, residences, church, school, and municipal buildings.
3. The addition creates a greater environmental impact by increasing urban density.
4. The addition will further invade the privacy, peace, and natural light access of neighboring properties; qualities that have already been compromised by the increased size of the current project compared to the original historic structure.

I respectfully request that you consider my concerns and disapprove this proposal. The current 301 Grand Avenue construction project as it stands will be more than sufficient for the economic and aesthetic enhancement of downtown Pacific Grove.

Thank you for your time and consideration.

Sincerely,

Paul J. Marko

P.S., Please provide a copy of this letter to each member of the Architectural Review Board and City Council liaison prior to the scheduled July 9, 2019 meeting.

Edmonds Design & Construction, 225 Congress Ave, Pacific Grove, Ca. 93950

Phone # 831-402-1347-- www.edmondsconstruction.com Ca. License # B349605

email: jeffedmonds@edmondsconstruction.com

7/2/2019

To: ARB, via Allyson Hunter, city of PG, planning department
Re: 301 Grand ave, PG

Dear Allyson, and ARB Board Members

Regarding the 301 Grand project, there have been a series of issues with this project. I am listing the timeline with comments here:

As best we have put together, the timeline relating to this project is as follows:

Feb 2016 - story poles put up based on plans drafted by JHW Architects. These plans were for renovation of the original historic building and included adding 2nd story to the building

March 8, 2016 - plans were approved by ARB

Sept/Oct 2017 - property and plans were sold to current owner

Dec 2017 - building was condemned, tenants evicted, and demolition of historic building was approved

(This demolition decision was not monitored by the HRC, or ARB. There should have been discussion and findings to allow the demolition).

April 24, 2018 - modified plans were submitted to the city. Plans were drafted by Enviro and had been redrawn to allow for new construction rather than renovation of existing building. At the meeting the owner's representative stated that in an effort to streamline the process, minimal changes had been made to the already approved plans. It was noted that a change had been made to the facade at the northwest corner of the building (corner of Grand and Laurel). The new plans were for retail and an ADA unit on the ground floor. And 7 units on the second floor. A prior requirement for some units to be affordable housing was removed from the conditions for approval.

(Why were the affordable units eliminated? That was a requirement of the original approval.)

The new plans were approved by the ARB with minimal discussion.(I don't remember any discussion of removing the affordable units from the project,, or any discussion of the added height to the building,, see photo)

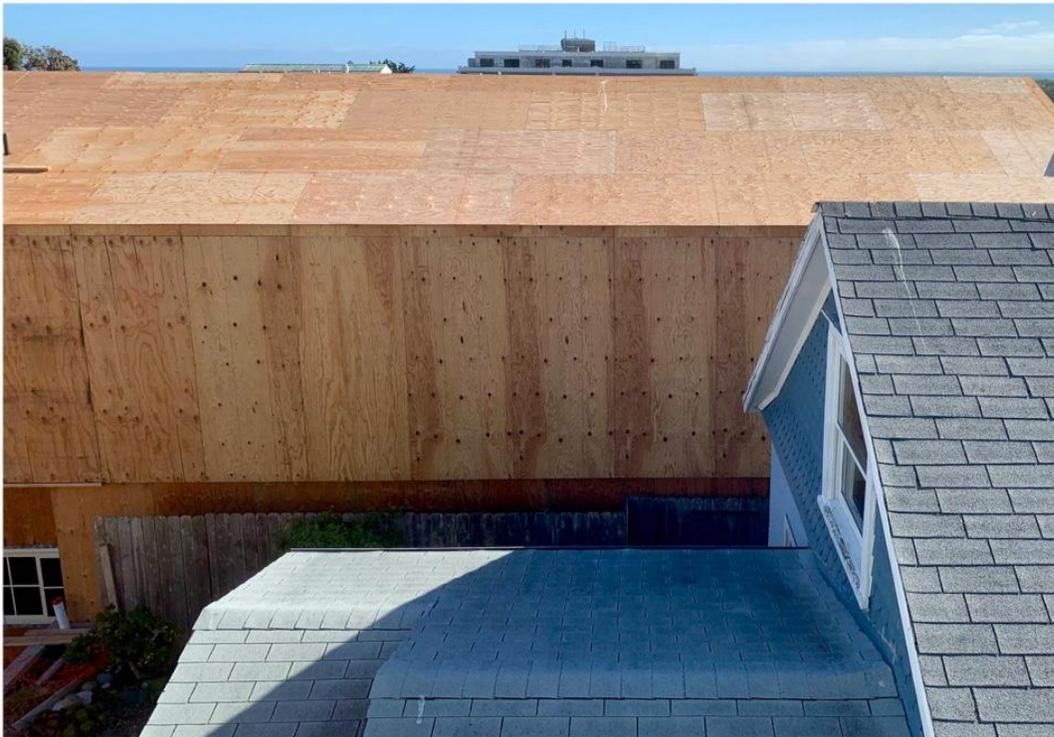
May 2018 - historic building was demolished and construction of new building began

I have photos from a neighbor on Fountain, showing the original netting from her upstairs window, and then below it, the actual building and where it lies in relation to the netting. These requirements to install the netting should be vetted by the building inspector or someone he assigns to confirm that the netting at least somewhat represents the actual building.

As far as the latest application to increase the size of the building, and to add 2nd story apartments, I am opposed.

I think the neighbors have been misled since the story poles and the new construction do not compare. Any additional reduction in their view, light and air, would be an insult to the neighbors.

Jeff Edmonds



You can see what the view above the netting looks like, and where the actual building is located.

TO: Pacific Grove Architectural Review Board
From: Carolyn Hill
308 Fountain Ave, Pacific Grove
Date: July 2, 2019
RE: Proposed addition to development of 301 Grand Ave

Please make this memorandum part of the official record of the public response to the proposed project. Please forward to each member of the Architectural Review Board and City Council liaison prior to the scheduled July 9, 2019 meeting.

Dear Members of the Pacific Grove Architectural Review Board,

My husband and I live at 308 Fountain Ave. Our backyard property line abuts the new construction at 301 Grand Ave. We love PG. We love our home. And I love being near downtown where I can easily walk to the post office, bank, the hardware store, get a haircut etc. or down to the rec trail.

I oppose the new project addition that is under discussion this afternoon. The applicant is requesting approval for a new 2 story building on the site that was previously approved for landscaped, open parking spaces. The building is massive and will completely fill the lot, with no setback to the adjacent commercial zone and only a 5' setback from the adjacent residential properties.

On any city zoning map there will always be a line delineating commercial and residential zones. In the case of this project, our home is on the residential side of the line. The proposed project is on the commercial side of the line. Any new development, whether commercial or residential should take into consideration the surrounding neighborhood. As stated in your guidelines, "Maintaining views and access to light and air, as well as respecting the privacy of one's neighbors, are important design considerations." In the case of a commercial development that abuts a residential area, there is a reasonable expectation for a transition between the two zones.

The approved plan for developing 301 Grand which is currently under construction roughly maintained the footprint of the original historic building that was on this site. The approved plan also included a courtyard with planter boxes, replacing a mature tree that was taken down during the demolition process, and an area with permeable pavers for parking that was to be nicely landscaped. These features provided a buffer zone between the commercial and abutting residential properties and allowed some privacy for the neighboring homes. However, if story poles and netting had been erected that accurately represented the height and volume of the building, we surely would have asked for those plans to be revised.

In the plans under discussion today, the courtyard has been modified. New stairs have been added to access the additional proposed units. The planter box reserved

for the replacement tree that would have afforded the privacy promised in the original plan is now gone. And trash receptacles are now located directly on the property line of abutting residences. The original plan for a nice courtyard with replacement plum tree and landscaped parking with permeable pavers has morphed into additional stairs and trash receptacles. All resulting in a more noise, odors and a loss of privacy for us (Fig. 1).

Due to the higher second floor and roof on the Laurel Ave building, we have already lost a significant amount of light and privacy in our downstairs north facing windows and porch. The new proposed building on Grand Ave would completely block the light in our downstairs west facing kitchen window and would significantly reduce the amount of light in our upstairs west facing bedroom and bathroom windows. People would be able to look down into our kitchen window and across into our bedroom and bathroom.

While all of this may be allowed by current zoning laws for commercial properties, it is not in keeping with the original condition that the development maintain its historical character. The concept of good neighbors, privacy and allowing for a transition between commercial and residential zones is completely ignored. And given our negative experience with the story poles for the building on Laurel, we have no confidence that the story poles and netting for the new building are an accurate representation of the plans.

We respectfully request that you not approve the plans submitted for today's meeting. Development of this site should be in compliance with the original plans for 301 Grand that were submitted by the owners of the property and were approved by the ARB on April 24, 2018.

Thank you for your time and consideration. Please do not hesitate to contact me if you have any questions.

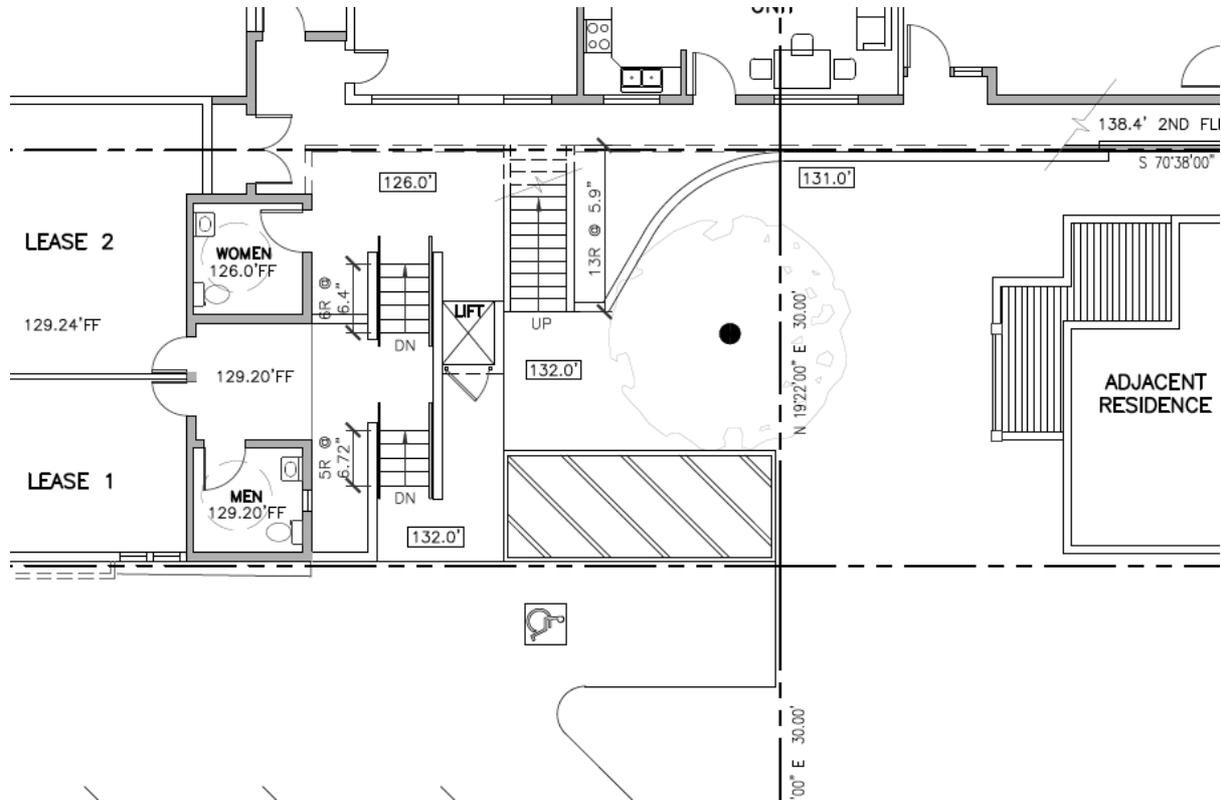
Sincerely,

Carolyn Hill

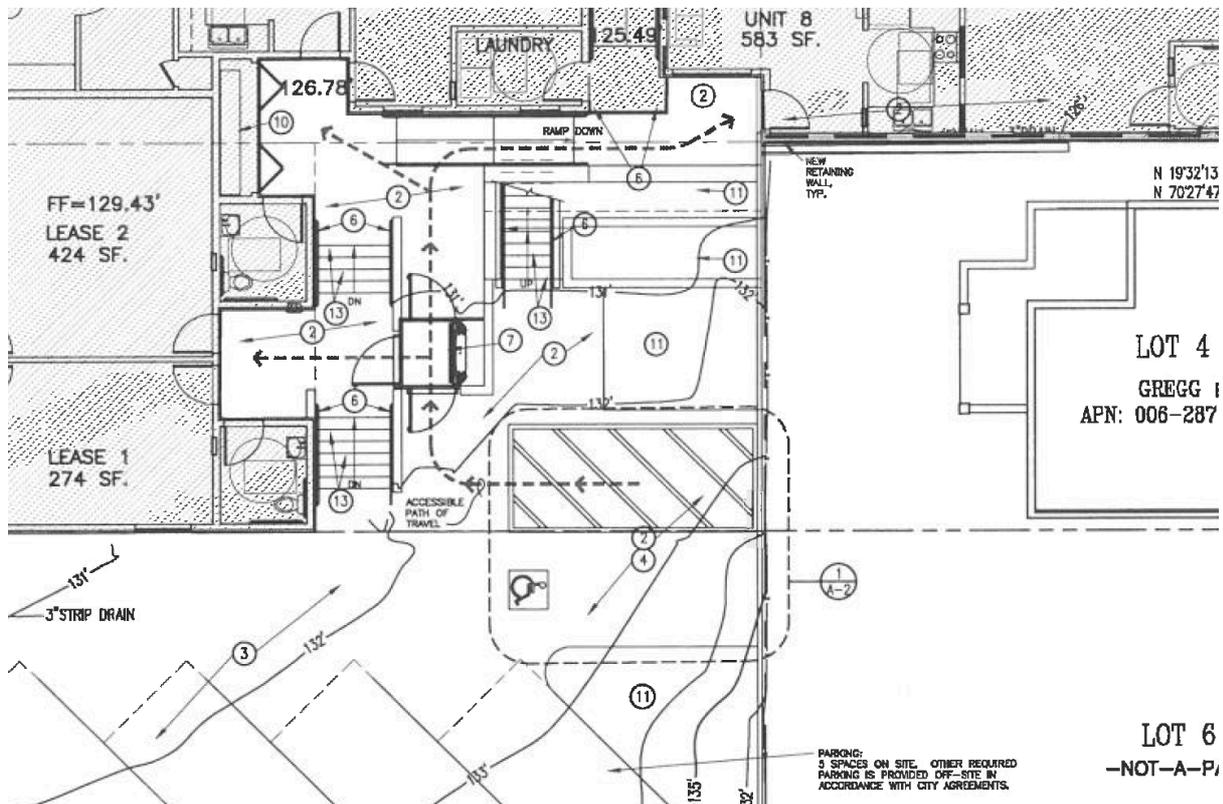
carolyn.pg.zermatt@gmail.com

Fig 1: Changes to courtyard space

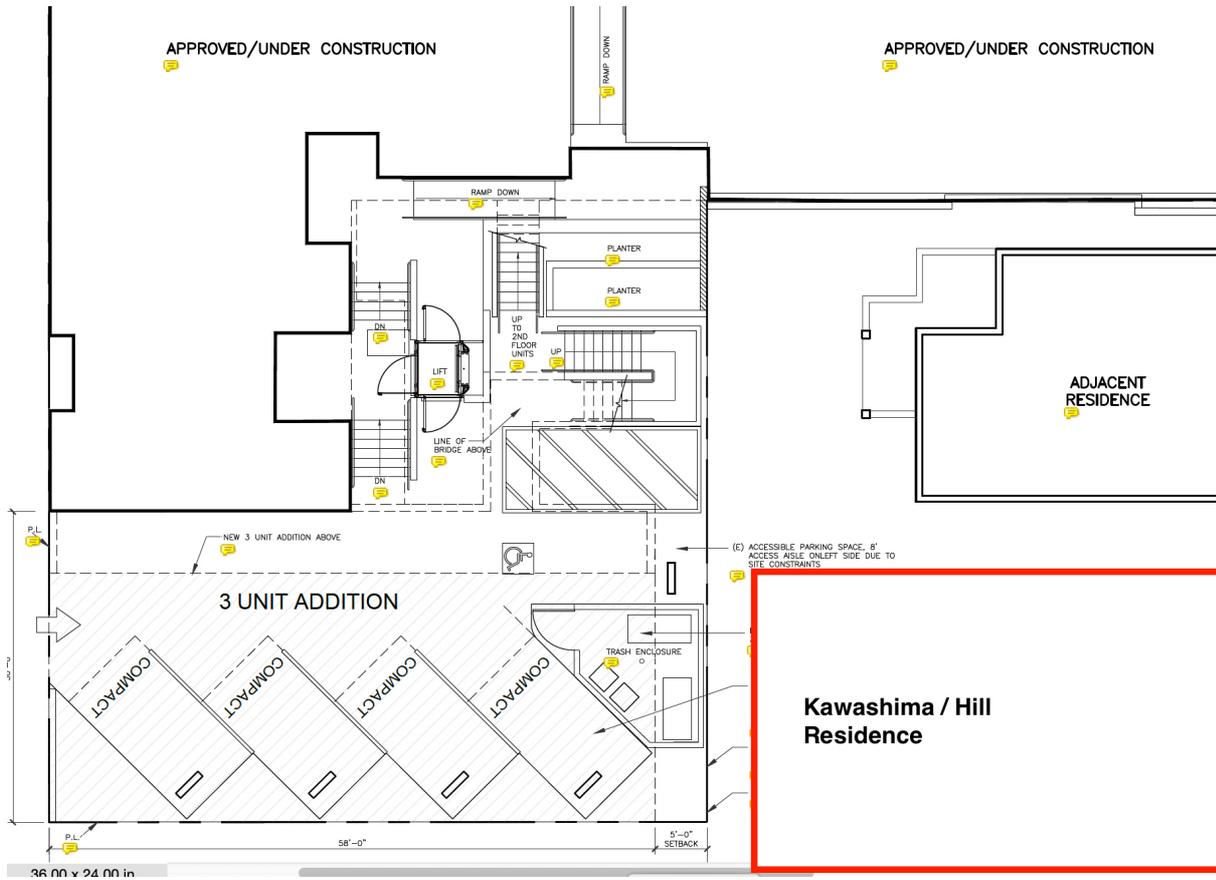
Original plan (renovation of existing building) approved March 2016



New plan (following demolition) approved April 2018



Proposed new addition June 2019



Carol Lee Edmonds, 225 Congress Ave, Pacific Grove, Ca. 93950

Phone: 831-402-5548—*caroledmonds1@yahoo.com*

7/3/2019

To: ARB, via Allyson Hunter, City of PG, Planning Department
Re: 301 Grand ave, PG

Dear Ms. Hunter and ARB Board Members,

This project has been controversial ever since the historic building was torn down. The neighbors are being deprived of their view, air, and light and any sense of privacy. Now, with the proposed construction of additional space on this building, they will have none of these benefits.

