RESOLUTION NO. 22-012

AMENDMENT (PERMIT # 21-0457) OF ARCHITECTURAL PERMIT AND USE PERMIT AP AND UP #16-203 TO DEMOLISH THE EXISTING 17,500 SQUARE FOOT BUILDING AND BUILD A 102 GUEST ROOM, 76,182 SQUARE FOOT HOTEL PURSUANT TO PGMC §23.31.020

FACTS

1. The subject site (i.e., the hotel site) is located at 157 Grand Avenue, Pacific Grove, 93950 APN 006-173-002.

2. The subject site has a designation of Light Commercial/Hotel/Condominium District on the adopted City of Pacific Grove General Plan Land Use Map.

3. The project site is located in the C-1-T zoning district. The C-1-T zoning district was created through an approval of Ordinance 1951 by a public vote of Pacific Grove citizens on June 7, 1994.

4. The property is located in the Downtown Pacific Grove Business District per Chapter 6.50 of the City’s Municipal Code, the 1961 Downtown Parking District and the Area of Special Biological Significance.

5. The subject site (i.e., the hotel site) is approximately 0.77 acres (33,875 square feet).

6. As amended, the proposed project provides 98 on-site valet parking spaces using car lifts for 84 of the spaces. The proposed project is also providing 14 spaces at the back of the hotel to meet a condition of the Holman Building approval. In total, the amended project will provide 112 parking spaces, a net increase of 19 parking spaces over the previously-approved project.

7. This amendment eliminates the use of 28 off-site spaces, located on a lot directly across Fountain Avenue (APNs 006-174-003, 006-174-011, and 006-174-012).

8. Employee parking will be restricted to the Lighthouse Theatre Municipal Parking Lot. Employees shall not be allowed to park in the hotel parking lot or on nearby streets.

9. The proposed amended project is adjacent to the Natural History Museum and the Public Library.

10. A Phase 1 Historic Report prepared by qualified historian Richard Brandi determined the existing structure to be ineligible for the City’s Historic Resources Inventory.

11. On October 15, 2015, the City Council passed and adopted Resolution 15-056, which concluded the structure not to be historic.

12. An Environmental Impact Report (EIR) was prepared for this project and circulated on August 31, 2017 through October 26, 2017 (SCH#2017031045); no significant unavoidable impacts were identified. As amended, the project remains consistent with the analysis and conclusions of the previously-certified final EIR.

13. On February 2, 2022, the City Council approved a Promissory Agreement for the water entitlement for the Pacific Grove Hotel, formerly known as the Hotel Durrell, to be located at 157 Grand Avenue.
FINDINGS

Architectural Permit Findings
1. As amended, the proposed development will meet the development regulations set forth in the C-1-T zoning district including setbacks and height requirements;

2. As amended, the architecture and general appearance of the completed project is compatible with the neighborhood because the proposed exterior fits the contexts with the size, scale and proportions of the existing commercial structures in the downtown;

3. As amended, the completed project will neither be detrimental to the orderly and harmonious development of the City nor impair the desirability of investment or occupation in the neighborhood because the project will be improving the subject property and the downtown fabric by replacing a surface level parking lot and single-story building with a multi-story building; conforms to the General Plan Commercial Downtown and C-1-T zoning standards; and will improve the downtown’s walkability and vibrancy; and

4. On October 15, 2015, the City Council passed and adopted Resolution 15-056 which concluded the structure not to be historic, and therefore does not qualify for historic designation as defined by the California Environmental Quality Act (CEQA).

Use Permit Findings
1. As amended, the proposed use is allowed in the C-1-T zoning district with a use permit per Pacific Grove Municipal Code (PGMC) 23.31.040;

2. As amended, the proposed structure and parking are consistent with the Pacific Grove Zoning Code with regards to height, setbacks, parking, and coverage in the C-1-T zoning district. As previously approved, certain roof appurtenance features will exceed the maximum allowed height of 40 feet as amended and shown on the approved plans for “Pacific Grove Hotel” dated February 7, 2022 by RRM Design Group on file with CDD (i.e., plan sheets SD-10 through SD-12). The building coverage, total gross floor area, and exterior colors and materials would remain as previously approved;

3. As amended, the proposed use is consistent with the General Plan Commercial Downtown designation;

4. The establishment, maintenance or operation of the use will not, under the circumstances of this particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use;

5. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City;

6. As amended, the location, size, and design of the proposed development are compatible with the existing and future land uses in the vicinity because the proposed structure complements the downtown character of the neighborhood improves the economic viability of the downtown; and
In approving the permit amendment, the following conditions of approval are imposed and deemed reasonable and necessary to ensure that the approval will be in compliance with the findings cited above.

