NOTICE OF MEETING

CITY OF PACIFIC GROVE

PLANNING COMMISSION

REGULAR MEETING AGENDA

Thursday, March 12, 2020, 6:00 P.M.

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

AGENDA

CALL TO ORDER

1. APPROVAL OF AGENDA

2. COMMISSION AND STAFF ANNOUNCEMENTS (City-Related Items Only)

3. COUNCIL LIAISON ANNOUNCEMENTS

4. GENERAL PUBLIC COMMENT

General Public Comment must deal with matters subject to the jurisdiction of the City and the Planning Commission that are not on the Regular Agenda. This is the appropriate place to comment as to items on the Consent Agenda, only if you do not wish to have the item pulled for individual consideration by the Planning Commission. Comments from the public will be limited to three minutes and will not receive Planning Commission action. Comments regarding items on the Regular Agenda shall be heard prior to Planning Commission's consideration of such items at the time such items are called. Whenever possible, written correspondence should be submitted to the Planning Commission in advance of the meeting, to provide adequate time for its consideration.

CONSENT AGENDA

The Consent Agenda deals with routine and non-controversial matters, and may include action on resolutions, ordinances, or other public hearings for which testimony is not anticipated. The vote on the Consent Agenda shall apply to each item that has not been removed. Any member of the Planning Commission, staff, or the public may remove an item from the Consent Agenda for individual consideration. When items are pulled for discussion, they will be automatically placed at the end of their respective section within the Regular Agenda. One motion shall be made to adopt all non-removed items on the Consent Agenda. Items pulled from this section will be placed under 6. Regular Agenda

5. A. Approval of Minutes of the February 13, 2020, PC Regular Meeting

Recommendation: Approve minutes.

Reference: Alyson Hunter, Senior Planner

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

REGULAR AGENDA

6. PUBLIC HEARINGS

For public hearings involving a quasi-judicial determination by the Planning Commission, 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 the Planning Commission. In public hearings not involving a quasi-judicial determination by the Planning Commission, 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.

A. Pacific Grove Municipal Code Title 23 Map Amendment for the Asilomar State Park & Conference Grounds

Recommendation: Receive the staff report and draft ordinance, and adopt PC Resolution 20-01 recommending approval of the proposed amendments to the City

Council.
Reference: Alyson Hunter, Senior Planner
CEQA Status: Categorically exempt per Section 15061(b)(3) of the CEQA Guidelines

B. Pacific Grove Municipal Code Title 23 Text Amendment for the Deletion of § 23.16.090 (R-1-B-2)
Recommendation: Receive the staff report and draft ordinance, and adopt PC Resolution 20-02 recommending approval of the proposed amendment to the City Council.
Reference: Alyson Hunter, Senior Planner
CEQA Status: Categorically exempt per Section 15061(b)(3) of the CEQA Guidelines

C. Proposed Zoning Code Amendment to Remove the Use Permit Requirement for Multi-Family Developments from PGMC Sections 23.24.020 (R-3), 23.28.020 (R-4), and 23.57.020 (R-3-PGB)
Recommendation: Receive the staff report and draft ordinance, and recommend approval of the proposed amendments to the City Council.
Reference: Alyson Hunter, Senior Planner
CEQA Status: Categorically exempt per Section 15061(b)(3) of the CEQA Guidelines

D. Discussion of Capital Improvement Program (CIP) Items
Recommendation: Vote on the CIP project ideas submitted by Commissioners and direct the Chair to complete the requisite form for submittal to the Public Works Department.
Reference: Don Murphy, Planning Commission Chair
CEQA Status: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378.

7. REPORTS, DISCUSSION ITEM(S), AND PRESENTATIONS - None

Next Meeting – April 9, 2020

ADJOURNMENT

NOTICE OF ADA COMPLIANCE: Pursuant to Title II of the Americans with Disabilities Act (Codified At 42 United States Code Section 12101 and 28 Code of Federal Regulations Part 35), and Section 504 of the Rehabilitation Act of 1973, the City of Pacific Grove does not discriminate on the basis of race, color, religion, national origin, ancestry, sex, disability, age or sexual orientation in the provision of any services, programs, or activities. The City of Pacific Grove does not discriminate against persons with disabilities. City Hall is an accessible facility. A limited number of assisted listening devices will be available at this meeting. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting or provide the requested agenda format.

DRAFT MINUTES

CITY OF PACIFIC GROVE

PLANNING COMMISSION
REGULAR MEETING

6:00 p.m., Thursday, February 13th, 2020
Council Chambers – City Hall – 300 Forest Avenue, Pacific Grove, CA

CALL TO ORDER

- Commissioners Present (6): Robin Aeschliman, Bill Bluhm, Jeanne Byrne, Mark Chakwin (Secretary), Steven Lilley (Vice-Chair), Donald Murphy (Chair**)**

- Commissioner Absent (1): William Fredrickson

1. APPROVAL OF AGENDA

On a motion by Commissioner Byrne, seconded by Commissioner Bluhm, the Commission voted 6-0-1 (Commissioner Fredrickson absent) to approve the Agenda. Motion Passed.

2. COMMISSION AND STAFF ANNOUNCEMENTS (City-Related Items Only)

(Please refer to the Video Recording for details)

- Chair Murphy stated that he attended the Boards and Commissions new members orientation on January 6th and that the Pacific Grove Heritage Society Annual Home Awards for commercial and residential development is seeking nominations for this year's awards.

- Commissioner Aeschliman commented on an article in the Commissioner Newsletter regarding the efforts of the Cities of Tucson and Salt Lake City to protect their historic signs and historic heritage.

- Senior Planner Hunter noted that the Union Pacific Railroad fence request was denied by the California Coastal Commission; City has received five ADU applications in 2020; that the Library renewal project continues on track for a summer completion; and that Monterey County Office of Emergency Services staff will present on the Joint Jurisdiction Hazard Mitigation Plan update at the Council meeting on February 19th.

3. COUNCIL LIAISON ANNOUNCEMENTS

- City Council Mayor Pro-Tem, Dr. Robert Huitt, provided an update on City Council activities and noted other highlights and issues that the Council is considering.

4. GENERAL PUBLIC COMMENT

- The Chair opened the meeting to public comment

(Please refer to the Video Recording for details)

- Anthony Tersol, representing the local chapter of Surfrider Foundation, provided comments on the Union Pacific Railroad's fence and advised continued citizen vigilance on issues for the city.

- The Chair closed the meeting to public comment

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CONSENT AGENDA

5. A. Approval of Minutes of the January 9, 2020, PC Regular Meeting
Recommended Action: Approve minutes.
Reference: Alex Othon, Assistant Planner
CEQA Status: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378

B. Use Permit for 1305 Funston Ave. (UP 19-0546) - Continued from 1-9-20 Meeting
Recommendation: Discuss and approve the Use Permit subject to findings, conditions of approval and a Class 3, Section 15303(e) CEQA exemption
Reference: Alex Othon, Assistant Planner
CEQA Status: Class 3, Section 15303(e) CEQA exemption for Accessory Structures

On a motion by Commissioner Bryne, seconded by Commissioner Aeschliman, the Commission voted 6-0-1 (Commissioner Fredrickson absent) to approve the Consent Agenda. Motion Passed.

REGULAR AGENDA

6. PUBLIC HEARINGS

A. Election of Officers
Recommendation: Hold an election for Chair, Vice Chair, and Secretary
Reference: Alyson Hunter, Senior Planner
CEQA Status: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378
(Please refer to the Video Recording for details)

On a motion by Commissioner Bryne, the Commission voted 6-0-1 (Commissioner Fredrickson absent) to approve the nomination of the current slate of Planning Commissioner Officers (Chair Murphy, Vice Chair Lilley and Secretary Chakwin) as a slate of the officers for 2020. Motion Passed.

B. **Proposed Zoning Code Amendment to 23.80 - Accessory Dwelling Units**
(*Continued from 1-9-20 Meeting)*
Recommendation: Review proposed amendments and provide a recommendation to City Council
Reference: Alyson Hunter, Senior Planner
CEQA Status: Statutorily exempt per Section 15282(h) of the CEQA Guidelines
(Please refer to the Video Recording for details)

- Director Aziz provided a staff report, and answered questions.

- The Chair opened the meeting to public comment

- Joy Colangelo complimented the Staff's work on the proposed revision and then provided four suggestions to modify or improve that Zoning Code Amendment,

- Anthony Tersol, recommended that the Commission consider pre-approving tiny house and ADU designs to expedite the approval and implantation process.

- The Chair closed the meeting to public comment

- The Commission discussed the issue.

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On a motion by Commissioner Bryne, seconded by Commissioner Aeschliman, the Commission voted 6-0-1 (Commissioner Fredrickson absent) to approve the proposed Zoning Code Amendment to 23.80 with the following recommendations: retain the term "shall incorporate" in the architectural requirements on page 9; limit the size of ADUs to 1,000 square feet (pg 1); keep the requirement for ADUs greater than ½ mile walking distance from transit to provide parking; also to delete the term "whereas" (pg 3) of the revision; eliminate the word "vital" from the first "Whereas" in the draft ordinance, and apply other language corrections as mentioned. Motion Passed.

