RESOLUTION NO. 22-049

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
APPROVING FILE NUMBER AP/TPD 22-0108 FOR THE DEMOLITION OF AN
EXISTING SINGLE-FAMILY RESIDENCE AND CONSTRUCTION OF A SINGLE-
FAMILY RESIDENCE AND DETACHED GARAGE AND REMOVAL OF ONE 9-INCH
COAST LIVE OAK AT 1166 PRESIDIO BOULEVARD

FACTS

1. The applicant proposes to demolish an existing 1,120 square foot one-story single-family
residence and detached shed and construct a 1,986 square foot three-story single-family
residence with a 246 square foot detached garage and remove one 9-inch Coast Live oak.

2. The subject site is located at 1166 Presidio Boulevard, Pacific Grove, APN 007-591-013.

3. The subject site is approximately 4,800 square feet in size, and currently developed with
an 1,120 square foot one-story single-family residence and detached shed.

4. The subject site has a land use designation of Medium Density Residential (9.7 du/ac) on
the adopted City of Pacific Grove Land Use Plan Map.

5. The project site is located in the R-1 Single Family Residential zoning district.

6. The subject property is not located within the City’s Area of Special Biological
Significance (ASBS), the Coastal Zone, nor within an archaeologically sensitive area.

7. The subject site is not listed on the City’s Historic Resources Inventory (HRI). Also, on
May 25, 2022, the City of Pacific Grove Historic Resources Committee (HRC) reviewed
an Initial Historic Screening (IHS 22-0081) and determined the property ineligible for the
City’s HRI. This determination will remain in effect for 10 years from the date of
approval.

8. As designed, the project would conform to all required development standards for the
zoning district.

9. Per PGMC § 12.30.010, a revised Tree Resource Assessment (Ono, Certified Arborist;
September 23, 2022) prepared for the project concluded that removal of one protected
tree would occur (a 9-inch Coast Live oak). Also, two non-protected trees (5-inch non-
native Pittosporums) would be removed for the proposed development. The arborist
recommended no replanting because the site is heavily vegetated and has a high number
of existing oaks.

10. The City of Pacific Grove Architectural Review Board (ARB) reviewed the proposed
project at a noticed public hearing on August 9, 2022. The ARB voted unanimously (5 –
0) to approve AP-TPD 22-0108.

11. On August 12, 2022, the appellant submitted a timely appeal of the ARB’s decision to
approve AP-TPD 22-0108.

12. Pursuant to the appeal, the City of Pacific Grove Planning Commission (PC) reviewed
the proposed project at a noticed public hearing on September 8, 2022. The PC voted
unanimously (7 – 0) to approve AP-TPD 22-0108.
13. On September 19, 2022, the appellant submitted a timely appeal of the PC’s decision to approve AP-TPD 22-0108.

14. The project has been determined to be Categorically Exempt per CEQA Guidelines Section 15302, Class 2, Replacement or Reconstruction, allowing replacement or reconstruction of existing facilities and structures where the new structure(s) will be located on the same site as the structure(s) replaced and will have substantially the same purpose and capacity as the structure(s) replaced. The proposed project involves the demolition of a single-family dwelling and accessory structure on the parcel and construction of a single-family dwelling and accessory structure on a residentially-zoned parcel within a developed residential neighborhood (i.e., replacement of an existing structure on the same site with the same purpose and capacity). In reviewing this action, the City has followed the CEQA statute adopted by the State of California as published in the California Public Resources Code, Division 13, §21000, et seq., and the associated guidelines as published in the California Code of Regulations, Title 14, §15000, et seq. (i.e., CEQA Guidelines). As proposed, the main dwelling unit and accessory structure would be located on the same approximate footprint as the current structure and improvements. Therefore, the project is consistent with the parameters of the Class 2 categorical exemption. Also, the proposed project is consistent with the General Plan and the neighborhood within which the project is located is not environmentally sensitive. No adverse environmental effects were identified during staff review of the development application, nor during multiple site inspections. The exceptions to exemptions in Section 15300.2 of the CEQA Guidelines pertaining to location, cumulative impacts, significant effects, scenic highways, hazardous waste sites, and historical resources do not apply to this project. There is no substantial evidence of an unusual circumstance because there is no feature or condition of the project that distinguishes the project from the exempt class. Additionally, there is no substantial evidence that would support a fair argument that the project has a reasonable possibility of having a significant effect on the environment or that it would result in a cumulative significant impact.

**FINDINGS**

**For an Architectural Permit 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 involves the construction of a 1,986 square foot three-story single-family residence with a 246 square foot detached garage, and removal of one 9-inch Coast Live oak. The project will also include approximately 224 square feet of deck area facing the rear property line. As designed, the project will be compatible with the neighborhood of medium- to large-sized one- to three-story residences. The surrounding streetscapes are comprised of residences with varying architectural styles, alignments, and scales. The proposed residence will use exterior colors and materials that will blend with the surrounding natural streetscape (i.e., gray vertical siding, green trim and accents, bronze aluminum windows and doors, and black asphalt shingle roof). Due to the topography of the site and proposed design, the façade also avoids large blank areas facing the street.
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. 

There is no indication that the proposed re-development of the property will negatively affect the orderly and harmonious development of the city or impair the desirability of investment in the neighborhood. The proposed residence and garage will increase the value of the property and contribute to the desirability of investment in the Del Monte Park neighborhood.

3. The Council has been guided by and referenced applicable provisions of the architectural review guidelines in making its determinations on single-family residences. 

The architectural style, materials and site design are in substantial conformance with the City’s Architectural Review Guidelines. Specifically, Guidelines Nos. 1, 2, 7, 9, and 24 relating to the mass and height of new structures, roof lines, 2nd floor balcony location and design, preservation of neighbor’s views, and structural scale compared to the neighborhood were used in analyzing the proposed project to ensure compliance.

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 “Meyers Residence” project dated September 26, 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 Architectural Review Guidelines Nos. 10 – 12.

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. **Tree Protection Standards During Construction:** Pursuant to Municipal Code Chapters 12.20 and 12.30, and the *Urban Forestry Standards*, all trees that are otherwise protected and will be impacted as a result of development, both proposed for pruning or removal and where the development will impact the critical root zone of the tree are protected. Prior to issuance of the building permit, the Project Arborist shall review grading, drainage, utility, building and landscape plans to determine required minimum tree protection standards during construction.

**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 decisions of the Architectural Review Board and the Planning Commission to approve AP-TPD 22-0108.

3. The Council finds the project categorically exempt per CEQA Guidelines Section 15302, Class 2, Replacement or Reconstruction, and also 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. 22-0108) to allow demolition of an existing 1,120 square foot one-story single-family residence and construction of a 1,986 square foot three-story single-family residence with a 246 square foot detached garage, and removal of one 9-inch Coast Live oak.

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 19th 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:

[Signature]

BILL PEAKE, Mayor

ATTEST:

[Signature]

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

[Signature]

BRIAN PIERIK, City Attorney