The fact that the construction work exceeded the story poles is a tragedy. The City needs to confirm the veracity of the netting on all proposed projects. This would only take about 1 hour of the inspector's time to complete. If this new proposal is allowed, there would be NO open space, greenery or landscaping on this project.

The neighbors have been misled in that the story poles and the new construction are not represented accurately. Any additional reduction in their view, light and air, would be an insult to the neighbors. This additional construction would be a contradiction of the ARB guidelines: "maintaining views & access to light & air as well as respecting the privacy of one's neighbors are important design considerations."

I am opposed to the application to increase the size of the building, and to add 2nd story apartments. “

Carol Lee Edmonds

TO: Pacific Grove Architectural Review Board
From: Eric Kawashima
308 Fountain Ave, Pacific Grove
Date: July 6, 2019
RE: Proposed addition to development of 301 Grand Ave

Please make this memorandum part of the official record of the public response to the proposed project. Please forward to each member of the Architectural Review Board and City Council liaison prior to the scheduled July 9, 2019 meeting.

Dear Members of the Pacific Grove Architectural Review Board,

We are retirees currently living in Switzerland. In 2009, after 30 years in Geneva, we started planning retirement and picked PG as a desirable city on the advice of a close friend living in Carmel. We found a short-sale project home at 308 Fountain Ave. It had been derelict since 2006 when a developer walked away from the project. We bought and finished the house and now use this as our residence for 4-5 months each year, eventually planning to move here permanently. Our backyard property line abuts the new construction proposal at 301 Grand Ave.

We oppose the new project addition that is under discussion this afternoon. The applicant is requesting approval for a new 2 story building on a very small parking lot that is just in back of our home. The proposed building will completely fill the space, be 10' from our home and will completely block any light from the west.

We had been watching the evolution of the original building along Laurel Ave since 2011. After watching this building rapidly decay, we were happy in 2015, that someone was finally taking an interest in renovating this building. In Feb 2016, we learned from our neighbors, Paul Marko and Heather Gregg, that story poles had been erected. They sent us a photo, but it didn't look like it would affect our views to the north. In the period 2016-2017, there was no activity until we learned that the building was scheduled for demolition. We did not oppose the development of new 301 Grand building (currently under construction), because the new plan (24 Apr 2018) supposedly maintained the footprint and character of the original historic building. We now see that the actual height of current construction along Laurel Ave is several feet higher than represented by the original story poles (Fig. 1). Following demolition of the historic building, new story poles *were never erected* to the actual height of the proposed new plan. The main difference between the original 2015 plan and the 2018 plan is a peaked roof on the second floor Laurel Ave building. This roof is now at least 4-6 ft. higher than the roofline of the original renovation plan. If story poles had been erected corresponding to the new plan, we would have surely requested modifications to that new roof at the ARB in Apr 2018.

Fig 1: Story poles for original project vs. actual

Comparison between Feb 2016 story pole photos and current Jun 2019 photos taken from our second floor bedroom

Before/after north facing

Before/after; northwest facing



Due to the new second floor and roof on the Laurel Ave building, we now have lost a significant amount of light in our downstairs north facing windows and porch. The new proposed building on Grand Ave will be positioned 10 feet from our home and completely fill the small 1800 sqft lot. The new addition will completely block the light in our west-facing windows in our home. (Fig 2)

Fig 2a: story poles on new proposal, evening photo from our second floor bedroom facing west (Mar 2019);



Fig 2b: story poles for new addition;
from the same bedroom window



new addition is 10 ft from our home



We agree with the concept of developing more low- and moderate-income housing. We were happy with the original proposal that 3 of the 8 units were supposed to be for 'affordable housing', since the project was going over the limit of 5 units for a 7,560 sqft lot in a Commercial zone. During the approval process for the current construction in Apr 2018, these 3 affordable units somehow disappeared. Now it seems that with the new project, this development will now be 6 units over the limit for a 7,560 sqft lot. We ask that you review what has happened to those original 3 'affordable' apartments before you expedite the approval of 3 more 'affordable' in this new construction.

We respectfully request that you not approve the plans submitted for today's meeting. These plans are not carefully thought out and are not in keeping with the historical concept of the original building. Development of this site should be in compliance with the original 2016 plans for 301 Grand that were submitted by the previous owners of the property and then re-approved by the ARB on April 24, 2018 for the new owners.

Thank you for your time and consideration. Please do not hesitate to contact me if you have any questions.

Sincerely,

Eric Kawashima

eckawahill@gmail.com

TO: Pacific Grove Architectural Review Board
From: Carolyn Hill
308 Fountain Ave, Pacific Grove
Date: July 2, 2019
RE: Proposed addition to development of 301 Grand Ave

Please make this memorandum part of the official record of the public response to the proposed project. Please forward to each member of the Architectural Review Board and City Council liaison prior to the scheduled July 9, 2019 meeting.

Dear Members of the Pacific Grove Architectural Review Board,

My husband and I live at 308 Fountain Ave. Our backyard property line abuts the new construction at 301 Grand Ave. We love PG. We love our home. And I love being near downtown where I can easily walk to the post office, bank, the hardware store, get a haircut etc. or down to the rec trail.

I oppose the new project addition that is under discussion this afternoon. The applicant is requesting approval for a new 2 story building on the site that was previously approved for landscaped, open parking spaces. The building is massive and will completely fill the lot, with no setback to the adjacent commercial zone and only a 5' setback from the adjacent residential properties.

On any city zoning map there will always be a line delineating commercial and residential zones. In the case of this project, our home is on the residential side of the line. The proposed project is on the commercial side of the line. Any new development, whether commercial or residential should take into consideration the surrounding neighborhood. As stated in your guidelines, "Maintaining views and access to light and air, as well as respecting the privacy of one's neighbors, are important design considerations." In the case of a commercial development that abuts a residential area, there is a reasonable expectation for a transition between the two zones.

The approved plan for developing 301 Grand which is currently under construction roughly maintained the footprint of the original historic building that was on this site. The approved plan also included a courtyard with planter boxes, replacing a mature tree that was taken down during the demolition process, and an area with permeable pavers for parking that was to be nicely landscaped. These features provided a buffer zone between the commercial and abutting residential properties and allowed some privacy for the neighboring homes. However, if story poles and netting had been erected that accurately represented the height and volume of the building, we surely would have asked for those plans to be revised.

In the plans under discussion today, the courtyard has been modified. New stairs have been added to access the additional proposed units. The planter box reserved

for the replacement tree that would have afforded the privacy promised in the original plan is now gone. And trash receptacles are now located directly on the property line of abutting residences. The original plan for a nice courtyard with replacement plum tree and landscaped parking with permeable pavers has morphed into additional stairs and trash receptacles. All resulting in a more noise, odors and a loss of privacy for us (Fig. 1).

Due to the higher second floor and roof on the Laurel Ave building, we have already lost a significant amount of light and privacy in our downstairs north facing windows and porch. The new proposed building on Grand Ave would completely block the light in our downstairs west facing kitchen window and would significantly reduce the amount of light in our upstairs west facing bedroom and bathroom windows. People would be able to look down into our kitchen window and across into our bedroom and bathroom.

While all of this may be allowed by current zoning laws for commercial properties, it is not in keeping with the original condition that the development maintain its historical character. The concept of good neighbors, privacy and allowing for a transition between commercial and residential zones is completely ignored. And given our negative experience with the story poles for the building on Laurel, we have no confidence that the story poles and netting for the new building are an accurate representation of the plans.

We respectfully request that you not approve the plans submitted for today's meeting. Development of this site should be in compliance with the original plans for 301 Grand that were submitted by the owners of the property and were approved by the ARB on April 24, 2018.

Thank you for your time and consideration. Please do not hesitate to contact me if you have any questions.

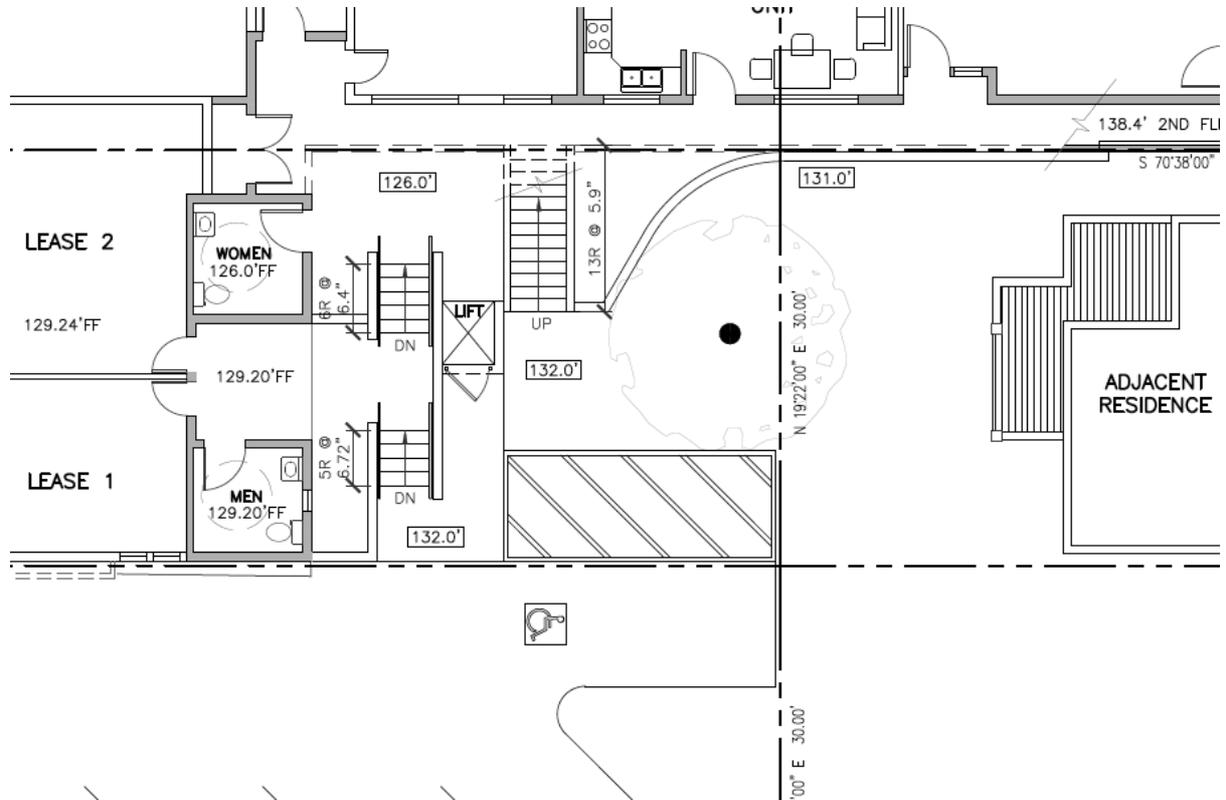
Sincerely,

Carolyn Hill

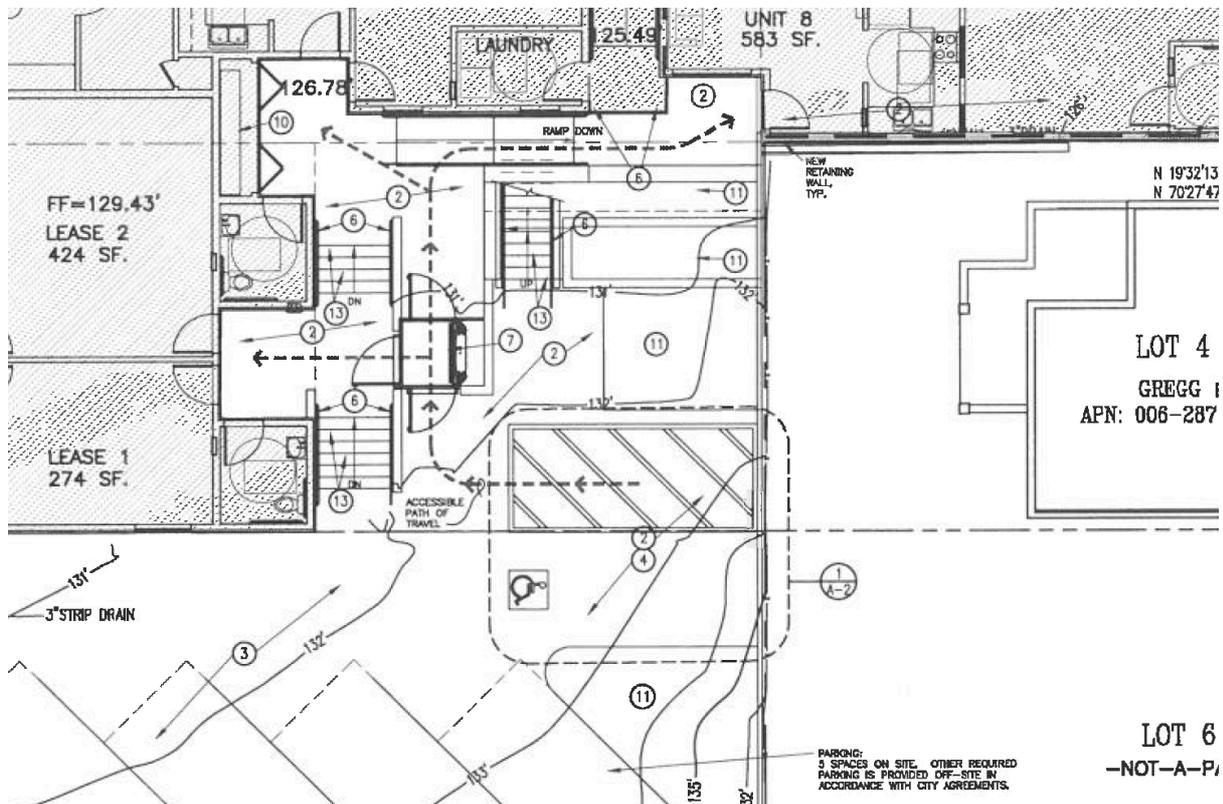
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Fig 1: Changes to courtyard space

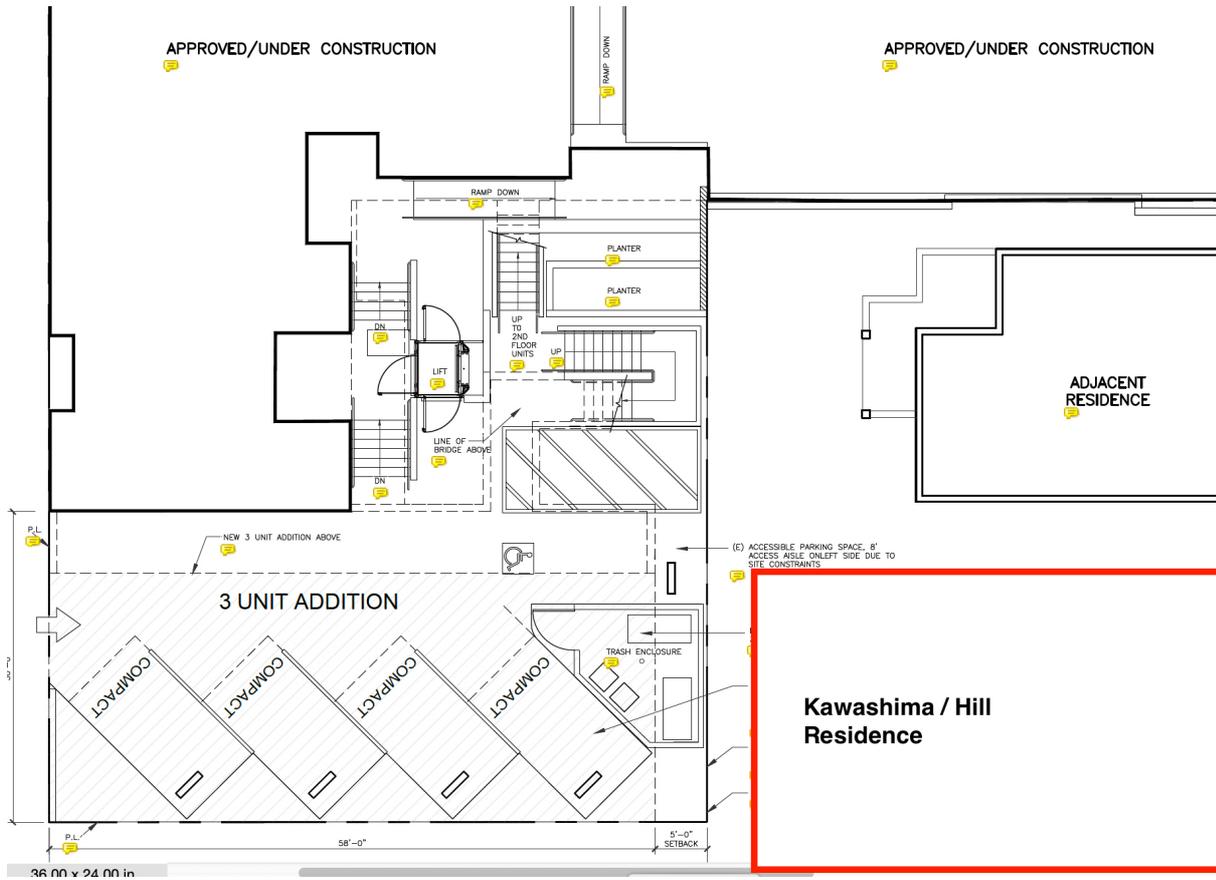
Original plan (renovation of existing building) approved March 2016



New plan (following demolition) approved April 2018



Proposed new addition June 2019



TO: Alyson Hunter, Associate Planner, City of Pacific Grove
From: Carolyn Hill and Eric Kawashima
308 Fountain Ave, Pacific Grove
Date: July 6, 2019
RE: 301 Grand Ave – AP/UP 19-0173

Dear Alyson,

We live at 308 Fountain Ave. Our backyard property line abuts the new construction at 301 Grand Ave. As stated in our letters of July 2, 2019 and July 6, 2019 we oppose the new building proposed for this site.