C. **Draft 2020 Planning Commission Work Plan and Training Calendar**
Recommendation: Review the draft work plan / training calendar, modify as needed
Reference: Alyson Hunter, Senior Planner
CEQA Status: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378.

- Senior Planner Hunter provided a staff report, and answered questions.
(Please refer to the Video Recording for details)
- The Chair opened the meeting to public comment
None
- The Chair closed the meeting to public comment

- The Commission discussed the issue. Made suggestions and thanked Senior Planner Hunter for an extraordinary effort to craft a viable Planning Commission Annual Work Plan for 2020.

D. Discussion of Capital Improvement Program (CIP) Items
Recommendation: Consider ideas for CIP projects that the Planning Commission, as a group, would like to see.
Reference: Don Murphy, Planning Commission Chair
CEQA Status: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378.

- Senior Planner Hunter provided a staff report, and answered questions.
(Please refer to the Video Recording for details)

- The Chair opened the meeting to public comment

- Lisa Ciani spoke in favor of this initiative and proposed the Point Pinos trail project might be a good target for these funds.

- The Chair closed the meeting to public comment

- The Commission discussed the program.

On a motion by Commissioner Chakwin, seconded by Vice Chair Lilley, the Commission voted 6-0-1 (Commissioner Fredrickson absent) to continue this item until next meeting where Commissioners will present their proposed CIP recommendations. The Commission will select one of the proposed projects as the Commission's recommendation for the CIP program. Motion Passed.

7. REPORTS, DISCUSSION ITEM(S), AND PRESENTATIONS

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A. Coastal Development Permit (CDP) Tutorial
Recommendation: Receive training on CDP procedures, process
Reference: Alyson Hunter, Senior Planner
CEQA Status: Does not constitute a "Project" as defined by CEQA Guidelines Section 15378.

Senior Planner Hunter provided a presentation introducing the Coastal Development Permit (CDP) process that the City will use, and answered questions.

(Please refer to the Video Recording for details)

- The Chair opened the meeting to public comment

- Kathryn Poling commented about Planning Commissioner CDP training, and noted how the community also is looking forward to learning from these training opportunities as well.

- Lisa Ciani recommended adding past case studies to the Commissioners training, and commented on the City's past actions and past approaches toward CDP applications.

- The Chair closed the meeting to public comment

- The Commission discussed the program.

ADJOURNMENT

- The Chair adjourned the meeting at 8:06 p.m.

- The next meeting is scheduled for March 12, 2020

APPROVED BY THE PLANNING COMMISSION

_____ _____
Mark Brice Chakwin, Secretary Date

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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:	March 12, 2020
SUBJECT:	Pacific Grove Municipal Code (PGMC) Title 23 Map Amendment for the Asilomar State Park & Conference Grounds at 800 Asilomar Blvd.
CEQA:	Zoning Code Amendment Exempt per §15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines

RECOMMENDATION

Discuss the proposed PGMC zoning map amendment and adopt Resolution 20-01 (attached) recommending approval to the City Council.

BACKGROUND

The proposed map amendment was previously before the Planning Commission on November 7, 2019, as part of a larger zoning map "clean-up" exercise. It was determined at that time that this proposed change was not a "correction" as it was described and noticed, but a change in zoning requiring a separate review. In researching the history of the zoning on the Asilomar State Park & Conference Grounds at 800 Asilomar Boulevard (State Park or Property), City staff discovered it was not historically zoned Open Space (O) as previously assumed. The O District regulations can be reviewed in PGMC Section 23.42.

The current zoning map has several errors that are in the process of being corrected, and shows the subject Property with a hatching pattern that matches the hatching pattern for the Light Commercial/Hotel/Condominium District (C-1-T), which reflects a voter initiative affecting only the Holman Building block in downtown Pacific Grove.

Changing this Property to Unclassified (U) zone was considered, but the uses allowed in the O zone more closely fit the recreational and institutional operations of the State Park as discussed further below. The U District regulations can be reviewed in PGMC Section 23.44.

DISCUSSION

Ordinance 1555, which implemented Measure D, an initiative approved by the voters in 1986, indicates that the State Park Property was zoned Residential Single-Family (R-1-B-3), and then erroneously displayed as C-1-T in 2013. Although the property appears to never have been zoned O, there is no reason that it cannot be zoned O since it meets the intent and characteristics of the O zone. Any properties that were not part of the voter initiative, but are added later through the standard zoning map amendment process – like this one – do not require a vote of the people. At its November 7th meeting, the Planning Commission supported changing the zoning of the Property to Open Space, which allows it to continue its historic public access, recreation, and beneficial restoration uses. Furthermore, the State Park administration is supportive of this change.

The (O zoning district allows the following uses: recreation areas, wildlife preserves, forest preserves, waterfront areas, parks, playgrounds, public or civic buildings, structures and parking facilities,

pertinent and compatible with open land usages. This zoning is consistent with its existing land use designations of Open Space-Institutional (OS-I) and Open Space-Recreational (OS-R) adopted in the Local Coastal Program (LCP).

As mentioned previously, the U zone was considered given its allowed uses include: public parks, recreation areas, and public or civic buildings. The O district, however, more closely aligns with the current uses and mandates of the State Park system in general and remains the staff recommendation.

This proposed amendment is reflected in Resolution 20-01, which also includes a map exhibit showing the affected State Park Property.

Note Regarding the Attached Draft Ordinance In addition to the zoning map amendment for the State Park, the attached draft ordinance includes the text amendment to delete § 23.16.090 (R-1-B-2), and the twelve properties that the Planning Commission recommended for a zoning map change on November 7, 2019, changing the zoning from R-1-B-2 and C-1-T/R-1-B-3 to R-1.

COMPLIANCE WITH CEQA

Exempt from environmental review per CEQA Guidelines § 15061(b)(3): 15061. Review for Exemption:

(a) Once a lead agency has determined that an activity is a project subject to CEQA, a lead agency shall determine whether the project is exempt from CEQA.

(b) A project is exempt from CEQA if:

(3) The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Assigning an appropriate zoning designation to the State Park that allows it to continue its public mandate of access to the beach and restoration of the grounds and sensitive dune habitat has no possibility of having a significant effect on the environment. Any development, as defined in the City's LCP, that the State Parks undertakes at this location will be subject to individual environmental review associated with any required discretionary permit; i.e., a Costal Development Permit.

CITY COUNCIL GOAL ALIGNMENT

Goal 8 – Operational Excellence. These amendments will result in the concise, accurate, and consistent display and dissemination of zoning information which will improve the Community Development Department's delivery of Planning services.

RESPECTFULLY SUBMITTED BY:

Alyson Hunter

Alyson Hunter, Senior Planner

Attachments
1. Resolution 20-01
2. Proposed Ordinance

PLANNING COMMISSION RESOLUTION NO. 20-01

RESOLUTION OF INTENTION TO AMEND THE ZONING MAP OF THE PACIFIC GROVE MUNICIPAL CODE REZONING THE ASILOMAR STATE PARK & CONFERENCE GROUNDS PROPERTY (800 ASILOMAR BLVD.) FROM LIGHT COMMERCIAL-HOTEL-CONDOMINIUM (C-1-T) TO OPEN SPACE (O)

FACTS

1. In 2013, the City Council adopted Ordinance No. 13-003, which amended the "Zoning Map, City of Pacific Grove, California" dated January 1987, adopted by Ordinance No. 1574 N.S. The 2013 amendment reflected a variety of changes to the text of the City of Pacific Grove (City) zoning code and to the zoning map.

2. Since that time, City staff identified a number of administrative errors to the map that require correction. One of these properties is the Asilomar State Park & Conference Grounds located at 800 Asilomar Blvd. (Property), which is incorporated by reference as Exhibit 1.

3. Ordinance 1555, which implemented Measure D, an initiative approved by the voters in 1986, indicates that the Property was zoned Residential Single-Family (R-1-B-3), and then erroneously displayed as part of the C-1-T zoning district in 2013.

FINDINGS

In accordance to Section 23.84.060(b) of the Pacific Grove Municipal Code (PGMC) - Findings for Zoning Ordinance/Map Amendments, an amendment to the text of these regulations or the zoning map may be approved only if the review authority first makes all of the following findings, as applicable to the type of amendment. Staff has provided responses for the Commission's consideration and adoption in *italics* below:

1. Findings required for all zoning ordinance/map amendments:

   a. The proposed amendment is consistent with the general plan and, if applicable, the certified local coastal program; and

   b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

   a. The proposed zoning change to Open Space will not inhibit the development potential of the affected Property as the State Park will retain land use authority under the State's Master Planning process and will be in conformance with the existing land use designations of Open Space-Institutional (OS-I) and Open Space-Recreational (OS-R) as reflected on the newly adopted Local Coastal Program land use map. The City will have

Coastal Development Permit authority for development within the Park that is subject to the City's adopted Local Coastal Plan.

