



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

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**AGENDA REPORT**

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**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:

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

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 12<sup>th</sup> 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 20<sup>th</sup> 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

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

**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:

(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 be 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

ATTEST:

\_\_\_\_\_  
SANDRA KANDELL, City Clerk

DATED: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID C. LAREDO, City Attorney

DRAFT