In the event plans for the new building do move forward, we respectfully request that the following changes be made to Architectural Permit and Use Permit AP/UP 19-0173 prior to its approval.

In the ARB Agenda Packet, Architectural Permit 19-173, Facts, Item #6 is incorrect. AP 16-121 was issued for the renovation of the original historical building. That historical building was demolished. The building currently under construction should comply with AP 18-273.

Conditions of Approval:

1. **Prior Conditions of Approval.** AP 18-273 for the building currently under construction included several conditions of approval, including but not limited to
 - Hours of construction limited to 8:30 am to 5:00 pm Monday through Friday
 - Replacing tree in courtyard
 - No smoking on-site during construction activities

Furthermore, it is our understanding the terms and conditions run with the land and are binding to all future owners of the property.

We ask that all prior Conditions of Approval continue to apply. In addition, we ask that no radios be allowed.

2. **Short term rental.** The project as a whole consists of 11 units. It is in the commercial district C-D zoning district. It is our understanding that STRs are generally allowed in the commercial zones.

We ask that no STRs be allowed in any of the 11 units for a period of 50 years.

3. **Story Poles.** Story poles and netting erected showing height of building currently under construction were grossly misleading.

We ask the ARB and/or Planning verify the story poles and netting for this project accurately represent the plans submitted for approval.

Changes to Building Plans

1. **East facing windows.** The plan includes 4 east facing windows less than 10' from our home that look down into our kitchen, yard and porch, across into our bedroom and bathroom, and down into our neighbor's yard resulting in a considerable loss of privacy.

We ask that all windows on the east face of building are eliminated.

2. **Retaining wall.** The ground in our backyard is already getting 'soft' presumably from the ongoing construction and related erosion.

We ask that a concrete retaining wall be constructed on the east property line. Our fence should then be repaired or replaced as needed taking care not to damage our irrigation line. And soil and woodchips replaced.

3. **Roofline.** The proposed roofline includes a façade and pitched roof. This unnecessarily increases the height of an already imposing building and decreases the light into our west facing windows and ours and the neighbor's yards. The roof above the units currently under construction at the corner of Laurel and Fountain is flat. A flat roof on this building that is painted white would increase the reflectivity of light into our upstairs windows.

We ask that the façade on the north, east and south facades be eliminated. Replace the pitched roof with a flat roof that is painted white.

4. **Trash receptacle.** The proposed trash receptacle is located directly on the east property line with no setback and adjacent to our kitchen window. This will result in considerable noise, odors and ongoing disturbances for us and the neighbors.

We ask that the trash receptacle be moved to the west property line on Grand Ave.

In addition, what is the procedure to ensure trash receptacles in plans approved in April 2018 are not on our property line?

5. **Stairs to new units.** Stairs to the new units are located on the property line of the adjacent residences. This will result in considerable noise and disturbances for us and the neighbors.

We ask that the stairs to the new units be moved to the west end of the building.

6. **Tree in courtyard.** A mature plum tree in the courtyard area was lost during the demolition process. The minutes to the ARB meeting April 24, 2018 added a Condition of Approval for AP 18-273 requiring a replacement tree in the courtyard that would provide some privacy to the neighboring yards.

We ask that the new plans also include replacing tree that was lost during demolition.

7. **South facing elevation.** The architectural drawings do not include a south elevation. This is the view that will be seen by neighboring businesses and as people drive down Grand.

We ask that a South-Elevation be included in all architectural renderings.

8. **Site plan.** The site plan and other architectural renderings do not show the location of our home. This is misleading as it does not accurately show the close proximity of our home to the proposed building.

We ask that the location of our home be accurately shown on all architectural drawings.

9. **Parking.** People using the on-site parking will back out directly onto the sidewalk then onto Grand Ave with very limited visibility.

We ask that safety aspects be reviewed by the Traffic and Safety Commission.

Thank you for your time and consideration. Please do not hesitate to contact us if you have any questions.

Sincerely,

Carolyn Hill

carolyn.pg.zermatt@gmail.com

Eric Kawashima

eckawahill@gmail.com

Carol Lee Edmonds, 225 Congress Ave, Pacific Grove, Ca. 93950

Phone: 831-402-5548—*caroledmonds1@yahoo.com*

7/3/2019

To: ARB, via Allyson Hunter, City of PG, Planning Department
Re: 301 Grand ave, PG

Dear Ms. Hunter and ARB Board Members,

This project has been controversial ever since the historic building was torn down. The neighbors are being deprived of their view, air, and light and any sense of privacy. Now, with the proposed construction of additional space on this building, they will have none of these benefits.

The fact that the construction work exceeded the story poles is a tragedy. The City needs to confirm the veracity of the netting on all proposed projects. This would only take about 1 hour of the inspector's time to complete. If this new proposal is allowed, there would be NO open space, greenery or landscaping on this project.

The neighbors have been misled in that the story poles and the new construction are not represented accurately. Any additional reduction in their view, light and air, would be an insult to the neighbors.

This additional construction would be a contradiction of the ARB guidelines: "maintaining views & access to light & air as well as respecting the privacy of one's neighbors are important design considerations."

I am opposed to the application to increase the size of the building, and to add 2nd story apartments.

Carol Lee Edmonds

HORAN | LLOYD

ANTHONY T. KARACHALE
STEPHEN W. DYER
MARK A. BLUM
JAMES J. COOK
ELIZABETH C. GIANOLA
JEROME F. POLITZER
PAMELA H. SILKWOOD
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File No. 8062.01

July 5, 2019

Via Electronic Mail

Architectural Review Board
City of Pacific Grove
City Hall
300 Forest Ave.
Pacific Grove, CA

**Re: 301 Grand Avenue – Architectural Permit & Use Permit Application
No. 19-0173**

Honorable Board:

This firm represents Carolyn Hill and Eric Kawashima regarding the above-referenced project (“Subject Project”). At the outset, we request that you not consider the Subject Project in a vacuum, but instead look at the whole of the action as required under the California Environmental Quality Act (“CEQA”). The whole of the action includes the demolition of a historic structure, which was constructed in 1910 and listed on the City’s historic resources inventory; a lot merger; the construction of a massive 8,931-square foot mixed use building; and the elimination of open space parking lot in order to add another three residential units over the open space (collectively, “Mixed Use Project”), which was done in a prohibitive piecemeal fashion in an apparent attempt to avoid environmental review under CEQA. Simply because the project is being processed in a piecemealed manner in an apparent attempt to avoid significant impacts does not mean it can legally escape CEQA.

The Subject Project must be denied because the Mixed Use Project, as a whole, would result in significant adverse effect to historic resources and parking, which would be cumulatively considerable under the CEQA. The Subject Project is clearly inconsistent with the City’s mandatory General Plan policies and Municipal Code provisions and the inconsistencies must be resolved or the Subject Project must be denied.

July 5, 2019
Page 2

A. The Subject Project's Massive Structure at the Property Would Result in Direct and Cumulatively Considerable Impacts to the City's Historic Resources.

The Subject Project is located at 301 Grand Avenue ("Property") and is situated within the historic downtown commercial district ("Historic Commercial District"). Prior to the Mixed Use Project, the Subject Property consisted of a 5,670-square foot mixed use building and an open space parking lot. With the Mixed Use Project, the two legal lots merged for the purpose of constructing a significantly larger 8,931-square foot mixed use two-story structure. Despite being listed on the City's historic resource inventory, the prior historic building, which was constructed in 1910, was demolished for safety reasons. To-date, no environmental review under CEQA has been performed and thus, no mitigation measure was required, despite the significant impacts to the City's historic resources.

The Mixed Use Project was to provide like-kind materials and structure in order to maintain the historic appearance of the Historic Commercial District. Rather than maintaining the historic appearance, the applicant proposes a massive structure by eliminating the open space parking to construct three residential units over the open space. The overall project, which includes the demolition of the 1910 historic structure, lot merger, construction of a massive mixed use building and the proposal to add another three residential units over the existing open space parking lot, is being processed in a piecemeal fashion in an apparent attempt to avoid environmental review under CEQA. CEQA prohibits such conduct. A public agency may not divide a single project into smaller individual subprojects to avoid responsibility for considering the environmental impact of the project as a whole. (*Orinda Ass'n v Board of Supervisors* (1986) 182 CA3d 1145, 1171.) CEQA "cannot be avoided by chopping up proposed projects into bite-sized pieces which, individually considered, might be found to have no significant effect on the environment or to be only ministerial." (*Tuolumne County Citizens for Responsible Growth, Inc. v City of Sonora* (2007) 155 CA4th 1214; *Association for a Cleaner Env't v Yosemite Community College Dist.* (2004) 116 CA4th 629, 638; *Plan for Arcadia, Inc. v City Council* (1974) 42 CA3d 712, 726.)

For purposes of CEQA coverage, a "project" is defined as comprising "the whole of an action" that has the potential to result in a direct or reasonably foreseeable indirect physical change to the environment. (14 Cal Code Regs §15378(a).) Thus, the term "project" refers to the activity for which approval is sought, not to each separate governmental approval that may be required for the activity to occur. (14 Cal Code Regs §15378(c).) A lead agency may not split a single large project into smaller ones resulting in piecemeal environmental review that fails to consider the environmental consequences of the entire project. (*East Sacramento Partnership for a Livable City v City of Sacramento* (2016) 5 CA5th 281, 293; *Banning Ranch Conservancy v City of Newport Beach* (2012) 211 CA4th 1209, 1222; *Communities for a Better Env't v City of Richmond* (2010) 184 CA4th 70, 98.) The purpose of the cumulative impacts analysis is to avoid considering projects in a vacuum, because failure to consider cumulative

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Page 3

harm may risk environmental disaster. [*Whitman v Board of Supervisors* (1979) 88 CA3d 397, 408 (citing *Natural Resources Defense Council v Callaway* (2d Cir 1975) 524 F2d 79)]. Without this analysis, piecemeal approval of several projects with related impacts could lead to severe environmental harm. (*San Joaquin Raptor/Wildlife Rescue Ctr. v County of Stanislaus* (1994) 27 CA4th 713, 720; *Las Virgenes Homeowners Fed'n v County of Los Angeles* (1986) 177 CA3d 300, 306.) An adequate analysis of cumulative impacts is particularly important when another related project might significantly worsen the project's adverse environmental impacts. (*Friends of the Eel River v Sonoma County Water Agency* (2003) 108 CA4th 859.)

The whole of the action must be evaluated rather than a focus solely on the Subject Project in a vacuum. When considering the whole of the action, it is clear direct and indirect significant and cumulatively considerable impacts to the City's historic resources, including to the Historic Commercial District, would occur.

The historic significance of the 1910 historic structure and the importance of this development in the downtown commercial district during this period is well documented. The City of Pacific Grove Historic Context Statement, dated October 31, 2011, notes the City's coming of age during the period in which the historic mixed use building at the Property was constructed. The Historic Context Statement states,

These buildings illustrate nascent patterns of commercial development that helped cement the area along Lighthouse, Grand and Forest avenues as the city's primary commercial area. Many buildings would most easily be qualified as contributors to a historic district, although some would qualify individually for their architectural merits or associations with prominent individual."

With the goal of preserving the Historic Commercial District, the City's General Plan sets forth certain goal, policy and program as follows:

Goal 3 states,

Enhance the visual and economic value of individual residential neighborhoods and commercial districts through a logical and sensible historic preservation plan.

Policy 9 states,

Promote the preservation and enhance of historic neighborhoods, commercial areas, and governmental districts.

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Page 4

Program N requires,

Use the planning and review process to assure that the historic character and features of the commercial districts are maintained.

California Health and Safety Code section 18951 sets forth alternative regulations and standards for reconstruction of “qualified historic buildings”. Section 18955 defines qualified historic building as “any structure or property, collection of structures, and their related sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction.” As stated earlier, the 1910 historic building, which was listed on the City’s historic resources and recently demolished, was exemplary of the City’s coming of age. Additionally, the Historic Commercial District is identified both in the Historic Context Statement and the City’s General Plan as important to the City’s history and culture. Accordingly, the Mixed Use Project, which includes the Subject Project, falls within the definition of “qualified historic building” subject to these State code provisions and enacting regulations.

Regulations pursuant to these state law provisions are set forth in the building standards (Health and Safety Code §18959(c).) For the purpose of preserving historic districts, the focus is not only on preserving individual buildings, but also on preserving the spatial distribution of a particular site and of a collection of structures within a district. Title 24, Part 8, sections 8-1001.1 through 8-1003 of the California Code of Regulations, which set forth requirements for qualified historic districts, states as follows:

This chapter applies to the associated historical features of qualified historical buildings or properties such as historical districts that are beyond the buildings themselves which include, but are not limited to, natural features and designed site and landscape plans with natural and man-made landscape elements that support their function and aesthetics. This may include, but will not be limited to:

This may include, but will not be limited to:

- 1. Site plan layout configurations and relationships (pedestrian, equestrian and vehicular site circulation, topographical grades and drainage, and use areas).*
- 2. Landscape elements (plant materials, site structures other than the qualified historical building, bridges and their associated structures, lighting, water features, art ornamentation, and pedestrian, equestrian and vehicular surfaces).*

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Page 5

3. Functional elements (utility placement, erosion control and environmental mitigation measures).

Section 8-1003 further emphasizes the importance of spatial relationships within a site and between properties as follows:

The relationship between a building or property and its site, or the associated features of a district (including qualified historical landscape), site, objects and their features are critical components that may be one of the criteria for these buildings and properties to be qualified under the CHBC. The CHBC recognizes the importance of these relationships.

As can be seen in the Google Earth Image included as Exhibit A, the Property had the same layout since 1910, for over a century, until the demolition of the historic resource. It is clear that the layout of the Property as well as those of the surrounding properties was intentionally designed at the turn of the century. The blocks along the side streets of Lighthouse Ave. within the Historic Commercial District have small buildings with at least a single open space parking lot in each block for trees, vegetation and later on for parking. (See the Google Earth Image included as **Exhibit B**.)

Light and air are protected under the City's Municipal Code. The Subject Project should have been evaluated by the Site Plan Review Committee to ensure that the Subject Property "will provide adequate light and air". (Pacific Grove Municipal Code Table 23.70.012-1 & §23.70.050.) The Subject Project would loom over the adjacent residential properties and would create a massive wall of development along Grand Avenue and Laurel Avenue. The massive structure is clearly inconsistent with the spatial configuration of the Historic Commercial District. The historic layout must be maintained with the open space parking to avoid impacts to the City's historic resources.

Any changes or modifications to the spatial relationship of the historic districts must only be allowed with express findings supported by substantial evidence in the record. The express findings must be filed with the State Historical Building Safety Board. (Health and Safety Code §18959(f).) Additionally, the Subject Project's significant adverse impacts to the historic resources and district, which would be cumulatively considerable, would need to be analyzed under CEQA.

Under CEQA, a protected historic resource is broadly defined as follows:

Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1, or deemed significant pursuant

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to criteria set forth in subdivision (g) of Section 5024.1, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of this section.

A lead agency may find that "any object, building, structure, site, area, place, record, or manuscript" is historically significant or significant in the "cultural annals of California" provided that its determination is "supported by substantial evidence in light of the whole record." (14 Cal Code Regs §15064.5(a)(3).) The City's Historic Context Statement and General Plan provide substantial evidence to demonstrate that the Property not only housed an important historic resource, but also is an essential part of the Historic Commercial District requiring protection.

CEQA defines a substantial adverse change in the significance of a historical resource as a significant effect on the environment. (Pub Res C §21084.1; 14 Cal Code Regs §15064.5(b).) A substantial adverse change means demolition, destruction, relocation, or alteration of the resource or its immediate surroundings resulting in the significance of the resource being materially impaired. (14 Cal Code Regs §15064.5(b)(1).) The significance of a resource is materially impaired when the physical characteristics that convey its historical significance and that justify its designation as a historical resource are demolished or materially altered in an adverse manner. (14 Cal Code Regs §15064.5(b)(2).)

As stated previously, the whole of the action under CEQA is the demolition of the 1910 historic structure, lot merger, construction of a massive mixed use building, the elimination of the open space parking lot and the addition of another three residential units. The whole of the action would materially alter, in an adverse manner, the City's historic resources, including the City's Historic Commercial District. Simply because the project is being processed in a piecemeal manner in an apparent attempt to avoid significant impacts does not mean it can legally escape CEQA.

The Subject Project is also not subject to the categorical exemption as an infill development because it is inconsistent with the City's General Plan policies specific to the preservation of City's historic resources. It is also inconsistent with the General Plan policies and Municipal Code provisions related to parking (as discussed further below). The infill development exemption is subject to five limitations relating to plan and zoning consistency (14

July 5, 2019
Page 7

Cal Code Regs §15332(a)), size and location of the site, habitat value, significant impacts, and utilities and public services. Because the Subject Project is not consistent with the applicable General Plan policies, as well as with the applicable zoning regulations as to the preservation of historic resources and parking (and likely associated traffic impacts) (14 Cal Code Regs §15332(a)), this categorical exemption does not apply to the Subject Project.

The Subject Project is also not subject to minor alteration land use limitation exemption. In *Committee to Save the Hollywoodland Specific Plan v City of Los Angeles* (2008) 161 CA4th 1168, 1187, the court rejected the use of this exemption for a fence atop a historic wall, because the agency did not have sufficient evidence to support the determination that the fence fit within the terms of the exemption.

It is clear the Subject Project requires environmental review under CEQA. Moreover, the Subject Project must be denied because the whole of the action would result in significant adverse effects on the City's historic resources and parking.

B. The Mandatory Requirement under the City's General Plan to Provide Off-Street Parking for New Residential Development Cannot Simply be Waived.

Although California Government Code section 65915 acknowledges that parking ratio can be reduced for certain development for the purpose of granting incentives, some amount of parking is still required (e.g., 0.3 space per unit to two onsite parking spaces for three residential units). (Government Code § 65915(p).) No off-street parking is proposed for the three residential units as part of the Subject Project despite the General Plan's recognition that the lack of available parking is a significant problem that must be redressed through off-site parking provided as part of development projects. The General Plan states,

A 1984 parking study of Downtown Pacific Grove quantified existing parking supply, demand, and occupancy. It projected future demand, identified sites for possible additional parking, and recommended a parking program for the Downtown. The study concluded that, while parking space occupancy rate in 1984 was still within acceptable limits, new development would result in a shortage of 610 public parking spaces at full Downtown build-out.

Accordingly, Policy 14 mandates the following:

Require off-street parking for new residential developments, and for additions that increase the parking demand.

July 5, 2019
Page 8

The Mixed Use Project did not include any parking for the commercial spaces despite Policy 13 of the General Plan which states,

Require commercial or professional office developments involving expansions, remodeling, or changes in use to provide off-street parking when on-street parking would cause problem of safety or parking congestion.

Parking congestion is well documented in the area of the Subject Project.

The mandatory requirement under General Plan Policy 14 to provide off-street parking for new residential development cannot simply be waived. A clear and direct conflict with a mandatory provision of a general plan usually amounts to an inconsistency that will preclude project approval. [See *Families Unafraid v County of El Dorado* (1998) 62 CA4th 1332, 1341 (project must satisfy mandatory general plan policy that is fundamental and unambiguous and does not allow discretion in interpretation and application)]. The Subject Project must be denied for this reason.

C. SB 35 Does Not Apply to the Subject Project.

The streamlined approval process set forth in SB 35 does not apply to the Subject Project because the 1910 mixed use historical structure was “previously used for housing that was occupied by tenants that was demolished within 10 years before the development proponent submitted an application,” and the whole of the action included the “demolition of a historic structure” that was placed on the local historic register. (Government Code §65913.4(a)(7)(B) &(C).) The application must undergo a thorough review process, including a review by the Site Plan Review Committee (Pacific Grove Municipal Code Table 23.70.012-1 & §23.70.050) to ensure that the Subject Project “will provide adequate light and air” to the adjoining residential properties as well as an environmental review process under CEQA to determine its significant adverse effect on the City’s historic resources, including its impacts on the Historic Commercial District, and parking as a result of the whole of the action.

Conclusion

Thank you for this opportunity to comment on the Subject Project. As detailed in the foregoing, the Subject Project, which is essentially a piecemeal component of the Mixed Use Project and includes the demolition of a 1910 historic structure listed on the City’s historic resource inventory, must be denied because the whole of the action would result in a massive structure that is inconsistent with the Historic Commercial District. It requires environmental review under CEQA to determine its direct and cumulatively considerable impacts to historic

HORAN LLOYD A PROFESSIONAL CORPORATION

July 3, 2019
Page 9

resources and parking. The Subject Project's inconsistencies with the City's General Plan and Municipal Code are by themselves sufficient basis to deny the Subject Project.

We look forward to your well-reasoned and sound decision making.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Pamela H. Silkwood', written over a large, circular blue scribble.

Pamela H. Silkwood

Exhibit A

2015

Write a description for your map.

Legend

-  301 Grand Ave
-  Coldwell
-  Feature 1
-  Feature 2
-  Hair Affair
-  Hauk Fine Arts
-  Lighthouse
-  Lighthouse 4
-  Lovers Point Majlis
-  Pacific Grove Optometric Center
-  Pete's Auto Body

301 Grand Ave

Google Earth



50 ft

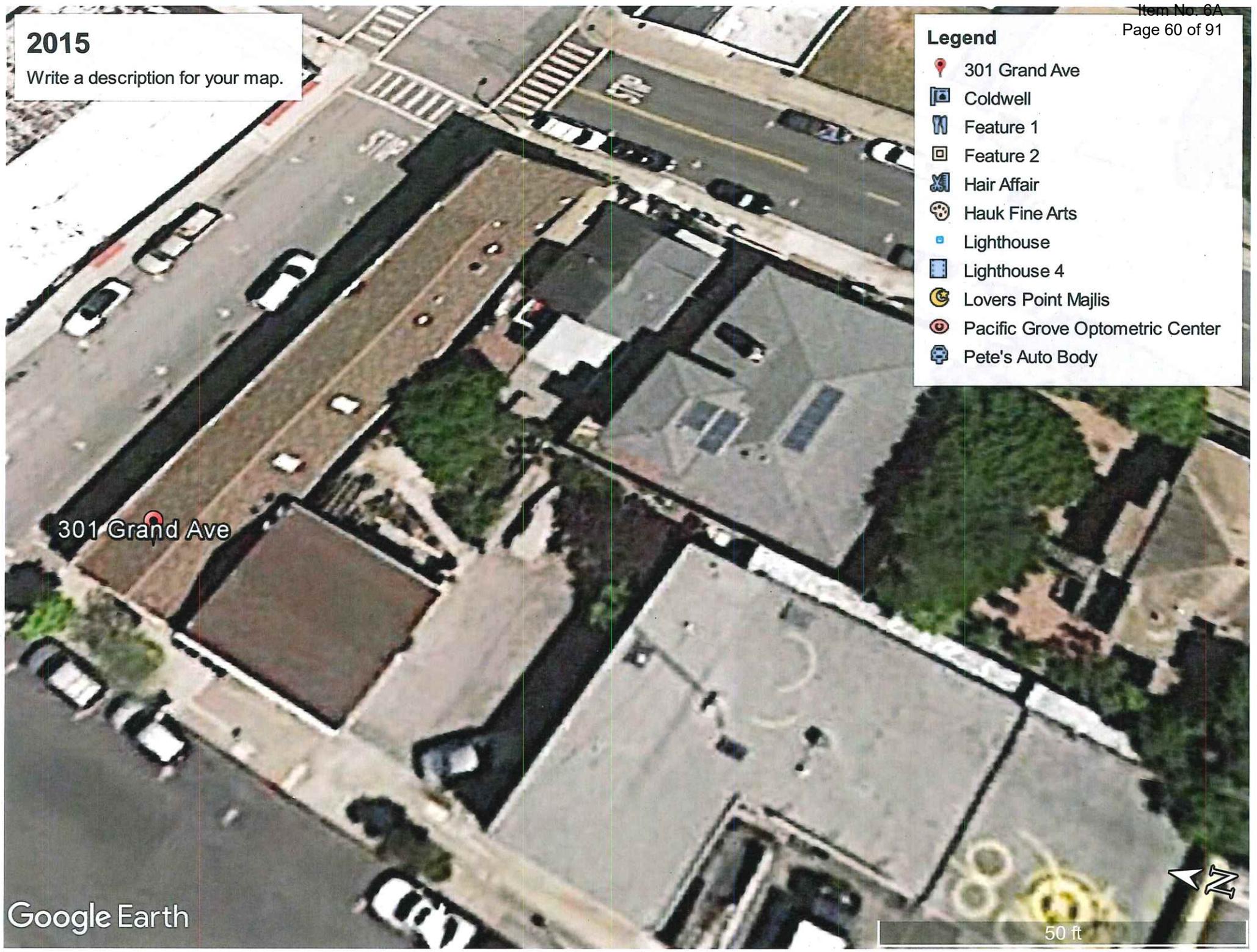
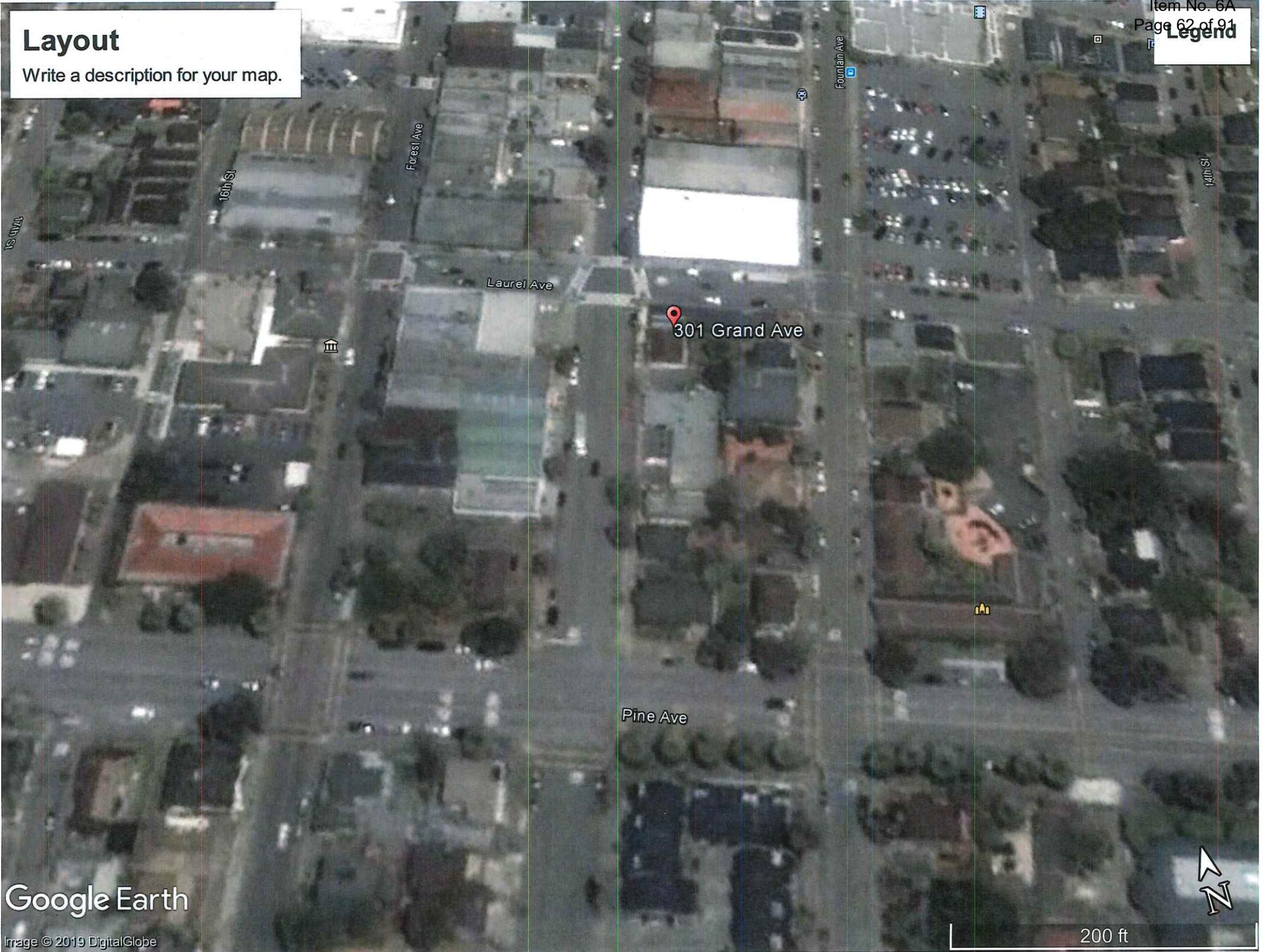


Exhibit B

Layout

Write a description for your map.



HORAN | LLOYD

ANTHONY T. KARACHALE
STEPHEN W. DYER
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FRANCIS P. LLOYD (Retired)
LAURENCE P. HORAN
(1929-2012)

August 12, 2019

Via Electronic Mail

Architectural Review Board
City of Pacific Grove
City Hall
300 Forest Ave.
Pacific Grove, CA

**Re: 301 Grand Avenue – Architectural Permit & Use Permit Application
No. 19-0173**

Honorable Board:

This firm represents Carolyn Hill and Eric Kawashima regarding the above-referenced project (“Project”). To further augment the administrative record, this letter is a follow up to our letter, dated July 5, 2019, submitted to your Board.

At the outset, it is clear the applicant has no respect for this Board because the applicant did not make the revisions to the Project as you had recommended at the last hearing on this matter. Instead, the applicant is thumbing his nose at this Board and the neighbors by overtly defying your direction. Such conduct should not be tolerated.

The Project is problematic because if it is approved, the City would be invalidly allowing the applicant to more than double the maximum density allowed under the C-D zoning district by piecemealing the project – the structure currently under construction on the property is nonconforming as to density.

As explained in the Staff Report, dated July 9, 2019, prepared for your Board, the subject property comprises 7,560 square feet, and the maximum number of residential units allowed for this property under the C-D zoning district is five (5) units. Inexplicably, the 2018 approval of the mixed use project allowed for three (3) additional units (for a total of eight (8) residential units) than that allowed under the zoning code’s maximum density, *without* requiring

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Page 2

(a) that certain number of units be designated affordable in order to apply density bonus or (b) a variance to address its inconsistency with the zoning regulations. Please see the calculations below:

Maximum Density Allowed under C-D Zoning District = 30 units/acre

Maximum Density Allowed for the Property = 7,560 square feet or 0.174 acres =
5 residential units

2018 Approval = **8 residential units (No density bonus; no variance)**

2019 Project proposal = **11 residential units with 3 affordable units**

Rather than recognizing the nonconformity of the structure previously approved and under construction, the City staff recommends to further expand the nonconformity by allowing three (3) additional units to more than double the density from that maximumly allowed for the zoning district. The general purpose of zoning ordinances is to achieve conformity. The staff's recommendation is to the contrary. Allowing for further expansion of a nonconforming structure not only will set a bad precedence, but if approved, it will be done at the expense of the surrounding neighbors and the environment.

Allowing for more than double the maximum density allowed would result in a massive building that is out of scale with surrounding buildings. Building cohesiveness is particularly important since the property is located in the City's historic commercial district and the area of the property is a transitional area to residential neighborhoods. The City's General Plan places emphasis in the need to continue to maintain "a small-town character and scale in both its commercial and residential areas." (Pg. 6.) This was explained under Policy 1 of the Urban Structure and Design Chapter of the General Plan. Similarly, Program N of the General Plan's Historic and Archaeological Resources Chapter requires the use of "the planning and review process to assure that the historic character and features of the commercial districts are maintained." Yet, the Project now proposes to more than double the density by increasing the size of the building to over 10,000 square feet on a 7,560-square foot property. (Note: The demolished historic structure was 6,179 square feet.) The Project is not in keeping with the small-town character of the City and does not conform with the surrounding historic commercial district.

As stated in our prior letter, the whole of the action, which requires environmental review under CEQA, includes the demolition of a City-listed 1910 historic structure; a lot merger; the construction of a massive 8,931-square foot mixed use building with eight (8) residential units (3 units above the maximum allowed); three (3) additional residential units as part of this Project, which would be more than double the maximum density allowed; and the

August 12, 2019
Page 3

elimination of open space parking lot with insufficient parking to accommodate the commercial and residential units. At the July 9, 2019 hearing, the attorney from the City Attorney's Office incorrectly stated that this Project is not a piecemeal of the whole of the action because this Project was not a reasonably foreseeable consequence of the prior approvals since water entitlements were not available at the time of the prior approvals. Water entitlements would need to be purchased from the City to construct these additional units. The statement made by that attorney is factually incorrect for two main reasons.

First, this Project is intertwined with the prior approvals in order to apply the density bonus laws. In applying the State and local density bonus laws, the City considered the total number of residential units proposed as the whole of the action to calculate and allow the density bonus.

Second, under CEQA's definition of a project, although a project may go through several approval stages, the ultimate development to be approved should be evaluated for environmental impacts. This prevents public agencies from chopping a large project into little ones, each with a minimal impact on the environment, to avoid full environmental disclosure. It is clear that the applicant and the City anticipated affordable units as part of the whole of the action to allow for greater density than that maximally allowed; otherwise, there was an invalid approval of the 2018 project.

The City's selling of water entitlements *was foreseeable* because the City has committed itself for years to the construction of the Pacific Grove Local Water Project for the purpose of selling water entitlements. Monterey Peninsula Water Management District adopted Ordinance No 168 on January 27, 2016, to permit the City to sell its water entitlements. In 2018, the City of Pacific Grove enacted Chapter 11.68, Water Distribution Regulations, to allow for the sale of water entitlements. It was not only reasonably foreseeable that the City expected affordable units to be part of the whole of the action in order to allow for greater number of units than that allowed under the zoning code, but also that water entitlements would be available for these units. The City must consider the whole of the action and perform environmental review under CEQA.

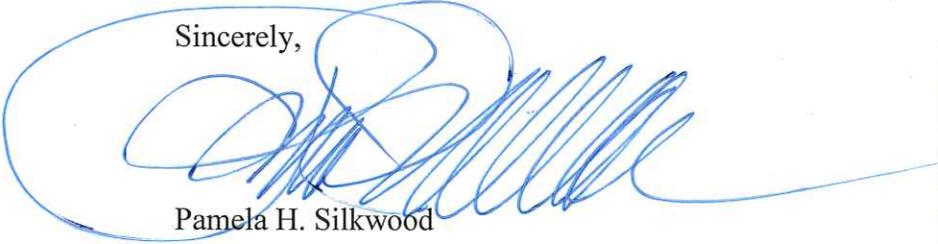
The Project is also not subject to the categorical exemption as an infill development because of its inconsistencies with certain General Plan policies and Municipal Code provisions as detailed in our prior letter. Because the Project is not consistent with applicable General Plan policies, as well as with applicable zoning regulations as to the preservation of historic resources and parking (and likely associated traffic impacts) (14 Cal Code Regs §15332(a)), this categorical exemption does not apply to the Project.

In summary, the City cannot circumvent CEQA by attempting to piecemeal the whole of action to avoid full environmental disclosure. For that reason, we urge your Board to direct

August 12, 2019
Page 4

your staff to prepare environmental review of the whole of the action. We look forward to your well-reasoned and sound decision making.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Pamela H. Silkwood', is written over the word 'Sincerely,'. The signature is highly stylized and cursive.

Pamela H. Silkwood

4826-4531-6000, v. 1

TO: Members of Pacific Grove ARB
From: Kathy Small, Pacific Grove
Date: August 4, 2019
RE: 301 Grand Ave – AP/UP 19-0173

RECEIVED
AUG 08 2019
CITY OF PACIFIC GROVE
COMMUNITY DEV DEPT

Dear Members of the ARB,

Thank you for not approving this permit at your July 9, 2019 and deciding to continue the discussion regarding the further development of the parcel at 301 Grand.

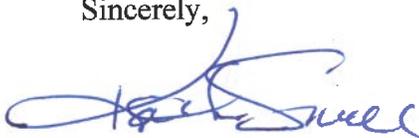
It is my understanding that at the July meeting the ARB asked the developer to reduce the number of units from 3 to 2 without increasing the size of those 2 units but recently submitted plans still show 3 units.

Although this may be allowed under the zoning rules, a full build out of this site would result in a massive building that is not compatible with the abutting residential lots. It would have a significant negative impact on the light and air of the neighbors. The plan ignores ARB guidelines that state respecting the privacy of one's neighbor are important design considerations.

The building would eliminate the remaining open space on that block of Grand Ave. In addition, I understand the parking issues have not been adequately addressed.

While I commend the city for its efforts in providing affordable housing, it should be done as part of a well-thought-out comprehensive plan and not pushed through on a piecemeal basis at the detriment of the surrounding neighborhoods.

Sincerely,



Kathy Small

TO: Members of Pacific Grove ARB
From: Carolyn Hill and Eric Kawashima
308 Fountain Ave, Pacific Grove
Date: August 9, 2019
RE: 301 Grand Ave – AP/UP 19-0173

Dear Members of the ARB,

Thank you for deciding to continue the discussion regarding the further development of the parcel at 301 Grand. As you know from our prior letters, we are opposed to this project. We appreciate the modifications the applicant included in the new plans. However, in the event the project does move forward, we respectfully request that the following modifications be included as **Conditions of Approval** prior to approval of Architectural Permit and Use Permit AP/UP 19-0173.

1. **Reduce number of units from 3 to 2.** At the July 9, 2019 ARB meeting, the ARB asked the applicant to eliminate Unit 11 without increasing the size of Units 9 and 10. This modification would reduce the mass of the building and improve the compatibility of the building with the abutting residential lots. This requested change is not included in the newly submitted plans.

We ask that Unit 11 be removed from the plans.

2. **Retaining wall.** Our backyard is 4-5 feet higher than the proposed building site. The existing construction project has removed a plum tree that was adjacent to our property line and excavated the parking lot up to our property line. This has destabilized the ground in our backyard adjacent to the building site. Since this has never been a problem in the past, it is safe to presume it is caused by the ongoing construction and related erosion.

We ask that this permit and the existing permit, AP18-273, include an engineering plan for construction of a concrete retaining wall on the east property line. Our fence should then be repaired or replaced as needed taking care not to damage our irrigation line. Our backyard soil and woodchips should be replaced as necessary.

3. **Lighting.** The project as a whole includes several walkways, staircases, balconies and parking. While the safety of the tenants is important, it is also important to take into consideration light pollution and the impact the lighting will have on the abutting residential properties.

We ask that all outdoor lighting for the entire project be shielded, directional and pointing downward and that lighting on the pathways be at ground level.

4. **East facing windows.** The original plan included 4 east facing windows less than 10' from our home that look across into our kitchen, yard and porch, up into our bedroom and bathroom, and down into our neighbor's yard resulting in a considerable loss of privacy. In the revised plans the number of windows has been reduced from 4 to 3.

We ask that the number of east facing windows be further reduced to 2 and the windows are frosted glass. This will allow light into the apartment while maintaining our privacy.

Thank you for your time and consideration. Please do not hesitate to contact us if you have any questions.

Sincerely,

Carolyn Hill

carolyn.pg.zermatt@gmail.com

Eric Kawashima

eckawahill@gmail.com

Paul J. Marko & Heather S. Gregg

304 Fountain Ave
Pacific Grove, CA 93950

August 11, 2019

To the Pacific Grove Architectural Review Board,

Since it appears that the proposed addition to the **301 Grand Ave** project will be allowed to continue, I ask that the ARB implement the following conditions in order to lessen the impact to neighboring properties and the neighborhood at large.

1. **Reduce the addition from three to two apartments.** Per the July 2019 ARB meeting, we ask that the ARB enforce the elimination of Unit #11 from the plan. Reduction from three units down to two additional apartments creates a greater setback and privacy from neighboring properties. Fewer tenants will also reduce foot traffic, vehicle traffic, and strain on limited parking.
2. **Outdoor lighting.** We ask that lighting fixtures and their emplacement for all outside stairs, walkways, and entryways guarantee minimal impact to neighboring properties. We specifically request that no motion-sensor flood lights be used at all, and that lights have shades that direct beams down and not outward.
3. **Make ADA unit affordable housing.** Regardless of the status or outcome of the proposed addition, we request that the ADA apartment on the original project (currently under construction) be made an affordable housing unit. The City needs more affordable housing, and an ADA apartment such as this offers a small but helpful boost in affordable options for PG residents.
4. **Trees and vegetation.** We ask that trees and vegetation are planted in the courtyard of this project to replace "in kind" what was lost in the demolition of the previous structure. Specifically, we ask that at least two large trees be placed in the courtyard to replace the one previous tree, which was mature and canopied the entire courtyard. "In kind" trees will create more privacy, noise and light abatement, and separation from neighboring properties, as well as shade and a more pleasant aesthetic.
5. **Parking.** We ask that this addition **not** be approved at all until the City can confirm and publicize all of the reserved parking spaces in the municipal lot behind the Lighthouse Theater. In the last ARB meeting, the board and staff did not have this information and it must be confirmed that there are sufficient off-street spaces for the new tenants.

I respectfully request that you consider our concerns and implement these changes. We do not support the construction of this addition, but if it is going to continue, we ask that you ensure its impact is sufficiently reduced.

Thank you for your time and consideration.

Sincerely,

Paul J. Marko & Heather S. Gregg

P.S., Please provide a copy of this letter to each member of the Architectural Review Board and City Council liaison prior to the scheduled Aug 13, 2019 meeting.



ARCHITECTS C7308 BUILDERS B330234
POB 1734 • Pebble Beach, CA 93953-1734 • 831.626.3490 • www.enviro-international.com

July 9, 2019

RECEIVED
By Allyson at 4:09 pm, Aug 09, 2019

Re: 301 Grand Ave, Pacific Grove

Request 2 separate building permits
First already Granted and building is under construction
Second for the 3 Affordable Units proposed in this application

Dear Anastazia & Alyson,

Given the expected delays of approval of the proposed 3 Affordable units, owner requires your assistance and support by recommending approval of occupy of the building under construction when completed.

This will provide both the City and the owner the following advantages:

1. Assist solve the housing shortage in Pacific Grove
2. Revitalize downtown
3. Bring business and customers to downtown
- 4 A more appealing visual presence of an important block in downtown
5. Income to the owner AND the City

Owner pledges the following in return:

1. Complete security separation between the completed building and the construction zone of the 3 new units
2. Confine construction zone to minimum area possible
3. Maintain area around the completed building clean daily

Safwat Malek

<http://www.Enviro-International.com>

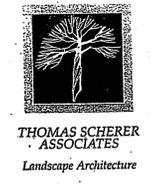
safwat@enviro-international.com

Architects Builders

P.O.Box 1734, Pebble Beach, CA 93953

Fax 831/626-5401

Cell 650/619-8760



THOMAS SCHERER
ASSOCIATES
Landscape Architecture

P.O. Box 68, Aptos, CA 95001
Tel (831) 688-2913
Fax (831) 688-3135



sheet title

**PLANTING
PLAN
LEGEND &
NOTES**

**301 GRAND AVENUE
PACIFIC GROVE, CA**

Project

revisions

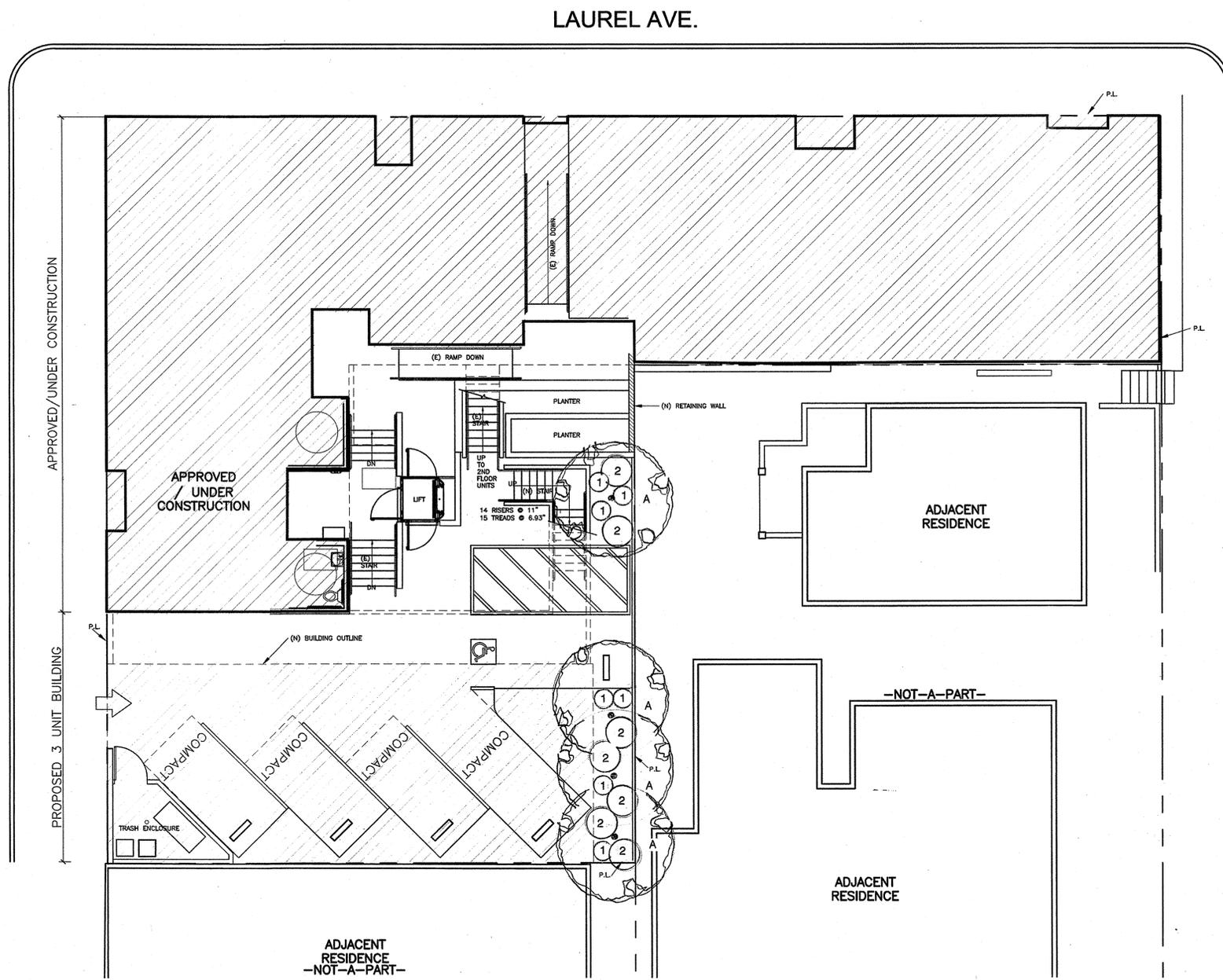
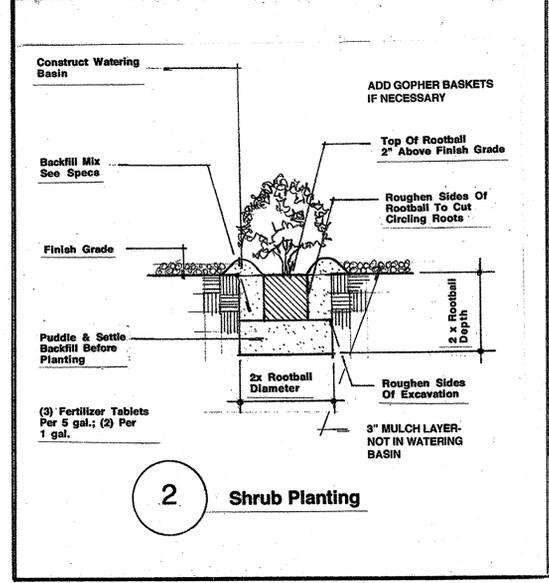
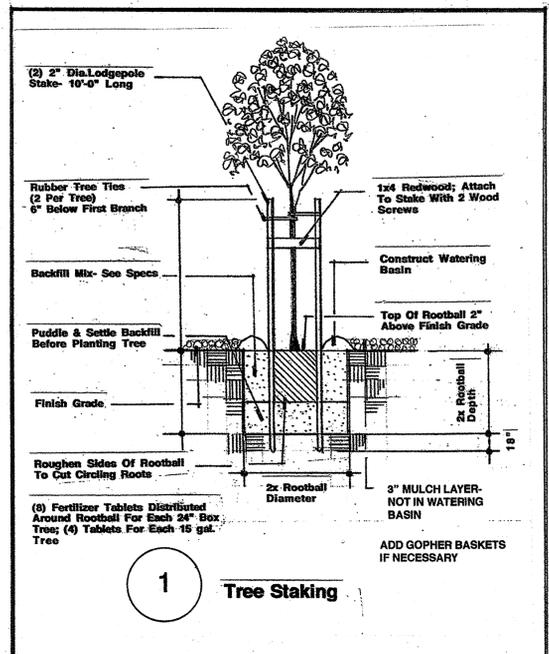
date J-2019

drawn TS

sheet no

L-1

of



PLANTING PLAN
1/8" = 1' - 0"

PLANT LEGEND:

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	#	H2O	COMMENT
TREES:						
A	ARBUTUS 'MARINA'	STRAWBERRY TREE	15 G.C.	4	L	SCREENING TREE
SHRUBS						
1	CAREX DIVULSA	BERKELEY SEDGE	1 G.C.	7	L	GRASS
2	LOROPETALUM CHINENSE VAR. RUBRUM 'BLUSH'	CHINESE FRINGE PLANT	5 G.C.	7	L	FLOWERING SHRUB

NOTE:
CONTRACTOR SHALL INSTALL A FULLY
AUTOMATIC DRIP IRRIGATION SYSTEM
FOR ALL PROPOSED PLANTING AREAS.
COMPLY WITH ALL ASPECTS OF THE
CITY OF PACIFIC GROVE WATER EFFICIENT
LANDSCAPE ORDINANCE

Planting Notes:

- Circles shown indicate approximate mature size of plant material.
 - Contractor shall be responsible for adequate erosion control measures during construction.
 - Care shall be taken to avoid construction activity and/or staging under the dripline of existing trees in order to prevent soil compaction, root or tree damage. All work to be done under the dripline of trees shall be done by hand.
 - No plant shall be planted in a drainage swale regardless of position on plan.
 - FINISH GRADING: Till all planter areas to an 8 inch depth. Break up or remove all compacted lumps of soil, rocks larger than 1 inch in diameter, and all deleterious material from planter areas. Finish grade all areas to a smooth, even surface free of abrupt changes in grade. Make minor grading changes as required to insure positive drainage (1% minimum).
 - SOIL PREPARATION: Thoroughly incorporate the following amendments into the top 6(six) inches of all areas to be planted, except where indicated otherwise. Amounts given are per 1000 square feet:
 - 4 cubic yards of nitrogen stabilized shavings.
 - 2 cubic yards of Nitrohumus or Gro-power.
 - 8 pounds of all purpose fertilizer (8-8-4).
 - No plant shall be installed until a fully automatic irrigation system, covering all planter areas, is installed, tested and is fully operational.
 - PLANTING OF TREES, SHRUBS & VINES: Unless otherwise noted, All trees shall be planted per detail 1
All shrubs shall be planted per detail 2
- All planter pits shall receive the following back fill mix:
- 60% soil of the site
 - 20% nitrogen stabilized redwood shavings
 - 20% Nitrohumus or Gro-power or equal
 - Fertilizer tablets (Agriform 21 gram: 20-10-5) or equal, applied per manufacturer's recommendations.
- Contractor shall guarantee all small trees, shrubs, vines, groundcovers and turf to live and grow in an acceptable condition for a period of 90 (ninety) days from the date of installation completion. Contractor shall also guarantee all trees and shrubs 15 gallon size and larger for a period of 1(one) year from the date of installation completion.
 - Upon completion of planting operations, contractor shall apply an approved pre-emergent herbicide (Bonstar or equal) as weed control per manufacturer's specifications. In addition, a 3 inch layer of approved mulch shall be installed over the finish grade of all planter areas.
 - MAINTENANCE PERIOD: Contractor shall maintain the site for a period of 90 (ninety) days after acceptance by owner. Maintenance shall include weeding of all ground cover areas removal of all trash and debris from planter areas and hardscape areas; pruning and trimming of all plant materials required; replacement of all dead or dying plant material & 2 applications of fertilizer.
 - Contractor shall comply with all aspects of the City of Pacific Grove Landscape



CITY OF PACIFIC GROVE

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3100
FAX (831) 375-9863

MEMORANDUM

TO: Chair Murphy
Members of the Planning Commission

FROM: John D. Kuehl *JDK*
Building Official

DATE: August 27, 2019

SUBJECT: 301 Grand Avenue
Building Addition

As the Building Official for the City of Pacific Grove, I have conducted a preliminary assessment of the proposed addition for the above-referenced project.

The applicant is requesting this project be considered as a separate project from the building currently under construction.

As the Building Official, my decision is that this project must be treated as a Revision to the mixed use building for the following reasons:

- The original building was reviewed and is being inspected based on its size and proximity to the property line. With this addition, it now will require the original building be modified to meet current code. It is critical for public safety that both portions of the project be completed prior to allowing occupancy of any portion of the building.
- It creates an unsafe living environment for tenants of a building to be required to go through a construction zone to gain egress to City Right-of-Way.
- The added square footage is constructed over the required parking; therefore, parking would not be allowed until the entire building is completed.

For these and other reasons, condition #6 included in the draft Planning Permit, it is essential to remain.



MINUTES

CITY OF PACIFIC GROVE ARCHITECTURAL REVIEW BOARD

REGULAR MEETING MINUTES

Tuesday, August 13, 2019, 4:00 P.M.

Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

1. CALL TO ORDER AND ROLL CALL

Board Members Present: Sarah Boyle, Chair; Michael Gunby, Secretary; Terrence Coen, Garrett Van Zanten

Absent: Jeff Edmonds, Vice Chair; Jen Veitengruber

One vacancy.

2. APPROVAL OF AGENDA

On a motion by Gunby, seconded by Coen, the Board voted 4-0-2 (Edmonds, Veitengruber absent, one vacancy) to approve the agenda.

Motion passed unanimously.

3. BOARD AND STAFF ANNOUNCEMENTS (City-Related Items Only)

Alyson Hunter, Senior Planner, gave an update on the story pole subcommittee.

4. GENERAL PUBLIC COMMENT

Jennifer Hirsch submitted an independent arborist report for a project located adjacent to 511 17th Street.

5. REPORTS OF COUNCIL LIAISON

Mayor Peake provided an update on actions taken at recent City Council Meetings.

CONSENT AGENDA

6. A. Minutes of the July 9th, 2019, ARB Meeting

Reference: Laurel O'Halloran, Staff liaison

Recommended Action: Approve minutes.

CEQA: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378.

On a motion by Gunby, seconded by Coen, the Board voted 4-0-2 (Edmonds, Veitengruber absent, one vacancy) to approve the consent agenda.

Motion passed unanimously.

REGULAR AGENDA

7. PUBLIC HEARINGS

A. 301 Grand Avenue | AP/UP 19-0173 | APNs 006-278-006, -012

Description: An Architectural Permit and Use Permit for the development of three (3) new second-story, income-qualified affordable residential units over the parking area approved under the previous permit. *This item was continued from the July 9, 2019, ARB meeting.*

Zone District/General Plan Designation: C-D / Commercial

Coastal Zone: No **Archaeological Zone:** No **Historic Resources Inventory:** No

Area of Special Biological Significance: Yes

CEQA Status: Exempt per Section 15332 – In-fill Development

Applicant/Owner: Safwat Malek for Manal Mansour and Ayman Adeeb, owner(s)

Recommendation: Approve the project as proposed based on findings, conditions of approval and a Class 32, §15332 CEQA exemption.

Staff Reference: Alyson Hunter, Assoc. Planner | ahunter@cityofpacificgrove.org

Alyson Hunter, Senior Planner, provided a staff report.

Safwat Malek, the project architect, spoke on the project.

The Chair opened the floor to public comment.

The following members of the public spoke on the project:

Pam Silkwood

Unknown resident

Carolyn Hill

Eric Kawashima

Paul Marko & Heather Gregg

Lisa Ciani

Kim Barnes

The Chair closed the floor to public comment.

The Board discussed the item.

On a motion by Gunby, seconded by Coen, the Board voted 4-0-2 (Edmonds and Veitengruber absent) to recommend approval of the project subject to findings, a Class 32 CEQA exemption, and Conditions of Approval as amended.

Motion passed unanimously.

8. FULL PRESENTATIONS

None

ADJOURNMENT – 5:10pm.



MINUTES

CITY OF PACIFIC GROVE
ARCHITECTURAL REVIEW BOARD

REGULAR MEETING MINUTES

Tuesday, July 9, 2019, 4:00 P.M.

Council Chamber – City Hall – 300 Forest Avenue, Pacific Grove, CA

1. CALL TO ORDER AND ROLL CALL

Board Members Present: Sarah Boyle, Chair; Michael Gunby, Secretary; Terrence Coen, Jen Vietengruber, Garrett Van Zanten

Absent: Jeff Edmonds, Vice Chair.

One vacancy.

2. APPROVAL OF AGENDA

On a motion by Gunby, seconded by Coen , the Board voted 5-0-1 (Edmonds absent, one vacancy) to approve the agenda.

Motion passed unanimously.

3. BOARD AND STAFF ANNOUNCEMENTS (City-Related Items Only)

None.

4. GENERAL PUBLIC COMMENT

None.

5. REPORTS OF COUNCIL LIAISON

Mayor Peake provided an update on actions taken at recent City Council Meetings.

CONSENT AGENDA

6. A. Minutes of the June 11, 2019, ARB Meeting

Reference: Laurel O'Halloran, Staff liaison

Recommended Action: Approve minutes.

CEQA: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378.

On a motion by Gunby, seconded by Coen, the Board voted 5-0-1 (Edmonds absent, one vacancy) to approve the consent agenda.

Motion passed unanimously.

REGULAR AGENDA

7. PUBLIC HEARINGS

For public hearings involving a quasi-judicial determination by ARB, the proponent of an item may be given 10 minutes to speak and others in support of the proponent's position may be given three minutes each. A designated spokesperson for opposition to the item may be given 10 minutes to speak and all others in opposition may be given three minutes each. Very brief rebuttal and surrebuttal may be allowed in the sole discretion of ARB. In public hearings not involving a quasi-judicial determination by the Board, all persons may be given three minutes to speak on the matter. Public hearings on non-controversial matters or for which testimony is not anticipated may be placed on the Consent Agenda, but shall be removed if any person requests a staff presentation or wishes to be heard on the matter.

Member Van Zanten recused himself for the following item.

A. Vacant parcel immediately south of 511 17th Street, on the easterly side of 17th Street between Spruce Ave and Junipero Ave | AP/TP-D 19-0163 | APN 006-475-014

Description: The construction of a new 1,155 sq. ft. two-story, single-family residence on a currently vacant lot.

Zone District/General Plan Designation: R-1 / Residential Medium Density (up to 17.4 units per acre)

Coastal Zone: No **Archaeological Zone:** No **Historic Resources Inventory:** No
Area of Special Biological Significance: Yes

CEQA Status: Exempt per Section 15303 (a) – New Construction

Applicant/Owner: Charles Van Vliet (Applicant) / Jim MacArthur (Owner)

Recommendation: Approve the project as proposed based on findings, conditions of approval, and a Class 3, §15303(a) CEQA exemption

Staff Reference: Alex Othon, Assistant Planner | aotion@cityofpacificgrove.org

Alex Othon, Assistant Planner, provided a staff report.

The property owner, Jim MacArthur, spoke and answered Board Members questions.

The Chair opened the floor to public comment.

The following members of the public spoke on the project:

Steven Pokabla

William Vans

David Ball

Ed Schaup

Jennifer Hirsch

Roberta Williams

Charles Van Vliet

Vicky Magee

The Chair offered the property owner an opportunity for rebuttal.

The Chair closed the floor to public comment.

The Board discussed the item.

On a motion by Gunby, seconded by Coen, the Board voted 4-0-1-1 (Edmonds absent, Van Zanten recused) to approve the project subject to findings, a Class 3 CEQA exemption, and the following amended conditions of approval: lowering the second story plate height to 7 feet, offset the gable roof to the north, and make the granting of the Tree Permit w/ Development contingent upon the condition of the tree

at the time of building permit issuance.

Motion passed.

Member Van Zanten returned to the dais.

B. 1205 Ocean View Boulevard | AP 18-1031 | APN 006-012-017

Description: The complete exterior remodel of an existing two-story residence at the corner of Ocean View Blvd. and Coral St. The existing residence was built in the 1980s and is currently a ranch style house with a mansard roof design.

Zone District/General Plan Designation: R-1-H / Medium Density

Coastal Zone: No **Archaeological Zone:** Yes **Historic Resources Inventory:** No

Area of Special Biological Significance: Yes

CEQA Status: Exempt per Section 15303(e)(1) – Existing Facilities

Applicant/Owner: Mark Mueckenheim/Stacey Tang

Recommendation: Approve the project as proposed based on findings, conditions of approval, and a Class 1, §15301(a)(1) CEQA exemption

Staff Reference: Laurel O’Halloran, Assoc. Planner | lohalloran@cityofpacificgrove.org

Laurel O’Halloran, Associate Planner, provided a staff report.

The project architect, Mark Mueckenheim, spoke and answered Board Members questions.

The Chair opened the floor to public comment.

The following members of the public spoke on the project:

Lisa Ciani

Claudia Sawyer

The Chair closed the floor to public comment.

On a motion by Gunby, seconded by Boyle, the Board voted 5-0-1 (Edmonds absent) to approve the project subject to findings, conditions of approval, and a Class 1 CEQA exemption, with the added condition that the north façade be redesigned to provide more articulation. The minor alteration will be reviewed by staff.

Motion passed unanimously.

C. 301 Grand Avenue | AP/UP 19-0173 | APNs 006-278-006, -012

Description: An Architectural Permit and Use Permit for the development of three (3) new second-story, income-qualified affordable residential units over the parking area approved under the previous permit.

Zone District/General Plan Designation: C-D / Commercial

Coastal Zone: No **Archaeological Zone:** No **Historic Resources Inventory:** No

Area of Special Biological Significance: Yes

CEQA Status: Exempt per Section 15332 – In-fill Development

Applicant/Owner: Safwat Malek for Manal Mansour and Ayman Adeeb, owner(s)

Recommendation: Approve the project as proposed based on findings, conditions of approval and a Class 32, §15332 CEQA exemption.

Staff Reference: Alyson Hunter, Assoc. Planner | ahunter@cityofpacificgrove.org

Alyson Hunter, Associate Planner, provided a staff report.

The project architect, Safwat Malek, spoke and answered Board Members' questions.

The Chair opened the floor to public comment.

The following people spoke on the project:

Pam Silkwood
Lisa Ciani
Kim Barnes
Inge Lorentzen Daumer
Heather Gregg
Paul Marko
Hector Chavez

The Chair closed the floor to public comment.

The Board discussed the item.

On a motion by Gunby, seconded by Van Zanten, the Board voted 5-0-1 (Edmonds absent) to continue the item to the August 13th ARB meeting to allow the applicant to revise the plans as follows:

- **Provide a floor plan showing the project as a whole**
- **Provide revised elevations and renderings to show proposed changes discussed at the meeting.**
- **Reconfigure the east stairs.**
- **Show interior landscaping and the location of a new 15 gal. tree.**
- **Remove Unit 11**
- **Relocate trash/recycling area to the Grand Avenue side of garage.**
- **Alter storypoles and netting to represent new parapet wall roof height for the next meeting.**

Motion passed unanimously.

8. ARB Discussion

A. Story Pole Discussion

Staff Reference: Laurel O'Halloran, Associate Planner

Recommended Action: Receive information for discussion

CEQA Status: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378.

Alyson Hunter, Associate Planner, provided a staff report.

The Chair opened the floor to public comment.

The following members of the public spoke on the item:

Lisa Ciani
Claudia Sawyer
Inge Lorentzen Daumer

The Chair closed the floor to public comment.

The Board discussed the item.

On a motion by Gunby, seconded by Boyle, the Board voted 5-0-1 (Edmonds absent) to form a subcommittee with members of the Historic Resources Committee to further discuss story pole regulations. Members Coen and Gunby volunteered for the subcommittee.

Motion passed unanimously.

ADJOURNMENT – 6:56 pm.

APPROVED BY ARCHITECTURAL REVIEW BOARD



Michael Gunby, Secretary

8/13/19

Date



December 15, 2017

CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT DEPARTMENT

300 FOREST AVENUE
PACIFIC GROVE, CALIFORNIA 93950
TELEPHONE (831) 648-3190
FAX (831) 648-3184

Manal Mansour, TR
301 Grand Ave
Pacific Grove, CA 93950

BUILDING INSPECTION
(831) 648-3183
HOUSING PROGRAMS
(831) 648-3190
PLANNING/ZONING
(831) 648-3190

RE: 301 Grand Ave
Pacific Grove, CA 93950
APN: 006.287.012.000
Notice to Vacate/Demolish Structure

NOTICE AND ORDER
NOTICE TO VACATE
NOTICE TO DEMOLISH

Dear Manal Mansour TR:

Our records indicate that you are the owner of the above-referenced property. On December 13, 2017 a site inspection was conducted by the Building Official, Structural Engineer and Project Manager at the above-referenced property. Based on this site inspection and consultation with the Structural Engineer (latter attached), the Building Official of the City of Pacific Grove determined that this structure is dilapidated and has become so out of repair, that it is deemed to be dangerous, unsanitary, unsafe, or otherwise unfit for human habitation or occupancy.

Due to the conditions stated above, this building is ordered to be vacated and demolished in accordance with **Section 108 and Section 110 of the 2015 International Property Maintenance Code (IPMC)**. A brief description of the conditions found to render this structure unsafe, unfit for human occupancy and potentially dangerous is as follows:

Section 108.1.5 and Section 110 IPMC- Dangerous structure or premises:

- A. The buildings lack a proper foundation (304.5 IPMC, 2015);
- B. the exterior surfaces have decayed to a point of allowing water to enter the building (304.2 IPMC, 2015);
- C. the structural members are not properly maintained and are in a deteriorated condition (304.4 IPMC, 2015); and
- D. the existing building lacks the required occupancy separations.

As such, the Building Official of the City of Pacific Grove has determined that the structure is ordered to be vacated and demolished in accordance with **Section 108 and Section 110 of the 2015 International Property Maintenance Code (IPMC)**.