2. Additional finding for zoning ordinance amendments: the proposed amendment is internally consistent with other applicable provisions of these regulations.

   n/a

3. Additional finding for zoning map amendments: the site is physically suitable (including ability to meet requested zoning regulations, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses.

   The proposed zoning map amendment correctly assigns a zoning district to a developed State-owned property. No new development is proposed at this time.

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

1. The Commission determines that each of the Findings set forth above, as applicable to the proposed zoning map, is true and correct, and by this reference incorporates those Findings as an integral part of this Resolution.

2. The Commission recommends that the City Council approve the zoning map affecting the subject property in Exhibit 1, referenced herein, in an effort to correct a known mapping inaccuracy.

3. This resolution shall become effective upon the expiration of the 10-day appeal period.

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE this 12th day of March, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

APPROVED:

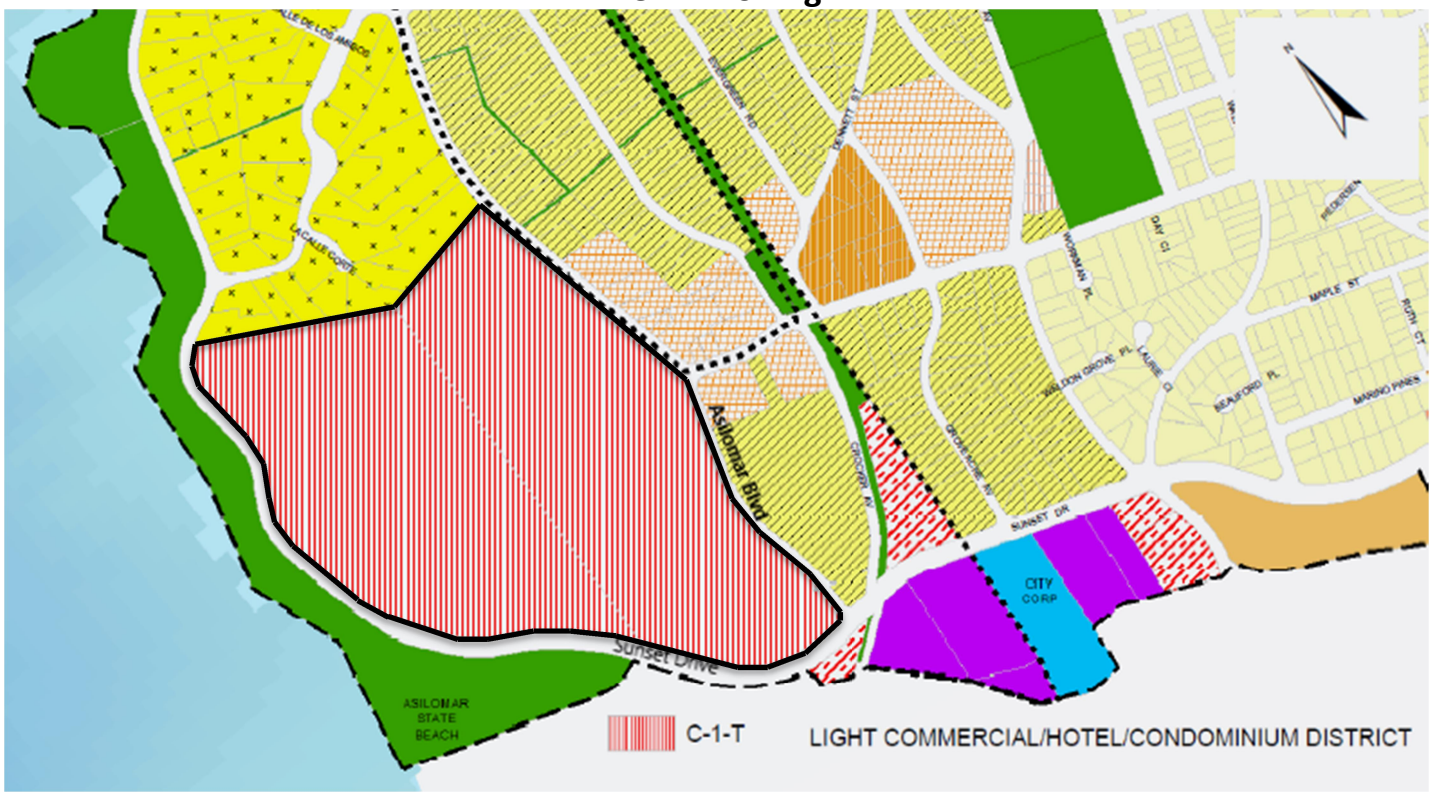
_____
Donald Murphy, Chair

ATTEST:

_____
Mark Chakwin, Secretary

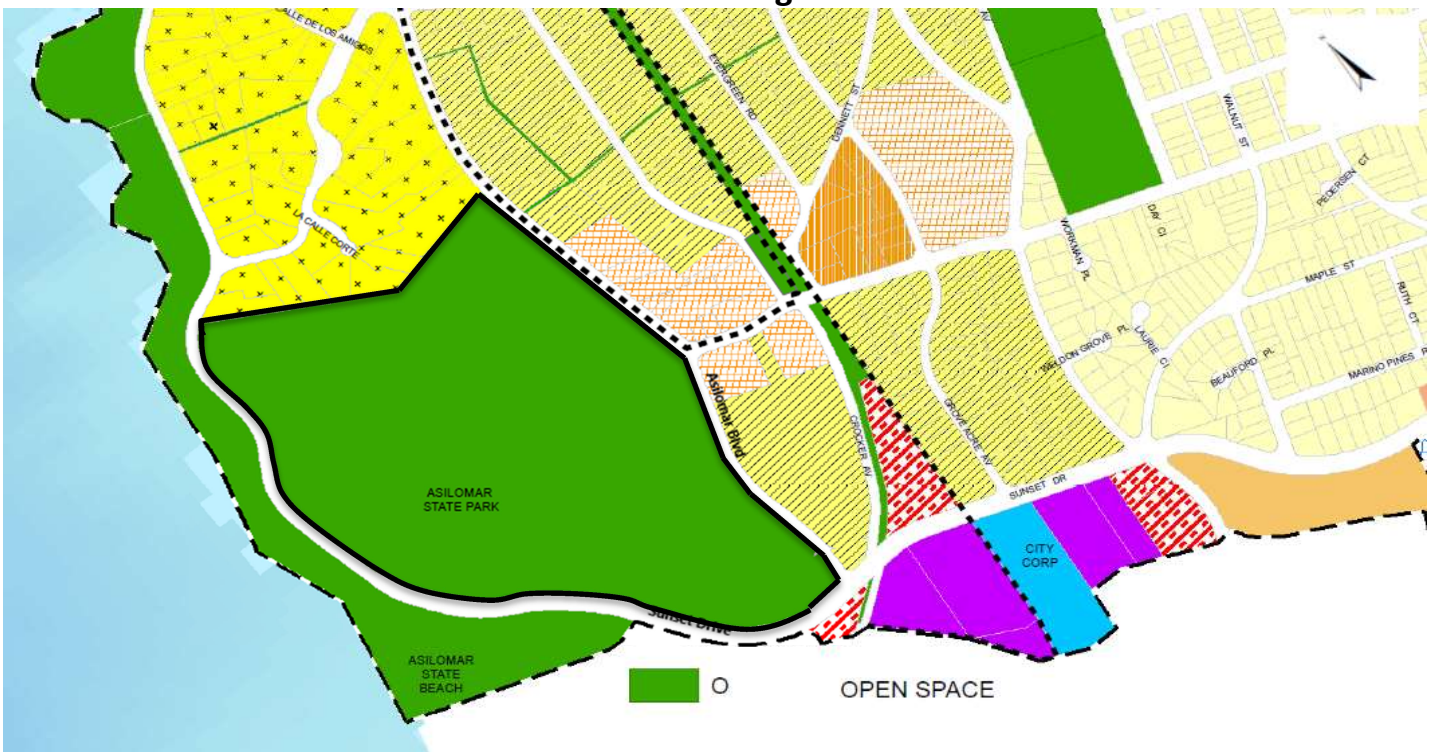
Existing

C-1-T Zoning



Proposed

O Zoning



ORDINANCE NO. 20-____

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE
TO: 1) AMEND THE ZONING MAP TO REZONE THE ASILOMAR STATE PARK & CONFERENCE GROUNDS (STATE PARK) FROM C-1-T TO O DISTRICT, AND TWELVE OTHER PROPERTIES FROM R-1-B-2 AND R-1-B-3 TO R-1 DISTRICT; AND 2) AMEND THE PGMC TO DELETE SECTION 23.16.090, THE R-1-B-2 ZONING DISTRICT**

WHEREAS, staff review of the City of Pacific Grove's (City) current zoning map revealed the need for several corrections and proposed amendments; and