CONDITIONS OF APPROVAL

1. **Permit Expiration.** This permit amendment shall expire and be null and void if a building permit has not been applied for within two (2) years from and after the date of approval. Application for extension of this approval must be made prior to the expiration date.

2. **Conformance to Plans.** Development of the site shall conform to the approved plans for the “Pacific Grove Hotel” (AP/UP Amendment 21-0457) dated February 7, 2022, on file with the Community Development Department and to the Building Code, with the exception of any subsequently approved changes.

3. **Construction Compliance.** All construction shall occur in general compliance with the proposal as set forth in the application, subject to any special conditions of approval herein. Any deviation from approvals must be reviewed and approved by staff and may require City Council approval.

4. **Operational Permit.** As amended, AP/UP 21-0457 shall become the operational permit and all conditions of approval shall be cleared under this amendment

5. **Valet Parking.** All parking provided for the hotel shall be free of charge valet.

6. **Employee Parking.** Employee parking will be restricted to the Lighthouse Theatre Municipal Parking Lot. Employees shall not be allowed to park in the hotel parking lot or on nearby streets.

7. **During-Construction Pollution Prevention (a).** During construction, the developer shall employ storm water best management practices (BMPs) for erosion and sediment control, prevention of non-storm water discharges, and implement good housekeeping and construction waste management practices to protect the storm drainage system and water quality as required by City Code Section 9.30.130(c), the City Phase II NPDES Permit, State Water Resources Control Board (SWRCB) Construction General Permit (CGP), and the Monterey Regional Storm Water Management Program (MRSWMP). Plans for during-construction storm water management and BMPs, such as a Storm Water Pollution Prevention Plan (SWPPP), shall be submitted to the City and subject to review and approval of the Public Works/Community Development Director and Building Official prior to issuance of a grading and/or building permit.

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

9. **During-Construction Pollution Prevention (c).** Whenever construction activity is being done contrary to and in violation of PGMC Chapter 9.30, the Public Works/Community Development Director may order construction activity to stop by posting a written notice on the premises. All persons shall immediately stop such work unless or until the Public
Works Director authorizes removing the stop work order and allows construction activity to proceed.

10. **Farmers Market.** No construction/demolition activity shall occur on Mondays, between the hours of noon and 6:00 p.m., along Central Avenue and the northerly portion of Grand Avenue that may cause an adverse effect on Farmers Market set up, operation or breakdown.

11. **Pedestrian safety.** The Applicant shall pay for 25% of the cost for design and construction of the complete reconfiguration of the intersection of Central Avenue and Fountain Avenue to provide an All-Way Stop intersection as identified in the Mitigation Measures of the Environmental Impact Report. The intersection redesign shall be consistent with the guidelines described in the "Pedestrian Safety Report" prepared for the City by the Institute of Transportation Studies dated November 2008.

The Applicant shall pay 25% of the cost for design and construction of the reconfiguration of the intersection of Central Avenue and Grand Avenue to accommodate a new raised pavement crosswalk across the intersection on the south side of Central Avenue. The final project landscape plan for landscaping within the public right-of-way shall be designed to incorporate the new raised pavement crosswalk.

All plans for construction of improvements within the public right-of-way shall be reviewed and approved by the City Engineer. All improvements within the public right-of-way shall conform to ADA requirements, including curb ramps, bulb-outs and raised pavement crosswalks. All public works construction shall conform to City and State Standards and standard engineering practices. Prior to the City granting a Certificate of Occupancy, the Applicant shall deposit 25% of the estimated cost of improvements into a bond or escrow account.

12. **Roof top.** The following activities shall be allowed on the rooftop: routine maintenance and repair. No other activities shall be allowed on the rooftop and no amplified sound(s) shall be allowed at any time.

13. **Archeology and Inadvertent Discovery.** When human remains or other cultural artifacts are exposed, the Health and Safety Code § 7050.5 requires that no further excavation or disturbance occurs in the area and that the county coroner is called so that the coroner can verify that the remains are not subject to medical jurisprudence. Within 24 hours of notification, the coroner calls the Native American Heritage Commission if the remains are known or thought to be Native American. The Native American Heritage Commission selects the Most Likely Descendant from a rotating list of MLDs. The MLD has 24 hours to respond. All work will halt with a 50-yard radius until an osteologist can examine the remains, and a treatment plan for any said remains has been provided according to the Most Likely Descendant.

14. **Cultural and/or Archaeological Artifacts.** If such artifacts are unexpectedly discovered during ground disturbing activities, work shall be halted until the item(s) can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation will be formulated, with the approval of the lead agency, and implemented prior to recommencement of work.
15. **Tribal Consultation.** Both a tribal monitor and an archeologist will be on-site during ground disturbance. If any archaeological or paleontological resources are found, the project applicant and/or its contractor shall cease all work within 25 feet of the discovery and notify the Community Development Department (CDD) Director. The City and the project applicant shall consider mitigation in consultation with the tribal monitor and project archeologist.