As such, you are required to comply with the following by January 31, 2018:

- Vacate the 3-residential units;

- remove the "eyebrow" door covers on the Laurel St frontage;
- contact Water Management (658.5601) for inspection and to document all plumbing fixtures;
- complete a hazardous material survey and application with the Air Pollution Control District (MBUAPCD/647.9411) for demolition approval **PRIOR** to removing any material from the building;
- contact the Sewer Agency, (MRWPCA/372.3367) to advise of the demolition;
- contact PG&E to obtain a utility disconnect letter; and
- acquire a demolition permit from the Building Department

Any person having any record title or legal interest in the building may appeal from this notice and order or any action of the Building Official to the Board of Appeals, provided the appeal is made in writing as provided in the International Property Maintenance Code, 2015 and filed with the Building Official within 20 days from the date of service of this notice and order.

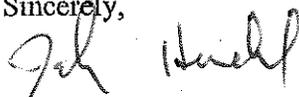
Failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

Filing of an appeal does not negate the requirement to take the above-required actions within the times specified.

If the above deadlines are not met you will be subject to the payment of fines and all costs incurred by the City of Pacific Grove to abate this matter. The City of Pacific Grove reserves the right to file a lien in accordance with the International Property Maintenance Code, 2015, Section 106.3, which states: "...Any action taken by the authority having jurisdiction on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate."

Please call our office at (831) 646.5642 if you have any questions regarding this matter.

Sincerely,



John D. Kuehl
Building Official

JDK:lf

- c: Tenants (3): 301 Grand Ave., Pacific Grove, CA 93950
Water Management: 5 Harris Ct., Bldg G, Monterey, CA 93940
MRWPCA (Sewer): 5 Harris Ct., Bldg D, Monterey, CA 93940
MBUAPCD (Air Pollution Control): 24580 Silver Cloud Ct., Monterey, CA 93940
PG&E: 2311 Garden Rd., Monterey, CA 93940
- e: Mark Brodeur, Director Community and Economic Development
Terri Schaeffer, Housing Program Coordinator/Code Compliance Officer

Taluban Engineering, Inc.

*P.O. Box 292
Salinas, CA 93902
831-754-0545*

December 14, 2017

Mr. John Kuehl
City of Pacific Grove, Building Official
City Hall
300 Forest Avenue, 2nd Floor
Pacific Grove, CA 93950

RE: 301 GRAND AVENUE, PACIFIC GROVE, CALIFORNIA

Dear Mr. John Kuehl;

On November 20, 2017 and December 13, 2017, I inspected the mixed use commercial/residential building located along Laurel Avenue between Grand and Fountain Avenues in Pacific Grove. The existing structure consists of a multi-story wood framed structure with two story portions along Grand and Fountain Avenues (commercial use at the first level and residential use on the second level). The two story portions are connected by a single story wood framed structure previously used as a commercial space that fronts along Laurel Avenue. The structure is in clear view of a public way and the dilapidation and deterioration of the exterior finish is evident. The differential settlement of the exterior walls and framing is evident. The main level commercial areas (except for the salon along Grand Avenue) have been vacated over a period of time and ordinary maintenance has not been completed. The ceiling and upper level floor framing members have been exposed and are not sufficient to support the anticipated design loads. The underfloor area has been exposed and the existing floor framing members are not sufficient to support the required design loads. A continuous perimeter foundation does not exist and in areas where sections of concrete exists under the exterior wall, the concrete configuration, dimensions and anchorage is inadequate to act as foundation support.

This structure can be declared a substandard structure under the California Health and Safety Code Sections 17920.3 (a) 13, (b) 1, 2, 4, 5, and 6, (g) which read:

- | | |
|-----------------------|--|
| <i>17920.3 (a) 13</i> | <i>General dilapidation or improper maintenance.</i> |
| <i>17920.3 (b) 1</i> | <i>Deteriorated or inadequate foundations.</i> |
| <i>17920.3 (b) 2</i> | <i>Defective or deteriorated flooring or floor supports.</i> |
| <i>17920.3 (b) 4</i> | <i>Members or walls, partitions, or other vertical supports that split, lean, list, or buckle due to defective material or deterioration.</i> |
| <i>17920.3 (b) 6</i> | <i>Members of ceilings, roofs, ceilings and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration.</i> |

December 14, 2017
Page 2

- 17920.3 (b) 7 *Members of ceiling, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety.*
- 17920.3 (g) *Faulty weather protection, which shall include, but not limited to, the following:*
- (1) Deteriorated, crumbing, or loose plaster.*
 - (2) Deteriorated or ineffective waterproofing of exterior walls, roof, foundations, or floors, including broken windows or doors.*
 - (3) Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.*
 - (4) Broken, rotted, split, or buckled exterior wall coverings or roof coverings.*

The 2016 California Historic Building Code, Section 8-102.1.5 states “a qualified historical building or property is determined to be unsafe as defined in the regular code, the requirements of the CHBC are applicable to the work necessary to correct the unsafe condition.” Section 8-703.1 and Section 8-705 identifies the requirements to survey the structure for load path continuity, deterioration, and signs of distress. The existing residence has signs of distress in the ceiling framing, wall framing, and floor framing. The vertical load path has been compromised by the deterioration of the existing wall support system and lack of foundation. The lateral-force-resisting system does not have a complete and continuous load path, including connections, from every portion of the structure to the ground.

The existing structure is in the advanced stages of dilapidation and deterioration that would require a complete structural frame to remove the structural deficiencies of the structure. The repair necessary to provide a structural frame adequate to resist the design loads will require the dismantling of the existing structure. This structure is beyond standard repair of “replace in-kind.”

It is my opinion the necessary improvements to the existing structure to remove the dangers to life, health and safety to the public and occupants (including persons performing the repair) would include a complete structural frame and re-build of the entire structure.

If you need any additional information, please contact my office at 831-754-0545.

Sincerely,

TALUBAN ENGINEERING, INC.


Belinda A. Taluban, P.E. President



Cc: Mark Brodeur, Director Community & Economic Development Department
Safwat Malek, Enviro International, Inc.

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AUG 02 20

CITY OF PACIFIC GROVE
COMMUNITY DEVELOPMENT

REVISED

PROJECT/OWNER:
Dr. Ayman Adeeb, et al
656 Munras Ave
Monterey, CA 93940
(831) 920-2127

APN: 006-287-012

PROJECT TITLE:
**3 UNIT ADDITION TO
MIXED USE BUILDING AT
301 GRAND AVENUE
PACIFIC GROVE, CA 93955**

INDEX, NOTES
SITE PLAN

Project number 00/
Date 07/

A-1

MIXED-USE BUILDING - 3 UNIT ADDITION

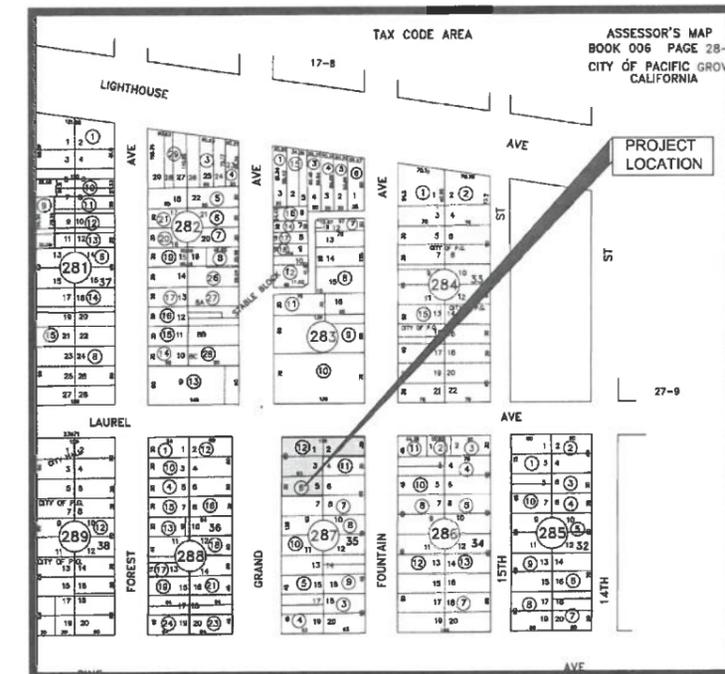
301 GRAND AVE. PACIFIC GROVE, CA



PROPOSED WEST ELEVATION ON GRAND AVE.

LAUREL AVE.

ASSESSOR'S MAP



DRAWING INDEX

ARCHITECTURAL

- A-1 INDEX, LEGEND, NOTES & SITE PLAN
- A-2 FLOOR PLAN
- A-3 ROOF PLAN
- A-4.0 ELEVATIONS
- A-4.1 ELEVATIONS
- A-5 SECTION

ARCHITECT:

SAFWAT MALEK, AIA
ENVIRO-INTL., INC
PO BOX 1731
PEBBLE BEACH, CA 93953
650-619-8760

SCOPE OF WORK

A PROPOSED 1,390 SF 3 UNIT ADDITION OVER (E) PARKING TO AN APPROVED BUILDING CURRENTLY UNDER CONSTRUCTION. THE PROJECT WILL PROVIDE AFFORDABLE HOUSING.

PROJECT DATA

APPLICANT:	DR. AYMAN ADEEB
PROJECT ADDRESS:	301 GRAND AVE. PACIFIC GROVE, CA
ASSESSOR'S PARCEL NUMBER:	006-287-012 LOT 1, 2, 3 & 5 - BLOCK 35
LOT SIZE:	7,560 SF
Lot Merge Permit: 18-306 - Lots 1,2,3 & 5 of Block 35 Pacific Grove Retreat filed with the Community and Economic Development Department on April 2018.	
(E) FIRST FLOOR AREA:	4,807 SF
(E) SECOND FLOOR AREA:	4,374 SF
(N) 3 UNIT ADDITION - 2ND FLR. AREA:	1,392 SF
TOTAL GROSS FLOOR AREA:	10,373 SF

CONSTRUCTION TYPE: TYPE V-B, SPRINKLERED.

ZONING: C-D

OCCUPANCIES:

- FIRST FLOOR = COMMERCIAL TENANT AREAS EXCEPT 568 SF R-2 OCCUPANCY.
- POTENTIAL TENANTS INCLUDE B, M, AND A-2 OCCUPANCIES. MOST RESTRICTIVE FOR FLOOR AREA IS A-2. IF A-2 OCCUPANCY IS INCLUDED AT FUTURE TIME, 1-HOUR SEPARATIONS FROM THE OTHER USES WILL BE REQUIRED. CURRENT PLANS INCLUDE A B-OCCUPANCY DENTAL OFFICE.
- SECOND FLOOR = R-2 APARTMENTS. ALL R-2 APARTMENTS ARE TO BE 1-HOUR SEPARATED FROM OTHER POTENTIAL USES LISTED PER SECTION 508.4, AND 30 MINUTE SEPARATED BETWEEN EACH OTHER IN A SPRINKLERED BUILDING, PER SECTION 708.3, EXCEPTION 2.

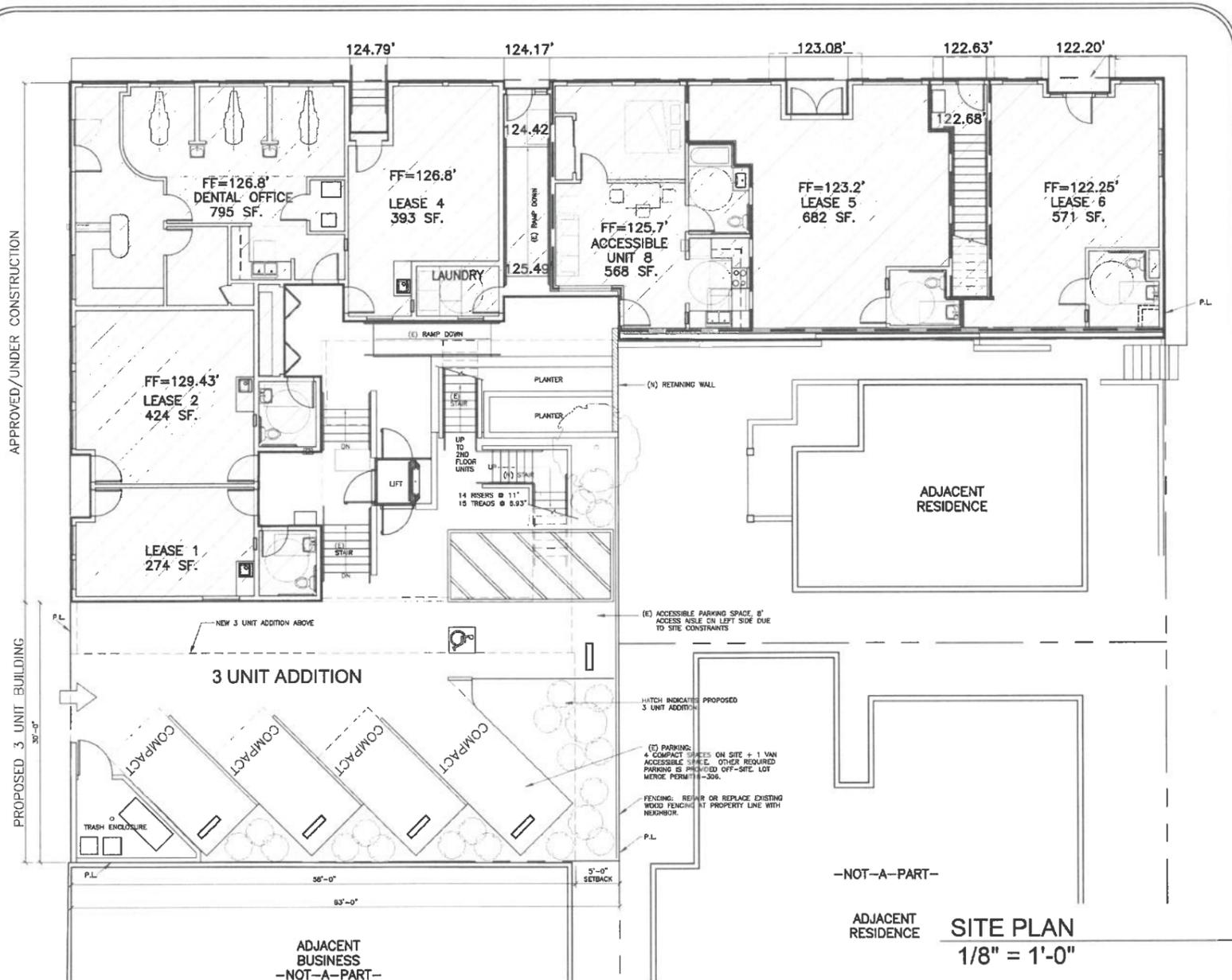
PROPOSED SECOND FLOOR AFFORDABLE HOUSING 3 UNIT ADDITION - R-2 APARTMENTS

F.A.R. + BONUS = 2.3 (GENERAL PLAN - SECTION 2.15.3)
10,373 SF (TOTAL AREA OF BUILDING) / 7,560 SF (TOTAL AREA OF PARCEL) = 1.4 F.A.R. < 2.3 OK

ALLOWABLE AREAS:
PER CBC 505.6.4, EACH FLOOR MUST COMPLY INDIVIDUALLY FOR MIXED OCCUPANCY. PER CBC 508.4.2, THE BUILDING AREA SHALL SUCH THAT THE RATIOS OF ACTUAL DIVIDED BY ALLOWABLE SHALL NOT EXCEED 1. TABULAR ALLOWABLE AREA IS ESTABLISHED BY THE FOLLOWING. 505.6.4 ALLOWS AN INCREASE BASED ON STREET FRONTAGES, BUT THE BUILDING MEETS CODE USING ONLY THE TABULAR AREAS. SO THE STREET FRONTAGE INCREASE IS NOT INCLUDED BELOW.

At = 18,000 SF for A-2 OCCUPANCY, NO HEIGHT INCREASE (27,000 SF FOR B OR M OCCUPANCIES);
7,000 SF FOR R-2 OCCUPANCY WITH MINIMUM NFPA 13R SPRINKLER SYSTEM.

FIRST FLOOR = (3,190 SF / 18,000 SF) + (563 SF / 7,000 SF) = 0.26 < 1, THEREFORE OK.
SECOND FLOOR = 3,859 / 1,390 SF / 7,000 SF = 0.75 < 1, THEREFORE OK.