WHEREAS, the Pacific Grove Municipal Code (PGMC) Section 23.84.010 provides procedures for legislative amendments to the general plan, title 23, the zoning map, the local coastal program, specific plans, or other amendments, whenever required by necessity and general welfare; and

WHEREAS, the PGMC sets forth noticing and public hearing requirements that were satisfied by the November 7, 2019, and March 12, 2020, noticed public hearings of the Planning Commission wherein property owners and neighbors were notified of the proposed changes and given the opportunity to provide both written and verbal testimony; and

WHEREAS, the affected owners and neighbors were noticed again for the City Council's consideration of the proposed amendments at its _____, 2020, public meeting; and

WHEREAS, at its _____, 2020 meeting, the Planning Commission recommended approval of the rezoning of the Asilomar State Park & Conference Grounds (State Park) to O District; and

WHEREAS, the State Park property, located at 800 Asilomar Blvd., consists of four properties totaling approximately 70 acres and situated on the east and west sides of Asilomar Blvd., between Sunset Drive to the south and Sinex Ave. to the north; and

WHEREAS, the zoning map amendment effects only the approximately 60-acre (APN 006-591-001) parcel on the west side of Asilomar Blvd, which contains the main headquarters for the State Park, the historic structures designed by early 20th century architect, Julia Morgan, and an important dune ecosystem; and

WHEREAS, Ordinance 1555, which implemented Measure D, an initiative approved by the voters in 1986, indicates that the State Park property was zoned Residential Single-Family (R-1-B-3), and then erroneously displayed as C-1-T in the zoning map adopted by Council in 2013; and

WHEREAS, the appropriate zoning district for this portion of the larger State Park property is Open Space ("O"), which is consistent with the underlying Open Space-Institutional

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and Open Space-Recreational land use designations adopted in the City's new Local Coastal Plan (LCP); and

WHEREAS, per PGMC Section 23.42, the "O" District is intended to provide areas which are set aside for scenic vistas, forest preserves, public recreational, waterfront, or beach areas, public parks, or similar open space. Uses allowed include recreation areas, wildlife and forest preserves, waterfront areas, parks, playgrounds, public or civic buildings, structures and parking facilities, pertinent and compatible with open land usages; and

WHEREAS, future development within the State Park will continue to rely on the State Park's General Plan, in accordance to Public Resources Code Section 5003, with the City providing Coastal Development Permit (CDP) authority only; and

WHEREAS, at its November 7, 2019, meeting, the Planning Commission recommended approval of a zoning map amendment affecting the twelve properties, as listed in the tables below; and

WHEREAS, the zoning change to Residential Single-Family (R-1) would allow four of the subject properties, potentially, to be subdivided, which would provide additional residential development and housing opportunities; and

WHEREAS, the proposed R-1 zoning district is compatible with the underlying General Plan designations for these listed properties; and

Property Address	Assessor Parcel No.	Appr. Parcel Size (sf)	Current Zoning	Proposed Zoning	Current Gen. Plan
701 17 Mile Dr.	006-561-013	3,859	C-1-T (Commercial)	R-1 (Single-Family-4,000 sq. ft. min.)	MD 17.4 du/ac
703 17 Mile Dr.	006-561-012	3,967	C-1-T (Commercial)	R-1	MD 17.4 du/ac
705 17 Mile Dr.	006-561-010	4,127	R-1-B-3 (Single-Family-10,000 sf min.)	R-1	MD 17.4 du/ac
707 17 Mile Dr.	006-561-008	4,127	R-1-B-3 (")	R-1	MD 17.4 du/ac
709 17 Mile Dr.	006-561-014	4,244	R-1-B-3 (")	R-1	MD 17.4 du/ac
711 17 Mile Dr.	006-561-015	5,383	R-1-B-3 (")	R-1	MD 17.4 du/ac
990 Sinex Ave.	006-561-005	9,800	R-1-B-3 (")	R-1	MD 17.4 du/ac
980 Sinex Ave.	006-561-006	7,686	R-1-B-3 (")	R-1	MD 17.4 du/ac

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WHEREAS, at its November 7, 2019, meeting, the Planning Commission recommended approval to rezone four properties located near the intersection of Asilomar Dr., Jewell Ave., and Crocker Ave. from Residential Single-Family with a 6,000 sq. ft. minimum parcel size (R-1-B-2) to Residential Single-Family (R-1), which has a 4,000 sq. ft. minimum parcel size. The subject properties are known as APN 006-114-011 (135 Asilomar Blvd.), 006-114-010 (145 Asilomar), 006-382-032 (1205 Jewell Ave.), and 006-382-035 (200 Crocker Ave.) and are further described in the table below; and

Property Address	Assessor Parcel No.	Appr. Parcel Size (sf)	Current Zoning	Proposed Zoning	Current Gen. Plan
135 Asilomar Blvd.	006-114-011	9,726	R-1-B-2 (Single-Family-6,000 sf min.)	R-1	LD 2 du/ac
145 Asilomar Blvd.	006-114-010	10,773	R-1-B-2	R-1	LD 2 du/ac
1205 Jewell Ave.	006-382-032	6,959	R-1-B-2	R-1	LD 4.4 du/ac
200 Crocker Ave.	006-382-035	8,904	R-1-B-2	R-1	LD 4.4 du/ac

WHEREAS, the zoning amendment does not change the allowed uses on each of the properties and, in the case of 701 and 703 17 Mile Drive, corrects a previous mapping error; and

WHEREAS these four properties are the last properties in the City with the R-1-B-2 zoning district; and

WHEREAS, since, upon adoption of this Ordinance by the City Council, there will no longer be any properties in the City with R-1-B-2 zoning, staff recommends the classification be deleted through this text amendment. The zoning classifications of R-1 and R-1-B-3 (4,000 sf and 10,000 sf, respectively) are sufficient to capture the existing single-family properties; and

WHEREAS, the proposed PGMC Zoning Ordinance and Map Amendments are exempt from environmental review per Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines which exempts a project if there is no potential for causing a significant effect on the environment. In other words, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This is also known as "the common sense" exemption.

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

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. The City Council hereby makes the following findings as required per PGMC Section 23.84.060(b) for zoning ordinance and map amendments:

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(1) Findings required for all zoning ordinance/map amendments:

(A) The proposed amendment is consistent with the general plan and, if applicable, the certified local coastal program; and

(B) The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

The proposed zoning changes will not inhibit the development potential of the affected properties; where applicable, the proposed amendments are consistent with the underlying general plan and local coastal program. There is no indication that the zoning reclassification of the State Park property to Open Space (O), the zoning reclassification of the other 12 properties aforementioned to Residential Single-Family (R-1), and the deletion of PGMC § 23.16.090 (R-1-B-2) would be deleterious to City or to the interest, health, safety, convenience, or welfare of the public.

(2) Additional finding for zoning ordinance amendments: the proposed amendment is internally consistent with other applicable provisions of these regulations.

The amendment of PGMC to delete § 23.16.090 (R-1-B-2) is not required to be internally consistent with other provisions as the intent is to remove the section completely.

(3) Additional finding for zoning map amendments: the site is physically suitable (including ability to meet requested zoning regulations, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses.

No new development is proposed as part of the zoning map amendments.

SECTION 3. The Asilomar State Park and Conference Grounds property is rezoned O District, as reflected in Exhibit 1 and incorporated by reference herein.

SECTION 4. The twelve residential properties affected by the zoning map amendment are described in the tables above, and are rezoned R-1 District.

SECTION 5. Existing Municipal Code Section 23.16.090, entitled "R-1-B-2 districts" shall deleted in its entirety as follows:

~~**23.16.090 R-1-B-2 districts.**~~

~~(a) The regulations in this section shall apply in all R-1-B-2 combined districts.~~

~~(b) Except as provided in subsection (c) of this section all regulations and provisions set out in PGMC 23.16.010 through 23.16.070, inclusive, shall apply in the R-1-B-2 combined districts.~~

~~(c) Exceptions.~~

~~(1) Building site area required: for each dwelling, a minimum 6,000 square feet and a minimum width of 60 feet shall be required.~~

~~(2) Front yard setback required: minimum 20 feet.~~

~~(3) Rear yard setback required: 20 percent of lot depth with a minimum requirement of 20 feet and a maximum required of 25 feet.~~

~~(4) Parking standards: two covered spaces required.~~

SECTION 6. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement this Ordinance.