The applicant shall contract separately with either the Ohlone-Costanoan Esselen Nation (OCEN) or the Esselen Tribe of Monterey County (Esselen) for monitoring services during ground disturbing activities. An executed contract shall be provided to CDD-Planning prior to issuance of a building permit for demolition, grading, trenching, and any other ground disturbance.

16. **Terms and Conditions.** These terms and conditions shall run with the land and bind to all future owners and possessors of the subject property, unless amended. Amendments to this permit may be achieved only if an application is made and approved, pursuant to the Zoning Code.

17. **Public Works, Fire and Building.** Review and approval by the Public Works, Fire and Building Departments/Division are required prior to issuance of a building permit. Work taking place in the public right-of-way shall require an encroachment permit prior to issuance of the building permit.

18. **Stormwater Treatment Measure.** The storm water treatment measures shall be maintained by the property owner in perpetuity and City staff shall be allowed access to inspect all storm water treatment measures on an annual basis.

19. **Building Plans.** All conditions of approval for the Planning permit(s) shall be printed on a full-size plan sheet and included with the construction plan set submitted to the Building Division.

20. **Indemnification.** The applicant agrees to an Indemnification Condition, which is attached to the Amendment application and incorporated herein by reference.

21. **Agreement.** The applicant and the hotel owner consent to the proposed conditions.

22. **Bulbout.** The applicant shall pay for design and construction of five street/sidewalk bulbouts. Three shall be on Fountain Street and two shall be on Grand Avenue. Bulbout designs shall receive approval from the Public Works Department before installation and be constructed prior to the City granting a Certificate of Occupancy.

23. **Trip Reduction Measures.** The Applicant, and any successor-in-interest as a continuing obligation during operation of the hotel, shall: (1) pay the full cost of monthly bus passes (31-day basic GoPasses) to enable employees to commute to work via Monterey-Salinas Transit; (2) provide, on site, ten (10) bicycles in good maintenance and repair for exclusive no-cost use by patrons; (3) install and maintain two (2) electric car supercharging stations in the parking garage; (4) designate two (2) employee carpool spaces in the hotel parking area; (5) pay (shared with other Pacific Grove lodging establishments, if possible) the full cost to extend into Pacific Grove then existing airport shuttle routes that provide access from the Monterey Regional Airport to Cannery Row or Monterey hotels; (6) participate in Go831, the regional ride sharing program operated by TAMC.
DETERMINATION OF CONSISTENCY WITH FINAL EIR

1. As amended, the project is consistent with the previously-certified final EIR for the Hotel Durell Project (AP/UP 16-203, certified by the City Council on September 5, 2018 (Council Resolution No. 18-030). Pursuant to Section 15162 of the CEQA Guidelines, the Council has reviewed the project, considered the final EIR, and finds that the project does not require a subsequent EIR based on the following:
   a) No substantial changes are proposed in the project which will require major revisions to the previous EIR due to involvement of new significant environmental effects or a substantial increase in the severity of previously identified impacts;
   b) No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions to the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects; and
   c) No new information of substantial importance has been provided which was not known at the time of the previous EIR.

2. The following facts remain as certified by the City Council on September 5, 2018:
   a) The final EIR was completed in compliance with CEQA;
   b) The final EIR was presented to the City Council, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project;
   c) The final EIR reflects the lead agency's independent judgment and analysis; and
   d) The custodian for these documents shall be the City Clerk for the City of Pacific Grove found at 300 Forest Avenue, Pacific Grove, California 93950.

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

1. Determines that each of the Findings set forth above is true and correct, and by this reference incorporates those Findings as an integral part of this Resolution.

2. Authorizes APPROVAL of this Amendment (Application No. 21-0457) to Architectural Permit and Use Permit AP/UP 16-203 to demolish the existing 17,500 square foot building and to construct a 102-room hotel with amenities of approximately 76,182 square feet with on-site parking.

3. Attachments are hereby approved as exhibits to this Resolution, which by this reference are incorporated as set forth in its entirety, including the Indemnification Condition.

4. This Resolution shall become effective immediately following passage and adoption thereof.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE this 16th day of March, 2022, by the following votes:

AYES: Mayor Peake, Mayor Pro Tem McAdams, Councilmembers Amelio, Coletti, Poduri, Smith, and Tomlinson.
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:

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BILL PEAKE, Mayor

ATTEST: 3/23/2022
DATED: 

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SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

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DAVID C. LAREDO, City Attorney