-NOT-A-PART-

ADJACENT RESIDENCE

SITE PLAN
1/8" = 1'-0"

ADJACENT BUSINESS
-NOT-A-PART-

AUG 02 2019

CITY OF PACIFIC GROVE
COMMUNITY DEV DEF
REVISED

PROJECT/OWNER:
Dr. Ayman Adeeb, et al
656 Munras Ave
Monterey, CA 93940
(831) 920-2127

APN: 006-287-012

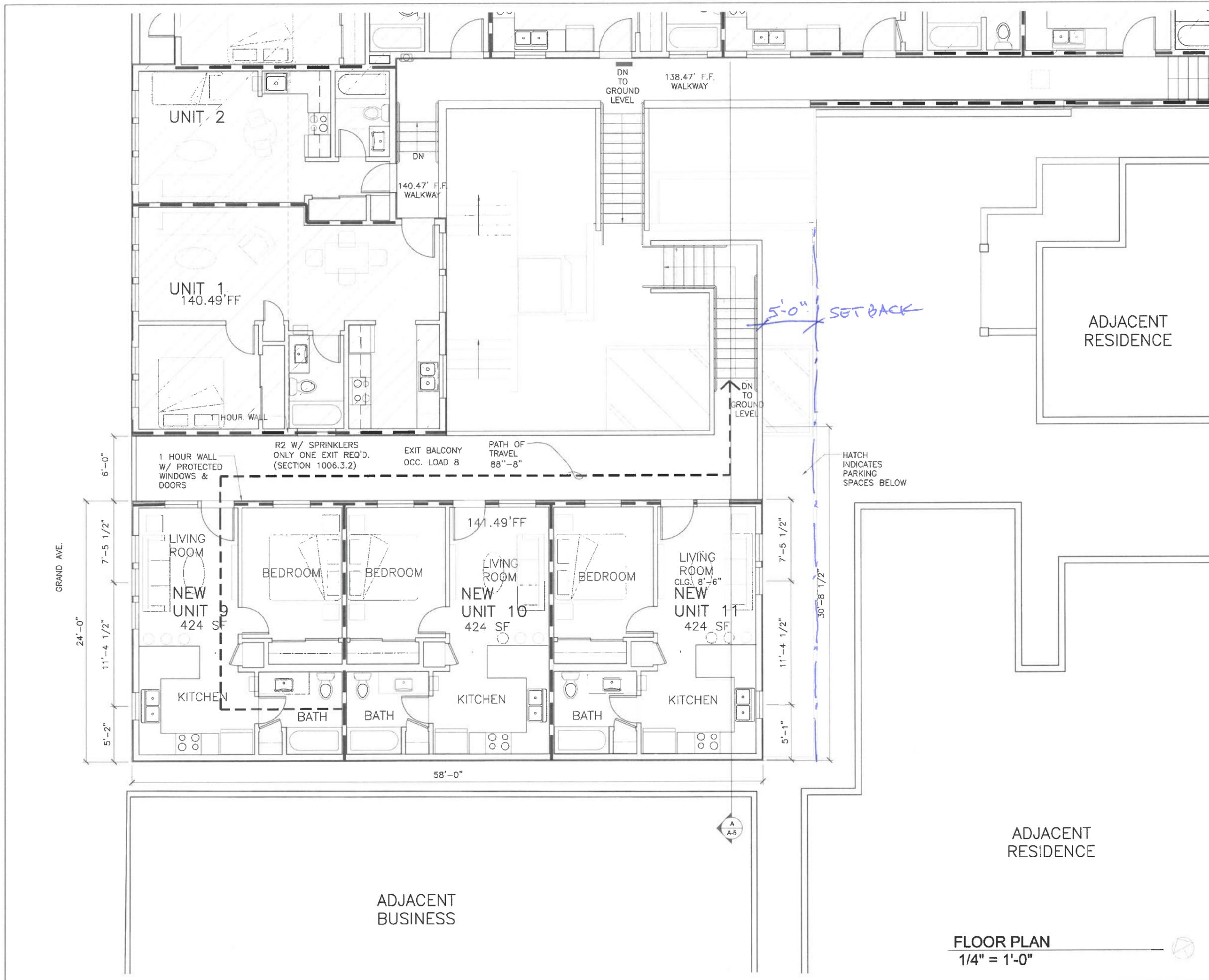
PROJECT TITLE:

3 UNIT ADDITION TO
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FLOOR PLAN

Project number 006-287-012
Date 07/2019

A-2



FLOOR PLAN
1/4" = 1'-0"



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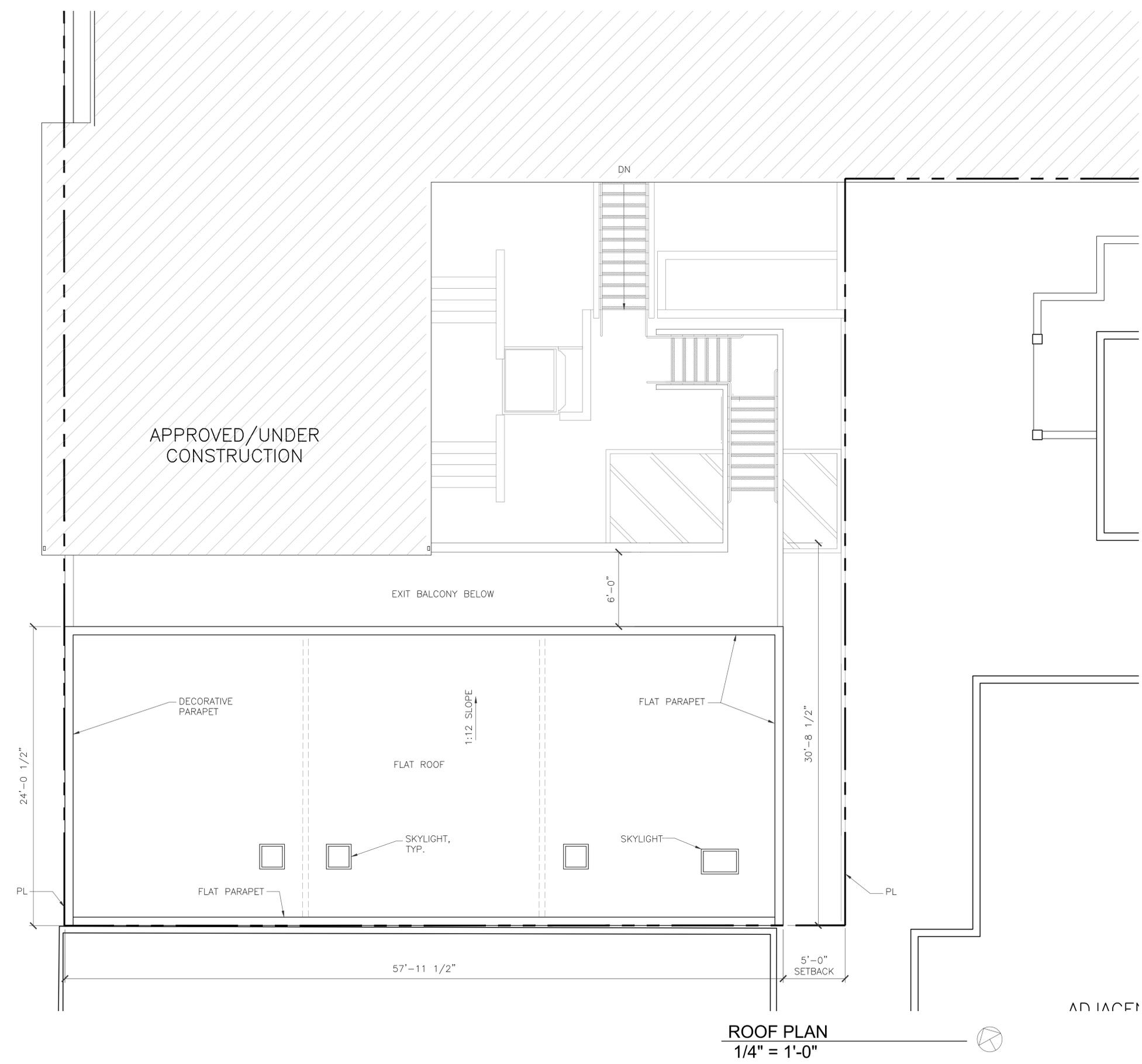
APN: 006-287-012

PROJECT TITLE:
**3 UNIT ADDITION TO
MIXED USE BUILDING AT
301 GRAND AVENUE
PACIFIC GROVE, CA 93955**

ROOF PLAN

Project number	005-001
Date	07/25/19

A-3



ROOF PLAN
1/4" = 1'-0"



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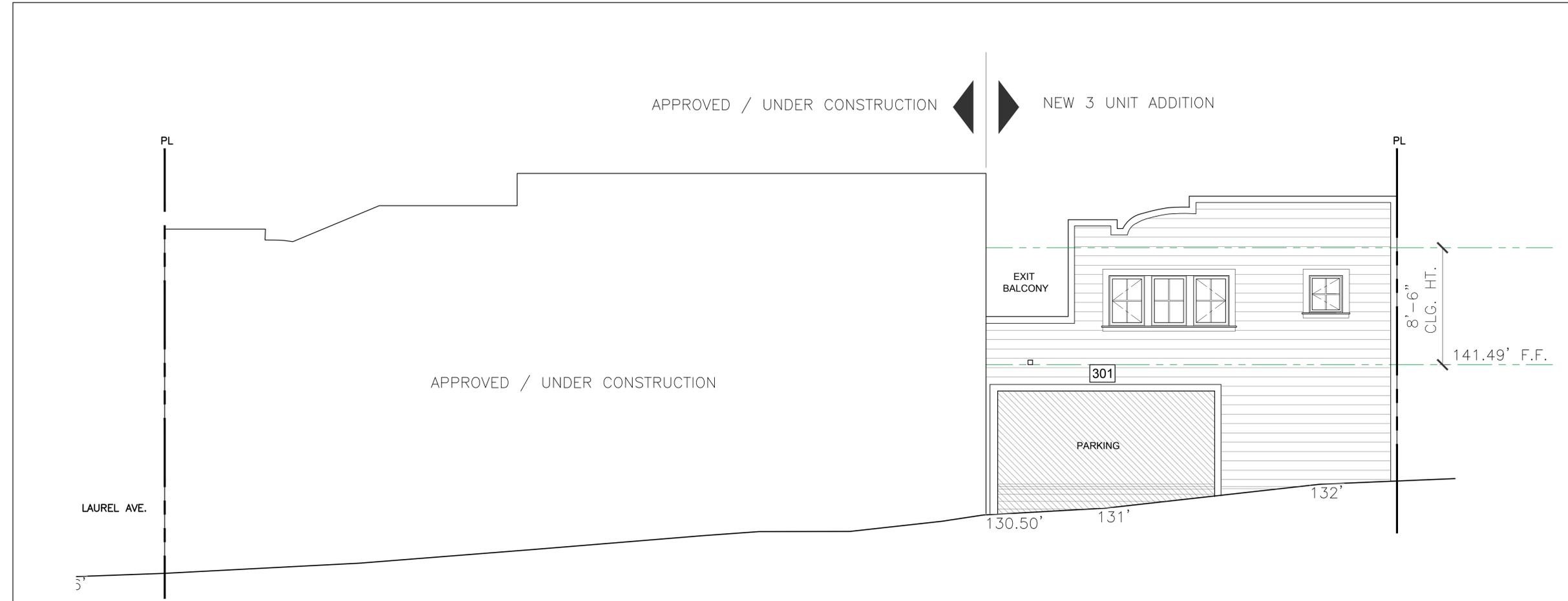
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PROJECT TITLE:
3 UNIT ADDITION TO
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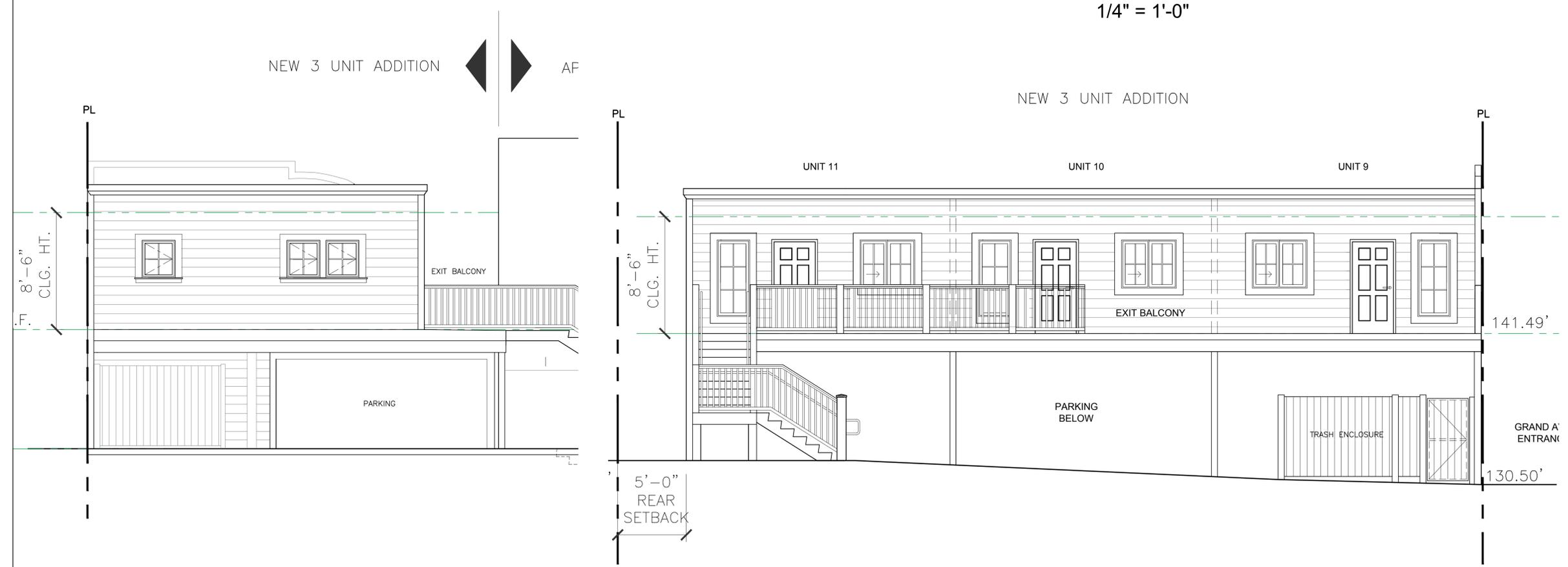
ELEVATIONS

Project number 005-001
Date 07/25/19

A-4



WEST ELEVATION - GRAND AVE.
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"

NORTH ELEVATION
1/4" = 1'-0"



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APN: 006-287-012

PROJECT TITLE:

3 UNIT ADDITION TO
MIXED USE BUILDING AT
301 GRAND AVENUE
PACIFIC GROVE, CA 93955

EXTERIOR
ELEVATIONS

Project number 005-001
Date 07/22/19

A-4.1



WEST ELEVATION - GRAND AVE.
3/16" = 1'-0"



NORTH ELEVATION - LAUREL AVE.
3/16" = 1'-0"



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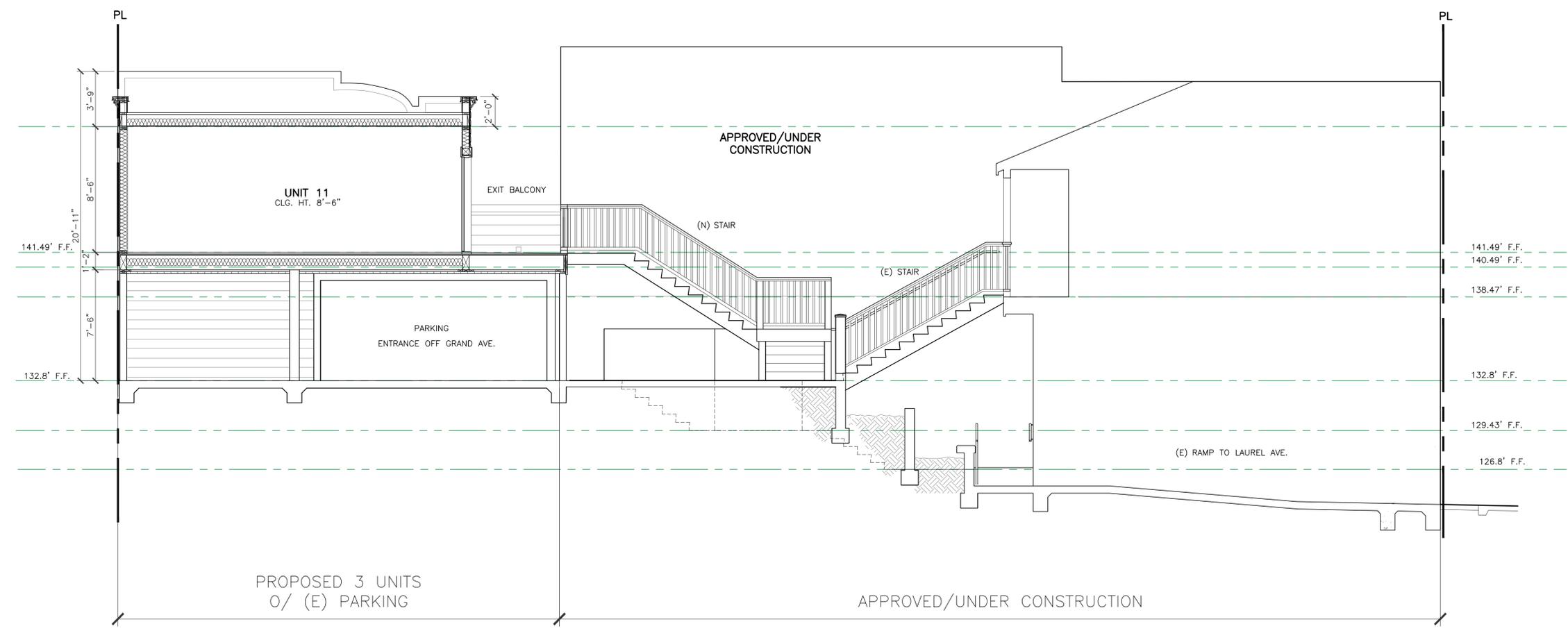
PROJECT TITLE:

3 UNIT ADDITION TO
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PACIFIC GROVE, CA 93955

SECTION

Project number 005-001
Date 07/22/19

A-5



SECTION A
1/4" = 1'-0"



PROPOSED ELEVATION ON GRAND AVE.



INTERIOR COURTYARD & NEW 3 UNIT ADDITION



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RENDERINGS

Project number 005-001
Date 07/25/19

A-6