SECTION 7. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 8. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS _____ day of April 2020, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____
BILL PEAKE, Mayor

DRAFT

ATTEST:

_____
SANDRA KANDELL, City Clerk
DATED:_____

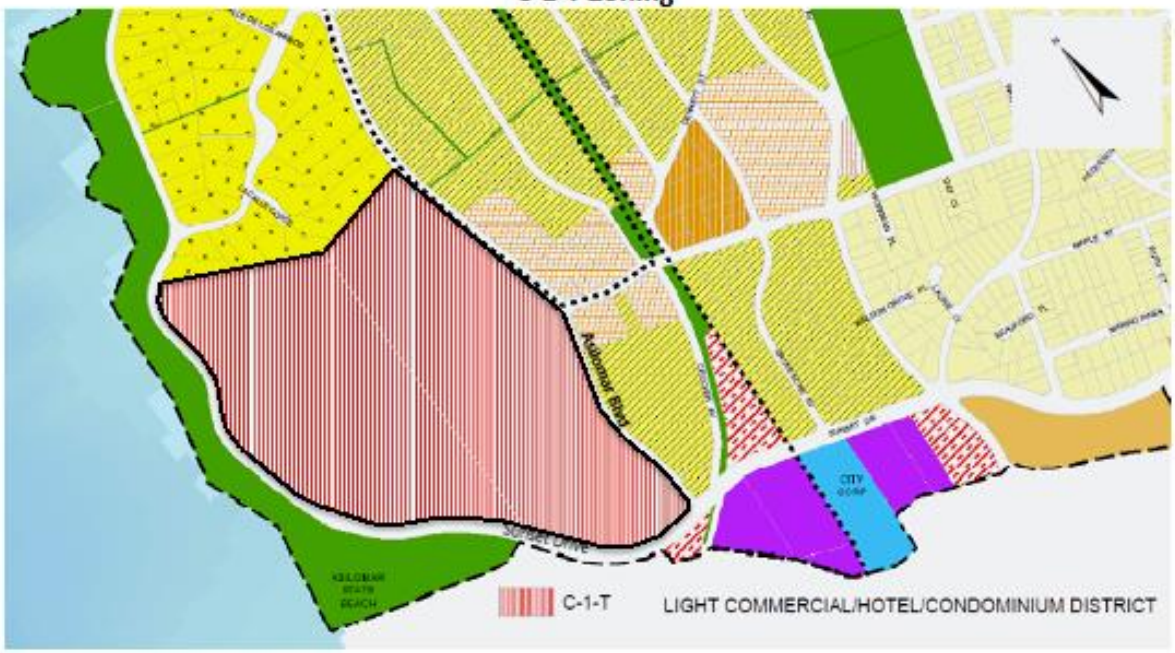
APPROVED AS TO FORM:

_____
DAVID C. LAREDO, City Attorney

DRAFT

Exhibit 1

Existing
C-1-T Zoning



Proposed
O Zoning

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:	March 12, 2020
SUBJECT:	Deletion of § 23.16.090 (R-1-B-2) of the Pacific Grove Municipal Code (PGMC)
CEQA:	Zoning Code Amendment Exempt per §15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines

RECOMMENDATION

Discuss the proposed PGMC text amendment and adopt Resolution 20-01 (attached) recommending approval to the City Council.

BACKGROUND

At its meeting on November 7, 2019, the Planning Commission recommended approval to rezone four properties located near the intersection of Asilomar Dr., Jewell Ave., and Crocker Ave. from Residential Single-Family with a 6,000 sq. ft. minimum parcel size (R-1-B-2) to Residential Single-Family (R-1), which has a 4,000 sq. ft. minimum parcel size. The subject properties are known as APN 006-114-011 (135 Asilomar Blvd.), 006-114-010 (145 Asilomar), 006-382-032 (1205 Jewell Ave.), and 006-382-035 (200 Crocker Ave.), collectively the "Parcels".

DISCUSSION

Because the four Parcels are the only properties remaining in the City with the R-1-B-2 District zoning designation and they are scheduled to be rezoned, staff recommends the Planning Commission also consider a text amendment to delete § 23.16.090 from the PGMC.

This proposed amendment is reflected in Resolution 20-01 (attached).

Note Regarding the Attached Draft Ordinance In addition to the text amendment, the attached draft ordinance includes the zoning map amendment for the Asilomar State Park and Conference Grounds and the twelve properties that the Planning Commission previously recommended for a zoning map change on November 7, 2019, changing the zoning from R-1-B-2 and C-1-T/R-1-B-3 to R-1.

COMPLIANCE WITH CEQA

Exempt from environmental review per CEQA Guidelines § 15061(b)(3): 15061. Review for Exemption:

(a) Once a lead agency has determined that an activity is a project subject to CEQA, a lead agency shall determine whether the project is exempt from CEQA.

(b) A project is exempt from CEQA if:

(3) The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no

> *possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*

Deleting a zoning district from the PGMC that is no longer graphically represented on the adopted zoning map will not result in a significant effect on the environment.

CITY COUNCIL GOAL ALIGNMENT
Goal 8 – Operational Excellence. These amendments will result in the concise, accurate, and consistent display and dissemination of zoning information which will improve the Community Development Department's delivery of Planning services.

RESPECTFULLY SUBMITTED BY:

Alyson Hunter

Alyson Hunter, Senior Planner

Attachments
1. Resolution 20-02
2. Proposed Ordinance

PLANNING COMMISSION RESOLUTION NO. 20-02

RESOLUTION OF INTENTION TO AMEND TITLE 23 OF THE PACIFIC GROVE MUNICIPAL CODE THROUGH THE DELETION OF SECTION 23.16.090 (R-1-B-2)

FACTS

1. As part of a comprehensive zoning map review, Planning staff discovered 12 properties that were either: erroneously zoned due to a mapping error; significantly nonconforming in terms of parcel size; or were small "islands" surrounded by larger geographic zoning districts with a different classification.

2. The Planning Commission recommended approval of a zoning map amendment on November 7, 2019, involving the rezoning of 12 properties as described in the table below:

Property Address	Assessor Parcel No.	Appr. Parcel Size (sf)	Current Zoning	Proposed Zoning	Current Gen. Plan
701 17 Mile Dr.	006-561-013	3,859	C-1-T (Commercial)	R-1 (Single-Family-4,000 sq. ft. min.)	MD 17.4 du/ac
703 17 Mile Dr.	006-561-012	3,967	C-1-T (Commercial)	R-1 (")	MD 17.4 du/ac
705 17 Mile Dr.	006-561-010	4,127	R-1-B-3 (Single-Family-10,000 sf min.)	R-1 (")	MD 17.4 du/ac
707 17 Mile Dr.	006-561-008	4,127	R-1-B-3 (")	R-1 (")	MD 17.4 du/ac
709 17 Mile Dr.	006-561-014	4,244	R-1-B-3 (")	R-1 (")	MD 17.4 du/ac
711 17 Mile Dr.	006-561-015	5,383	R-1-B-3 (")	R-1 (")	MD 17.4 du/ac
990 Sinex Ave.	006-561-005	9,800	R-1-B-3 (")	R-1 (")	MD 17.4 du/ac
980 Sinex Ave.	006-561-006	7,686	R-1-B-3 (")	R-1 (")	MD 17.4 du/ac
135 Asilomar Bld.	**006-114-011**	**9,726**	**R-1-B-2 (Single-Family-6,000 sf min.)**	**R-1 (")**	**LD 2 du/ac**
145 Asilomar Bld.	**006-114-010**	**10,773**	**R-1-B-2 (")**	**R-1 (")**	**LD 2 du/ac**
1205 Jewell Ave.	**006-382-032**	**6,959**	**R-1-B-2 (")**	**R-1 (")**	**LD 4.4 du/ac**
200 Crocker Ave.	**006-382-035**	**8,904**	**R-1-B-2 (")**	**R-1 (")**	**LD 4.4 du/ac**

3. The four bold properties are the last remaining properties in the City of Pacific Grove (City) zoned R-1-B-2 and, with their reclassification to R-1, the Pacific Grove Municipal Code (PGMC) section 23.16.090 describing the purpose and standards of the R-1-B-2 zoning district becomes null and void.

FINDINGS

In accordance to Section 23.84.060(b) of the Pacific Grove Municipal Code - Findings for Zoning Ordinance/Map Amendments, an amendment to the text of these regulations or the zoning map may be approved only if the review authority first makes all of the following findings, as applicable to the type of amendment. Staff has provided responses for the Commission's consideration and adoption in *italics* below:

1. Findings required for all zoning ordinance/map amendments:

   a. The proposed amendment is consistent with the general plan and, if applicable, the certified local coastal program; and

b. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

A text amendment deleting a zoning classification, in this case PGMC § 23.16.090 (R-1-B-2), because there are no longer any properties within City limits that possess that zoning designation is not subject to a general plan conformance finding nor were the remaining properties zoned R-1-B-2 located in the Coastal zone. Removing a superfluous zoning classification from the PGMC will not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

2. Additional finding for zoning ordinance amendments: the proposed amendment is internally consistent with other applicable provisions of these regulations.

   See above.

3. Additional finding for zoning map amendments: the site is physically suitable (including ability to meet requested zoning regulations, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses.

   n/a

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

1. The Commission determines that each of the Findings set forth above, as applicable to the proposed text amendment, is true and correct, and by this reference incorporates those Findings as an integral part of this Resolution.

2. The Commission recommends that the City Council approve the deletion of PGMC Section 23.16.090.

3. This resolution shall become effective upon the expiration of the 10-day appeal period.

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF PACIFIC GROVE this 12th day of March, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

APPROVED:

_____
Donald Murphy, Chair

ATTEST:

_____
Mark Chakwin, Secretary

ORDINANCE NO. 20-____

**AN ORDINANCE OF THE CITY OF PACIFIC GROVE
TO: 1) AMEND THE ZONING MAP TO REZONE THE ASILOMAR STATE PARK & CONFERENCE GROUNDS (STATE PARK) FROM C-1-T TO O DISTRICT, AND TWELVE OTHER PROPERTIES FROM R-1-B-2 AND R-1-B-3 TO R-1 DISTRICT; AND 2) AMEND THE PGMC TO DELETE SECTION 23.16.090, THE R-1-B-2 ZONING DISTRICT**

WHEREAS, staff review of the City of Pacific Grove's (City) current zoning map revealed the need for several corrections and proposed amendments; and

WHEREAS, the Pacific Grove Municipal Code (PGMC) Section 23.84.010 provides procedures for legislative amendments to the general plan, title 23, the zoning map, the local coastal program, specific plans, or other amendments, whenever required by necessity and general welfare; and

WHEREAS, the PGMC sets forth noticing and public hearing requirements that were satisfied by the November 7, 2019, and March 12, 2020, noticed public hearings of the Planning Commission wherein property owners and neighbors were notified of the proposed changes and given the opportunity to provide both written and verbal testimony; and

WHEREAS, the affected owners and neighbors were noticed again for the City Council's consideration of the proposed amendments at its _____, 2020, public meeting; and

WHEREAS, at its _____, 2020 meeting, the Planning Commission recommended approval of the rezoning of the Asilomar State Park & Conference Grounds (State Park) to O District; and

WHEREAS, the State Park property, located at 800 Asilomar Blvd., consists of four properties totaling approximately 70 acres and situated on the east and west sides of Asilomar Blvd., between Sunset Drive to the south and Sinex Ave. to the north; and

WHEREAS, the zoning map amendment effects only the approximately 60-acre (APN 006-591-001) parcel on the west side of Asilomar Blvd, which contains the main headquarters for the State Park, the historic structures designed by early 20th century architect, Julia Morgan, and an important dune ecosystem; and

WHEREAS, Ordinance 1555, which implemented Measure D, an initiative approved by the voters in 1986, indicates that the State Park property was zoned Residential Single-Family (R-1-B-3), and then erroneously displayed as C-1-T in the zoning map adopted by Council in 2013; and

WHEREAS, the appropriate zoning district for this portion of the larger State Park property is Open Space ("O"), which is consistent with the underlying Open Space-Institutional

DRAFT

and Open Space-Recreational land use designations adopted in the City's new Local Coastal Plan (LCP); and

WHEREAS, per PGMC Section 23.42, the "O" District is intended to provide areas which are set aside for scenic vistas, forest preserves, public recreational, waterfront, or beach areas, public parks, or similar open space. Uses allowed include recreation areas, wildlife and forest preserves, waterfront areas, parks, playgrounds, public or civic buildings, structures and parking facilities, pertinent and compatible with open land usages; and

WHEREAS, future development within the State Park will continue to rely on the State Park's General Plan, in accordance to Public Resources Code Section 5003, with the City providing Coastal Development Permit (CDP) authority only; and

WHEREAS, at its November 7, 2019, meeting, the Planning Commission recommended approval of a zoning map amendment affecting the twelve properties, as listed in the tables below; and

WHEREAS, the zoning change to Residential Single-Family (R-1) would allow four of the subject properties, potentially, to be subdivided, which would provide additional residential development and housing opportunities; and

WHEREAS, the proposed R-1 zoning district is compatible with the underlying General Plan designations for these listed properties; and

Property Address	Assessor Parcel No.	Appr. Parcel Size (sf)	Current Zoning	Proposed Zoning	Current Gen. Plan
701 17 Mile Dr.	006-561-013	3,859	C-1-T (Commercial)	R-1 (Single-Family-4,000 sq. ft. min.)	MD 17.4 du/ac
703 17 Mile Dr.	006-561-012	3,967	C-1-T (Commercial)	R-1	MD 17.4 du/ac
705 17 Mile Dr.	006-561-010	4,127	R-1-B-3 (Single-Family-10,000 sf min.)	R-1	MD 17.4 du/ac
707 17 Mile Dr.	006-561-008	4,127	R-1-B-3 (")	R-1	MD 17.4 du/ac
709 17 Mile Dr.	006-561-014	4,244	R-1-B-3 (")	R-1	MD 17.4 du/ac
711 17 Mile Dr.	006-561-015	5,383	R-1-B-3 (")	R-1	MD 17.4 du/ac
990 Sinex Ave.	006-561-005	9,800	R-1-B-3 (")	R-1	MD 17.4 du/ac
980 Sinex Ave.	006-561-006	7,686	R-1-B-3 (")	R-1	MD 17.4 du/ac

DRAFT

WHEREAS, at its November 7, 2019, meeting, the Planning Commission recommended approval to rezone four properties located near the intersection of Asilomar Dr., Jewell Ave., and Crocker Ave. from Residential Single-Family with a 6,000 sq. ft. minimum parcel size (R-1-B-2) to Residential Single-Family (R-1), which has a 4,000 sq. ft. minimum parcel size. The subject properties are known as APN 006-114-011 (135 Asilomar Blvd.), 006-114-010 (145 Asilomar), 006-382-032 (1205 Jewell Ave.), and 006-382-035 (200 Crocker Ave.) and are further described in the table below; and

Property Address	Assessor Parcel No.	Appr. Parcel Size (sf)	Current Zoning	Proposed Zoning	Current Gen. Plan
135 Asilomar Blvd.	006-114-011	9,726	R-1-B-2 (Single-Family-6,000 sf min.)	R-1	LD 2 du/ac
145 Asilomar Blvd.	006-114-010	10,773	R-1-B-2	R-1	LD 2 du/ac
1205 Jewell Ave.	006-382-032	6,959	R-1-B-2	R-1	LD 4.4 du/ac
200 Crocker Ave.	006-382-035	8,904	R-1-B-2	R-1	LD 4.4 du/ac

WHEREAS, the zoning amendment does not change the allowed uses on each of the properties and, in the case of 701 and 703 17 Mile Drive, corrects a previous mapping error; and

WHEREAS these four properties are the last properties in the City with the R-1-B-2 zoning district; and

WHEREAS, since, upon adoption of this Ordinance by the City Council, there will no longer be any properties in the City with R-1-B-2 zoning, staff recommends the classification be deleted through this text amendment. The zoning classifications of R-1 and R-1-B-3 (4,000 sf and 10,000 sf, respectively) are sufficient to capture the existing single-family properties; and

WHEREAS, the proposed PGMC Zoning Ordinance and Map Amendments are exempt from environmental review per Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines which exempts a project if there is no potential for causing a significant effect on the environment. In other words, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. This is also known as "the common sense" exemption.

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

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. The City Council hereby makes the following findings as required per PGMC Section 23.84.060(b) for zoning ordinance and map amendments:

DRAFT

(1) Findings required for all zoning ordinance/map amendments:

(A) The proposed amendment is consistent with the general plan and, if applicable, the certified local coastal program; and

(B) The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city.

The proposed zoning changes will not inhibit the development potential of the affected properties; where applicable, the proposed amendments are consistent with the underlying general plan and local coastal program. There is no indication that the zoning reclassification of the State Park property to Open Space (O), the zoning reclassification of the other 12 properties aforementioned to Residential Single-Family (R-1), and the deletion of PGMC § 23.16.090 (R-1-B-2) would be deleterious to City or to the interest, health, safety, convenience, or welfare of the public.

(2) Additional finding for zoning ordinance amendments: the proposed amendment is internally consistent with other applicable provisions of these regulations.

The amendment of PGMC to delete § 23.16.090 (R-1-B-2) is not required to be internally consistent with other provisions as the intent is to remove the section completely.

(3) Additional finding for zoning map amendments: the site is physically suitable (including ability to meet requested zoning regulations, access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested zoning designations and anticipated land uses.

No new development is proposed as part of the zoning map amendments.

SECTION 3. The Asilomar State Park and Conference Grounds property is rezoned O District, as reflected in Exhibit 1 and incorporated by reference herein.

SECTION 4. The twelve residential properties affected by the zoning map amendment are described in the tables above, and are rezoned R-1 District.

SECTION 5. Existing Municipal Code Section 23.16.090, entitled "R-1-B-2 districts" shall deleted in its entirety as follows:

~~**23.16.090 R-1-B-2 districts.**~~

~~(a) The regulations in this section shall apply in all R-1-B-2 combined districts.~~

~~(b) Except as provided in subsection (c) of this section all regulations and provisions set out in PGMC 23.16.010 through 23.16.070, inclusive, shall apply in the R-1-B-2 combined districts.~~

~~(c) Exceptions.~~

~~(1) Building site area required: for each dwelling, a minimum 6,000 square feet and a minimum width of 60 feet shall be required.~~

~~(2) Front yard setback required: minimum 20 feet.~~

~~(3) Rear yard setback required: 20 percent of lot depth with a minimum requirement of 20 feet and a maximum required of 25 feet.~~

~~(4) Parking standards: two covered spaces required.~~

SECTION 6. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement this Ordinance.

SECTION 7. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 8. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS _____ day of April 2020, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____
BILL PEAKE, Mayor

DRAFT

ATTEST:

_____
SANDRA KANDELL, City Clerk
DATED:_____

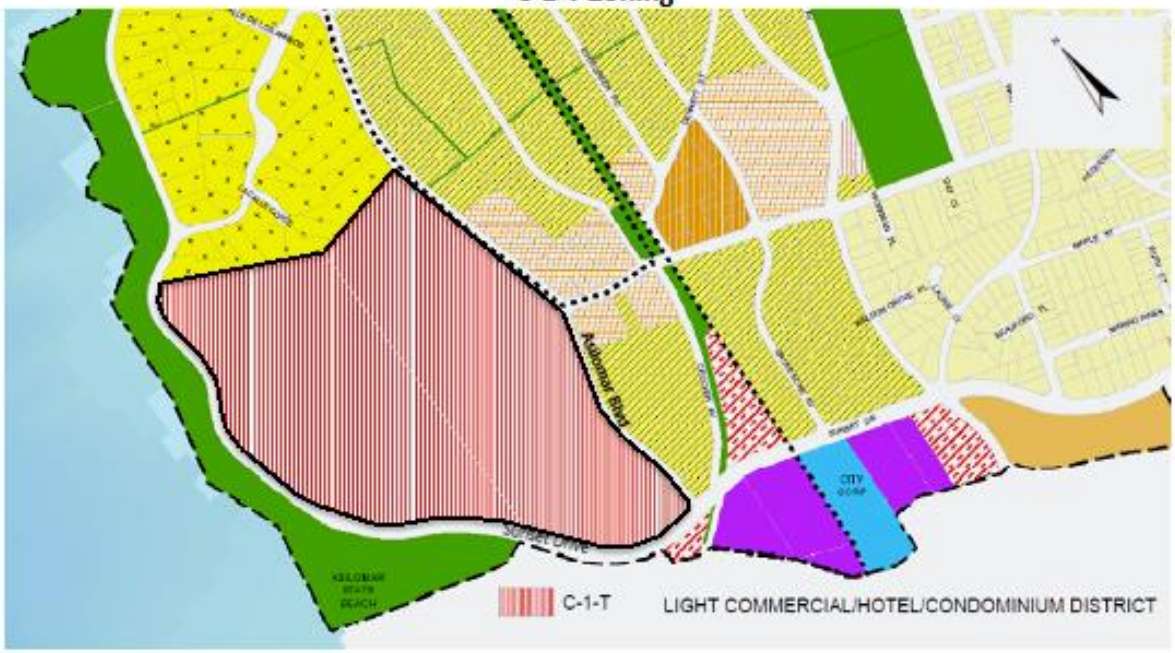
APPROVED AS TO FORM:

_____
DAVID C. LAREDO, City Attorney

DRAFT

Exhibit 1

Existing
C-1-T Zoning



Proposed
O Zoning

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:	March 12, 2020
SUBJECT:	Amend Zoning Code to Eliminate Use Permit Requirements for Multi-Family Development in the R-3 and R-4 Zones
CEQA:	The project is exempt from environmental review per Section 15301(b)(3) the California Environmental Quality Act (CEQA)

RECOMMENDATION
Discuss the proposed amendment and provide a recommendation to City Council.

DISCUSSION
This item was before the Planning Commission at its January 9, 2020, meeting for discussion. Although the general consensus of the Commission was unfavorable at the previous meeting, a formal recommendation is needed to move the item forward to the City Council.

As mentioned in the previous staff report, the proposed amendment is one of several efforts underway to reduce development barriers associated with multi-family development. The adopted 2015-2023 Housing Element identified programs to facilitate the creation of more housing opportunities. Additionally, the State supports all efforts to streamline and expedite development processes that encourage the development of additional housing units as indicated through the release of the SB2 Planning Grant Program.

The R-3 and R-4 zoning districts allow for multi-family developments of up to seven (7) units with an Architectural Permit, but eight (8) or more units require a Use Permit in addition to the Architectural Permit which requires a two-hearing process.

The proposed amendment is intended to assist in meeting Housing Element Policy 3.3: *Ensure that City policies, regulations, and procedures do not add unnecessarily to the time or cost of producing affordable housing, while assuring the attainment of other City objectives.* The adopted Housing Element Program 3.3c furthers this general goal by specifically recommending the proposed text amendment as identified below:

Program 3.3.c *Use Permit for Multi-Family Development*

The City currently has a Use Permit requirement for multi-family developments consisting of eight or more units in the City's multi-family zones (R-3 and R-4). While the City is relying heavily on mixed-use development in commercial zones to accommodate its need for lower-income households, several high-density residential opportunity sites allowing capacity above the seven unit threshold have been identified in the inventory. To ensure the City's permit process is not an unreasonable constraint on the potential development of these sites, the City will process a Zoning

Code amendment to eliminate the Use Permit requirement for multi-family developments in the R-3 and R-4 zones.

An eight (8) or more unit multi-family development currently requires both an Architectural Permit and a Use Permit. The cost of a Use Permit is currently $2,897. Along with the cost of the permitting process, the approval of a Use Permit increases the entitlement process time. For example, in addition to the time needed to review the project for compliance at the staff level, the project must then be heard by both the Architectural Review Board for a recommendation to the Planning Commission on the Architectural Permit and a second noticed public hearing at the Planning Commission for approval of both permits. Due to the restraints in scheduling meetings and the requirements of public noticing, this results in a far lengthier approval process than requiring only an Architectural Permit. Generally, as more discretionary approvals are required, the greater risk to a property owner and the less attractive the City looks as a potential development site. Removing the Use Permit requirement eliminates the Planning Commission action on these projects; however the Planning Commission still retains appeal authority on all Architectural Permits.

Because of the City's discretionary architectural review, all development projects would continue to be subject to environmental review under the California Environmental Quality Act (CEQA); the majority would qualify for infill and other exemptions.

The Housing Element recommends that this requirement be removed from the residential zoning districts. In addition to the R-3 and R-4 zones, the requirement for a Use Permit also exists in all commercial and industrial zones within the City, but these zoning districts were not included in the Housing Element Program.

CEQA
The amendment is exempt from environmental review per Section 15061(b)(3) of the CEQA Guidelines which states that *the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.*

COUNCIL GOAL
These amendments are in alignment with City Council Number 6 to "Increase Affordable Housing: Determine policies, projects and programs that will advance the effort to create new affordable housing in the City."

RESPECTFULLY SUBMITTED:

Alyson Hunter
Alyson Hunter, Senior Planner

Attachments:

1. Draft Ordinance

ORDINANCE NO. 20-____

AN ORDINANCE OF THE CITY OF PACIFIC GROVE AMENDING CHAPTERS 23.24, 23.28 AND 23.57 OF THE PACIFIC GROVE MUNICIPAL CODE REGARDING MULTI-FAMILY HOUSING

WHEREAS, the City of Pacific Grove (City) Housing Element 2015-2023 was adopted by the City Council in March 2016; and

WHEREAS, in response to state law, the City Council adopted City Council Goal #6 to reduce barriers, streamline approval, and further accommodate the development of affordable housing; and

WHEREAS, the California State Legislature brought forward several bills in 2019 relating to the planning of housing development; and

WHEREAS, the City planned to amend Pacific Grove Municipal Code (PGMC) Title 23 as part of the long term plans in the Housing Element; and

WHEREAS, the R-3 and R-4 zoning districts allow for multi-family developments of up to seven units with an Architectural Permit, but eight or more units require a Use Permit in addition to the Architectural Permit which requires additional expense and time for a multiple hearing process; and

WHEREAS, the City determined that it is appropriate to amend PGMC Chapters 23.24 (R-3), 23.28 (R-4), and 23.57 (R-3-PGB) to comply with the Housing Element and City Council goals to provide a more streamlined process for the development of additional affordable housing opportunities; and

WHEREAS, Housing Element Program 3.3c furthers this general goal by specifically recommending deletion of certain portions of the PGMC to expedite development processes; and

WHEREAS, notice of a public hearing before the Planning Commission was published in the Monterey County Weekly on February 24, 2020 posted at City Hall on February 24, 2020; and

WHEREAS, this Ordinance amends sections of PGMC Sections 23.24, R-3 District, 23.28, R-4 District and 23.57, entitled “, R-3-PGB District.

WHEREAS, the amendments are exempt from environmental review per Section 15061(b)(3) of the California Environmental Quality Act (CEQA) Guidelines that provide that the activity is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE:**

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Existing PGMC Chapter 23.24, R-3 Districts, shall be amended by deletion of all text shown in strikeout (~~strikeout~~ text) to read as follows:

Chapter 23.24

R-3 DISTRICTS

Sections:

23.24.010 Generally.

23.24.020 Uses permitted.

23.24.030 Building height limit.

23.24.040 Building site area required.

23.24.050 Allowed building coverage.

23.24.051 Allowed site coverage.

23.24.060 Yards required.

23.24.070 Garbage areas.

23.24.010 Generally

The regulations found in this chapter shall apply to all R-3 districts and shall be subject to the provisions of Chapter 23.64 PGMC.

23.24.020 Uses permitted

The following uses shall be permitted in the R-3 district:

(a) Single- or two-family dwellings;

(b) Second units as permitted by Chapter 23.80 PGMC;

(c) Multiple dwellings, apartment houses and dwelling groups~~, subject to first securing a use permit in either of the following cases:~~

~~(1) The total number of family units shall exceed seven on a building site; or~~

~~(2) The proposed development includes a combination of an existing structure (whether or not altered) with a new structure or additions to an existing structure on one building site;~~

(d) Rooming or boarding houses, subject to first securing a use permit;

(e) Accessory uses and buildings normally incidental to any in this section;

(f) State-licensed residential care facilities for seven or more persons, subject to first securing a use permit.

23.24.030 Building height limit

The maximum height of main buildings shall be 30 feet.

23.24.040 Building site area required

For each building, or group of buildings, a minimum of 4,000 square feet and minimum width of 40 feet shall be required on interior lots. A minimum of 6,000 square feet and a minimum width of 60 feet shall be required on corner lots. In the subdivisions designated as additions to Pacific Grove Retreat and in the Pacific Grove Retreat, where the lot sizes, as legally subdivided, are 30 by 60 feet, the minimum lot size shall be 3,600 square feet, with the lot lines along the lines of said subdivisions. Nothing contained herein shall authorize such smaller minimum lot sizes for any future subdivisions.

SECTION 3. Existing PGMC Chapter 23.28, R-4 District, shall be amended by deletion of all text shown in strikeout (~~strikeout~~ text) to read as follows:

Chapter 23.28

R-4 DISTRICT

Sections:

23.28.010 Generally.

23.28.020 Uses permitted.

23.28.030 Building height limit – Site area – Lot coverage – Yards.

23.28.010 Generally

The regulations found in this chapter shall apply in all R-4 districts and shall be subject to the provisions of Chapter 23.64 PGMC.

23.28.020 Uses permitted

The following uses shall be permitted in the R-4 district:

(a) Single- or two-family dwellings;

(b) Second units as permitted by Chapter 23.80 PGMC;

(c) Multiple dwellings, apartment houses~~, subject to first securing a use permit in either of the following cases:~~

~~(1) The total number of family units shall exceed seven on a building site, or~~

~~(2) Additions or structural alterations are made to an existing structure;~~

(d) Rooming or boarding houses, subject to first securing a use permit;

(e) Dwelling groups ~~subject to first securing a use permit in either of the following cases:~~

~~(1) The total number of family units shall exceed seven on a building site, or~~

~~(2) The proposed development includes a combination of an existing structure (whether or not altered) with a new structure or additions to an existing structure on one building site.~~

(f) Professional uses allowed are: accountants, advertisers, appraisers, architects, assayers, attorneys, beauty shops, building designers, chiropractors, chiropodists, clinical laboratories, collection agencies, contractors (no warehousing of material), dental laboratories, detective agencies, dentists, geologists, insurance adjusters, interior decorator services (no display rooms, retail sales, and no warehousing of materials), insurance offices, land surveyors, medical doctors, medical laboratories, oculists, opticians, optometrists, osteopaths, physical therapists, podiatrists, private detectives, professional engineers, psychologists, real estate offices, secretary services and telephone answering services, subject to first securing a use permit;

SECTION 4. Existing PGMC Chapter 23.57, R-3-PGB District, shall be amended by deletion of all text shown in strikeout (~~strikeout~~ text) to read as follows:

Chapter 23.57

R-3-PGB District

Sections:

23.57.010 Purpose and description.
23.57.020 Uses permitted.
23.57.030 Building height limits.
23.57.040 Building site area required.
23.57.050 Allowed building coverage.
23.57.051 Allowed site coverage.
23.57.060 Yards required.
23.57.070 Architectural approval.

23.57.010 Purpose and description.

The council declares that the portion of the Pacific Grove Beach Tract bounded by Lorelei Street on the east, Ocean View Boulevard on the north, Sea Palm Avenue on the west, and the southerly property line of property on the south side of Mermaid Avenue on the south is an architecturally unique neighborhood of the city of Pacific Grove; that said neighborhood is characterized by its small lots, spaces and massing which has resulted in a village-like setting; and that it is the intention of the council to resolve the unique problems of said neighborhood through the regulations of this chapter. Said district shall be known as the R-3-P.G.B. district.

23.57.020 Uses permitted.

The following uses are permitted in the R-3-P.G.B. district, subject to first securing architectural approval ~~and a use permit~~:

(a) Single-family dwellings:

(b) Duplexes, multiple-family dwellings, apartment houses and dwelling groups;

(c) Accessory uses and buildings normally incidental to any of the above.

23.57.030 Building height limits.

The maximum height of main buildings shall be 25 feet and limited to two stories.

…

SECTION 5. The City Manager is directed to execute all documents and to perform all other necessary City acts to implement effect this Ordinance.

SECTION 6. Severability. If any provision, section, paragraph, sentence, clause or phrase of this ordinance, or any part thereof, or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, or any part thereof, or its application to other persons or circumstances. The City Council hereby declares that it would have passed and adopted each provision, section, paragraph, subparagraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, paragraphs, subparagraphs, sentences, clauses or phrases, or the application thereof to any person or circumstance, be declared invalid or unconstitutional.

SECTION 7. In accord with Article 15 of the City Charter, this ordinance shall become effective on the thirtieth (30th) day following passage and adoption hereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS _____ day of April 2020, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

_____
BILL PEAKE, Mayor

ATTEST:

_____
SANDRA KANDELL, City Clerk
DATED:_____

APPROVED AS TO FORM:

_____
DAVID C. LAREDO, City Attorney

CITY OF PACIFIC GROVE

300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO:	Honorable Chair Murphy and Members of the Planning Commission
FROM:	Alyson Hunter, Senior Planner
MEETING DATE:	March 12, 2020
SUBJECT:	Capital Improvement Program (CIP) Project Input
CEQA:	Does not constitute a "Project" under California Environmental Quality Act (CEQA) Guidelines Section 15378

RECOMMENDATION

Review the suggestions in the table below and vote to recommend moving one (1) Capital Improvement Program (CIP) project forward on behalf of the Planning Commission.

DISCUSSION

At its February 13th meeting, the Commission decided to continue the item to its March 12th meeting in order to distill individual Commissioner's proposals and provide a unified selection to the Public Works Department by the March 12 (midnight) deadline. The Chair will complete the online form accordingly and submit before the midnight deadline. Note that the entire CIP budget for the City is $500,000.00.

The following suggestions were received:

Commissioner	Suggested Improvement	Est. Cost
Murphy	1) Restore the PG history mural on the Rec. Trail	$40k
	2) Ped. Safety improvements at Pine/Eardley (raised median, bulb-outs, crosswalk)	$75k
Aeschliman	1) Repave LHA between Eardley and 13th St	$4m
	2) Forest Ave. ped improvements including: safe walkways on east side between David/Bishop ($3m); ped bridges at Prescott/Forest Ave. and Forest Hill Blvd/Forest Ave. ($3m); street trees and raised medians (traffic calming) ($2m)	$8m
Lilley	1) Citywide - Replace streets, gutters, and sidewalks (not slurry seal)	$30m
	2) Underground utilities on Central Ave. between 2nd Ave./downtown (this is already a project)	$8m
	3) Remove raised medians on Central at Eardley, Dewey and 1st/Sloat	$400k
	4) Construct a 2-level parking structure behind theatre that can support additional development above	$20m

Review

The Public Works Department is seeking feedback from appointed City boards and committees on potential projects to include in the Fiscal Year 20/21 CIP as part of the collaborative CIP development process.

A capital improvement is defined as a property, plant, or improvement having a useful life of two or more years and a total amortized acquisition and maintenance cost of $5,000 or more. These are non-recurring projects and often include maintenance, repairs, improvements or acquisition of City assets.

The Public Works Department has prepared an online form to assist in the Commission in submitting its ideas. All fields in the form, including cost estimates, are mandatory to ensure Public Works Department will have enough information to consider the project. The adopted FY 19/20 CIP can be viewed online.

Process
After the submission period has closed, the City Manager, Administrative Services and Public Works Departments will review all projects from a variety of approaches and prioritize them. Subsequently, a recommended project list will be sent to the City Council for input/approval.

Please note, completing this form does not guarantee funding for the recommended project. Also, as mentioned previously, this exercise is voluntary; if consensus cannot be met, the option is to report nothing.

ATTACHMENTS
None

Respectfully submitted,
Alyson Hunter
Alyson Hunter, Senior Planner