RESOLUTION NO. 22-014


FACTS

1. The applicant proposes a comprehensive exterior and interior remodel, the addition of first floor living space and a single-car garage, and the addition of second floor living space and roof decks. The site’s gross floor area would increase from 956 square feet to 2,126 square feet.

2. The subject site is located at 711 Ocean View Boulevard, Pacific Grove, 93950; APN 006-073-008.

3. The approximately 2,310 square foot project site has an existing 796 square foot one-story single-family residence.

4. The subject site has a designation of Medium High Density Residential (10-20 du/ac) in the adopted City of Pacific Grove Coastal Land Use Plan (LUP).

5. The project site is located in the R-3-PGB zoning district.

6. The property is located in an archaeologically sensitive area and the City’s Area of Special Biological Significance.

7. As required by PGMC § 23.90.200, the application includes an archaeological report prepared by a qualified archaeologist, Susan Morley, M.A. The project is conditioned to require onsite tribal and archaeological monitoring for all ground disturbing activities.

8. An Initial Historic Screening was completed and reviewed by the Historic Resources Committee at the November 18, 2020 hearing and it was determined that the structure is not eligible for the City’s Historic Resources Inventory and is not historically significant.

9. As required by PGMC § 23.90.140, the application includes a coastal hazards assessment prepared by a qualified coastal geomorphologist, David Revel, Integral Consulting, Inc. The assessment concluded that the proposed development would not be vulnerable to existing coastal and tsunami hazards over the project life expectancy of at least 75 years, with respect to escalating coastal hazards caused by sea level rise. The report also concluded that, based on the analysis, the project would not require alternative adaptation.

10. The City’s Architectural Review Board (ARB) reviewed the proposed project at a noticed public hearing on October 12, 2021. The ARB unanimously recommended conditional approval of AP-UP-CDP 21-0294 to the Planning Commission which is the final review authority for Use Permits and Coastal Development Permits.
11. At its November 4, 2021 noticed public hearing, the Planning Commission unanimously approved the application for AP-UP-CDP 21-0294.

12. On November 15, 2021, the appellant submitted a timely appeal of the Planning Commission’s decision.

13. The project has been determined to be Categorically Exempt per CEQA Guidelines Section 15301, Class 1, Existing Facilities, and the exceptions to the exemptions in Section 15300.2 of the CEQA Guidelines do not apply.

**FINDINGS**

**Architectural Permit Findings per PGMC Section 23.70.060(f)**

1. The architecture and general appearance of the completed project are compatible with the neighborhood. The proposed project includes the renovation of and addition to an existing 796 square foot one-story single-family residence. The proposed project consists of a 456 square foot addition on the main level, and a new 868 square foot second-story addition with front and rear roof decks. This proposal is compatible with the neighborhood, which has many second-story additions, including some with second-story decks to optimize views.

2. The completed project will neither be detrimental to the orderly and harmonious development of the City nor impair the desirability of investment or occupation in the neighborhood. The renovation, which includes façade improvements, and the development of a second story with front and rear roof decks, will contribute to the desirability of investment in the Beach Tract/Fairway Homes neighborhood.

3. The Council has been guided by and has referenced applicable provisions of the Architectural Review Guidelines in making its determinations on the structure. The architectural style and materials and site design are in substantial conformance with the City’s Residential Design Guidelines, specifically Nos. 24, 29, and 36 relating to scale, roof design and pitch, and visually interesting façades.

**Use Permit Findings per PGMC Section 23.70.080(a)(4)**

1. The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of these regulations. The proposed use is a continuation of an existing use (single-family residence) permitted in the R-3-PGB zoning district. The project meets setbacks, building height, and site coverage requirements but does not comply with building coverage and parking regulations. The Council has purview to permit projects that do not meet the regulations of this zoning district, subject to the conditions of an approved use permit.

2. The proposed use is consistent with the general plan, the local coastal program, and any applicable specific plan. The proposed use is consistent with the general plan and local coastal program. No specific plans apply to the subject property.

3. The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use. The proposed use will not
be detrimental to health, safety, or general welfare because it is a continuation of an existing use (single-family residence) permitted in the R-3-PGB zoning district.

4. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city. The proposed use will not be detrimental or injurious to property and improvements in the neighborhood because the renovation, which includes façade improvements and the development of a second story addition, will improve the desirability of the property.

5. The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity. The proposed project is compatible with other land uses in the vicinity, which consists primarily of one- or two-story single-family residences and duplexes on small lots.

**Coastal Development Permit Findings per PGMC Section 23.90.080**

1. **LCP Consistency.** The project is consistent with the LCP (Local Coastal Program).
   
   The project meets the requirements of the LCP including, but not limited to, the applicable Coastal Resource Protection Standards (PGMC § 23.90.130) of the Implementation Plan (IP) and the Biological, Cultural, Scenic, and Community Design policies of the Land Use Plan (LUP). These standards and policies are addressed further in the following findings. Additionally, pursuant to PGMC § 23.90.140, the applicant submitted a Coastal Hazards Assessment (Report) to the City which concluded that the proposed development would not be vulnerable to existing coastal and tsunami hazards over the project life expectancy of at least 75 years, with respect to escalating coastal hazards caused by sea level rise. The report also concluded that, based on the analysis, the project would not require alternative adaptation (i.e., design changes to the project).

