RESOLUTION NO. 22-046
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
APPROVING FILE NUMBER CDP 22-0125 FOR THE DEVELOPMENT OF AN
ACCESSORY DWELLING UNIT AT 120 17TH STREET

FACTS

1. The applicant proposes construction of an 827 square foot one-story detached accessory
dwelling unit with a 34 square foot covered porch, associated site improvements, and
demolition of an existing shed and deck area.

2. The subject site is located at 120 17th Street, Pacific Grove, 93950; APN 006-153-010.

3. The approximately 3,600 square foot project site has an existing 973 square foot one-story
single-family residence, 80 square foot shed, and 180 square foot deck.

4. The subject site has a land use designation of Medium High Density Residential (10-20 du/ac)
in the adopted City of Pacific Grove Coastal Land Use Plan (LUP Figure 6).

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

6. The property is located in an archaeologically sensitive area (per LUP Figure 7), in the City’s
Area of Special Biological Significance (ASBS), within the Coastal Zone, and listed on the
City’s Historic Resources Inventory (HRI).

7. Per PGMC § 23.90.140, Coastal Hazards, Community Development Department (CDD) staff
reviewed LUP Figure 3 (Coastal Hazards and Areas of Potential Sea Level Rise), aerial and
topographic imagery, and conducted a site visit on May, 17, 2022, and determined the site and
proposed development would not be subject to coastal hazards over its lifetime. The parcel’s
topographic elevation is approximately 63 feet above mean sea level.

8. Per PGMC § 23.90.150, Water Quality and Marine Resources, the City did not require a water
quality assessment because the proposed new development is under 2,500 square feet of new
site coverage and will fall within the City’s Municipal Permit.

9. Per PGMC § 23.90.160, Scenic Resources, CDD staff reviewed LUP Figure 4 (Scenic Areas),
aerial and street view imagery, and conducted a site visit on May, 17, 2022. This review
determined the site and proposed development are not within a designated scenic view area or
corridor and would not adversely impact public views.

10. Per PGMC § 23.90.170, Biological Resources, CDD staff reviewed LUP Figure 5, Land
Habitat Sensitivity Map, aerial imagery, and conducted a site inspection on May 17, 2022.
This review determined the proposed development would not have the potential to affect
biological resources or environmentally sensitive habitat area (ESHA), and that the site is not
within 100 feet of ESHA. The area of proposed development is covered by non-native grass
and ice plant. LUP Figure 5 identifies the site as having a low habitat value, and the property is
a previously-developed site in a residentially zoned district surrounded by residential structures
and 18th Street. As designed and conditioned, the project will not impact natural habitats or
resources; therefore, in this case, submittal of an initial site assessment for biological resources
is not required or warranted.

11. Per PGMC § 23.90.200, Cultural Resources, the application includes a Phase 1 Preliminary
Archaeological Assessment (January 28, 2022) and a Phase II Subsurface Testing (March 14,
2022), both reports prepared by qualified archaeologists (Susan Morley, Registered
Professional Archaeologist, and Brenna Wheelis). The reports determined that no potentially significant resources are present in the project area and that the potential for adverse impacts to cultural resources is low. Although no significant cultural resources were identified or observed on the subject property, the archaeologists recommended cultural resources sensitivity training for construction personnel, and monitoring during all ground-disturbing activities. The project is conditioned to include these recommendations and to address inadvertent discovery of human remains or cultural artifacts.

12. The City’s Planning Commission reviewed the proposed project at a noticed public hearing on July 14, 2022, and unanimously approved CDP 22-0125.

13. On July 15, 2022, the appellant submitted a timely appeal of the Planning Commission’s decision.

14. The project has been determined to be Categorically Exempt per CEQA Guidelines Section 15303, Class 3, New Construction, and the exceptions to the exemptions in Section 15300.2 of the CEQA Guidelines do not apply.

**FINDINGS**

**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.

2. Public Views. The project protects or enhances public views.

   Per LUP Figure 4, Scenic Areas, the project site is not located within a designated Scenic View Area or view corridor. As designed, the project would not impact 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.

   Per LUP Figure 5, Land Habitat Sensitivity Map, the project site is identified as having a low habitat value, and the property is a previously-developed site in a residentially zoned district surrounded by residential structures and 18th Street. 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 (PGMC 23.90.180, Coastal Community Design).

5. Coastal Access. The project protects or enhances public access to and along the coast.

   As designed, the project will have no effect on public coastal access to or along the coast.
Visitor Serving. The project supports the LCP goal of providing for visitor-serving needs as appropriate, including providing low and no cost visitor and recreational facilities.

The project includes development of an accessory dwelling unit 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.

Appropriate Use. The project is consistent with the allowed LCP uses associated with the property.

Per LUP Figure 6, the subject property has a Coastal Zone Land Use Designation of Medium High Density Residential 10-20 du/ac (MHD 10-20). LUP Policy LUD-6 identifies second housing units as an allowed use in areas designated MHD 10-20. Therefore, the proposed use is consistent.

Coastal Resources. The proposed development protects or enhances coastal resources, where applicable.

The 3,600 square foot project site is currently developed with an existing 973 square foot one-story residence (main dwelling). As proposed and designed, the project will not impact coastal resources. See also previous Facts 7 – 11 and supporting information.

In approving the permit, the following conditions of approval are imposed and deemed reasonable and necessary to ensure that the approval will comply 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 prepared for the “Crumb ADU” project dated September 21, 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 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. **Exterior Lighting.** All exterior lighting must conform to LUP Policy DES-6.

8. **Archaeology 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.

9. **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.

10. **Archaeologist and Tribal Monitoring.** A qualified archaeological monitor and Native American monitor shall be present to observe all ground disturbing activities of the project and to investigate and report on any unexpected findings.

11. **Cultural Resource Sensitivity Training.** Cultural resource sensitivity training led by a qualified archaeologist and a tribal cultural monitor shall be conducted prior to any ground disturbing activities and shall repeat with all new construction personnel on site throughout the life of the project.

12. **Rental Period.** Pursuant to PGMC section 23.80.050(c), the ADU may not be rented for a term less than 30 days.

13. **Permeable Parking Surface.** The proposed parking area must be composed of a permeable material.

14. **Encroachment Permit.** Per Condition of Approval No. 5 above, any work taking place in the public right-of-way shall require an encroachment permit prior to issuance of the building permit. If required, the applicant shall apply for an encroachment permit for the parking space access from 18th Street.

**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 affirms the decision of the Planning Commission to approve CDP 22-0125.

3. The Council finds the project categorically exempt per CEQA Guidelines Section 15303, Class 3, New Construction, 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. 22-0125) to allow construction of an 827 square foot one-story detached accessory dwelling unit with a 34 square foot covered porch, associated site improvements, and demolition of an existing shed and deck area.
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 5th day of October, 2022, by the following votes:

AYES: Mayor Peake, Mayor Pro Tem Amelio, Councilmembers Coletti, McAdams, Poduri, Smith, and Tomlinson.

NOES: None.

ABSENT: None.

ABSTAIN: None.

APPROVED:

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BILL PEAKE, Mayor

ATTEST: ______________________
DATED: 10/11/2022

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SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

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BRIAN PIERIK, City Attorney