2. **Public Views.** The project protects or enhances public views.
   
   The project site is located within a Scenic View Area as delineated on Figure 4 of the LUP. Policy SCE-5 of the LUP requires development on all parcels that abut Ocean View Boulevard to be sited and designed to avoid blocking or having a significant adverse impact on significant public views. The project is designed to protect public views and is consistent with the height and massing of buildings in the immediate vicinity of the project area.

3. **Habitat Protection.** The project protects vegetation, natural habitats, and natural resources consistent with the LCP.
   
   The project site is already developed with an existing residence and landscaping; therefore, the City did not require submittal of an initial site assessment for biological resources. As designed and conditioned, the project will not impact natural habitats or resources and is consistent with the LCP, including PGMC § 23.90.170 regarding biological resources and/or environmentally sensitive habitat areas.

4. **Design Consistency.** The design, location, size, and operating characteristics of the proposed development is consistent with applicable LCP design requirements, including design plans and area plans incorporated into the LCP.
   
   The project conforms to all applicable LUP polices and IP community design standards.
5. Coastal Access. The project protects or enhances public access to and along the coast. As designed, the project will have no effect on coastal access to or along the coast.

6. Visitor Serving. The project supports the LCP goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitors and recreational facilities. The project consists of the development of a single-family residence and will have no visitor-serving features yet may qualify for a Short-Term Rental (STR) license given its location within the coastal zone. As of this date, there is no indication that the applicant intends to pursue an STR license.

7. Appropriate Use. The project is consistent with the allowed LCP uses associated with the property. The project is located in the R-3-PGB zoning district, where single-family dwellings and multiple-family dwellings are permitted uses. The project will result in the expansion of a 796 square foot one-story single-family residence to a 2,126 square foot two-story single-family residence. Therefore, the existing and proposed uses are consistent.

8. Coastal Resources. The proposed development protects or enhances coastal resources, where applicable. The 2,310 square foot project site is developed with existing structures and landscaping. As proposed and designed, the project will not impact coastal resources. Also, per PGMC § 23.90.150, the City did not require a water quality assessment because the proposed development is under 2,500 square feet of coverage and will fall within the City’s Municipal Permit.

In approving the permit, 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 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 and uses of the site shall conform to the approved plans for the Davidson Residence Project dated August 7, 2021, 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 subsequent Architectural Review Board, Planning Commission, and/or City Council approval.

4. **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.

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

6. **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.

7. **Glare Reduction.** Westerly facing windows and glass doors shall be coated with non-reflective material to reduce afternoon and evening glare.

8. **Exterior Lighting.** All exterior lighting must conform to Architectural Review Guidelines Nos. 10 – 12.

9. **Construction Noise Reduction.** Prior to the issuance of building permits, the City shall ensure that the project applicant includes the following on all construction plans and contracts for the proposed project:

   **Construction Hours.** All noise-generating construction activities, as well as delivery and removal of materials and equipment associated with those construction activities, are limited to the hours of 8:00 a.m. to 6:00 p.m., Monday through Saturday, and 10:00 a.m. to 5:00 p.m. on Sunday.

   **Construction Equipment.** Properly maintain construction equipment and ensure that all internal combustion engine driven machinery with intake and exhaust mufflers and engine shrouds (if the equipment had such devices installed as part of its standard equipment package) are in good condition and appropriate for the equipment. Equipment engine shrouds shall be closed during equipment operation. The developer shall require all contractors, as a condition of contract, to maintain and tune-up all construction equipment to minimize noise emissions.

   **Vehicle and Equipment Idling.** Construction vehicles and equipment shall not be left idling for longer than five (5) minutes when not in use.

   **Workers’ Radios.** All noise from workers’ radios shall be controlled to a point that they are not audible at sensitive receptors near the construction activity.

10. **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.

11. **Archaeologist and Tribal Monitoring.** A qualified archaeological monitor and Native American monitor shall be present to observe the excavations of the footings and to investigate and report on any unexpected findings. See also Condition Nos. 12 and 13 below.

12. **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 (MLD) 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 MLD.

13. **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 disposition actions will be formulated, with the approval of the lead agency, and implemented prior to recommencement of work.

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

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

2. The Council denies the appeal and upholds the decision of the Planning Commission to approve AP-UP-CDP 21-0294.

3. The Council finds the project categorically exempt per CEQA Guidelines Section 15301, Class 1, Existing Facilities, and finds that the exceptions to the exemptions in Section 15300.2 of the CEQA Guidelines do not apply.

4. The Council APPROVES this permit (Application No. 21-0294) to allow a comprehensive exterior and interior remodel, the addition of first floor living space and a single-car garage, and the addition of second floor living space and roof decks.

5. The required Findings and Conditions of Approval are hereby approved and incorporated herein by reference.

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

**PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE**

this 6th day of April, 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:**

[Signature]

BILL PEAKE, Mayor
ATTEST:  4/7/2022
DATED: ________________________

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney