



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

**AGENDA REPORT**

**TO:** Chair Murphy and Members of the Planning Commission

**FROM:** Alyson Hunter, Senior Planner

**MEETING DATE:** November 7, 2019

**SUBJECT:** Amendments to Title 23 of the Pacific Grove Municipal Code Pertaining to Wireless Telecommunications Facilities and Draft Design Manual

**CEQA STATUS** Does not constitute a “Project” under California Environmental Quality Act (CEQA) per § 15378 of the CEQA Guidelines

**RECOMMENDATION**

Review and accept proposed draft amendments to Title 23 of the Pacific Grove Municipal Code (PGMC) pertaining to Wireless Telecommunications Facilities, as modified by the Commission at its September 19, 2019, meeting, and the accompanying draft Design Manual, and provide a recommendation to the City Council on both items.

**BACKGROUND**

At its noticed public hearing on September 19<sup>th</sup>, the Planning Commission received an oral report from the City’s wireless consultant, Joseph Van Eaton of Best, Best & Krieger and public testimony, and engaged in a thorough review and discussion of the draft amendments to Title 23 of the PGMC. The suggested modifications have been incorporated into the attached draft. The attachment only contains the portions of Title 23 to be amended, but a full copy of Title 23 is available for review on the website, at City Hall, and upon request. Review of the draft companion Design Manual was continued until this meeting.

**DISCUSSION**

Given the rise locally in wireless facilities applications and in order to be better prepared as providers seek to “densify” their networks to provide 4G services, and at some point 5G services, in Pacific Grove, the City Council directed staff to prepare draft regulations for review and recommendation by the Planning Commission and final action by the City Council in the form of an amendment to PGMC Title 23 – *Zoning Code*. Staff obtained the services of a qualified consultant to prepare not only the requisite zoning code text amendment, but also a draft Design Manual to provide a flexible guide for staff, applicants and the public to use in the development and review of wireless applications. The Design Manual is separate from the code amendment which allows it to remain a dynamic and more easily modified document, adaptable to the ever-changing wireless environment. The proposed amendments will also be applicable to 5G facilities which will likely be similar in size and appearance to current 4G facilities, but will need to be installed in closer proximity to each other.

It should be noted that the Design Manual encourages and incentivizes the concealment of such facilities and streamlines the process when applications include measures to limit the visual and aesthetic impacts of proposed equipment. A photomontage of sample concealed facilities is attached for discussion purposes.

As discussed previously, the key elements of Title 23 proposed to be amended are located in the following sections:

Section 23.08.020 – Definitions  
Table 23.31.030 – Commercial/Industrial Use Table  
Section 23.64.063 (new) – Wireless telecommunications facilities  
Section 23.64.12 – Height limits – Chimneys, flagpoles, towers, etc.  
Section 23.70.015 – Exemptions  
Section 23.70.030.7 (A) and (B) – Staff approvals  
Section 23.70.030(e) – Findings  
Section 23.72.050 – Initial application review  
Section 23.73.020 – Effective date of permits  
Section 23.74.020 – Appeals

In terms of permitting, the draft amendment proposes several changes. Among other items, it seeks to: 1) authorize staff to process Administrative Use Permits (AUP) per § 23.70.030 for eligible facilities requests such as for modifications of previously permitted wireless facilities; 2) prohibits projects in any residential district, planned unit development district, or within 300’ of the monarch sanctuary unless the applicant demonstrates that the City is required by federal law to issue a permit in these areas; and 3) limits locations within the Open Space (O) zones.

The Commission’s suggested modifications from its September 19<sup>th</sup> meeting have been incorporated into the attached Title 23 document.

As mentioned previously, the draft Design Manual is a stand-alone, non-codified document that provides guidance to project proponents similar to the City’s Architectural Review Guidelines for Single-Family Residences. Although these guidelines will not be mandatory requirements, they will provide direction to the Planning Commission as it carries out its responsibilities under the PGMC. As a result of the Commission’s last discussion on the draft ordinance, the draft Design Manual has been amended to include the “goal” language in § 23.64.063(h)(2).

## **CEQA**

This zoning code amendment is not a project within the meaning of Section 15378 of the CEQA Guidelines because it has no potential for resulting in physical change in the environment, directly or indirectly. The ordinance does not authorize any specific development or installation on any specific property within the City’s boundaries. Moreover, when and if an application for installation is submitted, the City will – at that time – conduct preliminary review of the application in accordance with CEQA. Receipt of the report is an administrative action and does not constitute a “Project” under California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5).

## **GOAL ALIGNMENT**

This agenda item is consistent with the City Council Goal relating to **Community Responsiveness**, which endeavors to develop and implement systems, interfaces, and infrastructure to better communicate with the public. By bringing our current zoning code into better alignment with limits imposed by federal law (although we have been careful not to codify any FCC rules that are subject to challenge), and providing a clear permitting path and design guidelines, the City will have more tools in its toolbox when reviewing and analyzing wireless proposals.

RESPECTFULLY SUBMITTED:

*Alyson Hunter*

Alyson Hunter, Senior Planner

**ATTACHMENTS**

1. PGMC Title 23 Draft Amendments
2. Draft Wireless Design Manual
3. Photos of Concealed Facilities

**Title 23**

**ZONING<sup>1</sup>**

**Chapters:**

- 23.04 Purpose and Effect of Zoning Regulations**
- 23.08 Definitions**
- 23.12 Districts**
- 23.16 R-1 District and R-1-B Combined Districts**
- 23.20 R-2 District and R-2-B-3 Combined District**
- 23.24 R-3 Districts**
- 23.26 R-3-P.G.R. District**
- 23.28 R-4 District**
- 23.29 Condominium and Community Housing Conversions**
- 23.30 M-H Districts**
- 23.31 Commercial and Industrial Zoning Districts**
- 23.32 C-1-T Zone Condominiums**
- 23.33 *Repealed***
- 23.34 Limited Downtown Commercial (C-D)(C-1-T) Uses**
- 23.36 *Repealed***
- 23.40 *Repealed***
- 23.42 O District**
- 23.43 Initiative Restriction of Use of George Washington Park**
- 23.44 U Districts**
- 23.45 Initiative Ordinance Enacting Regulations for Multiple Unit Developments Involving  
Condominiums, Planned Unit Developments and Timeshares**
- 23.52 R-3-M Districts**
- 23.56 R-H District**
- 23.57 R-3-P.G.B. District**
- 23.58 *Repealed***
- 23.60 Planned Unit Development – PUD**
- 23.64 General Provisions and Exceptions**
- 23.68 Nonconforming Uses and Buildings**
- 23.70 Community Development Permit Review Authorities and Procedures**
- 23.72 Permit Application Filing and Processing**
- 23.73 Permit Implementation, Time Limits, and Extensions**
- 23.74 Appeals and Call-Ups**
- 23.76 Historic Preservation**
- 23.77 Environmental Impact Reports**
- 23.78 Sale of Residential Buildings**
- 23.79 Density Bonus Regulations**
- 23.80 Accessory Dwelling Units**
- 23.81 Reasonable Accommodation for Persons with Disabilities**
- 23.82 Interpretations of Permitted Use Lists**
- 23.84 Legislative Amendments**
- 23.86 Public Meeting and Hearing Procedures**
- 23.88 Enforcement**

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<sup>1</sup> For statutory provisions, see California Government Code § 65800 et seq.

## Chapter 23.04

### PURPOSE AND EFFECT OF ZONING REGULATIONS

#### Sections:

- 23.04.010 Purpose of zoning regulations.
- 23.04.020 Applicability of the zoning regulations.
- 23.04.030 Responsibility for administration.
- 23.04.040 Interpretations.

#### **23.04.010 Purpose of zoning regulations.**

This title constitutes the city's zoning regulations, referred to hereafter as "these regulations." The purposes of these regulations are to: promote and protect the public health, safety, peace, comfort, and general welfare; promote the growth and redevelopment of the city of Pacific Grove in an orderly manner; and implement the Pacific Grove general plan and local coastal program (LCP). Pacific Grove is primarily a city of homes, and it is, therefore, determined that business and industry shall be compatible with its residential character.

(a) Authority. These regulations are enacted based on the authority vested in the city of Pacific Grove by the state of California, including but not limited to: the State Constitution; the Planning and Zoning Law (Government Code Sections 65000 et seq.); the California Coastal Act (Public Resources Code Sections 30000 et seq.); the Subdivision Map Act (Government Code Sections 66410 et seq.); and the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.).

(b) Consistency with General Plan and Local Coastal Program (LCP). These regulations are a primary tool used by the city to carry out the goals, objectives, and policies of the Pacific Grove general plan and local coastal program (LCP). The Pacific Grove city council intends that these regulations be consistent with the city's general plan and local coastal program, and that any land use, subdivision, or development approved in compliance with these regulations will also be consistent with the general plan and local coastal program.

(c) Minimum Requirements. The provisions of these regulations shall be minimum requirements for the promotion of the public health, safety, and general welfare. When these regulations provide for discretion on the part of a city official or body, that discretion may be exercised to impose more stringent requirements than set forth in these regulations as may be necessary to promote orderly land use development, environmental resource protection, and the other purposes of these regulations.

(d) Zoning Map Boundaries. See PGMC 23.12.020 (Districts established by zoning map).

(e) Allowable Uses of Land. See Chapters 23.16 through 23.68 PGMC. [Ord. 11-001 § 2, 2011].

#### **23.04.020 Applicability of the zoning regulations.**

These regulations apply to all land uses, structures, subdivisions, and development within the city of Pacific Grove, as provided by this section.

(a) New Land Uses and Structures, Changes to Land Uses or Structures. Compliance with the requirements of Chapters 23.72 (Permit Application Filing and Processing) and 23.70 (Community Development Permit Review Authorities and Procedures) PGMC is necessary for any person to lawfully establish, construct, reconstruct, alter, or replace any land use or structure.

(b) Issuance of Building or Grading Permits. The city may issue building, grading, or other construction permits only when the proposed land use or structure satisfies the requirements of subsection (a) of this section and all other applicable statutes, ordinances, and regulations.

(c) Subdivisions. Any subdivision of land proposed within the city after the effective date of these regulations shall be consistent with the minimum lot size requirements of the zoning district chapters of these regulations, the subdivision requirements of PGMC Title 24 (Subdivisions), all other applicable requirements of these regulations, and the general plan.

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

(d) Continuation of an Existing Land Use. An existing land use is lawful only when it was legally established in compliance with all applicable regulations, and when it is operated and maintained in compliance with all applicable provisions of these regulations, including Chapter 23.68 PGMC (Nonconforming Uses and Buildings). However, the requirements of these regulations are not retroactive in their effect on a land use that was lawfully established before the effective date of these regulations or any applicable amendment.

(e) Effect of Changes to Zoning Regulations on Projects in Progress. A community development permit application that has been accepted by the department as complete prior to the effective date of these regulations or any amendment shall be processed according to the requirements in effect when the application was accepted as complete.

(f) Conflicting Requirements.

(1) Zoning Regulations and Other Municipal Code Provisions. If conflicts occur between requirements of these regulations, or between these regulations, the Pacific Grove Municipal Code, or other City regulations, the provisions of this title shall prevail.

(2) Development Agreements or Specific Plans. If conflicts occur between the requirements of these regulations and standards adopted as part of any development agreement or applicable specific plan, the requirements of the development agreement or specific plan shall apply.

(3) Private Agreements. These regulations apply to all land uses and development regardless of whether they impose a greater or lesser restriction on the development or use of structures or land than a private agreement or restriction, without affecting the applicability of any agreement or restriction. The city shall not enforce any private covenant or agreement unless it is a party to the covenant or agreement.

(g) Other Requirements May Apply. Nothing in these regulations eliminates the need for obtaining any other permits required by the city, or any permit, approval, or entitlement required by the regulations of any regional, state, or federal agency.

(h) Federal Lands. Federal agencies are not subject to the provisions and permit requirements of these regulations, the city's local coastal program, or the permit requirements of the Coastal Commission, but are subject to the consistency process provided by the federal Coastal Zone Management Act of 1972 (CZMA). Nonfederal development on federal lands may be subject to both the CZMA consistency process and the requirements of these regulations and the Coastal Commission. [Ord. 11-001 § 2, 2011].

#### **23.04.030 Responsibility for administration.**

These zoning regulations shall be administered by: the city council, hereafter referred to as the "council"; planning commission; historic resources committee, hereafter referred to as the "committee" or "HRC"; architectural review board, hereafter referred to as the "board" or "ARB"; site plan review committee, hereinafter referred to as the "site plan review committee" or "SPRC"; zoning administrator or designee, hereafter referred to as the "zoning administrator"; the community development department's chief planner or designee, hereafter referred to as "chief planner"; and the community development department, hereafter referred to as the "department." [Ord. 11-001 § 2, 2011].

#### **23.04.040 Interpretations.**

(a) Authority. The chief planner has the authority to interpret any provision of these regulations. Whenever the chief planner determines that the meaning or applicability of any requirement of these zoning regulations is subject to interpretation, the chief planner may issue an official interpretation. The planning commission shall be notified of such official interpretations. The city manager may make exceptions to these regulations, with planning commission notification, where a substantial hardship or other unusual condition warrants.

(b) Language. When used in these regulations, the words "shall," "must," "will," "is to," and "are to" are always mandatory. "Should" is not mandatory but is strongly recommended; and "may" is permissive. The present tense includes the past and future tenses; and the future tense includes the present. The singular number includes the plural number, and the plural the singular, unless the natural construction of the word indicates otherwise. The words "includes" and "including" shall mean "including but not limited to." Where there are references to code citations that no longer exist due to code reformatting, it shall be construed that the reference is to the new code section.

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

(c) Time Limits. Whenever a number of days is specified in these regulations, or in any permit, condition of approval, or notice issued or given as provided in these regulations, the number of days shall be construed as calendar days. Time limits will extend to the following working day where the last of the specified number of days falls on a weekend, holiday, or other day City Hall is closed. [Ord. 11-001 § 2, 2011].

**Chapter 23.08****DEFINITIONS**

## Sections:

23.08.010 Purpose.

23.08.020 Definitions.

**23.08.010 Purpose.**

This chapter provides definitions of terms and phrases used in this title that are technical or specialized, or that may not reflect common usage. If any of the definitions in this chapter conflict with definitions in other provisions of the Pacific Grove Municipal Code, these definitions shall control for the purposes of this title. If a word is not defined in this chapter, or in other provisions of this title, the most common dictionary definition is presumed to be correct. [Ord. 13-003 § 5, 2013].

**23.08.020 Definitions.**

## A. Definitions.

“Accessory building” means a subordinate building the use of which is incidental to that of the main building on the same lot.

“Accessory use” means a use incidental and accessory to the principal use of real property or a building located on the same building site, or for which a use permit has been issued pursuant to PGMC 23.64.185.

“Adult-oriented sales” means the sale, for any form of consideration, of one or more of the following:

- (1) Books, magazines, periodicals, or other printed matter, photographs, drawings, motion pictures, slides, films, tapes, video cassettes, records, or other visual or audio representations that are characterized by an emphasis upon the depiction or description of sexual activities or anatomical areas;
- (2) Instruments, devices, or paraphernalia that are designed to be used in connection with sexual activities; or
- (3) Goods that are replicas of or that simulate anatomical areas, or goods that are designed to be placed on or in anatomical areas or used in conjunction with sexual activities.

“Agreement of sale” means any agreement or written instrument which provides that title to any property shall thereafter be transferred from one owner to another owner, including a lease with option to buy.

“Alcoholic beverage” means any beverage meeting the definition of Section 23004 of the California Business and Professions Code (CBPC).

“Alley” means any public right-of-way for vehicular and pedestrian traffic which is 16 feet or less in width. An alley shall not be considered a street in determining corner lots, required yard setbacks, or street frontages.

Ambulance Service. See “Medical Service.”

“Amplified music, entertainment, or speech” means electronic amplification of recorded music, live music, live entertainment, or of persons speaking at meetings or events. See “Entertainment, live.”

Animal Hospital. See “Animal Keeping/Training Facility or Veterinary Service.”

Animal Keeping/Training Facility or Veterinary Service.

- (1) Veterinary Clinic, Animal Hospital. Office and indoor medical treatment facilities used by veterinarians, including large- and small-animal veterinary clinics and animal hospitals.

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(2) Kennel, Animal Boarding and Training. A commercial facility for the grooming, keeping, boarding or maintaining of four or more dogs, or four or more cats, or a combination thereof, except for dogs or cats for sale in pet shops or in animal hospitals. Includes pet day care and pet training.

“Antenna” means an apparatus designed for the purpose of emitting or receiving radiofrequency (RF) radiation, to be operated or operating from a fixed location pursuant to [Federal Communications Commission \(Commission or FCC\) authorization, for the transmission or reception of writing, signs, signals, data, images, pictures, and sounds of all kinds. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 C.F.R. Subpart G, as may be amended.](#)

“Apartment house” means a building or portion thereof used and designated as a nontransient residence for three or more families living independently of each other and doing their own cooking in said building. This shall not be deemed to include cottage courts, auto courts, motels, hotels, or other buildings, used or intended to be used for the accommodation of transient automobile travelers or other transient guests. An apartment house shall not include any timeshare project as defined in Section 11003.5 of the Business and Professions Code, added by Chapter 601 of the Statutes of 1980.

Automobile Court, Cottage Court, or Motor Lodge. See “Lodging.”

“Automobile/vehicle repair” means all activities involving automobile and vehicle repair, including: top, body, and upholstery repair; auto glass installation; body painting; general repair, rebuilding or reconditioning of engines, motor vehicles, or trailers; and collision service including body or frame.

“Automobile/vehicle sales and rental” means a retail establishment selling or renting new or used automobiles, light trucks, boats, campers, mobile homes, and/or motorcycles. Vehicles for sale may be displayed outdoors or indoors. May also include repair services and the sales of parts and accessories that are incidental to the primary use. Does not include service stations (see “Automobile/vehicle service station”).

“Automobile/vehicle service station” means a building and/or lot with pumps and storage tanks where motor vehicle fuels, lubricating oil, grease, or accessories for motor vehicles are dispensed, sold, or offered for retail sale only. May also include car washing and repair services incidental to the primary use.

#### B. Definitions.

“Bank or financial service” means banks and financial institutions including: banks and trust companies; credit unions; lending and thrift institutions; brokerage firms; title companies; and vehicle finance leasing agencies.

“Bar/tavern/nightclub” means a drinking establishment where food service is not required. See “Drinking establishment.”

“Base station” has the same meaning as the term used in [47 C.F.R. Section 1.6100\(b\)\(1\)](#), as may be amended.

Bed and Breakfast Inn. See “Lodging.”

“Block” means the properties on both sides of a street and lying between the two nearest intersecting streets or city boundary.

Boardinghouse. See “Roominghouse.”

“Bona fide public eating place” means an eating establishment meeting the provisions of Section 23038 of the California Business and Professions Code (CBPC). See “Eating establishment.”

“Brew pub” means an eating establishment at which beer is manufactured in limited quantities for on-site and off-site sales, distribution, and consumption, and is combined with a general restaurant, pub, or sports bar. See “Eating establishment.”

“Building” means any structure having a roof supported by columns or by walls and designed for the shelter or housing of any person, animal, or personal property.

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“Building coverage” means the portion of a site which is covered by the fully enclosed portion of all buildings larger than 120 square feet, as well as by open carports. Building coverage is expressed as a percentage. In determining building coverage, the following shall not be counted: eaves and/or cantilevered portions of buildings, decks, open porches, and open stairways and landings.

“Building site” means a lot or parcel of land, in one ownership, and occupied or to be occupied by a main building and accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required by the terms of this title, and having its principal frontage on a street, road or highway.

“Business support service” means an establishment within a building that provides services to other businesses. Examples of these services include: computer-related services (rental, repair), mailing and mail box services. Does not include printing and copying (see “Printing or creative service”) or the sales, storage, or rental of heavy equipment.

“Buyer” means any person, co-partnership, association, corporation, fiduciary, or other legal or business entity which intends to sign an agreement or instrument which on its face appears to be legally binding or is intended to be legally binding, subject to specified conditions. Such agreement or instrument shall include, but is not necessarily limited to, a deposit receipt, seller’s instructions, contract of sale, exercise of option to buy, or executed deed when there is no prior written agreement.

#### C. Definitions.

“Catering and events” means a business that prepares food either for an on-site event or for consumption off-premises.

“Chief planner” is deemed a reference to the community development director’s designee.

Clinic or Lab. See “Medical service.”

Coffee House. See “Restaurant, specialty.”

“Commercial recreation facility, indoor” means uses that include all indoor commercial recreation and amusement facilities including: bowling alleys, indoor sports arenas, indoor sports facilities, dance halls, video arcades, and billiard parlors. Does not include movie theaters (see “Theater or auditorium”).

“Commercial recreation facility, outdoor” means uses that include outdoor commercial amusement facilities including: golf driving ranges, outdoor stadiums, racing facilities, music arenas, amusement parks, miniature golf establishments, water slides, and batting cages.

“Commercial uses” means, in addition to the common definitions of the term, any sale or whole- sale of personal property, whether new or used, except for sales which may be permitted by Chapter 11.10 PGMC.

“Community development director” is deemed a reference to the director of the Pacific Grove community development department or designee.

“Community garden” means an area where neighbors, residents, and members of the public have the opportunity to contribute and manage the cultivation of plants.

“Concealed Facility” means a wireless telecommunications facility that is integrated as an architectural feature of an existing supporting structure or any new wireless telecommunications facility that is camouflaged or concealed so that the presence of the facility is either: (1) virtually imperceptible to the casual observer, such as an antenna behind louvers on a building, or inside a steeple or similar structure; or (2) camouflaged so as to blend in with its surroundings to such an extent that, to a casual observer, it does not appear to be a wireless telecommunications facility. To qualify as a concealed facility, the facility in question must match the character of its surroundings and the type of item that it is mimicking in size, scale, shape, dimensions, color, materials, function, and other attributes as closely as possible. The elements that make a facility a concealed facility are concealment elements.

“Concealment element” means any design feature, including but not limited to painting, landscaping, shielding requirements and restrictions on location, proportions, or physical dimensions in relation to the surrounding area or

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supporting structures that are intended to and do make a wireless telecommunications facility or its supporting structure less visible or obtrusive to the casual observer.

“Construction and other large-scale equipment sales and rental” means retail establishments selling or renting construction, farm, or other heavy equipment. Examples of heavy equipment include cranes, earth moving equipment, tractors, motorized farming equipment, heavy trucks, tools and machinery, and refrigeration equipment.

“Contract construction, no outdoor storage” means an establishment providing contract construction related services such as building construction, general contractors, and subcontractors as defined in the Business and Professions Code of the state of California with no outdoor storage. Examples of these uses include: cabinet and carpenter shops; concrete and masonry; drywall; electrical; flooring; glass and glassing; heating and air conditioning; insulation; landscaping; painting; plumbing and fire sprinkler; roofing; swimming pool installation; and similar builder and contractor businesses.

“Contract construction, outdoor storage” means an establishment providing contract construction related services such as building construction, general contractors, and subcontractors as defined in the Business and Professions Code of the state of California, with outdoor storage of large equipment, vehicles, and/or materials commonly used in the establishment’s type of business. Examples of these uses include: cabinet and carpenter shops; concrete and masonry; drywall; electrical; flooring; glass and glassing; heating and air conditioning; insulation; landscaping; painting; plumbing and fire sprinkler; roofing; swimming pool installation; and similar builder and contractor businesses.

“Consumer-end antennas” means antennas which are either: subject to the Federal Communications Commission (FCC) Over-the-Air-Receiving Devices Rule (47 C.F.R. 1.4000) placed at an end user’s premises location used solely for the purpose of the provision of services to that end user; or solely for amateur radio communications.

Coverage. See “Building coverage” and “Site coverage.”

#### D. Definitions.

“Deer fence” means fencing used specifically to prevent the passage of deer.

“Development” means the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; or any use or extension of the use of land.

“Discretionary development” means a development application that, by code, is required to be considered by a review authority that has the discretion to approve, conditionally approve, or deny the application.

“District” means a portion of the city within which certain uses of land and buildings are permitted or prohibited and within which certain yards and other open spaces are required and certain height limits are established for buildings, all as set forth and specified in this title.

“Drinking establishment” means an establishment where the primary activity is the on-site service and consumption of alcoholic beverages. The limited service of food may or may not be included.

“Duplex” means a building designed for or occupied exclusively by two families living independently of each other.

“Dwelling group” means a group of two or more detached or semidetached one-family, two-family, or multiple dwellings occupying a parcel of land, in one ownership and having any yard or court in common. This shall not be deemed to include cottage courts, auto courts, motels, hotels, or other buildings used or intended to be used for the accommodation of transient automobile travelers or other transient guests. A dwelling group shall not include any timeshare project as defined in Section 1103.5 of the Business and Professions Code as added by Chapter 601 of Statutes of 1980.

#### E. Definitions.

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“Eating establishment” means a business primarily engaged in preparing and serving food and/or beverages for consumption on or off the premises.

“Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

“Entertainment, live” means a musical, theatrical, dance, or comedy performance by one or more persons. Dancing by patrons or guests is considered live entertainment. Does not include adult live entertainment (see “Entertainment, live (adult)”), but shall include belly dancing and hula dancing (see “Entertainment, live (belly dancing/hula)”).

“Entertainment, live (adult)” means live entertainment by one or more persons characterized by an emphasis on the display of anatomical areas, or the performance of physical human body activity that depicts or relates to sexual activities, whether or not anatomical areas are covered. Does not include belly or hula dancing (see “Entertainment, live (belly dancing/hula)”).

“Entertainment, live (belly dancing/hula)” means a dance marked by sinuous movements of the hips, belly, arms and hands.

“Equipment/appliance rental and repair” means a service establishment that may offer a wide variety of household and business equipment, furniture, and materials for rental. Also includes repair service for business equipment and furnishings, household yard equipment and appliances, and audio, video and computer machines.

Existing Grade. See “Grade.”

#### F. Definitions.

“Family” means an individual or two or more persons living together as a single household in a dwelling unit. Family shall not be construed to include a fraternity, sorority, club, or other group of persons occupying a hotel, lodging house, or institution of any kind.

#### Family Day Care Home.

(1) “Small family day care” means a day care facility in a single residence where an occupant of the residence provides family day care for eight or fewer clients, including adult clients, and children under the age of 10 years who reside in the home.

(2) “Large family day care” means a day care facility in a single residence where an occupant of the residence provides family day care for nine to 14 clients, inclusive, including adult clients, and children under the age of 10 years who reside in the home.

“Farmers market” means a business established and operated at a specific time, oftentimes on the same day each week, which consists of individual vendors, mostly local farmers, where fresh fruits, vegetables, flowers, nuts, other produce, and sometimes prepared foods and beverages and other wares are sold directly to the public. Such business may be conducted within or outside a building.

“Fence” means any vertical structure, not integral to any building, used as a barrier to define boundaries, to prevent the passage of people and animals, and/or screen off or enclose a portion of property, not including structures, or portions of structures, designed to support a roof, awning, or other horizontal structure, such as the wall of a building. Wing walls or other extensions of a building wall that do not support the building shall be included in the definition of a fence for purposes of this title.

Finished Grade. See “Grade.”

Fitness Studio. See “Health/fitness studio.”

“Flea market” means a business established and operated at a specific time, oftentimes on the same day of the week, which consists of a group of coordinated vendors selling wares directly to the public. Such business may be conducted within or outside a building.

Funeral Home. See “Mortuary or funeral home.”

#### G. Definitions.

“Garage space” means a space of not less than nine by 20 feet.

“Garden structures” includes arbors, trellises, pergolas, arches, and other similar open structures that are primarily designed to support the growth of plants or to provide shade and shelter in a garden or yard. Garden structures do not include accessory buildings, gazebos with a solid roof and floor, cisterns, hot tubs, fountains, walls, fences, hedges, and other similar features. The area of a garden structure area is calculated from the structure’s largest horizontal dimensions.

#### Grade.

- (1) “Existing grade” means the surface of the ground as it exists prior to disturbance in preparation for a project regulated by the Pacific Grove Municipal Code.
- (2) “Natural grade” means the elevation of the ground in its natural state, before grading, excavation, or filling.
- (3) “Finished grade” means the final elevation of the ground level after grading, excavation, or filling.

“Gross floor area” means the total enclosed areas of all floors of buildings greater than 120 square feet, plus carports, where the ceiling is at least seven feet tall. In calculating gross floor area, buildings shall be measured to the outside surface of exterior walls, and carports to the outside surfaces of supporting posts. Gross floor area is expressed in square feet.

- (1) In determining gross floor area, the following shall be counted:
  - (A) Covered and fully enclosed porches, regardless of whether conditioned/unconditioned; and
  - (B) Mezzanines, hallways, breezeways, and corridors.
- (2) In determining gross floor area, the following shall not be counted:
  - (A) Accessory structures less than or equal to 120 square feet;
  - (B) Covered open, or partially open, porches;
  - (C) Those portions of cellars/basements where the ceiling is not more than two feet above finish grade at any point;
  - (D) Eaves and/or cantilevered portions of buildings;
  - (E) Garden structures.
- (3) In determining gross floor area, the following provisions shall also apply:
  - (A) Areas with an interior finished height that is greater than 16 feet shall be counted twice, with the exception of interior stairways that are no wider than eight feet.
  - (B) If required covered parking is not provided, the allowed gross floor area shall be reduced by the equivalent square footage.

“Group quarters” means residential living arrangements, other than the usual house, apartment or mobile home, in which two or more unrelated persons share living quarters and cooking facilities. Included are “institutional” group quarters, such as licensed residential care facilities for 25 or more persons and orphanages, and “noninstitutional” group quarters, such as dormitories, shelters, and large boarding houses.

#### H. Definitions.

“Health/fitness studio” means a fitness center, gymnasium, or health and athletic club, which may include any of the following: dancing studios or academies; indoor tennis, handball, or racquetball; yoga studios; martial arts studios; sauna, spa or hot tub facilities; and other indoor sports activities.

“Height” means the vertical distance from any point on the top of a structure to a line connecting grades on opposite sides of a structure’s exterior. If finished, natural, or existing grades are different at the structure’s exterior, the lowest of these is used in applying this definition.

“Home business” means a use of a type customarily carried on entirely within a dwelling, which business shall be carried on by only the inhabitants of the dwelling for gain, but incidentally and secondarily to the use of the dwelling for dwelling purposes, and which does not, either by noise, attraction of customers, exterior architectural changes or signs of any kind, give any hint to the surrounding neighborhood that the dwelling is being used for other than dwelling purposes.

Hospital. See “Medical service.”

Hotel. See “Lodging.”

“Household” means a family jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing housekeeping activities and responsibilities such as meal, chores, maintenance, and expenses.

#### I. Definitions.

“Impervious surface” means a surface artificially constructed so that it prevents or largely inhibits the infiltration of rainwater or runoff into the natural soils or underlying geologic materials.

“Industrial, light” means a manufacturing or processing facility that is more consumer-oriented than business-oriented (i.e., produced for end users rather than as intermediates for use by other industries). Light industries require only a small amount of raw materials, area, and power. The value of the goods is typically low, the number of products is high, and/or they are easy to transport. Light industry typically causes relatively little or no pollution or environmental impacts. Examples of light industries include the manufacture, assembly, or processing of clothes, shoes, furniture, consumer electronics, home appliances, food, and other similarly intensive activities without harmful levels of lead or chemical wastes. Also includes dry cleaning plants and auto towing and storage yards.

“Integral group quarters facilities” means one or more residential housing units within which an integral use occurs that operates in combination with a group quarters facility, which may or may not be located on the same or contiguous parcels of land.

“Integral use” means one or more licensed or unlicensed residential housing units under the control and management of the same owner, operator, management company or licensee, or any affiliate, as a group quarters facility, in which occupants are entitled to receive care, services or amenities of the group quarters facility. Examples include, but are not limited to, the provision of housing in one residential housing unit and treatment, meals, or any other service or services to those occupants in the group quarters facility or facilities, or by assigning staff or a consultant or consultants to provide services or amenities available in the group quarters facility to the occupants of the residential housing units.

#### J. Definitions.

“Junkyard” means the use of more than 200 square feet of the area of any lot or the use of any portion of that half of any lot, which half adjoins any street, for the storage of junk, including scrap metals or other scrap materials, or for the dismantling or “wrecking” of automobiles or other vehicles or machinery, whether for sale or storage.

K. Definitions.

Kennel, Animal Boarding and Training. See “Animal Keeping/Training Facility or Veterinary Service.”

L. Definitions.

Large Family Day Care. See “Family Day Care Home.”

“Laundry or dry cleaning service” means establishments offering on-site laundry services (may be self-serve or wash/fold/press services) and dry cleaning drop-off and pick-up store fronts. For dry cleaning plants, see “Industrial, light.”

Lodging.

(1) “Bed and breakfast inn” means the use of a residential property for commercial lodging purposes, where there are at least eight rooms available to guests and where the principal buildings were constructed at least 75 years prior to the date of application for the use.

(2) “Hotel” means any building or portion thereof containing six or more guest rooms used, designed or intended to be used, let or hired out to be occupied by transients, and having one principal entryway or entrance, a lobby, or other public room.

(3) “Motel” means any building or portion thereof containing six or more guest rooms used, designed or intended to be used, let or hired out to be occupied by transients, and having dwelling units or guest rooms some or all of which have a separate entrance leading directly from the outside of the building.

(4) “Automobile court, cottage court, or motor lodge” means an establishment designed for or used primarily for the accommodation of transient automobile travelers or other transient guests and having dwelling units or guest rooms some or all of which have a separate entrance leading directly from the outside of the building.

M. Definitions.

“Main building” means a building in which is conducted the principal use on the lot on which it is situated. In any “R” district any dwelling shall be deemed to be a main building on the lot on which the same is situated.

Medical Office. See “Medical Service.”

Medical Service.

(1) “Ambulance service” means a facility where ambulance vehicle and crews not based at a hospital or fire department stand by for emergency calls.

(2) “Clinic or lab” means a facility other than a hospital where medical, dental, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: medical offices with five or more licensed practitioners and/or medical specialties; outpatient care facilities; urgent care facilities; and other allied health services. These facilities may also include incidental medical laboratories and testing facilities. Counseling services by other than medical doctors or psychiatrists are included under “Offices, business and professional.”

(3) “Medical office” means a facility other than a hospital where medical, dental, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four licensed primary practitioners within an individual office suite. A facility with five or more licensed practitioners is classified under “Medical service – clinic or lab.”

(4) “Hospital” means a facility engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment facilities to provide complete health care. May include on-site accessory clinics and laboratories, accessory retail uses, on-site ambulance dispatch facilities, and meal service.

“Meeting facility, public or private” means a facility for public or private meetings, including churches and other religious facilities, Grange halls, union halls, and meeting halls for clubs, fraternal organizations, and other membership organizations. Also includes functionally related internal facilities such as kitchens, multi-purpose rooms, and storage. Does not include commercial entertainment facilities (see “Commercial recreation facility”) or conference and meeting rooms accessory and incidental to another primary use, such as office space or a hotel/motel.

“Micro-brewery” means a small-scale brewery operation that is solely dedicated to the production of specialty beers, but may include beer tasting under specified conditions pursuant to Section 23357.3 of the California Business and Professions Code (CBPC). If combined with a general restaurant, pub, or sports bar, see “Brew pub.”

“Mobile home” means a vehicle other than a motor vehicle used as semipermanent housing designed for human habitation and containing a minimum of 400 square feet of floor space.

“Mobile home park” means an area of land not less than five acres in size containing facilities to accommodate semipermanent mobile homes.

“Mortuary or funeral home” means a funeral home or parlor where the deceased are prepared for burial or cremation and funeral services may be conducted. Does not include on-site cremation.

Motel. See “Lodging.”

N. Definitions.

Natural Grade. See “Grade.”

“Nonconforming use” means a use which was legal when it was created, but because of subsequent changes in regulations no longer conforms with the regulations for the district in which it is situated.

O. Definitions.

“Offices, business and professional” means premises available for the transaction of general business and services including professional, management, legal, social, or government offices, but excluding retail, artisan, and manufacturing uses. Does not include medical offices. See “Medical services – medical office” or “Bank or financial service.”

“Open yard” means a required open space other than a garage space, which open space is unoccupied and unobstructed from the ground upward, except by eaves, uncovered porches or decks not more than three feet above finished grade, swimming pools, walkways, tennis courts, putting greens, or similar recreational uses, and landscaped with suitable living plant material. The area must be rectangular or composed of a series of rectangles, each having a minimum width of not less than 10 feet. Further, the yard shall not have a slope of more than five percent.

“Owner” means any person, co-partnership, association, corporation, fiduciary, or other legal or business entity having legal or equitable title or any interest in any residential property, or any realtor, real estate broker, or agent representing said owner.

P. Definitions.

“Park, playground (public)” means outdoor sports grounds, indoor sports structures within a park area, playgrounds, tot lots, passive park areas, and other areas of use to the general public for recreation or outdoor diversions, not including commercial recreation facilities (see “Commercial recreation facility”), community gardens (see “Community garden”), or community centers (see “Public or quasi-public facility”).



“Parking facility” means parking lots or structures operated by the city or private entity providing parking with or without a fee. Does not include towing impound and storage facilities, which are defined under “Industrial, light.”

“Parking space” means a space not less than nine feet by 20 feet.

“Parking space, compact” means a space not less than eight feet by 16 feet.

“Personal service” means establishments providing nonmedical services to individuals as a primary use. Examples of these include barber and beauty shops, including body, skin, and nail care; therapeutic massage certified under California Business and Professions Code Section 4612; garment repair and alteration; locksmiths; and shoe repair shops and shoeshine parlors. These uses may also include accessory retail sales of products related to the services provided.

“Personal service, restricted” means establishments providing nonmedical services to individuals, such as noncertified therapeutic massage, tattooing and body art parlors, or bath houses.

Pet Grooming. See “Animal Keeping/Training Facility or Veterinary Service.”

Pet Training. See “Animal Keeping/Training Facility or Veterinary Service.”

“Printing or creative service” means an establishment within a building that provides the following services to individuals or businesses: creative or graphic arts; copying and print shops, including blueprinting; photographic or camera shops and studios; and sign painting or manufacture.

“Pub” means an eating establishment where the primary activity is split between the service of food and the service of alcoholic beverages. Pubs are regularly, and in a bona fide manner (as defined by California Business and Professions Code Section 23038), kept open for the service of meals, and maintain suitable kitchen facilities connected therewith. Includes “sports bars.” See “Eating establishment.”

“Public or quasi-public facility” means public, semi-public, and private preschools, elementary schools, high schools, civic buildings, community centers and other community buildings and uses, and governmental buildings, museums, fire houses, post offices, police stations, libraries, and essential services, any of which may have additional requirements for such use set forth herein.

“Public utility” means installations, facilities or means for furnishing to the public electricity, gas, steam, communications, water, drainage, sewage disposal, or flood control, irrespective of whether such facilities or means are underground or above ground, indoor or outdoor. Utilities may be owned and operated by any person, firm, corporation, municipal department, or board, duly appointed by state or municipal regulations. “Utility” or “utilities” as used herein may also refer to such persons, firms, corporations, departments or boards. Does not include “wireless telecommunications facility.”

#### R. Definitions.

“Radio or television station” means a building serving a broadcasting organization, consisting of one or more transmitters or receivers used for radio communications or telecommunications.

#### Recycling Facility.

- (1) “Processor” means a state-certified receiver of redeemable recyclable materials providing either collection, storage, separation, distribution, or primary reprocessing of recycled materials.
- (2) “Retail certified” means a state-certified recycler providing convenient locations for consumers to redeem beverage containers.
- (3) “Wholesale certified” means a state-certified recycler providing both consumer redemption of beverage containers and collection of redeemable containers from other certified recyclers.

“Research and development facility” means a facility for scientific research, which could include the design, development and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off site, where the manufacturing activity is secondary to the research and development activities. Includes pharmaceutical, chemical and biotechnology research and development. Also includes research laboratories, defined as facilities for testing, experimenting, analysis, and/or research. Examples of research and development facilities include medical labs, soils and materials testing labs, and forensic labs.

“Residential care” means residential care facilities for alcoholism recovery, mentally disabled, handicapped, elderly, and dependent and neglected children (including residential care facilities for the elderly (RCFEs) as licensed by the State Department of Social Services). State-licensed residential care facilities for six or fewer persons, excluding the facility operator and staff, shall be considered a family use subject only to the same regulations as apply to other residential dwellings of the same type in the same zone.

“Residential property” means all real property, whether improved or unimproved, which is or, by virtue of the zoning thereon, may be used for residential purposes.

“Restaurant, drive-in/drive-through” means an eating establishment which (1) prepares food intended for consumption in vehicles that may or may not be parked on the site; or (2) provides for the ordering of food while the customers are seated in vehicles. Does not include drive-in/drive-through restaurants that are required by contractual or other arrangement to offer standardized menus, ingredients, food preparation, employee uniforms, interior decor, signage, or exterior design. See “Eating establishment.”

“Restaurant, fast food” means an eating establishment that specializes in short order or quick service; serves food or beverage products primarily in paper, plastic or other disposable containers; and delivers food or beverage products in such a manner that customers may remove such products from the restaurant for consumption. Does not include formula fast food restaurants that are required by contractual or other arrangement to offer standardized menus, ingredients, food preparation, employee uniforms, interior decor, signage, or exterior design. See “Eating establishment.”

“Restaurant, formula general” means an eating establishment that falls under the definition of a general restaurant, and that is required by contractual or other arrangement to offer standardized menus, ingredients, food preparation, employee uniforms, interior decor, signage, or exterior design. See “Eating establishment.”

“Restaurant, general” means an eating establishment where the primary activity is the on-site preparation and service of meals for consumption on the premises using nondisposable dishes and utensils. These include establishments where customers are served from an interior walk-up counter and establishments where customers are served food at their tables, and may include limited takeout. General restaurants are regularly, and in a bona fide manner (as defined by California Business and Professions Code Section 23038), kept open for the service of meals, and maintain suitable kitchen facilities connected therewith. See “Eating establishment.”

“Restaurant, specialty” means an eating establishment where the primary activity is selling one or more of the following specialty food or beverage products for on- or off-premises consumption: coffee, tea, juice, smoothies, ice cream, frozen yogurt, cookies, or similar specialty food or beverage. A specialty restaurant offers seating, and includes, but is not limited to, coffee and tea houses, juice bars, and ice cream/frozen yogurt shops. Such an establishment may include limited service of preprepared foods including but not limited to salads, soups, and sandwiches. A specialty restaurant does not require a full kitchen, and does not include formula specialty restaurants that are required by contractual or other arrangement to offer standardized menus, ingredients, food preparation, employee uniforms, interior decor, signage, or exterior design. See “Eating establishment.”

“Retail, general” means a retail business selling merchandise directly to the end consumer. Examples of these stores and lines of merchandise include:

Apparel and accessories	Food and grocery, including convenience markets with accessory catering for consumption off-premises,
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	produce markets, delicatessens, bakeries, candy shops, and cheese shops
Antiques	Furniture, including home and office furniture
Art supplies and art galleries, including framing shops	Hardware and garden supply, including plant nurseries
Auctioneers	Hobbies and craft shops, including stationery stores, toy stores, yarn shops, and other miscellaneous hobbies and crafts
Bicycle sales, service, and rental	Jewelry stores
Books, new and used	Luggage and leather goods
Computers and electronic equipment	Magazine stores and newsstands
Cameras and photographic supplies	Music stores, including instruments and records, tapes, compact discs, audio and video
Drug stores	Optical stores
Department stores	Sporting goods stores, including exercise equipment
Electronics and appliances	Watch and clock sales and service
Florists	Variety stores

“Retail, outdoor storage display” means a retail business where customers are encouraged to examine and/or experience merchandise in its typical configuration and/or manner of use. Examples include garden shops, plant nurseries, and stone or monument yards.

“Retail, restricted” means a retail business with one of the following specialties: gunsmiths and smoke, cigar, and tobacco shops.

“Roominghouse” means a dwelling other than a hotel, motel, bed and breakfast inn, or apartment house, and accommodating a nontransient occupancy, where lodging and/or meals for three or more persons are provided for compensation.

S. Definitions.

“School, specialty” means a school that provides education and/or training, including vocational training, in limited subjects including: art; business, secretarial and vocational skills; drama; driver education; including courses by mail or on-line; language; music; professional (law, medicine, etc.); and seminaries/religious ministry training facilities. See also “Public or quasi-public facility.” Does not include family day care facilities (see “Family day care home”).

“Second unit” means a second unit as defined in PGMC 23.80.020.

“Site coverage” means the sum of building coverage plus areas covered by impervious surfaces. Site coverage is expressed as a percentage.

(1) In determining site coverage, the following shall be counted:

(A) Sand-set bricks and/or pavers, paving and/or flagstones, asphalt, concrete, mortared brick and stone, and decomposed granite;

(B) Open porches; and

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(C) All accessory structures not already counted towards building coverage.

(2) In determining site coverage, the following shall not be counted:

(A) Four hundred square feet of any driveway, except for portions that serve as required parking space(s) or which occupy a required side yard;

(B) Sixty square feet of walkway, stoop, landing, stairway and/or steps in the front yard on building sites which are 50 feet or more in width;

(C) Turf block driveways and walkways, unless covered; and eaves and/or cantilevered portions of buildings.

Small Family Day Care. See “Family day care home.”

Sports Bar. See “Pub.”

“Storage, self-storage facility” means a structure containing individual compartments, stalls, or lockers rented as individual storage spaces and characterized by low parking demand.

“Street line” means the boundary between a street and property.

“Supporting Structure” means any structure, other than a wireless tower, capable of supporting, or supporting a base station. An existing supporting structure is a structure in place at the time an application is filed; a replacement support structure is a structure that replaces an existing structure, which structure must be removed; a new support structure is a structure that is not in place at the time an application is filed, and that will be constructed as part of the placement of the base station.

“Supportive housing” means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. “Target population” means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. Supportive housing is a residential use subject only to the same requirements as apply to other residential dwellings of the same type in the same zone.

#### T. Definitions.

“Taxi service” means a facility where multiple taxis and/or limousines are stored until dispatched. May also include dispatch services, but does not include dispatch services that have no on-site vehicle storage, which are instead included under “Offices, business and professional.”

“Temporary wireless telecommunications facilities” means a wireless telecommunications facility intended or used to provide wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a confined location or when a disaster requires additional service capabilities. Temporary wireless telecommunications facilities include without limitation, cells on wheels (COW), sites on wheels (SOW), cells on light trucks (COLTs), or other similar wireless telecommunications facilities: (1) that will be in place for no more than 60 days (or such other longer time as the City may allow in light of the event or emergency); (2) for which required notice is provided to the FAA; (3) that do not require marking or lighting under FAA regulations; (4) that will be less than 1200 feet in height; and (5) that will either involve no excavation or involve excavation only as required to safely anchor the facility, where the depth of previous disturbance exceeds the proposed construction depth (excluding footings and other anchoring mechanisms) by at least two feet.

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CONCEPTUAL DRAFT

“Theater or auditorium” means a facility for group entertainment, other than sporting events. Examples of these include: civic theaters, facilities for live theater and concerts, and movie theaters.

Transient. Any building or portion thereof used or designed for accommodations of persons or families staying for a period of less than 30 days, or used, designed to be used, let, or rented on a daily or weekly basis, or advertising accommodations for transient travelers, shall be deemed to be “transient.”

“Transit center” means a sheltered waiting area located where public transportation routes converge. Transit centers serve as hubs to allow transit riders from various locations to assemble at a central point to take advantage of express trips or other route-to-route transfers.

“Transitional housing” means buildings configured as rental housing developments, but operated under program requirements that mandate the termination of assistance and recirculation of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing is a residential use subject only to the same requirements as apply to other residential dwellings of the same type in the same zone.

U. Definitions.

“Use” means the purpose for which land or premises of a building thereon is designed, arranged or intended or for which it is or may be occupied or maintained.

V. Definitions.

Value, Market Value. The community development director’s determination of value shall be deemed prima facie correct. Any person aggrieved by such determination may appeal to the planning commission within 15 days of such determination. The appellant and the owner of the property shall have 10 days’ written notice of the date the planning commission will hear the appeal.

Veterinary Clinic. See “Animal Keeping/Training Facility or Veterinary Service.”

“Visually insignificant” means an exterior building modification that does not noticeably alter the character or architectural style of the structure as viewed from a public street.

W. Definitions.

“Warehousing, wholesaling and distribution” means an establishment engaged in wholesale storage within a building, and selling merchandise to retailers; contractors, industrial, commercial, institutional, farm, or professional business users; other wholesalers, or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Examples of these establishments include:

Agents, merchandise or commodity brokers, and commission merchants	Trucking and general warehousing
Assemblers, buyers and associations engaged in the cooperative marketing of farm products	Stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment
Frozen food lockers	Wholesale bakeries
Merchant wholesalers	Wholesale trade, durable and nondurable
Miscellaneous retail and wholesale commercial uses, stores or storage and service establishments	

“Width” means that dimension of a lot which fronts on a street. In the case of frontage on more than one street, it refers to the lesser dimension.

“Wine bar” means a drinking establishment where the primary activity is the tasting and drinking of wine. Food must be available during all hours of operation, but may be limited to snacks, appetizers, small plates, or other similar offerings. A full kitchen is not required. See “Drinking establishment.”

“Wine tasting room” means a drinking establishment where wine and related products are offered for retail sale, and where on-site consumption of wine may be tasted for a fee, or without charge. Food service is not required. See “Drinking establishment.”

“Wireless eligible facilities request” has the same meaning as eligible facilities requests under 47 C.F.R. Sec. 1.6100(3), as may be amended.

“Wireless telecommunications facility” means all elements of a facility at a fixed location used in connection with the provision of any FCC licensed or authorized wireless service to the public, including the base station and tower, if any, but excluding the any supporting structure to which the base station is attached or within which it is enclosed. Provided that, the term does not include the following, which facilities shall remain subject to other provisions of the PGMC applicable to similar structures. :

a. facilities entirely enclosed within an existing building outside of the rights-of-way, where no modification to the exterior of the building is required;

b. facilities attached to the exterior of a building (including the roof), which would constitute an accessory use of the building permitted under this Code, and where the wireless telecommunications facility located on the exterior, including the roof, is less than 3 cubic feet in size;

c. customer-end antennas; or—

d. wireless telecommunications facilities owned and operated by the City for its use, or by any governmental agency for its own or public safety uses.; provided.

“Wireless Tower” means any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities.

#### Y. Definitions.

“Yard” means an open space other than a court on the same lot with a building, which open space is unoccupied and unobstructed from the ground upward, except as otherwise permitted in PGMC 23.64.150 to 23.64.180, inclusive. [Ord. 16-005 § 3, 2016; Ord. 13-008 § 2, 2013; Ord. 13-003 § 5, 2013].

**Chapter 23.12****DISTRICTS**

## Sections:

- 23.12.010 Districts listed.
- 23.12.020 Districts established by zoning map.
- 23.12.030 Compliance required.
- 23.12.040 Applicability to governmental units.

**23.12.010 Districts listed.**

The overall districts established are as follows:

- (a) Single-family residential district or R-1 district.
- (b) Restricted duplex residential district or R-2 district.
- (c) Multiple-family residential district or R-3 district.
- (d) Multiple-family residential district or R-4 district.
- (e) Light commercial district or C-1 district.
- (f) Light commercial district and hotel or C-1-T district.
- (g) Downtown commercial district or C-D district.
- (h) Forest Hill commercial district or C-FH district.
- (i) Heavy commercial district or C-2 district.
- (j) Visitor commercial district or C-V district.
- (k) Restricted industrial district or I district.
- (l) Open space or O district.
- (m) Unclassified or U district.
- (n) Combining or B district.
- (o) Motel district or R-3-M district.
- (p) Combining or H district. [Ord. 13-003 § 15, 2013; Ord. 09-005 § 32, 2009; Ord. 685 N.S. § 2, 1971; Ord. 387 N.S., 1962; Ord. 210 N.S. § 11-121(1), 1952].

**23.12.020 Districts established by zoning map.**

The designations, locations and boundaries of the zoning districts referred to in this title are established by and delineated upon the map entitled “Zoning Map, City of Pacific Grove, California,” dated January, 1987, which map is hereby adopted by reference and made a public document filed in the office of the community development director. The map hereby adopted supersedes the map, and amendments thereto, adopted by Ordinance No. 387 N.S. The map hereby adopted does not amend the zone designations of any property, rather it accurately exhibits the zone district designations of properties within the city at the time of adoption.

Amendments to the map hereby adopted shall be effected by ordinance, and such amendments shall become a part of this title by reference. Such amending ordinances shall be listed in the Table of Ordinances and entitled “Rezoned property (Special).”

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Copies of the zoning map hereby adopted may be purchased in the office of the community development director. [Ord. 1574 N.S., 1987; Ord. 387 N.S., 1962; Ord. 210 N.S. § 11-121(2), 1952].

**23.12.030 Compliance required.**

No building or structure shall be erected, reconstructed or structurally altered in any manner, nor shall any building or land be used for any purpose, other than as permitted by and in conformance with this title and all ordinances, laws and maps referred to herein. [Ord. 210 N.S. § 11-121(3), 1952].

**23.12.040 Applicability to governmental units.**

Provisions of this chapter shall also apply to all cities, counties, districts and to the state and federal government or any agency of such governmental units. [Ord. 210 N.S. § 11-121(4), 1952].



## Chapter 23.16

### R-1 DISTRICT AND R-1-B COMBINED DISTRICTS

#### Sections:

- 23.16.010 Generally.
- 23.16.020 Uses permitted.
- 23.16.021 Use permit.
- 23.16.025 Mobile homes.
- 23.16.030 Building height limit.
- 23.16.040 Allowed building coverage.
- 23.16.041 Allowed site coverage.
- 23.16.050 Allowed gross floor area.
- 23.16.060 Yards required – Garage openings – Architectural feature projections.
- 23.16.070 Parking standards and driveway length.
- 23.16.080 Building site area required.
- 23.16.090 R-1-B-2 districts.
- 23.16.100 R-1-B-3 districts.
- 23.16.110 R-1-B-4 districts.

#### **23.16.010 Generally.**

The regulations in this chapter shall apply in all R-1 districts, and shall be subject to the provisions of Chapter 23.64 PGMC unless the provisions of this chapter are in conflict with said Chapter 23.64 PGMC, in which event the provisions of this chapter shall prevail. [Ord. 96-14 § 3, 1996; Ord. 210 N.S. § 11-131(1), 1952].

#### **23.16.020 Uses permitted.**

The following uses are permitted in the R-1 district:

- (a) Single-family dwellings.
- (b) Accessory buildings and structures.
- (c) Accessory uses normally incidental to single-family residences. (This shall be construed as prohibiting any commercial or industrial use.)
- (d) Second units as permitted by Chapter 23.80 PGMC.
- (e) Home business provided that the following businesses shall not be allowed: food handling, processing or packing for gain; harboring, training or raising of dogs, cats, birds or other animals for gain; repairs of any nature, including automobile and/or body and fender repair. Home businesses shall be subject to the following limitations:
  - (1) No employee other than members of the family inhabiting the on-site dwelling shall be permitted.
  - (2) No industrial or heavy commercial machinery shall be employed.
  - (3) The business shall not generate pedestrian or vehicular traffic.
  - (4) Commercial vehicles shall not be used for delivery of materials to or from the premises, and no trucks advertising the business shall be employed in the business, except that a contractor's name, telephone number and state license number may be indicated.
  - (5) No more than one room in the dwelling shall be employed for the business.

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(6) In no manner shall the appearance of the structure or the operation of the business give any indication to the exterior by odor, construction materials, lighting, signs, sounds, noises or vibrations that the site is used for other than residential purposes.

(7) The business shall not require the installation of utility service in excess of normal dwelling requirements or place a load on garbage, sewer or community facilities beyond normal dwelling requirements.

(8) No goods shall be sold on the premises. Supplies necessary to the business, and finished products produced by the business, may be retained in the room used for the business.

(9) No advertising of any nature shall be permitted, except that a name and telephone number, but no address, may be indicated in a telephone listing, business card or stationery.

(10) All persons conducting such business shall obtain all required business licenses and permits. Possession of such license or permit shall not excuse compliance with this subsection. [Ord. 03-08 § 2, 2003; Ord. 00-18 § 3, 2000; Ord. 98-14 § 1, 1998; Ord. 96-14 § 12, 1996; Ord. 1848 N.S. § 3, 1992; Ord. 1765 N.S. § 15, 1991; Ord. 1327 N.S. § 2, 1983; Ord. 1306 N.S. § 1, 1982; Ord. 869 N.S. § 1, 1975; Ord. 811 N.S., 1974; Ord. 551 N.S. § 5, 1966; Ord. 532 N.S. §§ 1, 2, 1966; Ord. 523 N.S. § 2, 1965; Ord. 210 N.S. § 11-131(1)(a), 1952].

**23.16.021 Use permit.**

A use permit shall be required with respect to any new structure or addition to an existing structure which is or has a detached or semidetached room exceeding 100 square feet in area and which has any of the following characteristics:

- (a) The room has no interior access to the other rooms in the structure or on the building site;
- (b) The room is accessible only by an exterior staircase;
- (c) The room is to be equipped with a trap and/or sink in addition to and remote from the kitchen on the same building site.

The use permit application may be denied, among all other legitimate reasons for denial, where the design of the structure or the addition readily lends itself to multiple dwelling use. [Ord. 96-14 § 4, 1996; Ord. 1418 N.S. § 2, 1984; Ord. 885 N.S. § 1, 1976].

**23.16.025 Mobile homes.**

A mobile home certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 U.S.C. § 5401 et seq.) may be installed on a foundation system pursuant to Section 18551 of the Health and Safety Code on any building site in the R-1 district which is 3,600 square feet or less in area, provided it complies with all other requirements of this title. [Ord. 1276 N.S. § 1, 1981].

**23.16.030 Building height limit.**

The maximum height of main buildings shall be 25 feet. [Ord. 00-18 § 4, 2000; Ord. 00-15 § 3, 2000; Ord. 96-14 § 6, 1996].

**23.16.040 Allowed building coverage.**

Maximum building coverage is:

- (a) Sites up to and including 4,000 square feet in size: 45 percent.
- (b) Sites greater than 4,000 square feet in size: 40 percent. [Ord. 12-003 § 3, 2012; Ord. 00-15 § 4, 2000; Ord. 96-14 § 7, 1996].

**23.16.041 Allowed site coverage.**

Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 3, 2012].

**23.16.050 Allowed gross floor area.**

Maximum gross floor area is as follows:

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Table 23.16.050

Lot Size	Floor Area
1,000	550
1,100	605
1,200	660
1,300	715
1,400	770
1,500	825
1,600	880
1,700	935
1,800	990
1,900	1,045
2,000	1,100
2,100	1,155
2,200	1,210
2,300	1,265
2,400	1,320
2,500	1,375
2,600	1,430
2,700	1,485
2,800	1,540
2,900	1,595
3,000	1,650
3,100	1,705
3,200	1,760
3,300	1,815
3,400	1,870
3,500	1,925
3,600	1,980
3,700	2,035
3,800	2,090
3,900	2,145
4,000	2,200

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<b>Lot Size</b>	<b>Floor Area</b>
4,100	2,235
4,200	2,269
4,300	2,304
4,400	2,338
4,500	2,373
4,600	2,407
4,700	2,442
4,800	2,476
4,900	2,511
5,000	2,545
5,100	2,580
5,200	2,614
5,300	2,649
5,400	2,683
5,500	2,718
5,600	2,752
5,700	2,787
5,800	2,821
5,900	2,856
6,000	2,890
6,100	2,925
6,200	2,959
6,300	2,994
6,400	3,028
6,500	3,063
6,600	3,097
6,700	3,132
6,800	3,166
6,900	3,201
7,000	3,235
7,100	3,270
7,200	3,304

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<b>Lot Size</b>	<b>Floor Area</b>
7,300	3,339
7,400	3,373
7,500	3,408
7,600	3,442
7,700	3,477
7,800	3,511
7,900	3,546
8,000	3,580
8,100	3,596
8,200	3,611
8,300	3,627
8,400	3,642
8,500	3,658
8,600	3,673
8,700	3,689
8,800	3,704
8,900	3,720
9,000	3,735
9,100	3,751
9,200	3,766
9,300	3,782
9,400	3,797
9,500	3,813
9,600	3,828
9,700	3,844
9,800	3,859
9,900	3,875
10,000	3,890
10,100	3,906
10,200	3,921
10,300	3,937
10,400	3,952

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<b>Lot Size</b>	<b>Floor Area</b>
10,500	3,968
10,600	3,983
10,700	3,999
10,800	4,014
10,900	4,030
11,000	4,045
11,100	4,061
11,200	4,076
11,300	4,092
11,400	4,107
11,500	4,123
11,600	4,138
11,700	4,154
11,800	4,169
11,900	4,185
12,000	4,200
12,100	4,216
12,200	4,231
12,300	4,247
12,400	4,262
12,500	4,278
12,600	4,293
12,700	4,309
12,800	4,324
12,900	4,340
13,000	4,355
13,100	4,371
13,200	4,386
13,300	4,402
13,400	4,417
13,500	4,433
13,600	4,448

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Lot Size	Floor Area
13,700	4,464
13,800	4,479
13,900	4,495
14,000	4,510
14,100	4,526
14,200	4,541
14,300	4,557
14,400	4,572
14,500	4,588
14,600	4,603
14,700	4,619
14,800	4,634
14,900	4,650
15,000	4,665
15,100	4,681
15,200	4,696
15,300	4,712
15,400	4,727
15,500	4,743
15,600	4,758
15,700	4,774
15,800	4,789
15,900	4,805
16,000	4,820
16,100	4,836
16,200	4,851
16,300	4,867
16,400	4,882
16,500	4,898
16,600	4,913
16,700	4,929
16,800	4,944

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Lot Size	Floor Area
16,900	4,960
17,000	4,975
17,100	4,991
17,200	5,006
17,300	5,022
17,400	5,037
17,500	5,053
17,600	5,068
17,700	5,084
17,800	5,099
17,900	5,115
18,000	5,130
18,100	5,146
18,200	5,161
18,300	5,177
18,400	5,192
18,500	5,208
18,600	5,223
18,700	5,239
18,800	5,254
18,900	5,270
19,000	5,285
20,000	5,440
21,000	5,595
22,000	5,750
23,000	5,905
24,000 and larger	6,000

[Ord. 12-003 § 3, 2012; Ord. 00-15 § 5, 2000; Ord. 96-14 § 8, 1996].

**23.16.060 Yards required – Garage openings – Architectural feature projections.**

(a) Front Yards. Minimum of 15 feet.

(b)(1) Side Yards for Interior Sites. Ten percent of site width, with minimum of three feet and maximum required 10 feet. Exception: with a use permit, the total of side yards may be 20 percent of site width with a minimum three feet required on each side; maximum required on each side is 10 feet.

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(2) Side Yards for Corner Sites. The side yard abutting the street shall be 20 percent of site width, but need not exceed 10 feet.

(c) Rear Yards. Minimum of 10 feet; provided, that a rear yard fronting on a street shall be a minimum of 15 feet.

(d) Garage Openings. Any garage or carport opening facing a street shall be set back 20 feet. The setback on any public way which is less than 16 feet in width shall be 10 feet.

(e) Projection of Architectural Features. Architectural features such as cornices, eaves, canopies, and windows that do not increase floor area may extend no more than three feet into any required yard but in no case closer than three feet to any property line. [Ord. 00-15 § 6, 2000; Ord. 96-14 § 9, 1996].

**23.16.070 Parking standards and driveway length.**

(a) The number and sort of off-street parking shall be as follows:

Lot Size (Square Feet)	Off-Street Parking Required
Through 2,699	None required
2,700 and larger	1 covered and 1 uncovered

(b) A driveway at least 20 feet in length may serve as a required uncovered space. [Ord. 00-15 § 7, 2000; Ord. 96-14 § 10, 1996].

**23.16.080 Building site area required.**

(a) For each dwelling, a minimum of 4,000 square feet and a minimum width of 40 feet on interior lots shall be required. A minimum of 5,000 square feet and a minimum width of 50 feet shall be required on corner lots.

(b) Exceptions. The following are exceptions to the requirements set out in subsection (a) of this section:

(1) In the subdivisions designated as additions to the Pacific Grove Retreat, where lot sizes, as legally and originally subdivided, are 30 feet by 60 feet, the minimum lot size shall be 3,600 square feet, with the lot lines along the lines of said original subdivision.

(2) In the Del Monte Park Tract, and in the Mill Meadow Subdivision, the minimum lot size for corner lots shall be 4,500 square feet with a minimum width of 40 feet, but only as to those lots which were legally subdivided prior to the annexation to the city of the Del Monte Park Tract.

(3) In the Forest Park Tract Subdivision, the minimum lot size shall be 3,600 square feet with a minimum width of 60 feet.

(c) Except as provided by PGMC 23.16.020, in no case shall there be more than one single-family dwelling on a building site. [Ord. 96-14 § 11, 1996].

**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.

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(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. [Ord. 96-14 § 14, 1996].

**23.16.100 R-1-B-3 districts.**

(a) The regulations in this section shall apply in all R-1-B-3 combined districts.

(b) Except as provided in subsection (c) of this section, immediately below, all regulations and provisions set out in PGMC 23.16.010 through 23.16.070, inclusive, shall apply in the R-1-B-3 combined districts.

(c) Exceptions.

(1) Building site area required: for each dwelling, a minimum 10,000 square feet and a minimum width of 70 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. [Ord. 96-14 § 15, 1996].

**23.16.110 R-1-B-4 districts.**

(a) The regulations in this section shall apply in all R-1-B-4 combined districts. Where standards set forth in the local coastal program land use plan and the standards contained in this section or in any other provisions of this title are in conflict, the standards in the local coastal program (LCP) land use plan (LUP) shall prevail. Refer to the LUP at: <http://www.ci.pg.ca.us/cdd/cluplan.htm>.

(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-4 combined districts.

(c) Exceptions.

(1) Building site area required: for each dwelling, a minimum 20,000 square feet and a minimum width of 100 feet shall be required.

(2) Front yard setback required: minimum 20 feet.

(3) Side yards required: minimum 10 percent of lot width, with maximum required 10 feet.

(4) Rear yard setback required: minimum 20 feet.

(d) All structures, including additions to existing structures, shall first be approved by the architectural review board. [Ord. 12-003 § 3, 2012; Ord. 96-14 § 16, 1996].

**Chapter 23.20**

**R-2 DISTRICT AND R-2-B-3 COMBINED DISTRICT**

Sections:

- 23.20.010 Generally.
- 23.20.020 Uses permitted.
- 23.20.030 Building height limit.
- 23.20.040 Building site area required.
- 23.20.050 Allowed building coverage.
- 23.20.051 Allowed site coverage.
- 23.20.060 Allowed gross floor area.
- 23.20.070 Yards required – Garage openings – Architectural feature projections.
- 23.20.080 Parking standards and driveway length.
- 23.20.090 R-2-B-3 district.

**23.20.010 Generally.**

The regulations in this chapter shall apply in all R-2 districts, and shall be subject to the provisions of Chapter 23.64 PGMC unless the provisions of this chapter are in conflict with said Chapter 23.64 PGMC, in which event the provisions of this chapter shall prevail. [Ord. 02-15 § 3, 2002].

**23.20.020 Uses permitted.**

The following uses shall be permitted in the R-2 district:

- (a) Any use permitted in the R-1 district, subject to securing a use permit for any use for which a use permit is required in the R-1 district.
- (b) Duplexes.
- (c) A dwelling group of two detached single-family homes, subject to first securing a use permit. [Ord. 03-08 § 3, 2003; Ord. 02-15 § 4, 2002].

**23.20.030 Building height limit.**

The maximum height of main buildings shall be 30 feet; provided, the maximum height of the top plate shall be no more than 24 feet. [Ord. 02-15 § 5, 2002].

**23.20.040 Building site area required.**

For any use listed in PGMC 23.20.020, a minimum of 4,000 square feet and minimum width of 40 feet shall be required on interior sites. A minimum of 5,000 square feet and minimum width of 50 feet shall be required on corner sites. [Ord. 02-15 § 6, 2002].

**23.20.050 Allowed building coverage.**

Maximum building coverage on all sites is 50 percent. [Ord. 12-003 § 4, 2012; Ord. 02-15 § 7, 2002].

**23.20.051 Allowed site coverage.**

Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 4, 2012].

**23.20.060 Allowed gross floor area.**

Maximum gross floor area is as follows:

**Table 23.20.060**

Site Size	Floor Area	Site Size	Floor Area	Site Size	Floor Area	Site Size	Floor Area
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Site Size	Floor Area	Site Size	Floor Area	Site Size	Floor Area	Site Size	Floor Area
1,000	833	1,800	1,500	2,600	1,944	3,400	2,311
1,100	917	1,900	1,556	2,700	2,000	3,500	2,356
1,200	1,000	2,000	1,611	2,800	2,044	3,600	2,400
1,300	1,083	2,100	1,667	2,900	2,089	3,700	2,433
1,400	1,167	2,200	1,722	3,000	2,133	3,800	2,467
1,500	1,250	2,300	1,778	3,100	2,178	3,900	2,500
1,600	1,333	2,400	1,833	3,200	2,222	4,000	2,533
1,700	1,417	2,500	1,889	3,300	2,267	4,100	2,567
4,200	2,600	5,900	3,083	7,600	3,363	12,000	4,089
4,300	2,633	6,000	3,099	7,700	3,380	13,000	4,254
4,400	2,667	6,100	3,116	7,800	3,396	14,000	4,419
4,500	2,700	6,200	3,132	7,900	3,413	15,000	4,584
4,600	2,733	6,300	3,149	8,000	3,429	16,000	4,749
4,700	2,767	6,400	3,165	8,100	3,446	17,000	4,914
4,800	2,800	6,500	3,182	8,200	3,462	18,000	5,079
4,900	2,833	6,600	3,198	8,300	3,479	19,000	5,244
5,000	2,867	6,700	3,215	8,400	3,495	20,000	5,409
5,100	2,900	6,800	3,231	8,500	3,512	21,000	5,574
5,200	2,933	6,900	3,248	8,600	3,528	22,000	5,739
5,300	2,967	7,000	3,264	8,700	3,545	23,000	5,904
5,400	3,000	7,100	3,281	8,800	3,561	24,000	6,069
5,500	3,017	7,200	3,297	8,900	3,578	25,000	6,234
5,600	3,033	7,300	3,314	9,000	3,594	26,000	6,399
5,700	3,050	7,400	3,330	10,000	3,759	27,000	6,564
5,800	3,066	7,500	3,347	11,000	3,924		

Note: For every 1,000 square feet above 28,000, add 165 square feet of floor area.

[Ord. 12-003 § 4, 2012; Ord. 02-15 § 8, 2002].

**23.20.070 Yards required – Garage openings – Architectural feature projections.**

(a) Front Yards. Minimum of 15 feet.

(b)(1) Side Yards for Interior Sites. Ten percent of site width, with a minimum of three feet and maximum required 10 feet. Exception: With a use permit, the total of side yards may be 20 percent of site width with a minimum three feet required on each side; maximum required on each side is 10 feet.

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(2) Side Yards for Corner Sites. Ten percent of site width, with minimum of three feet and maximum required 10 feet; provided, the side yard abutting the street shall be 20 percent of site width, but need not exceed 10 feet.

(c) Rear Yards. Minimum of 10 feet; provided, that a rear yard fronting on a street shall be a minimum of 15 feet.

(d) Projection of Architectural Features. Architectural features such as cornices, eaves, canopies and windows that do not increase floor area may extend no more than three feet into any required yard but in no case closer than three feet to any property line. [Ord. 02-15 § 9, 2002].

**23.20.080 Parking standards and driveway length.**

(a) Off-street parking shall be provided as follows:

(1) Single-family dwellings:

Site Size	Off-Street Parking Required
Less than 2,700 sq. ft.	None
2,700 – 4,000 sq. ft.	1 covered and 1 uncovered*
Larger than 4,000 sq. ft.	2 covered

\* A driveway at least 20 feet in length may serve as a required uncovered space.

(2) Duplexes. One and one-half spaces per unit having less than two bedrooms; two spaces for all other units. One space per unit must be in a garage or carport.

(b) Driveway Length. The distance from a property line to a garage or carport opening facing a street shall be a minimum of 20 feet. The garage or carport opening setback on any public way which is less than 16 feet in width shall be 10 feet. A shorter driveway may be approved through the use permit process; provided, that any driveway less than 17 feet in length shall be no more than five feet in length. [Ord. 02-15 § 10, 2002].

**23.20.090 R-2-B-3 district.**

(a) The regulations in this section shall apply in all R-2-B-3 combined districts.

(b) Except as provided in subsection (c) of this section, all regulations and provisions set out in PGMC 23.20.010 through 23.20.080, inclusive, shall apply in the R-2-B-3 combined district.

(c) Exceptions.

(1) Building site area and width required: a minimum 10,000 square feet and a minimum width of 70 feet.

(2) Front yard setback required: minimum 20 feet.

(3) Rear yard setback required: 20 percent of site depth with a minimum requirement of 20 feet and a maximum required of 25 feet.

(4) Parking required: two covered spaces. [Ord. 02-15 § 11, 2002].

**Chapter 23.24****R-3 DISTRICTS**

## Sections:

- 23.24.010 Generally.
- 23.24.020 Uses permitted.
- 23.24.030 Building height limit.
- 23.24.040 Building site area required.
- 23.24.050 Allowed building coverage.
- 23.24.051 Allowed site coverage.
- 23.24.060 Yards required.
- 23.24.070 Garbage areas.

**23.24.010 Generally.**

The regulations found in this chapter shall apply to all R-3 districts and shall be subject to the provisions of Chapter 23.64 PGMC. [Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133(1)(a), 1952].

**23.24.020 Uses permitted.**

The following uses shall be permitted in the R-3 district:

- (a) Single- or two-family dwellings;
- (b) Second units as permitted by Chapter 23.80 PGMC;
- (c) Multiple dwellings, apartment houses and dwelling groups, subject to first securing a use permit in either of the following cases:
  - (1) The total number of family units shall exceed seven on a building site; or
  - (2) The proposed development includes a combination of an existing structure (whether or not altered) with a new structure or additions to an existing structure on one building site;
- (d) Rooming or boarding houses, subject to first securing a use permit;
- (e) Accessory uses and buildings normally incidental to any in this section;
- (f) State-licensed residential care facilities for seven or more persons, subject to first securing a use permit. [Ord. 16-005 § 4, 2016; Ord. 03-08 §§ 4, 5, 2003; Ord. 811 N.S., 1974; Ord. 795 N.S., 1974; Ord. 720 N.S. §§ 9, 10, 1972; Ord. 532 N.S. § 5, 1966; Ord. 453 N.S., 1964; Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133(1)(a), 1952].

**23.24.030 Building height limit.**

The maximum height of main buildings shall be 30 feet. [Ord. 00-18 § 6, 2000; Ord. 1141 N.S. § 3, 1979; Ord. 720 N.S. § 3, 1972; Ord. 210 N.S. § 11-133(1)(b), 1952].

**23.24.040 Building site area required.**

For each building, or group of buildings, a minimum of 4,000 square feet and minimum width of 40 feet shall be required on interior lots. A minimum of 6,000 square feet and a minimum width of 60 feet shall be required on corner lots. In the subdivisions designated as additions to Pacific Grove Retreat and in the Pacific Grove Retreat, where the lot sizes, as legally subdivided, are 30 by 60 feet, the minimum lot size shall be 3,600 square feet, with the lot lines along the lines of said subdivisions. Nothing contained herein shall authorize such smaller minimum lot sizes for any future subdivisions.

For each family unit in any building or group of buildings, a minimum of 1,500 square feet of land area shall be required. [Ord. 1260 N.S. § 2, 1981; Ord. 720 N.S. § 1, 1972; Ord. 210 N.S. § 11-133(1)(c), 1952].

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**23.24.050 Allowed building coverage.**

Maximum building coverage on all sites is 50 percent. [Ord. 12-003 § 5, 2012; Ord. 1193 N.S. § 2, 1980; Ord. 720 N.S. § 8, 1972; Ord. 593 N.S., 1968; Ord. 210 N.S. § 11-133(1)(d), 1952].

**23.24.051 Allowed site coverage.**

Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 5, 2012].

**23.24.060 Yards required.**

(a) Front Yards. The minimum required front yard shall be 12 feet. Driveways shall not occupy more than 40 percent of the street frontage, and on a corner lot, the combined coverage on all frontages shall not exceed 25 percent of the total street frontage. Fifty percent of the front yard area shall be landscaped. Such areas shall not be surfaced, covered, enclosed or treated in such a manner as to make it impossible or impractical to establish and maintain landscaping and gardening thereon. The area must be rectangular or composed of a series of rectangles not less than 10 feet in width.

(b) Side Yards. Side yards shall be 10 percent of lot width with a minimum requirement of three feet and a maximum of 10 feet; provided, however, on corner lots, the side yard abutting the street shall be 20 percent of the width of the lot, but need not exceed 10 feet.

(c) Rear Yards. Rear yards, excluding eaves, shall have the following minimums:

(1) One-story building: five feet.

(2) Two-story building: eight feet.

(3) Three-story building: 10 feet.

(4) Where a rear yard fronts on a street, the minimum rear yard shall be 12 feet.

(d) Special Yards and Distances Between Buildings.

(1) Distance between any buildings, which shall be free from the encroachment of overhanging eaves, shall be a minimum of eight feet. For buildings of three stories, the minimum shall be increased to 10 feet and for buildings of four stories or more the minimums shall be increased to 12 feet.

(2) Side yards providing access to single-row dwelling group: minimum 12 feet.

(3) Inner court providing access to double-row dwelling group: minimum 20 feet.

(e) Open Yard. Open yard required shall be 200 square feet per unit for all construction of five units or more.

(f) Decks, Porches and Parking Spaces. Decks and open porches over three feet above grade may project or extend four feet over a required yard area, but not closer than three feet to the property line and no closer to other buildings than the minimums set forth in subsection (d) of this section. Parking spaces in excess of the required space for each family unit may project into the rear yard area set forth in subsection (c) of this section. [Ord. 720 N.S. § 6, 1972; Ord. 593 N.S., 1968; Ord. 532 N.S. § 6, 1966; Ord. 478 N.S., 1964; Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133(1)(e), 1952].

**23.24.070 Garbage areas.**

Where there are three or more units, garbage areas for holding of garbage or refuse shall be constructed with a concrete floor and curb. The area shall be enclosed by a view-obscuring wall or fence designed in harmony with the building design. The enclosure shall be not less than five feet in height and equipped with a self-closing gate or door. Trash area shall have access to a driveway or public way. [Ord. 720 N.S. § 14, 1972].

**Chapter 23.26****R-3-P.G.R. DISTRICT<sup>1</sup>**

## Sections:

- 23.26.010 Generally.
- 23.26.020 Permitted uses.
- 23.26.030 Building site area required.
- 23.26.040 Building height limit.
- 23.26.050 Allowed building coverage.
- 23.26.051 Allowed site coverage.
- 23.26.060 Allowed gross floor area.
- 23.26.070 Yard requirements.
- 23.26.080 Garbage/recycling areas.
- 23.26.090 Off-street parking.

**23.26.010 Generally.**

The regulations in this chapter shall apply in the R-3-P.G.R. district and shall be subject to the provisions of Chapter 23.64 PGMC unless the provisions of this chapter are in conflict with said Chapter 23.64 PGMC, in which event the provisions of this chapter shall prevail. [Ord. 98-05 § 1, 1998].

**23.26.020 Permitted uses.**

(a) All of the uses permitted and prescribed for the R-3 district at PGMC 23.24.020 shall apply in the R-3-P.G.R. district.

(b) In addition, bed and breakfast inns are permitted, subject to first securing a use permit.

The city council shall have the authority to set forth, by resolution, standards for bed and breakfast inns including, but not necessarily limited to: the number of visitors who may be accommodated; the amount and the type of signing to be provided; the length of permissible stay; the type of cooking and dining facilities to be provided; the amount of parking to be provided; and any similar standard necessary to protect the neighborhood from unreasonable changes in character. Provided however, that in no case shall the number of rooms be less than eight, excluding the primary residence of the owner or manager. The setting of such standards shall in no way limit the authority or the ability of the planning commission to impose such conditions as may be deemed appropriate upon any use permit granted for bed and breakfast use. [Ord. 98-05 § 1, 1998].

**23.26.030 Building site area required.**

(a) Except as provided in subsections (b) and (c) of this section, building site area shall be as set out in PGMC 23.24.040.

(b) The minimum land area for each unit other than bed and breakfast units shall be 2,200 square feet.

(c) Any parcel which has the following characteristics shall constitute a separate building site for future building purposes:

- (1) It has, prior to March 15, 1986, been designated on the assessor's map as a separate parcel.
- (2) It has at least 1,800 square feet, but not more than 3,600 square feet, and is not part of a larger building site.
- (3) It has been unimproved with any building or structure for a minimum of five years immediately preceding March 15, 1986.
- (4) It has access to a public street.
- (5) Its transfer will not create additional aspects of nonconformity to this title.



(d) Development of parcels qualifying as building site pursuant to subsection (c) of this section shall, at a minimum, be subject to the following:

- (1) A use permit shall be first secured in each case.
- (2) Architectural review board approval shall be required.
- (3) Any construction shall conform to the requirements with respect to separate parcels in the R-3-P.G.R. district; however, in considering a use permit application the planning commission is authorized to prescribe requirements other than those prescribed by PGMC 23.26.670 where it finds that the qualification of PGMC 23.72.090 apply to the land, building or use. [Ord. 98-05 § 1, 1998].

**23.26.040 Building height limit.**

The maximum height of main buildings shall be 30 feet; provided, the maximum height of the top plate shall be no more than 24 feet. [Ord. 00-18 § 7, 2000; Ord. 98-05 § 1, 1998].

**23.26.050 Allowed building coverage.**

Maximum building coverage on all sites is 50 percent. [Ord. 12-003 § 6, 2012; Ord. 98-05 § 1, 1998].

**23.26.051 Allowed site coverage.**

Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 6, 2012].

**23.26.060 Allowed gross floor area.**

Maximum gross floor area is as follows:

**Table 23.26.060  
– Maximum Gross Floor Area\***

Lot Size	Floor Area
1,000	833
1,100	917
1,200	1,000
1,300	1,083
1,400	1,167
1,500	1,250
1,600	1,333
1,700	1,417
1,800	1,500
1,900	1,556
2,000	1,611
2,100	1,667
2,200	1,722
2,300	1,778
2,400	1,833
2,500	1,889
2,600	1,944

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

<b>Lot Size</b>	<b>Floor Area</b>
2,700	2,000
2,800	2,044
2,900	2,089
3,000	2,133
3,100	2,178
3,200	2,222
3,300	2,267
3,400	2,311
3,500	2,356
3,600	2,400
3,700	2,433
3,800	2,467
3,900	2,500
4,000	2,533
4,100	2,567
4,200	2,600
4,300	2,633
4,400	2,667
4,500	2,700
4,600	2,733
4,700	2,767
4,800	2,800
4,900	2,833
5,000	2,867
5,100	2,900
5,200	2,933
5,300	2,967
5,400	3,000
5,500	3,017
5,600	3,033
5,700	3,050
5,800	3,066
5,900	3,083

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

<b>Lot Size</b>	<b>Floor Area</b>
6,000	3,099
6,100	3,116
6,200	3,132
6,300	3,149
6,400	3,165
6,500	3,182
6,600	3,198
6,700	3,215
6,800	3,231
6,900	3,248
7,000	3,264
7,100	3,281
7,200	3,297
7,300	3,314
7,400	3,330
7,500	3,347
7,600	3,363
7,700	3,380
7,800	3,396
7,900	3,413
8,000	3,429
8,100	3,446
8,200	3,462
8,300	3,479
8,400	3,495
8,500	3,512
8,600	3,528
8,700	3,545
8,800	3,561
8,900	3,578
9,000	3,594
10,000	3,759
11,000	3,924

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

Lot Size	Floor Area
12,000	4,089
13,000	4,254
14,000	4,419
15,000	4,584
16,000	4,749
17,000	4,914
18,000	5,079
19,000	5,244
20,000	5,409
21,000	5,574
22,000	5,739
23,000	5,904
24,000	6,069
25,000	6,234
26,000	6,399
27,000	6,564
28,000	6,729

\* Note: For every 1,000 square feet above 28,000, add 165 square feet of floor area.  
[Ord. 12-003 § 6, 2012; Ord. 98-05 § 1, 1998].

**23.26.070 Yard requirements.**

(a) The minimum front yard shall be eight feet; however, to encourage architectural variety in footprint and massing, the front yard may be reduced to no less than four feet for up to 50 percent of the front of the building.

(b) The minimum side yards shall be 10 percent of lot width, and 20 percent of lot width for side yards abutting the street on corner lots; provided, that the minimum allowable side yard shall be three feet, and the maximum required side yard shall be 10 feet.

Exception: With a use permit, the total of side yards may be 20 percent of lot width with a minimum three feet required on each side, maximum required on either side 10 feet.

(c) Rear yards shall have the following minimums:

- (1) One story building: five feet.
- (2) Two story building: eight feet.
- (3) Three story building: 10 feet.
- (4) Where a rear yard abuts a street: 12 feet.

(d) Open Yard. Open yard required shall be 200 square feet per unit for all construction of five units or more.

(e) Decks and Porches. Decks and open porches over three feet above grade may project or extend four feet over a required yard area, but not closer than three feet to the property line. [Ord. 98-05 § 1, 1998].

**23.26.080 Garbage/recycling areas.**

Where there are three or more units, garbage/recycling areas for holding of garbage or recyclable materials shall be provided. The garbage/recycling area shall be enclosed by a view-obscuring wall or fence designed in harmony with the building design. The enclosure shall be not less than five feet in height and equipped with a self-closing gate or door. Garbage/recycling area shall have access to a driveway or public way. Placement and design of the garbage/recycling areas shall be approved by the public works director and the architectural review board prior to issuance of a building permit. Garbage/recycling areas shall be maintained in a sanitary condition, free of graffiti and in good repair. [Ord. 98-05 § 1, 1998].

**23.26.090 Off-street parking.**

Storage or parking space to be provided, and driveway requirements, shall be as follows:

(a) Single-family dwellings:

Lot Size	Off-Street Parking Required
To and including 2,699 square feet	None
Larger than 2,699 to 4,000	1 covered and 1 uncovered*
Larger than 4,000	2 covered

\* A driveway at least 20 feet in length may serve as a required uncovered space.

(b) Multifamily Units. One and one-half spaces/unit having less than two bedrooms; two spaces for all other units. One space/unit must be in a garage or carport.

(c) The distance from a property line to the garage or carport opening shall be a minimum of 20 feet; provided, that a shorter driveway may be approved through the use permit process.

(d) Driveway width shall not exceed 40 percent of lot width; provided, that a greater width may be permitted subject to obtaining a use permit. [Ord. 98-05 § 1, 1998].

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<sup>1</sup> Editor’s Note: Prior ordinance history includes Ord. 1166 and part of Ord. 1331.

**Chapter 23.28****R-4 DISTRICT**

## Sections:

- 23.28.010 Generally.  
 23.28.020 Uses permitted.  
 23.28.030 Building height limit – Site area – Lot coverage – Yards.

**23.28.010 Generally.**

The regulations found in this chapter shall apply in all R-4 districts and shall be subject to the provisions of Chapter 23.64 PGMC. [Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133.1(1), 1952].

**23.28.020 Uses permitted.**

The following uses shall be permitted in the R-4 district:

- (a) Single- or two-family dwellings;
- (b) Second units as permitted by Chapter 23.80 PGMC;
- (c) Multiple dwellings, apartment houses, subject to first securing a use permit in either of the following cases:
  - (1) The total number of family units shall exceed seven on a building site, or
  - (2) Additions or structural alterations are made to an existing structure;
- (d) Rooming or boarding houses, subject to first securing a use permit;
- (e) Dwelling groups subject to first securing a use permit in either of the following cases:
  - (1) The total number of family units shall exceed seven on a building site, or
  - (2) The proposed development includes a combination of an existing structure (whether or not altered) with a new structure or additions to an existing structure on one building site.
- (f) Professional uses allowed are: accountants, advertisers, appraisers, architects, assayers, attorneys, beauty shops, building designers, chiropractors, chiropodists, clinical laboratories, collection agencies, contractors (no warehousing of material), dental laboratories, detective agencies, dentists, geologists, insurance adjusters, interior decorator services (no display rooms, retail sales, and no warehousing of materials), insurance offices, land surveyors, medical doctors, medical laboratories, oculists, opticians, optometrists, osteopaths, physical therapists, podiatrists, private detectives, professional engineers, psychologists, real estate offices, secretary services and telephone answering services, subject to first securing a use permit;
- (g) Community centers, social halls, lodges, clubs and rest homes, subject to first securing a use permit in each case;
- (h) Accessory uses and buildings normally incidental to any of the above;
- (i) Professional uses in other categories than described in subsection (f) of this section, which are found by the community development director to be similar in nature, as regards size, activity, and impact, as the professions listed in said subsection (f) of this section, subject to first securing a use permit in each case;
- (j) Bed and breakfast inns, subject to first securing a use permit. Standards adopted by resolution of the council for bed and breakfast inn use in the R-3-P.G.R. district shall apply as well to that use in the R-4 district. The setting of such standards shall in no way limit the authority or ability of the planning commission to impose such conditions as may be deemed appropriate upon any use permit granted;

(k) State-licensed residential care facilities for seven or more persons, subject to first securing a use permit. [Ord. 16-005 § 5, 2016; Ord. 03-08 §§ 6, 7, 2003; Ord. 1418 N.S. § 3, 1984; Ord. 1417 N.S., 1984; Ord. 1307 N.S. § 1, 1982; Ord. 936 N.S. § 1, 1977; Ord. 811 N.S., 1974; Ord. 795 N.S., 1974; Ord. 720 N.S. §§ 11, 12, 1972; Ord. 532 N.S. § 7, 1966; Ord. 506 N.S., 1965; Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133.1(1), 1952].

**23.28.030 Building height limit – Site area – Lot coverage – Yards.**

Regulations for building height limit, building site area required, percentage of lot coverage, and yards required shall be those regulations set forth in PGMC 23.24.030 through 23.24.060. [Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-133.1(1)(b), 1952].

## Chapter 23.29

### CONDOMINIUM AND COMMUNITY HOUSING CONVERSIONS

#### Sections:

- 23.29.010 Definitions.
- 23.29.020 Approval – Certificate of use and occupancy – Requirements.
- 23.29.025 Certificate of use and occupancy – Issuance – Expiration.
- 23.29.030 Certificate of use and occupancy – Conditions prerequisite to issuance.
- 23.29.040 Standards.
- 23.29.050 Application requirements.
- 23.29.055 Acceptance of reports.
- 23.29.060 Copy to buyers.
- 23.29.070 Hearing.
- 23.29.080 Tenant provisions.
- 23.29.090 Effect of proposed conversion on the city’s low and moderate income housing supply.
- 23.29.100 Findings.
- 23.29.110 Rental housing shortage – Maximum number of conversions.

#### **23.29.010 Definitions.**

For the purposes of this chapter, the words contained in this section shall be defined as follows:

“Community housing” shall have the meaning defined at in PGMC 24.72.010.

“Conversion” means a change in the form of ownership of any multiple-dwelling rental development to a community housing form. [Ord. 1176 N.S. § 1, 1980].

#### **23.29.020 Approval – Certificate of use and occupancy – Requirements.**

No person, firm, corporation, partnership or other entity shall convert existing dwelling units to a condominium subdivision, community apartment, stock cooperative or any other form of individual ownership without first having the conversion approved by the planning commission and having been issued a certificate of use and occupancy for community housing by the community development director. [Ord. 1176 N.S. § 1, 1980].

#### **23.29.025 Certificate of use and occupancy – Issuance – Expiration.**

The community development director shall issue a certificate of use and occupancy for community housing when he or she determines that:

- (a) The applicant has complied with all the applicable city or state regulations then in effect;
- (b) The applicant has complied with the conditions of approval. A permit shall expire at the time a tentative subdivision map approval would expire if not acted upon, or if the conditions of approval have not been complied with in such time. [Ord. 1176 N.S. § 1, 1980].

#### **23.29.030 Certificate of use and occupancy – Conditions prerequisite to issuance.**

No certificate of use and occupancy for community housing shall be issued for a building until it meets the following standards:

- (a) The proposed density and design characteristics of the buildings and grounds are in conformance with the city’s general plan and comply with the zoning ordinance, codified in this title.
- (b) All violations of the current codes described in PGMC 18.04.010 have been corrected and any equipment or facilities which the chief building inspector determines are deteriorated or hazardous are replaced.
- (c) It shall comply with all provisions of the Subdivision Map Act and PGMC Title 24, if applicable, including PGMC 24.72.030(a) and (b) and PGMC 24.72.060(e).

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(d) Stock cooperatives shall submit and secure approval of documents which comply with PGMC 24.72.030(a) and (b) and 24.72.060(e).

(e) Once a building permit has been issued, a building may not be converted unless the certificate of occupancy for the building was issued more than five years prior to the date the owner files with the city an application for the approval under this chapter. [Ord. 98-34 § 16, 1998; Ord. 1176 N.S. § 1, 1980].

**23.29.040 Standards.**

Community housing conversion shall conform to the following:

(a) Unit Size. The enclosed living or habitable area of each unit shall be not less than 600 square feet exclusive of storage space under subsection (e) of this section unless the planning commission finds at the time of approval that other project amenities compensate for the minimum required enclosed area. Compensating amenities may include, but are not limited to, the following:

- (1) Private enclosed open space;
- (2) Enclosed developed facilities within the common areas;
- (3) Covenants, conditions and restrictions restricting density of the project to less than required for the project by the general plan;
- (4) Compatibility of the density of the total project in relation to the project's amenities, surrounding neighborhood and the general plan.

(b) Fire Prevention.

- (1) Smoke Detectors. Each living unit shall be provided with approved detectors of products of combustion other than heat conforming to the latest Uniform Building Code standards, mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.
- (2) Maintenance of Fire Protection Systems. All on-site fire hydrants, fire alarm systems, portable fire extinguishers, and other fire protective appliances shall be retained in an operable condition at all times maintained by the homeowners' association and delineated in the covenants, conditions and restrictions.

(c) Sound Transmissions.

- (1) Wall and floor-ceiling assemblies shall conform to Title 25, California Administrative Code, Section 1092, or its successor, or permanent mechanical equipment, including domestic appliances, which is determined by the chief building inspector to be a potential source of vibration or noise, shall be shock mounted, isolated from the floor and ceiling, or otherwise installed in a manner approved by the chief building inspector to lessen the transmission of vibration and noise. Floor covering may only be replaced by another floor covering that provides the same or greater insulation. The requirements of this subdivision shall not apply to a building containing only one dwelling unit.

(d) Utility Metering.

- (1) The consumption of gas and electricity within each unit shall be separately metered so that the unit can be separately billed for each utility. A water shut-off valve shall be provided for each unit or for each plumbing fixture. Each unit shall have access to each meter and heater for the unit without entry through another unit.
- (2) Each unit shall have its own panel, and access thereto, for all electrical circuits which serve the unit.

(e) Private Storage Space. Each unit shall have at least 200 cubic feet of enclosed weather-proofed and lockable private storage space, in addition to guest, linen, pantry, and clothes closets customarily provided. Such space shall be for the sole use of the unit owner. Such space may be provided in any location as approved by the planning commission at the time of approval, but shall not be divided into two or more locations. In such cases where the

applicant can demonstrate that this standard is unreasonable, this standard may be modified by the planning commission.

(f) Laundry Facilities. A laundry area shall be conveniently accessible to each unit. If common laundry areas are provided, such facilities shall consist of not less than one automatic washer and dryer for each five units or fraction thereof. In such cases where the applicant can demonstrate that this standard is unreasonable, this standard may be modified by the planning commission.

(g) Condition of Equipment and Appliances. The applicant shall provide written certification to the buyer of each unit on the initial sale after conversion that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, and air conditioners that are provided are in good and working condition as of the close of escrow. At such time as the homeowners' association takes over management of the development, the applicant shall provide written certification to the association that any pool and pool equipment and any appliances and mechanical equipment to be owned in common by the association is in good and working condition.

(h) Public Easements. The applicant shall make provisions for the dedication of land or easements for street widening, public access or other public purpose in connection with the project where reasonably necessary as determined by the planning commission.

(i) Underground Utilities. The applicant shall waive the right, through deed restriction, to protest the formation of an underground utility district.

(j) Refurbishing and Restoration. All main buildings, structures, fences, patio enclosures, carports, accessory buildings, sidewalks, driveways, landscaped areas, irrigation systems, and additional elements as required by the community development director shall be refurbished and restored as necessary to achieve high quality appearance and safety.

(k) Parking Standards. The off-street parking requirements for a conversion project shall be one and one-half parking spaces per unit for one-bedroom or efficiency units and two parking spaces per unit for units containing two or more bedrooms.

(l) Physical Elements. Any physical element identified in the physical elements report (see PGMC 23.29.050(b)) as having a useful life of less than two years shall be replaced with new elements. [Ord. 98-34 § 9, 1998; Ord. 1176 N.S. § 1, 1980].

**23.29.050 Application requirements.**

In addition to such other application requirements as the planning commission may deem necessary and those requirements as set forth elsewhere in this chapter, no application for a condominium conversion project shall be accepted for any purpose unless the application includes the following:

(a) A development plan of the project including:

(1) The location, height, gross floor area, and proposed uses for each existing structure to remain and for each proposed new structure;

(2) The location, use and type of surfacing for all open storage areas;

(3) The location and type of surfacing for all driveways, pedestrian ways, vehicle parking areas, and curbcuts;

(4) The location, height, and type of materials for walls or fences;

(5) The location of all landscaped areas, the type of landscaping, and a statement specifying the method by which the landscaped areas shall be maintained;

(6) The location and description of all recreational facilities and a statement specifying the method of the maintenance thereof;

(7) The location and size of the parking facilities to be used in conjunction with each dwelling unit;

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- (8) The location, type and size of all drainage pipes and structures depicted or described to the nearest public drain or watercourse;
  - (9) The location and type of the nearest fire hydrants;
  - (10) The location, type and size of all on-site and adjacent street overhead utility lines;
  - (11) A lighting plan of the project;
  - (12) Existing and proposed exterior elevations;
  - (13) The location of and provisions for any unique natural or vegetative site features;
- (b) A physical elements report which shall include but not be limited to:
- (1) A report detailing the condition and estimating the remaining useful life of each element of the project proposed for conversion: roofs, foundations, exterior paint, paved surfaces, mechanical systems, electrical systems, plumbing systems, including sewage systems, swimming pools, sprinkler systems for landscaping, utility delivery systems, central or community heating and air conditioning systems, fire protection systems including automatic sprinkler systems, alarm systems, or standpipe systems, structural elements and the appliances or facilities referred to in PGMC 23.29.040(g). Such report shall be prepared by an appropriately disinterested licensed contractor or architect or by a registered civil or structural engineer other than the owner. For any element whose useful life is less than five years, a replacement cost estimate shall be provided;
  - (2) A structural pest control report. Such report shall be prepared by a licensed structural pest control operator pursuant to Section 8516 of the Business and Professions Code;
  - (3) A building history report including the following:
    - (A) The date of construction of all elements of the project;
    - (B) A statement of the major uses of said project since construction;
    - (C) The date and description of each major repair or renovation of any structure or structural element since the date of construction. For the purposes of this subsection a “major repair” shall mean any repair for which an expenditure of more than \$1,000 was made;
    - (D) Statement regarding current ownership of all improvements and underlying land;
    - (E) Failure to provide information required by subsections (b)(3)(A) through (D) of this section, inclusive, shall be accompanied by an affidavit, given under penalty of perjury, setting forth reasonable efforts undertaken to discover such information and reasons why said information cannot be obtained;
- (c) A statement of any unique provisions of the proposed covenants, conditions and restrictions which would be applied on behalf of any and all owners of condominium units within the project. With regard to stock cooperatives, this submission shall consist of a summary of proposed management, occupancy and maintenance policies on forms approved by the city attorney;
- (d) Specific information concerning the characteristics of the project, including but not limited to the following:
- (1) Square footage and number of rooms in each unit;
  - (2) Rental rate history for each type of unit for the previous five years;
  - (3) Monthly vacancy rate for each month during the preceding two years;
  - (4) Makeup of existing tenant households, including family size, length of residence, age of tenants, and whether receiving federal or state rent subsidies;

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- (5) Proposed sale price of unit;
- (6) Proposed homeowners' association fee; financing available; and
- (7) Names and addresses of all tenants;

When the subdivider can demonstrate that such information is not available, this requirement may be modified by the community development director;

- (e) The subdivider shall submit evidence that a certified letter of notification of intent to convert was sent to each tenant for whom a signed copy of said notice is not submitted;
- (f) A fee sufficient to cover the cost of determining the existing apartment vacancy rate in the city of Pacific Grove. The vacancy rate shall be determined by means of a door-to-door survey of apartments within the city, as deemed necessary by the community development director, using persons hired for such a survey at a reasonable hourly rate for the work involved, or by such other means as may, in the opinion of the community development director, produce an equally adequate compilation of the vacancy rate within the city. The community development director shall have the authority to make rules and regulations determining the frequency, content and allocation of the costs of such surveys if necessary due to multiple applications;
- (g) Any other information which, in the opinion of the community development director, will assist in determining whether the proposed project will be consistent with the purposes of this chapter;
- (h) A title insurance report in the form employed by lending institutions;
- (i) A certified surveyor's report indicating the boundaries and all improvements;
- (j) A processing fee as established by resolution of the council, in addition to any fees required by PGMC Title 24, Subdivisions, and subsection (f) of this section. [Ord. 09-005 § 33, 2009; Ord. 1765 N.S. § 16, 1991; Ord. 1176 N.S. § 1, 1980].

**23.29.055 Acceptance of reports.**

The final form of the physical elements report and other documents shall be as approved by the community development director. The report in its acceptable form shall remain on file with the community development department for review by any interested persons. The report shall be referenced in the subdivision report to the planning commission. [Ord. 1176 N.S. § 1, 1980].

**23.29.060 Copy to buyers.**

The original owner shall provide such purchaser with a copy of all reports (in their final, acceptable form), along with the department of real estate white report, prior to said purchaser completing an escrow agreement or other contract to purchase a unit in the project, and said developer shall give the purchaser sufficient time to review said reports. Copies of the reports shall be made available at all times at the sales office and shall be posted at various locations, as approved by the city, at the project site. [Ord. 1176 N.S. § 1, 1980].

**23.29.070 Hearing.**

Prior to the approval of conversion, the planning commission shall hold a public hearing. In addition to publication and posting of legal notice, notice of the hearing shall be mailed at least 10 days prior to the hearing date to tenants of the proposed conversion and posted on the property. [Ord. 1176 N.S. § 1, 1980].

**23.29.080 Tenant provisions.**

(a) Notice of Intent. A notice of intent to convert shall be delivered to each tenant's dwelling unit. Evidence of delivery shall be submitted with the application for conversion. The form of the notice shall be as approved by the community development director and shall contain not less than the following:

- (1) Name and address of current owner;
- (2) Name and address of the proposed subdivider;

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- (3) Approximate date on which the tentative map is proposed to be filed;
- (4) Approximate date on which the final map or parcel map is to be filed;
- (5) Approximate date on which the unit is to be vacated by nonpurchasing tenants;
- (6) Tenant's right to purchase;
- (7) Tenant's right of notification to vacate;
- (8) Tenant's right of termination of lease;
- (9) Statement of limitations on rent increase;
- (10) Provision for special cases;
- (11) Provision of moving expenses;
- (12) Right of disabled and of senior citizens to five-year rental occupancy; and
- (13) Other information as may be deemed necessary by the community development director.

(b) **Tenant's Right to Purchase.** As provided in Government Code Section 66427.1(b) any present tenant or tenants of any unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least 60 days from the date of issuance of the subdivision public report or commencement of sales, whichever date is later.

(c) **Vacation of Units.** Each nonpurchasing tenant, not in default under the obligations of the rental agreement or lease under which he or she occupies his or her unit, shall have not less than 365 days from the date of receipt of notification from the owner of his or her intent to convert, or from the filing date of the final subdivision map, whichever date is later, to find substitute housing and to relocate.

(d) **Increase in Rents.** From the date of submittal of application for conversion until the date of conversion, no tenant's rent shall be increased more frequently than once every six months and at a rate greater than the rate of increase in the Consumer Price Index (all items, San Francisco-Oakland), on an annualized basis, for the same period. This limitation shall not apply if rent increases are provided for in leases or contracts in existence prior to the filing date of the application.

(e) **Moving Expenses.** The subdivider shall provide moving expenses of four times the monthly rent to any tenant who relocates from the building to be converted after approval of the conversion by the city, except when the tenant has given notice of his or her intent to move prior to receipt of notification from the subdivider of his or her intent to convert.

(f) **Notice to New Tenants.** After submittal of the application to convert, any prospective tenants shall be notified in writing of the intent to convert prior to leasing or renting any unit, and shall not be subject to the provisions of subsections (d) and (e) of this section.

(g) **Permanently Disabled and Senior Citizen Tenants.** Tenants who at the date of application are age 62, and their spouses, or who are permanently disabled to the extent of being unable to pursue full-time employment, as established by medical evidence, shall be entitled to continue to rent the premises each may occupy, for a period of five years from the date of the notice required under subsection (a) of this section, upon otherwise qualifying to continue as a tenant. It is unlawful for any developer or owner to evict or constructively evict any tenant for purposes of depriving the tenant of the benefits of this subsection. The benefits of this subsection shall not be assignable or subject to subletting in any way, nor shall its benefits accrue to any new tenant referred to in subsection (f) of this section. [Ord. 1176 N.S. § 1, 1980].

**23.29.090 Effect of proposed conversion on the city's low and moderate income housing supply.**

In reviewing requests for conversion of existing apartments to condominiums, the planning commission shall consider the following:

- (a) Whether or not the amount and impact of the displacement of tenants, if the conversion is approved, would be detrimental to the health, safety, or general welfare of the community;
- (b) The role that the apartment structure plays in the existing housing market. Particular emphasis will be placed on the evaluation of rental structures to determine if the existing apartment complex is serving low and moderate income households. Criteria to determine low and moderate income households used by the federal and state governments will be used in the evaluation. Along with other factors, the city will consider the following:
  - (1) The number of families on current waiting lists for assisted rental housing programs that operate in Pacific Grove, such as the Section 8 Program;
  - (2) The probable income range of tenants living in existing apartments based on factual information supplied by the applicant which can be adequately documented, or the assumption that households pay between one-quarter and one-half of their income for housing. That income range will be compared with existing income limits for said Section 8 Program to determine whether potential displaced tenants can be categorized as low and moderate income;
- (c) The need and demand and community benefits which are derived from the provision of lower-cost home ownership opportunities, which opportunities are increased by the conversion of apartments to condominiums;
- (d) If the planning commission determines that vacancies in the project have been increased for the purpose of preparing the project for conversion, the conversion shall be disapproved. In evaluation of the current vacancy level under this subsection, the increase in rental rates for each unit over the preceding five years and the average monthly vacancy rate for the project over the preceding two years shall be considered. [Ord. 1176 N.S. § 1, 1980].

**23.29.100 Findings.**

The planning commission shall not approve an application for condominium conversion unless the planning commission finds that:

- (a) All provisions of this chapter are met and the project will not be detrimental to the health, safety, and general welfare of the community.
- (b) The proposed conversion is consistent with the general plan of the city of Pacific Grove.
- (c) The proposed conversion will conform to the Pacific Grove Municipal Code in effect at the time of approval, except as otherwise provided in this chapter.
- (d) The overall design and physical condition of the conversion will result in a project which is aesthetically attractive, safe and of quality construction.
- (e) The proposed conversion will not displace a significant percentage of low and moderate income or senior citizen tenants, tenants with children, and delete a significant number of low and moderate income rental units from the city's housing stock at a time when no equivalent housing is readily available in the Pacific Grove area.
- (f) The applicant has not engaged in coercive retaliatory action regarding the tenants after the submittal of the first application for city review through the date of approval. In making this finding, consideration shall be given to:
  - (1) Rent increases at a rate greater than the rate of increase in the Consumer Price Index (all items, San Francisco-Oakland) unless provided for in leases or contracts in existence prior to the submittal of the first application for city review; or
  - (2) Any other action by applicant which is taken against tenants to coerce them to refrain from opposing the project. An agreement with tenants which provides for benefits to the tenants after the approval shall not be considered a coercive or retaliatory action.

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(g) The requirements of PGMC 23.29.110 have been met. [Ord. 1176 N.S. § 1, 1980].

**23.29.110 Rental housing shortage – Maximum number of conversions.**

(a) Intent and Definition. It is the intent of this section to limit the number of units to be converted if a rental housing shortage exists. The existence of a rental housing shortage shall be determined by the planning commission, based upon reliable information verified by the community development department. A rental housing shortage exists if the vacancy factor for two-family and multiple-family dwellings is less than five percent for six months preceding the determination.

(b) Maximum Number of Conversions. In the event of a vacancy factor of less than five percent for a continuous period of six months for such two-family and multiple-family dwellings, no such dwellings shall be converted until the vacancy factor exceeds five percent.

(c) Processing of Applications. If a rental housing shortage exists, applications shall be processed in accordance with procedures established by resolution of the city council setting forth the manner and method or prioritizing applications for conversions.

(d) Exception. This section shall not be applicable to projects involving conversions to a non- or limited-equity cooperative for low-to-moderate income residents. For purposes of this section, “a non- or limited-equity cooperative for low-to-moderate income residents” shall be a stock cooperative which meets all of the following:

(1) Not less than 75 percent of the dwelling units will be occupied by persons of low and moderate income.

(2) The stock cooperative’s articles of incorporation and/or bylaws require the purchase and sale of the stock or membership interest on resident/owners who cease to be residents at no more than a transfer value determined as provided in the articles or bylaws and which shall not exceed the aggregate of the following:

(A) The consideration paid for the membership or shares by the first occupant of the unit involved as shown on the books of the corporation;

(B) The value as determined by the board of directors of the corporation of any improvements installed at the expense of the member with the prior approval of the board of directors;

(C) Accumulated interest or an inflation allowance at a rate which may be used on a cost of living index, an income index, or market interest index. Any increment pursuant to this subsection shall not exceed a 10 percent annual increase on the consideration paid for the membership or share by the first occupant of the unit involved.

(3) The articles of incorporation or bylaws require the board of directors to sell the stock or membership interest purchased as provided in subsection (a) of this section to new member occupant or resident shareholders at a price which does not exceed the “transfer value” paid for the unit.

(4) The “corporate equity” which is defined as the excess of the current fair market value of the corporation’s real property over the sum of the current transfer value of all shares or membership interests reduced by the principal balance of outstanding encumbrances upon the corporate real property as a whole paid shall be applied as follows:

(A) So long as any such encumbrance remains outstanding, the corporate equity shall not be used for distribution to members, but only for the following purposes and only to the extent authorized by the board subject to the provisions and limitations of the articles of incorporation and bylaws:

(i) For the benefit of the corporation or the improvement of the real property;

(ii) For the expansion of the corporation by acquisition of additional real property;

(iii) For public benefit or charitable purposes.

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(B) Upon the sale of the property, dissolution of the corporation or occurrence of a condition requiring termination of the trust or reversion of title to the real property, the corporate equity is required by the articles, bylaws or trusts or title conditions to be paid out or title to the property transferred subject to outstanding encumbrances and liens for the transfer value of membership interest or shares for use for a public or charitable purpose subject to approval by the city council.

(5) Amendment of the bylaws and articles of incorporation requires the affirmative vote of at least two-thirds of the resident member shareholders. [Ord. 1176 N.S. § 1, 1980].



## Chapter 23.30

### M-H DISTRICTS

Sections:

- 23.30.010 Uses permitted.
- 23.30.020 Minimum lot size.
- 23.30.030 Density.
- 23.30.040 General requirements.

**23.30.010 Uses permitted.**

The following uses are permitted in the M-H district:

- (a) Any residential use permitted in the respective district with which the M-H district is combined;
- (b) Mobile home parks for residential purposes subject to first obtaining a use permit. [Ord. 853 N.S. § 1, 1975].

**23.30.020 Minimum lot size.**

The minimum lot size in one ownership on which a mobile home park may be constructed in this district is 10 acres, with a minimum lot width of 200 feet. [Ord. 853 N.S. § 1, 1975].

**23.30.030 Density.**

The total number of living units permitted in the M-H district shall not be greater than 10 units per acre. [Ord. 853 N.S. § 1, 1975].

**23.30.040 General requirements.**

- (a) Each use in an M-H district shall be considered as being part of a planned unit development.
- (b) The site, recreational facilities, and maintenance plans for the project shall be approved by the planning commission.
- (c) A landscape plan for the entire project shall be approved by the architectural review board.
- (d) Yards shall be a minimum of 20 feet; however, in considering an application for a use permit, the planning commission is authorized to prescribe other requirements where it finds that the qualifications of PGMC 23.72.090 apply to the land, building or use.
- (e) Maximum building coverage on all sites is 40 percent.
- (f) All utilities on the lot shall be undergrounded and the meter location shall be approved by the site plan review committee.
- (g) Architectural approval shall be required as prescribed in Chapter 23.73 PGMC.
- (h) Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 7, 2012; Ord. 853 N.S. § 1, 1975].

### Chapter 23.31

## COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

#### Sections:

- 23.31.010 Purpose.
- 23.31.020 Commercial and industrial zoning districts.
- 23.31.025 C-V-ATC zoning district – American Tin Cannery zoning.
- 23.31.030 Commercial and industrial zoning districts allowable land uses and permit requirements.
- 23.31.040 Commercial and industrial zoning districts development standards.

#### **23.31.010 Purpose.**

This chapter lists the commercial and industrial zoning districts as established by PGMC 23.12.010 and establishes the development standards and types of land uses permitted in each commercial and industrial zoning district. [Ord. 13-003 § 2, 2013].

#### **23.31.020 Commercial and industrial zoning districts.**

(a) Light Commercial (C-1). The C-1 zoning district provides for neighborhood scale and locally oriented retail, service, and office uses.

(b) Light Commercial and Hotel (C-1-T). The C-1-T zoning district was enacted by citizen initiative, and the standards of the district are included in the applicable sections of this chapter without modification from the initiative.

(1) Intent of District. The intent of the C-1-T district as described by the initiative is as follows:

(A) It is the intent of the people of the city of Pacific Grove in enacting the ordinance codified in this chapter to establish a zone district in the city's downtown area where hotel use is permitted, as are all other uses listed in the C-1 district of this code, as said district may be from time to time amended by the council. The people have determined that the area of downtown defined by subsection (b)(2) of this section is appropriate for hotel development. Further, except as modified by this chapter, all provisions of the motel/hotel regulation ballot measure enacted by the people at the June 3, 1986, special municipal election, as set out at Chapter 23.52 PGMC, shall remain unchanged and in full force and effect.

(B) It is also the intent of the people of the city of Pacific Grove in enacting the ordinance codified in this chapter to provide for an exception to the strict regulations governing condominium development at Chapter 23.45 PGMC, said section enacted by the people at an election held in the city on November 2, 1982. The people have determined that the area of the downtown defined in subsection (b)(2) of this section is appropriate for condominium development in a manner less restrictive than defined by regulations set out in Chapter 23.45 PGMC. Further, except as modified by this chapter, the provisions of Chapter 23.45 PGMC shall remain unchanged and in full force and effect.

(2) Boundaries of District. The C-1-T district shall be that area defined by the block bounded by Lighthouse Avenue, Grand Avenue, Central Avenue and Fountain Avenue.

(3) Amendment. No provision of the C-1-T zoning district shall be repealed or amended except by a vote of the people.

(c) Downtown Commercial (C-D). The C-D zoning district is intended to provide for a range of uses including retail, restaurants, services, entertainment, and upper floor residential, and other compatible uses which enhance the vitality and character of the city's historic commercial core.

(d) Forest Hill Commercial (C-FH). The C-FH zoning district serves as an entrance to the city, offering a variety of commercial and service uses while respecting nearby residential uses.

(e) Heavy Commercial (C-2). The C-2 zoning district is applied to areas of the city that are appropriate for service commercial and light manufacturing uses, which may involve outdoor storage or activity areas.

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(f) Visitor Commercial (C-V). The C-V zoning district is applied to areas of the city appropriate for retail sales, commercial services, and institutional uses oriented to tourism.

(g) Restricted Industrial (I). The I zoning district is applied to areas of the city that are appropriate for service commercial and light manufacturing uses, which may involve outdoor storage or activity areas. [Ord. 13-003 § 2, 2013].

**23.31.025 C-V-ATC zoning district – American Tin Cannery zoning.**

(a) Boundaries of District. The C-V-ATC zoning district shall apply to the American Tin Cannery site that is comprised of Assessor’s Parcel Numbers 006-231-001, 006-234-004, and 006-234-005 and that segment of Sloat Avenue that is continuous to the American Tin Cannery site.

(b) Uses Permitted. Notwithstanding any other provision of the Pacific Grove Municipal Code, the following uses shall be permitted in the C-V-ATC zoning district:

(1) Hotels and any accessory uses, such as restaurants, bars and lounges, meeting and event facilities, spa and fitness facilities, parking, and buildings, spaces, and structures incidental to such uses, subject to first securing a use permit.

(2) All uses that are permitted in the C-V zoning district and additional uses permitted by subsequent amendment to the zoning ordinance.

(c) Development Standards. Development standards in the C-V-ATC zoning district, including floor area coverage, density, setbacks and height limits shall be in accordance with the applicable standards set forth in the local Coastal Program Land Use Plan, as updated or amended, or if no such standards are provided in the local coastal Program Land Use Plan, as updated or amended, in accordance with the standards set forth in the use permit or other required permit for a use allowed in the C-V-ATC zoning district.

(d) Except as modified by this section, all provisions of the motel/hotel regulation ballot measure enacted by the people at the June 3, 1986, special election, as set out at Chapter 23.52 PGMC, shall remain unchanged and in full force and effect. [Ord. 16-009A § 1, 2016].

**23.31.030 Commercial and industrial zoning districts allowable land uses and permit requirements.**

Key to Zoning District Symbols					
<b>C-1</b>	Light Commercial	<b>C-FH</b>	Forest Hill Commercial	<b>I</b>	Restricted Industrial
<b>C-1-T</b>	Light Commercial and Hotel	<b>C-2</b>	Heavy Commercial		
<b>C-D</b>	Downtown Commercial	<b>C-V</b>	Visitor Commercial		
<b>P</b> = Permitted use; counter review and determination required (see PGMC 23.70.020)			<b>UP</b> = Use permit required (see PGMC 23.70.080)		
<b>AUP</b> = Administrative use permit required (see PGMC 23.70.030)			-- = Use not allowed		

**Table 23.31.030 Commercial and Industrial Zoning Districts Allowable Land Uses and Permit Requirements**

Use	Specific Use Regulations (PGMC)	C-1 <sup>1</sup>	C-1-T <sup>1</sup>	C-D <sup>1</sup>	C-FH <sup>1</sup>	C-2	C-V <sup>1</sup>	I
Industry, Manufacturing and Processing								
Contract construction – no outdoor storage		P <sup>2</sup>	P <sup>2</sup>	--	P <sup>2</sup>	P <sup>3,4</sup>	P <sup>2</sup>	P <sup>3</sup>

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Use	Specific Use Regulations (PGMC)	C-1 <sup>1</sup>	C-1-T <sup>1</sup>	C-D <sup>1</sup>	C-FH <sup>1</sup>	C-2	C-V <sup>1</sup>	I
Contract construction – outdoor storage		--	--	--	--	P <sup>3,4</sup>	UP	UP
Construction, large-scale equipment sales and rental		--	--	--	--	P <sup>3,4</sup>	UP	UP
Industrial, light		UP	UP	--	UP	AUP <sup>3,4</sup>	UP	AUP <sup>3,4</sup>
Recycling facility		UP	UP	--	UP	UP	UP	UP
Research and development facility		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
Storage – self-storage facility		--	--	--	--	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
Warehousing, wholesaling and distribution		--	--	--	--	P <sup>3</sup>	P <sup>2</sup>	P <sup>3</sup>
Recreation, Education and Public Assembly								
Commercial recreation facility – indoor (≤ 10,000 sf)	7.08, 7.12, 23.64.035	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>3</sup>
Commercial recreation facility – outdoor		AUP <sup>2</sup>	AUP <sup>2</sup>	--	--	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
Community garden		AUP <sup>5</sup>	AUP <sup>5</sup>	AUP <sup>5</sup>	AUP <sup>5</sup>	AUP <sup>5</sup>	AUP <sup>5</sup>	--
Health/fitness studio (≤ 10,000 sf)		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>3</sup>
Meeting facility, public or private (≤ 10,000 sf)		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P	P <sup>3</sup>
Park, playground (public)		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>3</sup>
Public or quasi-public facility (≤ 10,000 sf)		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>3</sup>
School, specialty (≤ 10,000 sf)		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	--
Theater or auditorium (≤ 10,000 sf)		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>3</sup>
Residential								
Accessory building or structure		P	P	P	P	P	--	UP
Condominium		UP	UP <sup>6</sup>	UP	UP	UP	--	UP
Duplex		P	P	P	P	P	--	UP
Dwelling group		UP	UP	UP	UP	UP	--	UP
Emergency shelters						P <sup>9</sup>		
Home business	23.16	P	P	P	P	P	--	UP
Large family day care home		UP	UP	UP	UP	UP	--	--
Mixed-use (residential above or behind commercial)		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	--	--
Mobile home park		--	--	--	--	UP	--	UP
Multifamily dwelling								
7 or fewer units	23.28.020	P	P	P	P	P	--	UP
8 or more units	23.28.020	UP	UP	UP	UP	UP	--	UP
Residential care								

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Use	Specific Use Regulations (PGMC)	C-1 <sup>1</sup>	C-1-T <sup>1</sup>	C-D <sup>1</sup>	C-FH <sup>1</sup>	C-2	C-V <sup>1</sup>	I
Housing 6 or fewer persons		10	10	10	10	10	10	10
Housing 7 or more persons		UP	UP	UP	UP	UP	--	UP
Rooming and boarding house		UP	UP	UP	UP	UP	--	UP
Second unit	23.80	P	P	P	P	P	--	UP
Single-family dwelling		P	P	P	P	P	--	UP
<b>Retail Sales</b>								
Automobile/vehicle sales and rental		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
Automobile/vehicle service station		AUP <sup>2</sup>	AUP <sup>2</sup>	--	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
Bar/tavern/nightclub		--	--	--	--	--	--	--
Brew pub with food service	23.64.290	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	--
Farmers market		UP	UP	UP	UP	UP	UP	--
Flea market		UP	UP	UP	UP	UP	UP	--
Micro-brewery	23.64.290	--	--	--	UP	UP	UP	UP
Pub or sports bar with food service	23.64.290	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	--
<b>Restaurant, general and formula general</b>								
w/ no alcohol sales	23.64.134	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	--
w/ alcohol sales	23.64.134, 23.64.290	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	--
<b>Restaurant, specialty (not formula)</b>								
w/ no alcohol sales	23.64.134; if formula, see also 23.64.115	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	--
w/ beer and wine sales only	23.64.134, 23.64.290; if formula, see also 23.64.115	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	--
Restaurant, fast food (not formula) – w/ no alcohol sales	23.64.134; if formula, see also 23.64.115	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	--
Restaurant, drive-in/drive-through (not formula) – w/ no alcohol sales	23.64.134; if formula, see also 23.64.115	--	--	--	UP	--	--	--
Retail – general, except the following:		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	UP
Adult-oriented sales		UP <sup>7</sup>	UP <sup>7</sup>	--	UP <sup>7</sup>	--	--	--
Alcoholic beverage sales		UP	UP	UP	UP	UP	AUP <sup>2</sup>	--
Auction houses		P	--	--	P	P	P	P
Automobile rental		P	--	--	P	P	P	P
Bail bonds		P	--	--	P	P	P	P

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ZONING DISTRICTS

Use	Specific Use Regulations (PGMC)	C-1 <sup>1</sup>	C-1-T <sup>1</sup>	C-D <sup>1</sup>	C-FH <sup>1</sup>	C-2	C-V <sup>1</sup>	I
Blood, plasma, tissue donation		P	--	--	P	P	P	P
Body piercing/tattoo parlor		P	--	--	P	P	P	P
Check cashing stores		--	--	--	P	P	P	P
Dollar/99 cent stores		--	--	--	P	P	P	P
Electric cigarette/e-vapor		P	--	--	P	P	P	P
Gold and silver exchange stores		P	--	--	P	P	P	P
Kennels or pet boarding**		P	--	--	P	P	P	P
Pawn shops		P	--	--	P	P	P	P
Recreational vehicle sales		P	--	--	P	P	P	P
Meeting halls or places of assembly		P	--	--	P	P	P	P
Tire sales and repair		P	--	--	P	P	P	P
Businesses from which minors excluded by law or owner		UP	UP	UP	UP	UP	UP	--
Floor area over 10,000 sf		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
Operating between 12:00 a.m. and 7:00 a.m.		UP	UP	UP	UP	UP	UP	UP
Outdoor storage or displays		AUP	AUP	AUP	AUP	AUP <sup>1</sup>	AUP	AUP <sup>1</sup>
Retail – restricted		UP	UP	--	UP	UP	UP	UP
Wine bar	23.64.290	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
Wine tasting room	23.64.290	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
<b>Services</b>								
Animal keeping/training facilities or veterinary service		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
Automobile/vehicle repair		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
Bank or financial service, except the following:		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>3</sup>
Floor area over 10,000 sf at street level		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
w/ drive-through		UP	UP	--	UP	UP	UP	UP
Business support service		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>3</sup>
Car wash and detailing		AUP <sup>2</sup>	AUP <sup>2</sup>	--	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
Catering and events	23.64.290	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	UP	UP	UP
Equipment/appliance rental and repair		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
Laundry or dry cleaning service		AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>
<b>Lodging</b>								
Bed and breakfast inn –w/ beer and wine sales only	23.64.290	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>	AUP <sup>2</sup>	AUP <sup>3</sup>

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Hotel or motel	23.64.290	--	UP <sup>8</sup>	--	--	--	--	--
Medical service								
Ambulance service		UP	UP	--	UP	UP	UP	UP
Clinic or lab		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>3</sup>
Medical office		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>3</sup>
Hospital		UP	UP	--	--	UP	UP	UP
Mortuary or funeral home		UP	UP	--	UP	UP	UP	UP
Office, business or professional		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	UP	UP
Personal service	7.06	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	UP
Personal service – restricted		UP	UP	UP	UP	UP	UP	UP
Printing or creative service		P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	P <sup>2</sup>	P <sup>3</sup>
Transportation and Infrastructure								
Parking facility		UP	UP	UP	UP	UP	UP	UP
Public utility		UP	UP	UP	UP	UP	UP	UP
Radio or television station		UP	UP	UP	UP	UP	UP	UP
Taxi service	7.16	UP	UP	UP	UP	UP	UP	UP
Transit center		UP	UP	UP	UP	UP	UP	UP
Wireless telecommunication facility		UP	UP	UP	UP	UP	UP	UP
Temporary wireless telecommunications facility		<u>CRD</u>	<u>CRD</u>	<u>CRD</u>	<u>CRD</u>	<u>CRD</u>	<u>CRD</u>	<u>CRD</u>
Wireless Eligible facilities request		<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>	<u>AUP</u>

**End Notes:**

1. No merchandise, tools, machinery, equipment, or materials shall be stored or displayed outside of a building, except as specifically permitted for retail uses under an administrative use permit. Temporary administrative use permits, good for not over 30 days, may be granted, pursuant to PGMC 23.70.030(b)(7), for temporary outdoor sales events of new merchandise by merchants holding use permits or otherwise qualified to operate within the applicable district; provided, that such outdoor sales are operated in conjunction with their established retail operations, and for Christmas tree sales, or other sales on private property, connected with festivals or holidays.
2. The permit type specified in this table applies to any new or enlarged commercial use which totals 10,000 square feet or less of interior floor space. An administrative use permit is required for any new or enlarged commercial use which results in either the use of more than one structure on a building site or a total of more than 10,000 square feet of interior floor space. A use permit is required where any new or enlarged commercial use exceeds 25,000 square feet in interior floor space.
3. A use permit is required for any new building or addition which adds more than 25,000 square feet of interior floor space or which results in a building having more than 40 feet in height.
4. Such uses may be granted subject to a use permit, when conducted within a building or enclosed by a fence, subject to architectural approval by the appropriate review authority for design and landscaping pursuant to Chapter 23.70 PGMC; and provided, that said fence and landscaping shall be of sufficient height and screening capacity to prevent the view thereof from any adjacent street or sidewalk.
5. Community gardens on vacant lots may be permitted by administrative use permit, pursuant to PGMC 23.70.030(b)(7), and shall be reviewable every six months and subject to such conditions as the administrative use permit may prescribe. The application shall be accompanied by a written agreement by the owner to grant the city a lien for any cost incurred by the city in restoring such property to its condition prior to such use, in the event the owner fails to make such restoration after such use ceases.
6. Condominium use shall be allowed, subject to first securing a use permit in each case, and subject to the building height, site coverage, and yard requirements of this chapter. The provisions of Chapter 23.45 PGMC shall not apply to development of condominiums in the C-1-T district. The council shall, by ordinance, establish standards, conditions and other regulations to govern the development of condominiums in the C-1-T district. Until and unless such standards, conditions and other regulations are in place, no application for such development shall be accepted or processed.

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Such standards, conditions and regulations established by the council shall be in addition to and harmonious with state law governing condominium development. See also PGMC 23.31.020(b)(1)(B).

7. Adult-oriented sales may comprise no more than 25 percent of floor area or stock-in-trade of a general retail business, must be located in the rear of the general retail business, and must not be visible from the exterior of the general retail business.

8. Hotel uses shall be allowed, subject to first securing a use permit in each case, and subject to the building height, site coverage, and yard requirements of this chapter. All other regulations and conditions of approval shall be as provided by use permit approved pursuant to this title. Said regulations and conditions shall include, without limitation, provisions for architectural review, land area per unit, neighborhood compatibility, landscaping, parking, traffic and accessory buildings. Required parking, if any, may be located on or off site, the location to be designated by the use permit. See also PGMC 23.31.020(b)(1)(A).

9. Outside the coastal zone only. In addition to the requirements of PGMC 23.31.040, emergency shelters shall be subject to the following standards:

- a. Maximum of 25 beds.
  - b. Off-street parking shall be provided at a rate of one space per five beds plus one space per each staff person on duty.
  - c. On-site management shall be provided at all times the shelter is open. A management and security plan shall be prepared in consultation with the city manager or his or her designee which shall describe hours of operation; staffing; house rules and occupant screening procedures; on- or off-site services to be provided; security measures to ensure the safety of the occupants of the shelter and surrounding areas; and communications protocols to ensure effective coordination between shelter management, adjacent property owners and residents, and public safety personnel.
  - d. No emergency shelter shall be established closer than 300 feet from another emergency shelter, measured from the nearest property line.
  - e. Waiting and intake areas shall be screened from view from the public right-of-way.
10. Permitted subject to the same standards as apply to other residential dwellings of the same type in the same zone.

\*\*When not associated with a veterinary clinic.

[Ord. 16-005 § 6, 2016; Ord. 15-013 § 4, 2015; Ord. 13-003 § 2, 2013].

**23.31.040 Commercial and industrial zoning districts development standards.**  
**Table 23.31.040 Commercial and Industrial Zoning Districts Development Standards**

	C-1/C-1-T	C-D	C-FH <sup>1</sup>	C-2	C-V	I
<b>Building Placement Requirements</b>						
Setbacks <sup>2</sup>						
Front, min. (max.)	0'	0'	0' (20')	0'	0'	0'
Side (min.), except:	0'	0'	0'	0'	0'	0'
Adjacent to residential zone	5'	5'	5'	5'	10'	10'
Rear (min.), except:	0'	0'	10'	0'	0'	0'
Adjacent to residential zone	5'	5'	10'	5'	10'	10'
<b>Building Form Requirements</b>						
Building height (max.) <sup>3</sup>	40' with max. site coverage of 75%; 30' with max. site coverage of 90%	40'	35'	40'	40' with max. site coverage of 75%; 30' with max. site coverage of 90%	40'
Site coverage (max.) <sup>4</sup>	75 – 90%, depending on building height	100%	75%	90%	75 – 90%, depending on building height	90%
<b>Density Requirements</b>						
Number of dwellings per parcel	Max. allowed by the general plan residential land use category nearest to the site, up to 30 units per net acre. <sup>5,6</sup>				N/A	Max. allowed by the GP residential land use category nearest to the site, up to 30 units per net acre. <sup>6</sup>
Floor area ratio	Max. allowed by the general plan					
<b>Lot Requirements</b>						

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	C-1/C-1-T	C-D	C-FH <sup>1</sup>	C-2	C-V	I
Lot area for new parcels (min.) <sup>7</sup>	2,000 sf					
<b>Other Requirements</b>						
Landscaping	See PGMC 23.64.195					
Parking	See PGMC 23.64.190					
Signs	See Chapter 20.04 PGMC					

**End Notes:**

1. Refer to the Forest Hill specific plan for additional development regulations and guidelines including site planning, circulation and parking, resource protection, signs, lighting, and landscaping.
2. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the setback standards in PGMC 23.24.060 shall apply.
3. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building height standards in PGMC 23.24.030 shall apply. Within the C-2 and I districts, a use permit is required in order to exceed the 40-foot building height limit.
4. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building coverage and site coverage standards in PGMC 23.24.050 and 23.24.051, respectively, shall apply.
5. Twenty-five units maximum in the C-1-T district. See also PGMC 23.31.020(b)(3).
6. Except as provided in End Note #5 above, higher residential densities are allowed if a finding can be made that the project furthers the goals of the general plan.
7. For mixed-use residential/commercial development where 50 percent or less of the street-level frontage is devoted to commercial usage, the building site area standards in PGMC 23.24.040 shall apply. [Ord. 17-009 § 3, 2017; Ord. 13-003 § 2, 2013].

**Chapter 23.32****C-1-T ZONE CONDOMINIUMS**

## Sections:

- 23.32.010 Purpose and intent.
- 23.32.020 Definitions.
- 23.32.030 Generally.
- 23.32.040 Permitting procedures.
- 23.32.050 Application requirements.
- 23.32.060 Standards.
- 23.32.070 Owners' association and organizational documents.
- 23.32.080 Hearing.
- 23.32.090 Use permit – Required findings.

**23.32.010 Purpose and intent.**

The city recognizes the importance of a suitable living environment for all residents and that condominium units can be an affordable and attractive form of housing.

It is the intent of the city to regulate residential condominium development within the C-1-T zone. The city recognizes the condominium form of property ownership creates unique challenges and, at times, problems relating to the land use, aesthetic, social and economic environment of the city. Therefore, it is the purpose of this chapter to accomplish the following:

- (a) Ensure adequate maintenance and repair of property within the C-1-T zone, including condominiums, to avoid conditions of disrepair inimical to the public health, safety, and welfare.
- (b) Ensure each condominium project is capable of satisfying the more demanding physical needs of long-term owners in contrast to the lesser expectations of short-term rental occupants.

This chapter shall apply exclusively to properties within the C-1-T zone, and shall have no force or effect in any other location in the city of Pacific Grove. [Ord. 15-019 § 3, 2015].

**23.32.020 Definitions.**

For purposes of this chapter, words contained in this section shall be defined as follows:

- (a) "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- (b) "Common area" means the entire common interest development except the separate interests therein, including condominiums. The estate in the common area may be a fee, a life estate, an estate for years, or any combination of the foregoing.
- (c) "Common interest development" means any of the following: (1) a community apartment project; (2) a condominium project; (3) a planned development; or (4) a stock cooperative.
- (d) "Condominium" means an undivided interest in common in a portion of real property coupled with a separate interest in space called a unit, the boundaries of which are described on a recorded final map, parcel map, or condominium plan in sufficient detail to locate all boundaries thereof. The area within these boundaries may be filled with air, earth, water, or fixtures, or any combination thereof, and need not be physically attached to land except by easements for access and, if necessary, support. The description of the unit may refer to (1) boundaries described in the recorded final map, parcel map, or condominium plan, (2) physical boundaries, either in existence or to be constructed, such as walls, floors, and ceilings of a structure or any portion thereof, (3) an entire structure containing one or more units, or (4) any combination thereof. An individual condominium within a condominium project may include, in addition, a separate interest in other portions of the real property. The term "condominium" shall include the following forms of ownership: "community apartments," "stock cooperatives," and "planned developments."

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- (e) “Condominium project” means a real property development consisting of condominiums, and, for purposes of the C-1-T zone, the entire parcel of real property, including all structures thereon, to be divided into two or more condominium units for the purpose of constructing or converting existing structures.
- (f) “CC&Rs” refers to a declaration (the association’s covenants, conditions and restrictions) meeting the requirements of California Civil Code Section 4250.
- (g) “Davis-Stirling Common Interest Development Act” or “Davis-Stirling Act” means the California Civil Code, beginning at Section 4000, as it may be amended from time to time.
- (h) “Developer” means the owner or subdivider with a controlling proprietary interest in the common interest development, or the person or organization making application under this chapter.
- (i) “Organizational documents” means the CC&Rs, articles of incorporation, bylaws, and any contracts for the maintenance, management, or operation of all or any part of a condominium project.
- (j) “Owners’ association” shall have the same meaning as the term “association.”
- (k) “Project” shall have the same meaning as the term “condominium project.”
- (l) “Reserve accounts” and “reserve moneys” mean moneys that the association board has identified for use to defray the future repair or replacement of, or additions to, those major components that the association is obligated to maintain.
- (m) “Reserve account requirements” means the estimated funds that the association board has determined are required to be available at a specified point in time to repair, replace, or restore those major components that the association is obligated to maintain.
- (n) “Reserves for common expenses” means moneys held by the association that may be expended for ongoing ground and building maintenance, maintenance and operation of recreational and other facilities, elevator maintenance, sidewalks and street maintenance, reserve contributions, taxes, and overall maintenance of common areas and facilities.
- (o) “Tenant” means a person who rents, leases, or subleases, through either a written or oral agreement, real property from another in the condominium project.
- (p) “Unit” is any separately owned residential unit in a condominium project. [Ord. 15-019 § 3, 2015].

**23.32.030 Generally.**

- (a) This chapter shall apply solely to the C-1-T zoning district, and shall be subject to the provisions of Chapter 23.64 PGMC unless provisions of this chapter conflict with Chapter 23.64 PGMC, in which event the provisions of this chapter shall prevail.
- (b) The Davis-Stirling Act is adopted by this reference and incorporated in this chapter as if set forth in full, as authorized by Government Code Section 50020 et seq. The city may, but is not obligated to, enforce the Davis-Stirling Act in accord with all enforcement procedures and remedies set forth in Chapter 1.19 PGMC, in addition to any other provision of law.
- (c) Common interest developments shall be subject to the provisions of the Davis-Stirling Act unless the express provisions of this chapter conflict with the Davis-Stirling Act, in which event the provisions of this chapter shall prevail. [Ord. 15-019 § 3, 2015].

**23.32.040 Permitting procedures.**

- (a) Certificate of Use and Occupancy Requirements. No person, firm, corporation, partnership or other entity shall create, own or operate any form of common interest development or other form of real property ownership without first obtaining approval by the planning commission and having been issued a certificate of use and occupancy by the community and economic development director.

(b) Issuance and Expiration. The community and economic development director shall issue a certificate of use and occupancy for condominium use when he or she determines that:

- (1) The applicant has complied with all the applicable city and state regulations then in effect;
- (2) The applicant has complied with all conditions of approval. A permit shall expire at the time a tentative subdivision map approval would expire if not acted upon, or if the conditions of approval have not been complied with in such time.

(c) Conditions Prerequisite to Issuance. No certificate of use and occupancy for condominium use shall be issued for a building or common interest development until it meets the following standards:

- (1) The proposed density and design characteristics of the buildings and grounds conform to the city general plan and comply with the city zoning code.
- (2) All violations of the current codes described in PGMC 18.04.010 have been corrected and any equipment or facilities which the chief building official determines are deteriorated or hazardous have been replaced.
- (3) It complies with all provisions of the Subdivision Map Act and PGMC Title 24, as applicable, including PGMC 24.72.030(a) and (b) and 24.72.060(e). [Ord. 15-019 § 3, 2015].

**23.32.050 Application requirements.**

An application for a condominium project in a C-1-T zone shall be accepted only for the purposes of creating residential uses. No application for a condominium project in a C-1-T zone shall be accepted for any purpose unless the application includes the following:

(a) A development plan of the project including:

- (1) The location, heights, gross floor area, and proposed and authorized uses for each floor within each structure;
- (2) The description of each unit in sufficient legal description, as required by the Davis-Stirling Act, and all rights, obligations and interests bound to each unit;
- (3) The designation as to which areas and units are dedicated to separate condominium ownership, and which areas are dedicated to common ownership and use;
- (4) The location for public meeting rooms for use by the association;
- (5) The location for public meeting rooms available for use by the city of Pacific Grove;
- (6) The location, use and type of surfacing for all storage areas;
- (7) The location of any and all common elements and equipment, including, but not limited to, HVAC, elevators, gates and doors, water features, and public features;
- (8) The location and type of surfacing for all driveways, pedestrian ways, vehicle parking areas, curb cuts, and points of access;
- (9) The location and size of all parking facilities to be used in conjunction with each condominium unit;
- (10) The location, height, and type of materials for all exterior or perimeter walls or fences;
- (11) The location of all landscaped areas, the type of landscaping, and a statement specifying the method by which the landscaped areas shall be irrigated and maintained;
- (12) The location and description of all common facilities and a statement specifying the method of the maintenance thereof;
- (13) The location and description of all common ingress and egress into the buildings or ancillary features;

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- (14) The location, type and size of all drainage pipes and structures depicted or described to the nearest public drain or watercourse;
  - (15) The maximum height of all finished rooftops;
  - (16) The location, type and size of all on-site and adjacent street overhead and underground utility lines;
  - (17) Balconies, including those designed to serve a single unit, but located outside the unit's boundaries, and proposed and authorized uses (or use limitations) for each;
  - (18) Existing and proposed exterior elevations;
  - (19) All rooftop facilities, including wireless equipment, and all screening related to those features;
  - (20) The location of and provisions for any unique site features.
- (b) A "reserve study" as required by the Bureau of Real Estate, Code of Regulations, and Davis-Stirling Act, and the funding plans for major common area components the association is obligated to maintain.
- (c) A report by a qualified acoustical consultant, based on field tests, which assesses compliance of existing units with sound transmission requirements of Chapter 35 of the Uniform Building Code. This shall apply to walls, floors and ceilings that separate proposed dwelling units from each other. Field studies may be based on randomly selected units representative of the type and arrangement of units in the project. At least 10 percent of the units shall be tested, but no fewer than two units of each type (e.g., internal vs. external), whichever is the greater number. The report shall contain details of measures that may be necessary to bring the units up to code requirements.
- (d) Sales information, including, but not limited to, the following information:
- (1) Anticipated range of sales prices, monthly mortgage payments, owner's fees, and taxes for individual unit types based on information available at the time; and
  - (2) A statement as to whether residential units will be restricted in occupancy to persons 55 years of age or older, pursuant to the Unruh Civil Rights Act.
- (e) Floor plans of each unit indicating the number of bedrooms and floor areas of each type of unit and the number of each type of unit.
- (f) A written description of organization and management of the project, including control and use of common areas, all facilities, and all separate units.
- (g) A title insurance report in the form employed by lending institutions.
- (h) A certified surveyor's report indicating the boundaries and all real property and improvements.
- (i) Additional information as required by the community and economic development director or planning commission.
- (j) A processing fee as established by resolution of the city council or as set in the master fee schedule, in addition to any fees required by the PGMC.
- (k) The community and economic development director may waive any informational requirement of this section if that information is deemed unnecessary. [Ord. 15-019 § 3, 2015].

**23.32.060 Standards.**

Condominium standards in this chapter are the minimum necessary to ensure that stated purposes and objectives are accomplished. Condominium projects shall comply with these standards and the standards set forth by the Davis-Stirling Act. Standards for the physical development of condominiums are as follows:

- (a) Unit Construction. The total number of condominiums allowable in the C-1-T zone shall not exceed 25 units.

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(b) Sound Transmission. Wall and floor-ceiling assemblies shall conform to Title 25, California Administrative Code, Section 1092, or its successor. Permanent mechanical equipment, including domestic appliances, determined by the chief building official to be potential sources of vibration or noise, shall be shock mounted, isolated from the floor and ceiling, or otherwise installed in a manner approved by the chief building official to lessen the transmission of vibration or noise. Floor covering may only be replaced by another floor covering that provides the same or greater insulation. The standards set forth herein shall be included in the CC&Rs.

(c) Utilities and Utility Metering.

(1) Consumption of gas, electricity and water within each condominium unit shall be separately metered so the unit can be separately billed for each utility. A water shut-off valve shall be provided for each unit or for each plumbing fixture. Each unit shall have access to each meter and heater for the unit without entry through another unit.

(2) Each condominium unit shall have its own panel, and access thereto, for all electrical circuits which serve the unit.

(3) Each condominium unit shall have conduits or other passages for optical fiber or copper connection to CATV, phone, and Internet lines.

(4) Each condominium unit shall be plumbed for purple pipe.

(d) Private Storage Space. Each condominium unit shall have at least 200 cubic feet of enclosed weather-proofed and lockable private storage space in addition to the enclosed living or habitable area of the unit. This storage space shall be for exclusive use of the condominium unit owner. The storage space may be provided in any location, but shall not be divided into two or more locations. If the applicant can demonstrate this standard is unreasonable, this standard may be modified by the community and economic development director.

(e) Equipment and Appliances. The applicant shall provide written certification to the buyer of each condominium unit upon initial sale that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, and/or air conditioners are in good and working condition as of the close of escrow. At such time as the association assumes management of the project, the applicant shall provide written certification to the association that the applicant completed a diligent visual inspection of all property within the project and all appliances, mechanical equipment and common area property and components to be owned in common by the association are in good and working condition.

(f) Easements. The applicant shall provide for dedication of land or easements for public access or other public purpose in connection with the project where reasonably necessary, if required by the planning commission.

(g) Refurbishing and Restoration. All buildings, structures, balconies, fences, enclosures, garages, accessory buildings, sidewalks, driveways, landscaped areas, irrigation systems, and other elements as required by the city shall be maintained as necessary to achieve high quality appearance and safety.

(h) Parking Standards. Off-street parking requirements for each condominium unit shall be one covered parking space per unit. Fourteen additional spaces shall be provided immediately adjacent to the Holman Building parcel; these spaces shall be marked and limited for visitor use. Dedicated parking spaces shall not be delineated for commercial or customers' use.

(i) CC&Rs. The community and economic development director shall approve all CC&Rs for any condominium project before they are recorded with the county recorder's office and before any condominium unit shall be sold. [Ord. 15-019 § 3, 2015].

**23.32.070 Owners' association and organizational documents.**

The developer and/or owner shall form and incorporate an association that complies with the Davis-Stirling Act and that has been approved by the community and economic development director. Approval shall be required before assumption of project management by the association.

(a) Owners' Association. The association shall be established for all condominium units by the following:

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- (1) Articles of incorporation of the association, filed with the Secretary of State;
- (2) Declarations of CC&Rs, recorded with the county recorder's office;
- (3) Bylaws of the owners' association, signed and certified by the initial secretary and president.

(b) Reserve Accounts. Association CC&Rs and bylaws shall require reserve accounts, and provide for funding and use of those accounts in accordance with the Davis-Stirling Act.

(c) Limit on Use of Reserves. Except as allowed by the Davis-Stirling Act, reserves shall not ordinarily be used to pay any of these expenses: recurring costs such as utility expenses, heating or cooling, janitorial services, solid waste disposal, grounds and building maintenance, security, insurance, other operating costs, management costs, accounting and bookkeeping services, legal services, and management fees. Use of reserves for these purposes shall require compliance with the Davis-Stirling Act.

(d) Approval of CC&Rs. Condominium CC&Rs shall be submitted to the city for approval at the time of the use permit application. The CC&Rs shall first be approved as to form and content by the city attorney and then by the planning commission at the time the commission acts on the use permit, before they, or any amendments, are recorded with the county recorder's office. The city shall similarly review and approve any amendment to the CC&Rs. The condominium CC&Rs shall contain, but not be limited to, the following provisions:

- (1) On-site property improvements, common areas, vehicular access ways, sewers, storm drains, street lighting, fire prevention water systems, and/or landscaping shall be maintained as a common expense by the association.
- (2) Beginning with the sale of the first condominium unit and continuing for a period of one year after the sale of no less than 50 percent of the condominium units, the developer shall fulfill all responsibilities of the association to maintain all common area facilities.
- (3) If maintenance responsibilities of the association are not fulfilled, the city shall have the power but not the obligation to compel such maintenance. Costs incurred by the city shall be billed to and paid by the association. The city may also recover its expenses by any means, including but not limited to placing a lien on the property, but not upon individual units.
- (4) The condominium project shall be managed by a managing agent, as defined in Civil Code Section 4158.
- (5) No individual owner may avoid liability for his or her prorated share of the expenses for common area by renouncing his or her rights in the common area.
- (6) Provisions to govern exclusive use of a designated parking space for each condominium unit.
- (7) Amendment or modification to the CC&Rs shall require the advance approval of the city. [Ord. 15-019 § 3, 2015].

### **23.32.080 Hearing.**

Concurrent with tentative map approval, the planning commission shall hold a public hearing on the application. In addition to publication and posting of legal notice, notice of the hearing shall be mailed at least 10 days prior to hearing date to occupants and owners of the site, and shall be posted on the property. [Ord. 15-019 § 3, 2015].

### **23.32.090 Use permit – Required findings.**

The planning commission shall not approve an application to create a condominium unless the planning commission finds that:

- (a) All provisions of this chapter are met and the project will not be detrimental to the health, safety, and general welfare of the community.
- (b) The proposed condominium is consistent with the general plan of the city of Pacific Grove.

- (c) The proposed condominium will conform to the Pacific Grove Municipal Code in effect at the time of approval, except as otherwise provided in this chapter.
- (d) The overall design and physical condition of the condominium will result in a project that is aesthetically attractive, safe, and of quality construction.
- (e) The requirements of PGMC 23.29.110 have been met. [Ord. 15-019 § 3, 2015].



**Chapter 23.33**

**C-1-T DISTRICT**

**(Repealed by Ord. 13-003)**

**Chapter 23.34**

**LIMITED DOWNTOWN COMMERCIAL (C-D)(C-1-T) USES**

Sections:

- 23.34.010 Purpose.
- 23.34.020 Numerical and size limitations established.
- 23.34.030 Procedure for establishing a restricted commercial use.

**23.34.010 Purpose.**

These regulations are intended to preserve Pacific Grove’s downtown character as a historic district and perpetuate a balance of land uses that are compatible in a downtown environment. These regulations will implement the general plan and:

- (a) Maintain a mix of commercial uses that is compatible with downtown’s historic character;
- (b) Promote a broad range of goods and services that avoids the dominance of any single type of use and provides a variety of options to the city’s residents and visitors;
- (c) Encourage the development of second floor residential uses above ground floor retail and service uses in the downtown commercial (C-D)(C-1-T) districts by limiting commercial uses that may generate noise, criminal activity, and litter;
- (d) Promote the establishment of unique, quality commercial uses that serve the intellectual, social, material, and day-to-day needs of the local community and visitors;
- (e) Protect and enhance the balanced mix of uses in the downtown commercial (C-D)(C-1-T) districts, particularly along Lighthouse Avenue, to ensure a high quality, pedestrian-oriented commercial environment providing a variety of goods and services to local residents;
- (f) Encourage uses that generate revenue for the city;
- (g) Discourage the type of establishments that may displace businesses that supply residents with essential goods and services. [Ord. 15-013 § 5, 2015].

**23.34.020 Numerical and size limitations established.**

Table 23.34.020 lists the numerical and size limitations for certain restricted uses consistent with the land use regulations for zoning districts in the city in which they may be located and the purposes of the chapter.

**Table 23.34.020: Limitations on Restricted Commercial Uses**

Use	Limit on the Number Allowed	Other Limitations	Type of Permit Required
Benefit/resale/consignment	12 in total and only 2 permitted on Lighthouse Avenue	Uses may be located on an upper floor in the (C-D)(C-1-T) downtown commercial zones	Occupancy permit business license
Reserved			
Reserved			

[Ord. 15-013 § 5, 2015].

**23.34.030 Procedure for establishing a restricted commercial use.**

(a) Acceptance of Applications. The department of community and economic development (the department) shall maintain an inventory of commercial uses subject to the numerical limitations set forth in this chapter. Each proposed change in land use or project for which an occupancy/business license application is submitted shall be evaluated to

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determine whether its approval would result in a net increase in the number of establishments or units that would exceed the limitations set forth in PGMC 23.34.020. All applications to establish a land use subject to such limitation shall be returned to the applicant or denied if the approval of such use would exceed the limits specified. Applications that affect but would not result in a net increase in the number of establishments subject to limitation may be accepted and processed. Numerically limited uses approved by the city shall be physically established and in operation within six months of the date of approval. Failure to establish the use shall void the approval.

(b) Reservation of Allocation. For approvals of numerically limited uses associated with construction activity (e.g., such as when a building addition or renovation has been approved for occupancy by the use) the six-month period for establishment shall be dated from issuance of a certificate of occupancy. [Ord. 15-013 § 5, 2015].

**Chapter 23.36**

**C-2 DISTRICTS**

**(Repealed by Ord. 13-003)**

**Chapter 23.40**

**I DISTRICTS**

**(Repealed by Ord. 13-003)**

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CONCEPTUAL DRAFT

**Chapter 23.42****O DISTRICT**

## Sections:

- 23.42.010 Generally.  
23.42.020 Uses permitted.  
23.42.025 Signs.  
23.42.030 Rezoning restriction.

**23.42.010 Generally.**

The purpose of this district is to provide a special zone for those areas which are set aside for scenic vistas, forest preserves, public recreational, waterfront, or beach areas, public parks, or similar open space. [Ord. 569 N.S., 1967].

**23.42.020 Uses permitted.**

The following uses are permitted in an O district:

- (a) Recreation areas, wildlife preserves, forest preserves, and waterfront areas;
- (b) Parks, playgrounds, public or civic buildings, structures and parking facilities, pertinent and compatible with open land usages, subject to first securing a use permit in each case. [Ord. 1676 N.S. § 1, 1989; Ord. 569 N.S., 1967].

**23.42.025 Signs.**

Signs, appurtenant to any permitted use, shall be allowed, subject to first securing a sign permit from the architectural review board in each case, except as follows:

- (a) A sign permit shall not be required for signs posted by a governmental agency for health and safety purposes.
- (b) A sign permit shall not be required for signs posted by the city or at the direction of any other governmental agency so long as such signs are under 15 square feet in area and no more than four feet in height.
- (c) Any commercial sign shall require a use permit from the planning commission and design approval from the architectural review board; provided, commercial signs posted by the city shall require only city council approval. [Ord. 1676 N.S. § 2, 1989].

**23.42.030 Rezoning restriction.**

All property within the city zoned O as of July 14, 1986, shall remain zoned O until such time that an ordinance to change the zoning is approved by the voters. [Ord. 1555 N.S. § 1, 1986].

### Chapter 23.43

#### INITIATIVE RESTRICTION OF USE OF GEORGE WASHINGTON PARK

Sections:

- 23.43.010 Use restrictions.
- 23.43.020 Maintenance.
- 23.43.030 Unlawful expenditures.
- 23.43.040 Conflicting provisions – Severability.
- 23.43.050 Effective date.
- 23.43.060 Violation – Penalty.

**23.43.010 Use restrictions.**

The Municipal Park (also called Forest Park and George Washington Park), located in the area bounded by Sinex, Alder, Short, Melrose, and a portion of Seventeen Mile Drive Streets in the city of Pacific Grove, shall be used only for recreational and pleasure purposes as a park, and no trailer camps or campgrounds, or public or private businesses, shall be maintained thereon. [Ord. 1235 N.S. § 2, 1980].

**23.43.020 Maintenance.**

The Municipal Park shall be maintained for recreational purposes as a park by the city in a cleanly condition. [Ord. 1235 N.S. § 2, 1980].

**23.43.030 Unlawful expenditures.**

Any expenditures of public funds of the city of Pacific Grove for purposes inconsistent with the provisions of this chapter shall be unlawful and any such expenditure or threatened expenditure may be enjoined by the city or by any city taxpayer. [Ord. 1235 N.S. § 2, 1980].

**23.43.040 Conflicting provisions – Severability.**

All ordinances and parts of ordinances in conflict herewith, including Ordinance No. 211 (adopted November 10, 1924) and Section 8-220 of the Pacific Grove Municipal Code (dated December 4, 1940), both of which provide for city campgrounds, are repealed. If any part of this chapter should be held invalid the remaining parts shall continue in full legal effect. [Ord. 1235 N.S. § 2, 1980].

**23.43.050 Effective date.**

This chapter shall take effect and be enforced 10 days after the canvassing board canvassing the results of the election concerning the initiative ordinance codified in this chapter has declared that the majority of voters voting have voted for its passage, which declaration shall be promptly made. [Ord. 1235 N.S. § 2, 1980].

**23.43.060 Violation – Penalty.**

Any person (including a city official, city agent, or city employee), or any business organization violating the terms hereof shall be guilty of a misdemeanor and punishable by a fine of not more than \$250.00 or imprisonment for not more than three months in the city or county jail, or by both such fine and imprisonment. [Ord. 1235 N.S. § 2, 1980].

**Chapter 23.44****U DISTRICTS**

## Sections:

- 23.44.010 Generally.
- 23.44.020 Uses permitted.
- 23.44.025 Signs.
- 23.44.030 Building height limit – Site area – Yards.
- 23.44.040 Rezoning restriction.

**23.44.010 Generally.**

The regulations found in this chapter shall apply in all unclassified or U districts and shall be subject to the provisions of Chapter 23.64 PGMC. [Ord. 210 N.S. § 11-137(1), 1952].

**23.44.020 Uses permitted.**

The following uses are permitted in the U district:

- (a) Public parks, playgrounds, schools, recreation areas, public or civic buildings, subject to first securing a use permit in each case;
- (b) Other uses may be permitted in newly annexed territory, pending precise zoning, provided a use permit is first secured in each case. [Ord. 1676 N.S. § 4, 1989; Ord. 210 N.S. § 11-137(1)(a), 1952].

**23.44.025 Signs.**

Signs, appurtenant to any permitted use, shall be allowed, subject to first securing a sign permit from the architectural review board in each case, except as follows:

- (a) A sign permit shall not be required for signs posted by a governmental agency for health and safety purposes.
- (b) A sign permit shall not be required for signs posted by the city or at the direction of any other governmental agency so long as such signs are under 15 square feet in area and no more than four feet in height.
- (c) Any commercial sign shall require a use permit from the planning commission and design approval from the architectural review board; provided, commercial signs posted by the city shall require only city council approval. [Ord. 1676 N.S. § 4, 1989].

**23.44.030 Building height limit – Site area – Yards.**

Building height limits, building site area required and yards required shall be as specified in the use permit. [Ord. 210 N.S. § 11-137(1)(b), 1952].

**23.44.040 Rezoning restriction.**

All property within the city zoned U as of July 14, 1986, shall remain zoned U until such time that an ordinance to change the zoning is approved by the voters. [Ord. 1555 N.S. § 2, 1986].



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 TIMESHARES

### Chapter 23.45

## INITIATIVE ORDINANCE ENACTING REGULATIONS FOR MULTIPLE UNIT DEVELOPMENTS

### INVOLVING CONDOMINIUMS, PLANNED UNIT DEVELOPMENTS AND TIMESHARES

#### Sections:

- 23.45.010 Regulations generally.
- 23.45.020 Timeshare projects prohibited.
- 23.45.030 Intention of chapter.
- 23.45.040 Building permit issuance restricted.
- 23.45.050 Severability.

#### **23.45.010 Regulations generally.**

Effective the date of the adoption of the ordinance codified in this chapter by the city council or by the voters of the city of Pacific Grove, the following regulations shall apply to multiple residential developments involving condominiums or planned unit developments (PUDs), in lieu of any ordinance or resolution to the contrary:

(a) In any planned unit or condominium development, the permitted number of dwelling units per acre shall not be more than 25 percent greater than that constructed in the nearest single-family residential district (hereafter referred to as defined in the Pacific Grove zoning ordinance, PGMC 23.12.010, as it existed on June 1, 1982). Should more than one single-family residential district be adjacent to the development, the lowest number of units per acre will be observed. However, in no case shall there be less than 4,000 square feet of land per unit. In computing land area available for such purposes, areas shall be excluded which would not normally constitute part of the building site, such as:

- (1) A minimum of 24-foot-wide strip for the length of any private roadway proposed for common use;
- (2) Any area serving as commercial or visitor-commercial use and uses ancillary thereto; and
- (3) Clubhouses, common recreational buildings, meeting rooms, and sales rooms and area.

(b) Fifty percent of the entire building site area, but exclusive of common roadways, shall not be covered vertically from the ground upward and shall be landscaped with permeable plants or materials.

(c) The height of any structure shall not exceed 25 feet.

(d) Two covered automobile parking spaces shall be provided for the exclusive use of each dwelling unit. [Ord. 1315 N.S. § 1, 1982].

#### **23.45.020 Timeshare projects prohibited.**

Timeshare projects shall not be permitted in the city of Pacific Grove. [Ord. 1315 N.S. § 1, 1982].

#### **23.45.030 Intention of chapter.**

It is the intention of this chapter to avoid special privileges for condominiums and planned unit developments and to have such forms of development conform to the zoning standards and subdivision standards applicable to single-family residential district development. It is also the intention of this chapter in prohibiting timeshares to avoid the conversion and loss of the city's residential stock and character. [Ord. 1315 N.S. § 1, 1982].

#### **23.45.040 Building permit issuance restricted.**

No building permit shall be issued that is not consistent with the provisions of this enactment. [Ord. 1315 N.S. § 1, 1982].

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**23.45.050 Severability.**

The provisions of this enactment are independent and separable and if any one provision is held to be invalid the people declare their intention that they would have enacted each provision separately. [Ord. 1315 N.S. § 1, 1982].

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

CONCEPTUAL DRAFT

**Chapter 23.52****R-3-M DISTRICTS**

## Sections:

- 23.52.010 Regulations generally.
- 23.52.020 Uses permitted.
- 23.52.030 Regulations for R-3-M uses.
- 23.52.035 Special regulations for motels and hotels built prior to 1986.
- 23.52.040 Statement of intent.
- 23.52.050 Other provisions.
- 23.52.060 Amendment.

**23.52.010 Regulations generally.**

Effective the date of the adoption of the ordinance codified in this section by the city council or by the voters of the city of Pacific Grove, the regulations of the ordinance codified in this section shall apply in the R-3-M district in lieu of any ordinance or resolution to the contrary:

(a) The R-3-M district is defined as those areas so designated on the official zoning map of the city of Pacific Grove referred to in PGMC 23.12.020. Said districts may be classified by the city council to R-1, R-H, or R-2, where already developed as such, but no new R-3-M districts shall be created.

(b) Motel and hotel uses shall be restricted to the R-3-M district, including any uses accessory or ancillary to a motel. The ordinance codified in this section shall also apply to any use described in PGMC 23.52.020 proposed for the construction or expansion in any R-3-M district, including uses accessory or ancillary to such use. [Ord. 1536 N.S. § 2, 1986].

**23.52.020 Uses permitted.**

The following uses are permitted in the R-3-M districts:

(a) Any use permitted in the R-3 district, subject to obtaining a use permit for any use for which such is required in an R-3 district;

(b) Motels, subject to first securing a use permit in each case;

(c) Hotels, subject to first securing a use permit in each case;

(d) Adult communities, retirement homes and rest homes, subject to first securing a use permit in each case. [Ord. 575 N.S., 1967; Ord. 453 N.S., 1964; Ord. 263 N.S., 1955; Ord. 210 N.S. § 11-139(1)(a), 1952].

**23.52.030 Regulations for R-3-M uses.**

(a) A minimum of 2,500 square feet of land shall be required for each family unit and each motel or hotel unit. For other uses described in PGMC 23.52.020(d), the planning commission and/or city council shall determine the amount of land area per occupied unit by judging its similarity to a family unit or motel unit in actual use and impact. For example, a rest home affording separate apartments and parking facilities would be judged a family unit; a hotel which offers amenities identical or substantially similar to a motel would be judged a motel. In no event shall less than 2,000 square feet per occupied unit be allowed, for any PGMC 23.52.020(d) use.

(b) A minimum setback of 20 feet shall be required for all structures in a R-3-M development which abut R-1, R-H, or R-2 property, including streets abutting same. The setback shall be 10 feet for commercial or other R-3-M developments or districts. Eave projections may extend up to three feet into any required yard, but in no case may be closer than three feet to any property line.

(c) The height of the structures shall not exceed 25 feet nor two stories above grade. The height shall be one story above grade and not more than 18 feet where the R-3-M property, or any portion thereof, is within 200 feet of any portion of any property zoned R-1, R-H, or R-2.

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(d) The architectural review board, the planning commission and/or the city council shall require the configuration and layout of structures so as to assure that residential areas are not impacted by guest activities such as registration, parking, food and beverage services. Said bodies shall require a design which blends with the residential neighborhood and minimizes the nonresidential impact and use. Appropriate landscaping shall be required throughout the site. Setback areas shall be landscaped and shall not be used for automobile parking, or storage of any kind. Access to the site, where feasible, shall be from a street and/or driveway which does not abut said residential areas.

(e) Wood-burning fireplaces and wood-burning heaters shall be limited to the rate of six per acre, and any additional fireplaces shall be limited to natural gas fireplace inserts.

(f) Any use permit for new construction or other activity resulting in an increase in the number of units or the amount of floor space shall expire one year from its issuance unless construction of the project for which the permit was issued is substantially complete.

(g) Uses which do not conform hereto as of the date of publication of the notice of intention to circulate the petition for the ordinance codified in this section may continue if legally installed prior thereto. Any expansion or alteration of such existing nonconforming use shall require complete compliance herewith for the entire use. The conversion of sliding doors to swinging doors, and similar changes, are not considered an expansion or alteration.

(h) Variances and/or exceptions hereto shall not be granted, except upon strict compliance with state and local law governing such. No variance or exception shall be granted on the basis of failure of opposition thereto.

(i) Any R-3-M district property shall be deemed to be upon a street which abuts or abutting to R-1, R-H, or R-2 property, whenever any part of the R-3-M property is within 20 feet of the abutting street or the R-1, R-H or R-2 property. [Amended by vote of the people on November 8, 2011, general election; Res. 11-061 § 4, 2011; Res. 11-060 § 4.1, 2011; Ord. 1536 N.S. § 3, 1986].

**23.52.035 Special regulations for motels and hotels built prior to 1986.**

This section modifies the development standards in PGMC 23.52.030 for R-3-M motels and hotels built prior to the adoption of Ordinance No. 1536, in order to enable and encourage hoteliers to upgrade and modernize their businesses to stay competitive. Where this section differs from PGMC 23.52.030, the provisions of this section shall take precedence. Where this section is silent on a provision that is in PGMC 23.52.030, the provision in PGMC 23.52.030 shall apply.

(a) Motels and hotels built prior to 1986 are categorized into groups and are allowed additional guest units over the number of permitted guest units, as of the effective date of this section, as follows:

**New Guest Units Allowed for Motels and Hotels Built Prior to 1986**

Address	Permitted Guest Units as of Effective Date of This Section	Additional Guest Units Allowed over Permitted Guest Units in Column to Left
<b>Group A<sup>1</sup></b>		
569 Asilomar Avenue	16	3
1095 Lighthouse Avenue	10	2
800 Asilomar Avenue	54	11
221 Asilomar Avenue	18	1
1073 Lighthouse Avenue	27	5
701 – 709 Asilomar Avenue	28	6
775 Asilomar Avenue	18	4
1100 Lighthouse Avenue	38	8

Address	Permitted Guest Units as of Effective Date of This Section	Additional Guest Units Allowed over Permitted Guest Units in Column to Left
1101 Lighthouse Avenue	33	7
<b>Group B<sup>2</sup></b>		
1111 Lighthouse Avenue	49	10
740 – 750 Crocker Avenue	49	3
650 Dennett Street	31	6
1150 Lighthouse Avenue	66	6
1140 Lighthouse Avenue	37	3
133 Asilomar Avenue	19	4
<b>Group C<sup>3</sup></b>		
635 Ocean View Boulevard	60	0
625 Ocean View Boulevard	52	0
1038 Lighthouse Avenue	24	0

<sup>1</sup> Group A – Motels and hotels where the number of permitted guest units, as of the effective date of this section, is less than 170 percent of the 1:2,500 density ratio in PGMC 23.52.030(a). Motels and hotels in Group A may construct additional guest units or ancillary facilities by conversion of existing buildings or by new construction.

<sup>2</sup> Group B – Motels and hotels where the number of permitted guest units, as of the effective date of this section, is greater than 170 percent, but less than 250 percent, of the 1:2,500 density ratio in PGMC 23.52.030(a). Motels and hotels in Group B may construct additional guest units or ancillary facilities by conversion of existing buildings only.

<sup>3</sup> Group C – Motels and hotels where the number of permitted guest units, as of the effective date of this section, is greater than 250 percent of the 1:2,500 density ratio in PGMC 23.52.030(a). Motels and hotels in Group C may not construct any additional guest units.

(b) For motels and hotels in Group A, each new guest unit shall be a maximum size of 360 square feet. Since new guest units in Group B motels and hotels must be created by conversion of existing buildings, they may conceivably be greater than 360 square feet in size. No existing guest unit that is less than 360 square feet, as of the effective date of this section, may be enlarged to exceed 360 square feet in size. No existing guest unit that is 360 square feet or more in size, as of the effective date of this section, shall be enlarged.

(c) Motels and hotels in Group A may use up to three of the additional guest units allowed to instead create a new ancillary facility (e.g., meeting space, dining room, fitness facility), with a maximum size of 1,080 square feet (or 360 square feet for each additional guest unit substituted). Motels and hotels in Groups B and C may create new ancillary facilities only through conversion of existing buildings and are not limited in size.

(d) For motels and hotels in Group A, the setback requirements of PGMC 23.52.030(b) shall also apply to new guest units or new ancillary facilities that abut any public street or any single-family residence.

(e) For motels and hotels in Group A, building height is two stories and not more than 25 feet for new guest units that are at least 50 feet from any property zoned R-1, R-H, or R-2, any public street, and any single-family residence. Building height is one story and not more than 18 feet for new guest units that are at least 20 feet from any property zoned R-1, R-H, or R-2, any public street, and any single-family residence. For property lines of Group A motels and hotels that do not abut any property zoned R-1, R-H, or R-2, a public street, nor single-family residence, building height for new guest units may be two stories and up to 25 feet within 10 feet of the property line. New ancillary facilities in Group A motels and hotels may be one story, with a maximum building height of 18 feet.

(f) For motels and hotels in Groups A and B, the following additional requirements apply to new construction or conversion of existing buildings:

- (1) A use permit approval is required. As part of this review, the planning commission may impose specific standards pertaining to building design (e.g., building mass, bulk, height, and wall articulation), outdoor lighting,

driveway locations, parking areas, landscaping, signs, street dedication, and related public improvements, upon finding that such requirements are necessary to meet the intent of the R-3-M district.

(2) No outdoor living areas are allowed within setbacks abutting residential zones or residential uses. This includes balconies, decks, open porches, patios, or similar outdoor guest activity areas.

(3) Existing landscaping requirements in PGMC 23.52.030 are expanded to require that within setback areas adjacent to the new development or building conversion, especially abutting residential zones and residential uses, plantings include numerous trees, shrubs and plants that will reduce visual and noise impacts of the motel or hotel use on adjacent properties.

(4) New guest units do not have to be built at one time, but may be developed in phases.

(5) All other R-3-M standards shall apply including, but not limited to, parking and building coverage. New guest units and ancillary facilities must have available water.

(g) For motels and hotels in Groups A, B and C, a nonconforming building damaged or destroyed by catastrophic event or demolished under any other circumstance may be rebuilt to the condition or configuration of the building that existed immediately prior to the event or demolition, as long as the reconstruction is carried out in a manner consistent with PGMC 23.68.040. While reconstruction to pre-existing conditions is allowed, elimination of nonconformities is encouraged. Reconstructed one-story buildings may be built to a maximum height of 18 feet, regardless of the pre-existing building height.

(h) For motels and hotels in Groups A, B and C, exterior remodeling within the existing footprint of a nonconforming building may retain existing nonconformities as long as the remodel does not:

(1) Extend or expand an existing nonconformity;

(2) Add any new nonconformity; or

(3) Adversely affect the privacy of adjacent residential-zoned property or residential uses.

(i) No other reconstruction or remodeling may take place, beyond what is allowed in this section for motels and hotels in Groups A, B and C, without bringing the entire property into conformance with PGMC 23.52.030. [Added by vote of the people on November 8, 2011, general election; Res. 11-061 § 4, 2011; Res. 11-060 § 4.2, 2011].

**23.52.040 Statement of intent.**

It is the intention of the ordinance codified in this section to preserve the essential residential character of the city, and the residential appearance of the city, and to prevent the adverse impacts of such from developments in the R-3-M districts. [Ord. 1536 N.S. § 4, 1986].

**23.52.050 Other provisions.**

Regulations found in this chapter are subject to the provisions of Chapter 23.24 PGMC, unless there is a conflict, in which event the regulations found in this chapter shall prevail. [Ord. 1536 N.S. § 5, 1986].

**23.52.060 Amendment.**

PGMC 23.52.010, 23.52.030, 23.52.035 and 23.52.040 shall not be repealed or amended except by a vote of the people. [Amended by vote of the people on November 8, 2011, general election; Res. 11-061 § 4, 2011; Res. 11-060 § 4.3, 2011; Ord. 1536 N.S. § 6, 1986].

**Chapter 23.56****R-H DISTRICT**

## Sections:

- 23.56.010 Statement of intent.  
 23.56.015 Special regulations.  
 23.56.020 Boundaries of district.

**23.56.010 Statement of intent.**

It is the intention of this chapter to preserve the essential characteristics of the R-H district. These characteristics include a feeling of open space around dwellings, and public views of ocean, sky and trees. This chapter ensures that new homes and additions shall be constructed in proportion to lot size and with roof lines that enhance the architectural integrity of the neighborhoods. [Ord. 1778 N.S. § 1, 1991].

**23.56.015 Special regulations.**

Except as specifically provided by this section, R-1 requirements shall apply in the R-H district.

(a) Dwelling Height. No dwelling shall exceed a height of 25 feet, nor have more than two stories, a story being a complete horizontal section of a building having one continuous floor or practically continuous floor (i.e., less than three foot change in finished floor elevation). Mezzanines, lofts and similar spaces are considered second stories.

(b) Roof Pitch. No portion of a roof above 18 feet shall have a pitch less than 3:12.

(c) Building Coverage. Maximum building coverage is 40 percent for one story or for buildings up to 16 feet high, and 35 percent for two stories or for buildings over 16 feet high.

(d) Site Coverage. Maximum site coverage on all sites is 60 percent.

(e) Side Yards. For new single-family dwellings constructed after May 17, 1991 (effective date of the ordinance codified in this chapter) side yards shall be 10 percent of lot width but need not exceed 10 feet; provided, however, on corner lots, the side yard abutting the street shall be 20 percent of the width of the lot, but need not exceed 15 feet.

If proposed improvements to existing buildings include the demolition and reconstruction of 50 percent or more of the floor area of the building and/or the demolition and reconstruction of 50 percent or more of the total lateral length of the exterior walls, the project will be classified as a new structure. [Ord. 12-003 § 9, 2012; Ord. 00-18 § 8, 2000; Ord. 97-11 § 1, 1997; Ord. 1778 N.S. § 1, 1991].

**23.56.020 Boundaries of district.**

The R-H district shall be that area bounded by the Esplanade and Seventeen Mile Drive on the east, Crest Avenue and Del Monte Boulevard on the south, Asilomar Boulevard on the west, and Ocean View Boulevard on the north. [Ord. 264 N.S., 1955; Ord. 210 N.S. § 11-140(1), 1952].

**Chapter 23.57****R-3-P.G.B. DISTRICT**

## Sections:

- 23.57.010 Purpose and description.
- 23.57.020 Uses permitted.
- 23.57.030 Building height limits.
- 23.57.040 Building site area required.
- 23.57.050 Allowed building coverage.
- 23.57.051 Allowed site coverage.
- 23.57.060 Yards required.
- 23.57.070 Architectural approval.

**23.57.010 Purpose and description.**

The council declares that the portion of the Pacific Grove Beach Tract bounded by Lorelei Street on the east, Ocean View Boulevard on the north, Sea Palm Avenue on the west, and the southerly property line of property on the south side of Mermaid Avenue on the south is an architecturally unique neighborhood of the city of Pacific Grove; that said neighborhood is characterized by its small lots, spaces and massing which has resulted in a village-like setting; and that it is the intention of the council to resolve the unique problems of said neighborhood through the regulations of this chapter. Said district shall be known as the R-3-P.G.B. district. [Ord. 754 N.S. § 1, 1973].

**23.57.020 Uses permitted.**

The following uses are permitted in the R-3-P.G.B. district, subject to first securing architectural approval and a use permit:

- (a) Single-family dwellings;
- (b) Duplexes, multiple-family dwellings, apartment houses and dwelling groups;
- (c) Accessory uses and buildings normally incidental to any of the above. [Ord. 1418 N.S. § 5, 1984; Ord. 811 N.S., 1974; Ord. 754 N.S. § 1, 1973].

**23.57.030 Building height limits.**

The maximum height of main buildings shall be 25 feet and limited to two stories. [Ord. 00-18 § 9, 2000; Ord. 754 N.S. § 1, 1973].

**23.57.040 Building site area required.**

The minimum building site area for each building or group of buildings and minimum width which shall be required are as follows:

- (a) On the southerly side of Mermaid Avenue (Lots 19 through 31 of Block 241 and Lots 1 through 45 of Block 245), 1,760 square feet with a minimum width of 44 feet;
- (b) Between Mermaid Avenue and Ocean View Boulevard (Blocks 242, 243, 244 and 246), 2,500 square feet.

In order to install more than one dwelling unit on a building site, there shall be a minimum of 2,500 square feet of land in the building site for each dwelling unit. [Ord. 1115 N.S. § 1, 1979; Ord. 754 N.S. § 1, 1973].

**23.57.050 Allowed building coverage.**

Maximum building coverage on all sites is 50 percent. [Ord. 12-003 § 10, 2012; Ord. 1307 N.S. § 3, 1982; Ord. 754 N.S. § 1, 1973].

**23.57.051 Allowed site coverage.**

Maximum site coverage on all sites is 60 percent. [Ord. 12-003 § 10, 2012].

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**23.57.060 Yards required.**

(a) Front Yard. The minimum front yard shall be eight feet along Mermaid Avenue and 12 feet along Ocean View Boulevard.

(b) Side Yard. Side yards shall be 10 percent of the lot width, with a minimum requirement of three feet and a maximum of 10 feet.

(c) Rear Yard. Rear yards shall be five feet for one-story structures and eight feet for two-story structures.

When a rear yard abuts a street, the front yard setback for the street shall also be the rear yard setback.

(d) Special Yards and Distances Between Buildings. The regulations prescribed by PGMC 23.24.060(d) shall apply to the R-3-P.G.B. district.

(e) Decks and Porches. The regulations prescribed by PGMC 23.24.060(f), as said regulations pertain to decks and porches, shall apply to the R-3-P.G.B. district.

(f) Parking. The regulations prescribed by PGMC 23.64.190 shall apply to the R-3-P.G.B. district.

(g) In considering any application for a use permit, the planning commission is authorized to prescribe requirements other than prescribed by subsections (b), (c), (d) and (e) of this section where it finds that the qualifications of PGMC 23.72.090 apply to the land, building or use, or if the lot involved is a permitted building site by virtue of PGMC 23.64.140. [Ord. 1418 N.S. § 6, 1984; Ord. 754 N.S. § 1, 1973].

**23.57.070 Architectural approval.**

Architectural approval pursuant to Chapter 23.73 PGMC shall apply to all structures erected or remodeled in the zone. [Ord. 754 N.S. § 1, 1973].

**Chapter 23.58**

**V-C DISTRICTS (VISITOR-COMMERCIAL)**

**(Repealed by Ord. 13-003)**

**Chapter 23.60****PLANNED UNIT DEVELOPMENT – PUD**

## Sections:

- 23.60.010 Application of provisions.
- 23.60.020 Permitted uses.
- 23.60.030 Minimum parcel size.
- 23.60.040 Number of dwelling units.
- 23.60.050 Side yard.
- 23.60.060 Zone change to PUD – Application procedure.
- 23.60.070 Use permit – Application – Fees and documents.
- 23.60.080 Use permit – Application – Hearing.
- 23.60.090 Zone change to PUD – Planning commission, city council action.
- 23.60.100 Use permit – Conditions prerequisite to granting.
- 23.60.110 Use permit – Granting.

**23.60.010 Application of provisions.**

The regulations of this chapter and the provisions of Chapter 23.64 PGMC shall apply in the planned unit development zone, to be designated PUD on the city's zoning map. [Ord. 1183 N.S. § 1, 1980].

**23.60.020 Permitted uses.**

The following uses shall be permitted in PUD zones, after securing a use permit under this chapter for each planned unit development:

- (a) Residential developments and uses appurtenant and accessory thereto, whether in single-family dwellings, multifamily dwellings, or apartment houses or condominiums or similar forms of common ownership;
- (b) Compatible commercial uses;
- (c) Commercial uses shall not be mingled with residential uses, except for visitor accommodation facilities. [Ord. 1183 N.S. § 1, 1980].

**23.60.030 Minimum parcel size.**

The minimum parcel size for any development shall be one acre, exclusive of areas dedicated to public use. [Ord. 1183 N.S. § 1, 1980].

**23.60.040 Number of dwelling units.**

The number of dwelling units shall not exceed the requirements of the land use element of the general plan for such area, exclusive of areas required to be dedicated to the public. [Ord. 1183 N.S. § 1, 1980].

**23.60.050 Side yard.**

Where a PUD is contiguous to a different zone, it shall observe the minimum side yard required for the other zone along the line of contiguity, subject to the authority of the planning commission to require a greater setback in considering a use permit application. [Ord. 1183 N.S. § 1, 1980].

**23.60.060 Zone change to PUD – Application procedure.**

Any application for change of zone to PUD by an owner shall be signed by all persons owning an interest in the property affected and shall be accompanied by an application for a use permit. [Ord. 1183 N.S. § 1, 1980].

**23.60.070 Use permit – Application – Fees and documents.**

Applications for a use permit shall be accompanied by a general development plan showing the use or uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping, and other open spaces, and architectural drawings and sketches demonstrating the design and character of the proposed uses and physical relationship of the uses. Such other pertinent information shall be included as may be necessary to a determination that the contemplated

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arrangement of use makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter.

Applications shall be accompanied by a fee as established by resolution of the council, no part of which is refundable. [Ord. 1765 N.S. § 18, 1991; Ord. 1183 N.S. § 1, 1980].

**23.60.080 Use permit – Application – Hearing.**

Applications for use permit under this chapter shall be set for public hearing before the planning commission upon notice pursuant to PGMC 23.72.040. In the case of owner-initiated applications for change of zone to PUD, the notice of hearing on the use permit shall be included in the notice pursuant to PGMC 23.72.190(a) and (b) and both matters shall be heard at the same time. [Ord. 1183 N.S. § 1, 1980].

**23.60.090 Zone change to PUD – Planning commission, city council action.**

The planning commission may recommend adoption of the change of zone with or without approval of a use permit, and the city council may act on the amendment and the use permit pursuant to PGMC 23.72.210. [Ord. 1183 N.S. § 1, 1980].

**23.60.100 Use permit – Conditions prerequisite to granting.**

Before a use permit shall be granted, the planning commission shall find, as shall the city council in cases of appeal or where the use permit application accompanies the zone change application, the following:

- (1) Any residential development will be in harmony with the character of the surrounding neighborhood.
- (2) Any commercial development is needed at the proposed location, will not create additional traffic congestion, has adequate off-street parking, and the development will be an attractive center which will fit harmoniously into and will not adversely affect the neighborhood.
- (3) Adequate provision has been made to assure perpetual care and maintenance of landscaping and common areas. [Ord. 1183 N.S. § 1, 1980].

**23.60.110 Use permit – Granting.**

The planning commission and/or city council may impose such conditions upon the use permit as may be reasonably required to assure a harmonious development is constructed within a reasonable time, including the posting of bond and the dedication of streets, ways and facilities to the public. [Ord. 1183 N.S. § 1, 1980].

## Chapter 23.64

### GENERAL PROVISIONS AND EXCEPTIONS

#### Sections:

- 23.64.010 Application of chapter.
- 23.64.020 Use permit – Circus, open-air theater, racetrack.
- 23.64.030 *Repealed.*
- 23.64.035 Coin-operated amusement devices.
- 23.64.040 Accessory uses in C, I, U districts.
- 23.64.050 Use permit – Parking lots – R district.
- 23.64.055 Use permit – Downtown public gathering area.
- 23.64.060 Use permit – Public buildings, parks, etc.
- 23.64.063 Use permit - Wireless telecommunications facilities
- 23.64.065 Use permit – Group quarters.
- 23.64.067 Use permit – Integral group quarters facilities.
- 23.64.070 Use permit – Earth, mineral removal.
- 23.64.080 Commercial uses – R-1, R-2 districts.
- 23.64.090 Commercial uses – R-3 district.
- 23.64.110 Family daycare homes.
- 23.64.115 Food service establishments.
- 23.64.119 Garden structures.
- 23.64.120 Height limits – Chimneys, flagpoles, towers, etc.
- 23.64.130 Height limits – Fences, hedges, or other visual obstructions.
- 23.64.134 Outdoor seating.
- 23.64.135 Prohibited fences.
- 23.64.140 Building site area.
- 23.64.145 Separate building site – R-1 district.
- 23.64.147 Separate building site – R-3-P.G.R. district.
- 23.64.150 Yards – Projection of cornices, eaves, etc.
- 23.64.160 Yards – Projection of open porches, stairways, etc.
- 23.64.170 Yards – Measured from official plan line.
- 23.64.180 Accessory buildings and structures.
- 23.64.185 Accessory use – Storage of portable or movable objects.
- 23.64.190 Off-street parking, storage.
- 23.64.195 Landscaping of front and side yards.
- 23.64.240 Parking or placement of large vehicles or structures in certain areas of residential premises – Prohibited.
- 23.64.290 Alcoholic beverage sales.
- 23.64.300 Application for abandonment or purchase of city property.
- 23.64.310 Swimming pools.
- 23.64.320 Unlawful sale of subdivided contiguous lots.
- 23.64.340 Consistency with county hazardous waste management plan.
- 23.64.350 Transient use of residential property for remuneration.
- 23.64.360 *Repealed.*
- 23.64.370 Permitting home sharing.

#### **23.64.010 Application of chapter.**

The regulations specified for this title shall be subject to the general provisions and exceptions found in this chapter. [Ord. 210 N.S. § 11-141(1), 1952].

#### **23.64.020 Use permit – Circus, open-air theater, racetrack.**

No circus, carnival, amusement park, open-air theater, racetrack, private recreation center, or other similar establishment shall be established in any district where permitted, unless and until a use permit is first secured for the establishment, maintenance and operation of such use. [Ord. 210 N.S. § 11-141(1)(a)(1), 1952].

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**23.64.030 Use permit – Dancehall, roadhouse, nightclub, etc.**

*Repealed by Ord. 13-003. [Ord. 210 N.S. § 11-141(1)(a)(2), 1952].*

**23.64.035 Coin-operated amusement devices.**

For the purposes of this section, an “arcade” shall be defined to mean any place in which any coin-operated amusement device has been installed for purposes of use and operation by the public upon payment of a consideration. Such term shall include a “video” game, or any device or machine played for amusement in exchange for payment of a consideration, howsoever activated.

(a) It is unlawful to operate, maintain, or offer for operation more than two such devices or machines at any one location, business, or establishment within the city of Pacific Grove, or to operate, maintain or offer for operation any such device or machine, at any location without a use permit when a use permit is required under this section.

(b) Any coin-operated vending or amusement machines displayed outside of a building shall require a separate administrative use permit.

(c) A use permit from the planning commission shall be required for any location as to which the planning commission finds, after hearing upon 10 days’ notice, that personal supervision has not been at all times provided for the use of any such device or machine by the public. The planning commission shall establish appropriate terms and conditions, including review periods, for the issuance or denial or revocation of any such use permit. The provisions of this section shall apply in lieu of PGMC 23.31.030 for any use permit for any device or machine herein described. [Ord. 13-003 § 18, 2013; Ord. 1322 N.S. § 1, 1983; Ord. 1298 N.S. § 1, 1982].

**23.64.040 Accessory uses in C, I, U districts.**

Accessory uses and buildings in any C, I, or U district may be permitted where such uses or such accessory building shall be allowed only when constructed concurrent with or subsequent to the main building. [Ord. 210 N.S. § 11-141(1)(a)(3), 1952].

**23.64.050 Use permit – Parking lots – R district.**

Public or private parking lots for automobiles may be permitted in any R district adjacent to any C or I district, providing a use permit shall first be obtained in each case. [Ord. 210 N.S. § 11-141(1)(a)(4), 1952].

**23.64.055 Use permit – Downtown public gathering area.**

Public gatherings and events, other than parades specified in Chapter 16.60 PGMC, may be allowed on the public streets rights-of-way within the bounds of the downtown commercial area “D” designation, as depicted on the Pacific Grove general plan land use map of commercial areas. Single occasion events, and special events approved by the city council in accord with the council special events policy, shall not require a use permit. Events that occur multiple times in any 12-month period within the public right-of-way shall require a use permit. Closures of the public right-of-way associated with either recurring and nonrecurring events shall be coordinated with the city manager to ensure emergency access, traffic flow and parking are appropriately managed during the public gathering. [Ord. 08-014 § 2, 2008].

**23.64.060 Use permit – Public buildings, parks, etc.**

Churches, schools, hospitals, parks and playgrounds, ~~wireless telecommunications facility~~, public utility, and public and quasi-public buildings may be permitted in any district, except the O district, providing a use permit shall first be obtained in each case. [Ord. 13-003 § 18, 2013; Ord. 96-15 § 1, 1996; Ord. 210 N.S. § 11-141(1)(a)(5), 1952].

**23.64.063 Use permit – Wireless telecommunications facilities.**

(a) This section governs use permits for installation or modification of wireless telecommunications facilities outside of the rights-of-way, except wireless eligible facilities and temporary wireless facilities, which are permitted as otherwise provided in Chapter 23, but shall be subject to PGMC 23.64.63(g).

(b) Wireless telecommunications facilities may be permitted in any district providing a use permit shall first be obtained in each case.

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(c) With the exception of use permits for wireless eligible facilities and temporary wireless facilities, the City may only issue a use permit in any of the following locations if an applicant shows that the issuance of the permit is required by federal law to issue a permit in:

- (1) Any residential district;
- (2) The Planned Unit Development District; or
- (3) Within 300 feet of or within the Monarch Butterfly Sanctuary.

(d) In the O District, except for wireless telecommunications facilities placed on existing supporting structures, and complying with the City's Wireless Design Standards, a use permit may only issue if an applicant shows that the City is required by federal law to issue the permit.

(e) In all other districts, a use permit may only be issued if applicant proposes a facility that complies with the design standards in the City's Wireless Design Standards or if applicant shows that the City is required by federal law to issue a permit.

(f) Notwithstanding the foregoing (c) – (d), a use permit may issue if applicant proposes a facility that complies with the City's Wireless Design Standards or if applicant shows that the City is required by federal law to issue a permit to be placed upon:

- (1) City Hall or other City-owned buildings.
- (2) Treatment Plant Tanks
- (3) Golf Course poles used to hang protective netting except along the perimeter of the 5<sup>th</sup> hole
- (4) New, existing or replacement structures in any parking lot
- (5) New, existing or replacement structures at the District Reservoir
- ~~(6) Concealed Facilities within the cemetery~~
- (6) Existing or replacement supporting structures installed for lighting purposes.

(g) Minimum standards:

(1) Every wireless telecommunications facility must comply at all times with FCC standards for radiofrequency ("RF") emissions as now existing or as hereafter amended.

(2) Every wireless telecommunications facility must comply with other applicable laws and regulations, including the Americans with Disabilities Act.

(3) No wireless telecommunications facility may be installed speculatively.

(4) Every wireless telecommunications facility shall comply with the City's Wireless Design Standards unless an application shows that:

(i) The City is required to issue the permit under federal law and the proposed wireless telecommunications varies from the Wireless Design Standards only to the extent required in order to comply with federal law; or

(ii) Because of unique characteristics of the location proposed, the design proposed better serves the City's wireless design goals than designs otherwise preferred under the Wireless Design Standards.

(5) Any permit for a wireless telecommunications facility shall be limited to a period of ten (10) years, except that permits for temporary wireless facilities shall be for the shortest period consistent with the purpose for which the permit is issued. A permit for modification of a wireless telecommunications facility does not alter the duration of the underlying permit.

(h) Wireless Design Standards.

(1) The Community Development Director shall prepare Wireless Design Standards, which may be approved and amended by City Council resolution.

(2) The Wireless Design Standards shall prescribe designs for installation and modification placement of wireless telecommunications facilities consistent with this ordinance and the General Plan, so that permitted wireless telecommunications facilities are installed and modified in a manner that minimizes the impacts on the community, conceals the facilities as far as possible; avoids risks to public safety and complies with applicable law; avoids placement of aboveground facilities in underground areas, and maintains the integrity and character of the neighborhoods in which the facilities are located.

(3) Wireless Design Standards may be developed for temporary wireless facilities and for placement of wireless facilities on property owned and controlled by City whether or not subject to a use permit.

(i) Municipally-Owned or Controlled Supporting Structures and Property.

(1) The City, as a matter of policy, will negotiate agreements for use of City-owned or -controlled supporting structures and property for the placement of wireless telecommunications facilities. While the placement of wireless telecommunications facilities may be submitted for Planning Commission review, in accordance with the PGMC, the Planning Commission cannot grant access, and access shall only be by agreement, approved by the City Council, which agreement shall specify the designs that may be used at particular locations. City finds that it is in its interests as proprietor of these supporting structures or property to control the design of the structures used, in the same manner as any owner of a facility, and to prevent any change in the design without its permission, even if such design is also subject to review by the Planning Commission. In exercising its decision to agree to access to a supporting structure or property, the City will generally consider factors and consider designs consistent with this ordinance and the Wireless Design Manual. Any design must be consistent with the supporting structure to be used, and the property on which it will be located and result in no uncompensated cost to City. Without limitation, for example, the design for a wireless telecommunications facility to be attached to a light pole in a parking lot must be consistent with designs in use at the same location. Further, use will not be permitted if it requires the City to incur uncompensated costs, or accept risks or liability it would not otherwise face. Access will only be granted if it presents no safety issues, causes no harm to a structure, does not interfere with present or planned uses of the structure, and is in the City's best interests as facilities owner. Subject to lawful limits imposed by state or federal law, the agreement shall specify the compensation to the City for use of the structures. Except as prohibited by law, the person seeking the agreement shall additionally reimburse the eCity for all costs the City incurs in connection with its review of, and action upon, the person's request for an agreement. The agreement is not in lieu of any use permit or other permit required by the PGMC.

(2) Requests for Use. A request for use of a City-owned or -controlled structure may be submitted to the City Manager/CDD Director. The request can be submitted before an application is submitted to the Planning Commission, so long as the requesting party agrees that the request does not trigger any deadline with respect to any permit that may be required for deployment of the structure. City Manager/CDD Director is authorized to negotiate agreements for use of City-owned or -controlled supporting structures, and to bring those agreements to the City Council for approval; City Manager/CDD Director may also issue a written denial of access, stating reasons therefore. If City receives multiple, conflicting requests for

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placement of wireless telecommunications facilities for the same location from different entities, City may require consolidation of wireless telecommunications facilities or allocate sites on any basis consistent with applicable law.

(3) No permit and no agreement for use of City owned or -controlled structure shall be issued or effective unless it is shown that the wireless telecommunications facility will comply with FCC regulations governing RF emissions. Every wireless telecommunications facility shall at all times comply with applicable FCC regulations governing RF emissions, and failure to comply shall be a treated as a material violation of the terms of any lease.

(4) Before a wireless telecommunications facility is attached to City--owned or -controlled support structure, the owner of the wireless telecommunications facility must submit a study showing that the attachment or modification will not interfere with then-existing or planned City uses of the structure, including communications uses. Any request for use must include detailed drawings and specifications so that the City may determine whether there will be interference with City uses.

(j) Pre-Approval of Designs.

(1) A person who wishes to install a wireless telecommunications facility with a design that does not comply with the Wireless Design Manual, but who believes that the design is fully consistent with the goals of this ordinance may submit a request for pre-approval of the design to the Planning Commission. A pre-approval request is not mandatory, and is not an application for a wireless telecommunications facility within the meaning of this ordinance, and must be submitted with a clear statement that consideration of the request is not subject to any FCC shot clock. The purpose of permitting the request is to permit encourage development of, and provide a means for public consideration of those designs.

(2) The proposed design will be publicly published, and the Planning Commission may conduct such investigations, and require the person requesting pre-approval to submit such information, and provide such mock-ups as may be necessary to evaluate the impact of the design. If, after a full opportunity for public hearing, the Planning Commission finds that the design serves the goals of this ordinance, it may recommend to the City Council that it find that the design serves the purposes of this ordinance, and recommend that the design be included as an approved design within the Wireless Design Manual for particular areas within the City. A facility pre-approved for an industrial area need not be pre-approved for any other area.

(3) The Council may pre-approve the design, and if approved, shall be included in the Wireless Design Manual. The Council may require any design to be removed from the Wireless Design Manual, or restricted in use at any time.

**23.64.065 Use permit – Group quarters.**

As defined in Chapter 23.08 PGMCM, group quarters may be permitted, provided a use permit shall first be obtained in each case, but only in those areas of R districts defined on the general plan land use map. [Ord. 13-003 § 18, 2013; Ord. 1985 N.S. § 1, 1995].

**23.64.067 Use permit – Integral group quarters facilities.**

As defined in Chapter 23.08 PGMCM, integral group quarters facilities may be permitted in all residential zones, subject to the following conditions, and provided a use permit shall first be obtained in each case.

(a) No more than one household shall occupy each such residential housing unit.

(b) No more than one such residential housing unit shall be permitted on any parcel that is separate from the property upon which the affiliated group quarters facility is located.

(c) No more than two such residential housing units shall be permitted on any block as long as the parcels upon which the units are located are at least 300 feet apart at their closest points.

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(d) Each such residential housing unit must have an independent, noninstitutional appearance. Exterior areas surrounding such residential housing units must be paved and landscaped in a manner similar to other single-family homes on the block, but distinguished from any other integral group quarters facility on the block. Access to the integral group quarters facility grounds must be limited to residents and invitees of the integral group quarters facility's resident(s).

(e) For each residential housing unit that is part of an integral group quarters facility, the owner shall pay to the city an annual fee established by council resolution.

(f) This section does not affect single-family homes licensed as a residential care facility for the elderly (RCFE) for six or fewer persons. RCFEs are treated in accordance with state law. [Ord. 13-008 § 3, 2013].

**23.64.070 Use permit – Earth, mineral removal.**

The removal of minerals, earth and other natural materials, may be permitted in any district, providing a use permit shall first be obtained in each case. [Ord. 210 N.S. § 11-141(1)(a)(6), 1952].

**23.64.080 Commercial uses – R-1, R-2 districts.**

Commercial uses shall be prohibited in any R-1 or R-2 district except where existing as a nonconforming use. [Ord. 210 N.S. § 11-141(1)(a)(7), 1952].

**23.64.090 Commercial uses – R-3 district.**

Commercial uses shall be prohibited in any R-3 district, except where incidental and accessory to any use permitted within the district, or where existing as a nonconforming use. [Ord. 210 N.S. § 11-141(1)(a)(8), 1952].

**23.64.110 Family daycare homes.**

(a) Small family daycare homes, as defined in Division 2, California Health and Safety Code, shall be treated as an allowed residential use, to the extent required by said Division 2.

(b) Establishment of a large family daycare home as defined in Division 2, California Health and Safety Code, may be allowed as a residential use, subject to first securing a use permit from the community development director. Review of said use permit application shall be to the extent allowed under applicable provisions of said Division 2. [Ord. 1634 N.S. § 1, 1988; Ord. 1534 N.S., 1986; Ord. 1065 N.S. § 9, 1979; Ord. 561 N.S., 1966; Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-141(1)(a)(10), 1952].

**23.64.115 Food service establishments.**

(a) Applications for use permits for food service establishments shall be accepted and processed under the terms of Chapter 23.72 PGMC.

(b) No use permit application shall be accepted, processed or considered for a food service establishment having all of the following characteristics:

- (1) It specializes in short order or quick service food service;
- (2) It serves food primarily in paper, plastic or other disposable containers;
- (3) It delivers food or beverage products in such a manner that customers may remove such food or beverage products from the food service establishment for consumption;
- (4) It is a formula food service establishment required by contractual or other arrangements to operate with standardized menus, ingredients, food preparation, architecture, decor, uniforms, or similar standardized features. [Ord. 1999 N.S. § 3, 1995].

**23.64.119 Garden structures.**

Garden structures are allowed, subject to the following standards:

(a) A garden structure shall not encroach onto a public right-of-way.

(b) If a garden structure has an area of 24 square feet or less, it may have a solid roof.

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- (c) If a garden structure has an area greater than 24 square feet, its roof shall be at least half open to the elements, with no solid roof portion greater in area than 24 square feet.
- (d) A garden structure 70 square feet or less in area may encroach into a required side yard or rear yard setback, but if greater than six feet in height, shall be located at least three feet from the property line, with the following exceptions:
- (1) If the property line faces a street or alley, one garden structure, over a gate or walkway, shall be allowed on the outward-facing property line. Such structures shall be no more than 24 square feet in area and shall be nine feet or less in height.
  - (2) In each side yard setback, a single garden structure over a gate or walkway is allowed to encroach up to the property line. Such structures shall be nine feet or less in height, and shall not have a depth greater than two feet.
- (e) In required front yard setbacks, one garden structure is allowed over a gate or walkway. Such structures shall be no more than 24 square feet in area with a height of nine feet or less, and may be located either in the setback or on the front property line.
- (f) Vertical trellises that serve the same function as a fence shall be treated as a fence under PGMC 23.64.130.
- (g) Garden structures exceeding these standards may be allowed with a minor administrative use permit pursuant to PGMC 23.70.030(b)(7)(B). Garden structures outside of required setbacks do not require a community development department permit. [Ord. 12-003 § 11, 2012].

**23.64.120 Height limits – Chimneys, flagpoles, clock towers, etc.**

Chimneys, cupolas, flagpoles, monuments, ~~radio and other towers~~, water tanks, clock towers and similar structures and mechanical appurtenances may be permitted in excess of height limits provided a use permit is first obtained in each case. No portion of a chimney which extends above the height limit in any R district shall have an area over 20 square feet at any cross-section, nor a height more than two feet above the applicable limit. Wireless communications facilities concealed as such structures are subject to height limits and design standards as specified in the Wireless Design Manual. [Ord. 1307 N.S. § 4, 1982; Ord. 210 N.S. § 11-141(1)(b)(1), 1952].

**23.64.130 Height limits – Fences, hedges, or other visual obstructions.**

- (a) Fences, hedges, screen plantings, or other visual obstructions (other than allowed garden structures) are hereafter limited to four feet in height forward of the front yard setback line, six feet in height on the front yard setback line, and six feet in height to the rear of the front yard setback along the property lines and within required setback areas.
- (b) Exceptions Pertaining to Corner Lots. The purpose of this subsection is to promote traffic safety by maintaining unrestricted visibility at corners.
- (1) Corner Lots Whose Intersecting Corner Property Lines Are Two Straight Lines. The height limit for a fence, hedge, screening or other visual obstruction for a corner lot whose intersecting corner property lines are two straight lines shall not exceed three feet in height within an area represented by a triangle whose apex is the property corner nearest the intersection and whose other two vertices are points located 20 feet away from the apex as shown in Figure 1.
  - (2) Corner Lots Whose Intersecting Corner Property Lines Are Found Along a Curve. The height limit for a fence, hedge, screening or other visual obstruction for a corner lot whose corner property lines are found along a curve shall not exceed three feet in height within the area of a polygon whose apex is the midpoint of the arc at the corner and whose furthestmost vertices are points located 20 feet away from the apex as shown in Figure 2.

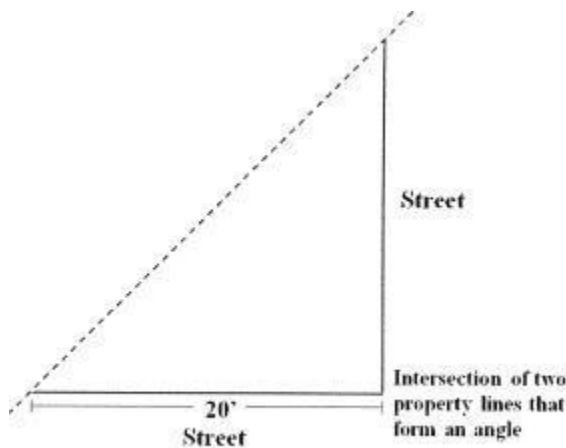


Figure 1

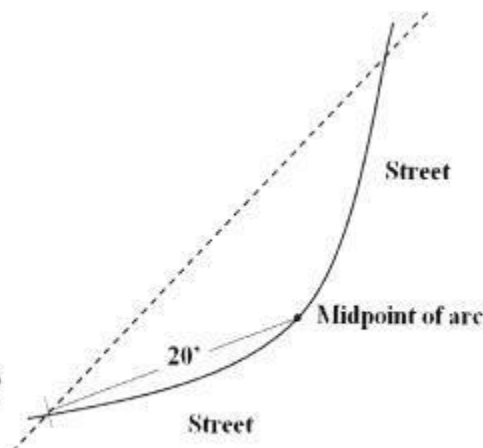


Figure 2

(3) In the event that a corner lot has intersecting corner property lines that do not precisely conform to the characteristics defined in this section, the chief planner shall define the area in which no visual obstruction shall exceed three feet in height in a manner so as to prevent a traffic hazard.

(c) A tree shall not be considered a visual obstruction. However, to maximize unrestricted visibility, a property owner shall be required to trim trees in areas covered by this section, as directed by the chief planner.

(d) Exceptions Pertaining to Deer Fencing. The purpose of this subsection is to allow for protection of property from deer.

(1) Deer fencing may be permitted up to six feet in height along the front property line to the front of any dwelling if an administrative use permit is first obtained.

(2) The following materials, or materials of similar aesthetics and durability, shall be used: two-inch by four-inch or four-inch by four-inch galvanized metal wire, with wrapped (not welded) joints for durability, in black, green or metallic finishes, or transparent or semi-transparent aviary mesh screen, in black or green.

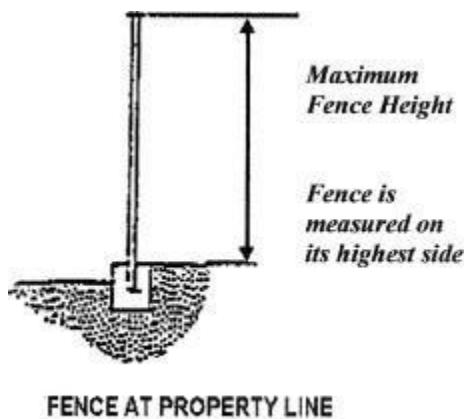
(3) Deer fencing may be constructed with wood, metal, or fiberglass posts or attached at the top of an existing, and otherwise conforming, fence.

(e) Exceptions Pertaining to Fences on Retaining Walls.

(1) For retaining walls located on a property line, a fence constructed on top of the wall shall be measured from the grade level on the higher side, as shown in Figure 3, with a combined height limited to four feet in height forward of the front yard setback line along the property lines, and six feet in height to the rear of the front yard setback along the property lines. From the lower side, the combined height shall be limited to six feet in height forward of the front yard setback line along the property lines and eight feet in height to the rear of the front yard setback along the property lines.

(2) For retaining walls located entirely on a single property, a fence constructed on top of a retaining wall shall be measured from the grade level of the same property, with a combined height limited to four feet in height forward of the front yard setback line and six feet in height to the rear of the front yard setback.

(3) If a fence is on one property and the retaining wall on the abutting property, regardless of the retaining wall height, and as measured from the grade level on the property where the fence is located, the maximum fence height is limited to four feet in height forward of the front yard setback line and six feet in height to the rear of the front yard setback, as measured from the grade level of the property upon which the fence is located.



*Figure 3*

(f) A height greater than otherwise allowed in this section may be permitted if an administrative use permit is first obtained. [Ord. 12-003 § 11, 2012; Ord. 1884 N.S. § 1, 1993; Ord. 210 N.S. § 11-141(1)(b)(2), 1952].

**23.64.134 Outdoor seating.**

Outdoor seating shall be allowed adjacent to eating establishments in the downtown commercial (C-D), Forest Hill commercial (C-FH), and light commercial (C-1) zoning districts on public sidewalks and similar adjacent areas, subject to the provisions of PGMC 15.16.045. [Ord. 13-003 § 18, 2013].

**23.64.135 Prohibited fences.**

(a) Prohibition. It is unlawful for any person to erect or maintain a fence constructed completely or in part of any of the following: wires carrying an electric current of greater than 0.006 amperes (six milliamperes), razor ribbon, barbed wire, wooden fence spikes, broken glass, protruding nails or spikes or any other like or similar material or device designed to cause trauma when touched. While not prohibited, chain link fences are discouraged for aesthetic reasons.

(b) Exceptions. Fences constructed of materials described in subsection (a) of this section shall be allowed subject to first obtaining a use permit in the following cases: fences bordering public utility facilities or facilities in the C-2 and I districts and fences in residential districts designed to protect private property.

(c) Abatement. Chapter 23.68 PGMC, allowing continuance of nonconforming uses, shall not apply to this section. Fences not conforming to this section as of the effective date of the ordinance codified in this section shall be abated within six months of written notice to abate issued by the chief planner. [Ord. 12-003 § 11, 2012; Ord. 00-03 § 1, 2000; Ord. 1687 N.S. § 1, 1989].

**23.64.140 Building site area.**

A lot or parcel of land which has been created or designated in a recorded subdivision or which has been described in a recorded deed transferring such parcel may, if improved with a separate integrated residential structure, constitute a valid integrated building site for future building purposes, even though less in area or width than required under this title, under the following conditions:

- (a) It was created, designated or so described and so improved prior to May 1, 1981;
- (b) If situated in other than the R-3 Pacific Grove Beach district, it has at least 1,500 square feet of area and 25 feet of width;
- (c) It has access to a public right-of-way directly or by recorded easement heretofore created or reserved;
- (d) Its transfer will not create conditions of nonconformity in such lot or parcel or in any lot or parcel contiguous to it, including nonconformity in area and width as to any undeveloped parcel.

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Before any replacement or substantial renovation may be made for any structure on such a lot or parcel, the new or renovated structure shall conform to the requirements with respect to a parcel separately owned in the same district.

Any lot or parcel, whether or not improved, which has less area or width than required by this title, shall not constitute a valid integrated building site if it is separately sold after May 1, 1981, so as to become conjoined in single ownership with the owner of a contiguous lot or parcel. [Ord. 1253 N.S. § 1, 1981; Ord. 1083 N.S. § 1, 1979; Ord. 1058 N.S. § 1, 1979; Ord. 210 N.S. § 11-141(1)(c)(1), 1952].

**23.64.145 Separate building site – R-1 district.**

Notwithstanding PGMC 23.64.140 or PGMC Title 24, any parcel in an R-1 district which has the following characteristics shall constitute a separate building site subject to sale or transfer:

- (a) It has, 90 days or more prior to May 15, 1981, been designated on the assessor's map as a separate parcel;
- (b) It has at least 4,000 square feet if an interior parcel, or 5,000 square feet if a corner parcel;
- (c) It has access to a public street;
- (d) Its transfer will not create additional aspects of nonconformity to this title. [Ord. 1255 N.S. § 1, 1981].

**23.64.147 Separate building site – R-3-P.G.R. district.**

(a) Notwithstanding any other provision of this code, any parcel in the R-3-P.G.R. district which has the following characteristics shall constitute a separate building site for future building purposes:

- (1) It has, prior to March 15, 1986, been designated on the assessor's map as a separate parcel.
- (2) It has at least 1,800 square feet, but not more than 3,600 square feet, and is not part of a larger building site.
- (3) It has been unimproved with any building or structure for a minimum of five years immediately preceding March 15, 1986.
- (4) It has access to a public street.
- (5) Its transfer will not create additional aspects of nonconformity to this title.

(b) Development of parcels qualifying as building sites pursuant to subsection (a) of this section shall, at a minimum, be subject to the following:

- (1) A use permit shall be first secured in each case.
- (2) Architectural review board approval shall be required.
- (3) Any construction shall conform to the requirements with respect to separate parcels in the R-3-P.G.R. district; however, in considering a use permit application the planning commission is authorized to prescribe requirements other than those prescribed by PGMC 23.24.060 where it finds that the qualification of PGMC 23.72.090 apply to the land, building or use. [Ord. 1597 N.S., 1987].

**23.64.150 Yards – Projection of cornices, eaves, etc.**

Architectural features such as cornices, eaves and canopies may extend not exceeding three feet into any required yard, but in no case closer than three feet to any property line. [Ord. 1065 N.S. § 10, 1979; Ord. 210 N.S. § 11-141(1)(d)(1), 1952].

**23.64.160 Yards – Projection of open porches, stairways, etc.**

Open porches, landing places or outside stairways may project not exceeding three feet into any required front or side yard; provided, that where the elevation of such porch, landing place or stairway is within one foot of the elevation of the adjacent sidewalk, it may project six feet into the required front yard and provided further, that in any other case, such porch, landing place or outside stairway may be permitted to extend six feet into any required front yard upon obtaining a use permit. [Ord. 210 N.S. § 11-141(1)(d)(2), 1952].

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**23.64.170 Yards – Measured from official plan line.**

Whenever an official plan line has been established for any street, required yards shall be measured from such line and in no case shall the provisions of this title be construed as permitting any encroachment upon any official plan lines. [Ord. 210 N.S. § 11-141(1)(d)(3), 1952].

**23.64.180 Accessory buildings and structures.**

(a) “Accessory building or structure” means a building or structure that is subordinate and incidental to the use of the main building on the same site. There are three categories of accessory buildings and structures:

- (1) Category 1. Detached nonhabitable structures (such as garages, carports, workshops, and gazebos) that are 70 square feet or more in area;
- (2) Category 2. Detached nonhabitable structures (such as storage, garden, or utility sheds) that are less than 70 square feet in area;
- (3) Category 3. Portable or built-in hot tubs (including equipment).

(b) In any R district, the following standards shall apply:

:

**Table 23.64.180 – Accessory Buildings and Structures – R Districts**

	<b>Category 1</b>	<b>Category 2</b>	<b>Category 3</b>
<b>Description</b>	Detached nonhabitable structures that are 70 square feet or more in area (such as garages, carports, workshops, and gazebos)	Detached nonhabitable structures that are less than 70 square feet in area (such as storage, garden or utility sheds)	Portable or built-in hot tubs (including equipment)
<b>Number Allowed in Each Category without UP/AP<sup>1</sup></b>	1	1	1
<b>Additional Allowed in Each Category with UP/AUP<sup>1</sup></b>	120 sq. ft. or less: Additional structure(s) allowed subject to approval of an administrative use permit (AUP)  Larger than 120 sq. ft.: Additional structure(s) allowed subject to approval of a use permit (UP)	Additional structure(s) allowed subject to approval of an administrative use permit (AUP)	Additional structure(s) allowed subject to approval of an administrative use permit (AUP)
<b>Design Review Required</b>	120 sq. ft. or less: No  Larger than 120 sq. ft.: Yes, see PGMC 23.70.030(b)(2)(G) and 23.70.060(c)(3)	No	No
<b>Counted in Floor Area and Building Coverage</b>	120 sq. ft. or less: No  Larger than 120 sq. ft.: Yes	No	No
<b>Counted in Site Coverage</b>	Yes	Yes	Yes
<b>Use Permit Required for Plumbing</b>	Yes	Yes	Yes
<b>Building Separation</b>	At least 3 1/2 feet from any dwelling or building on the same building site	Not required	Not required
<b>Front Setback</b>	As prescribed by the zoning district	As prescribed by the zoning district	As prescribed by the zoning district
<b>Rear Setback</b>	5 ft.	Over 6 ft. in height: 5 ft.  6 ft. or less in height: None required	Over 4 ft. in height: 5 ft.  4 ft. or less in height: None required

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	Category 1	Category 2	Category 3
<b>Side Setback</b>	As prescribed by the zoning district	Over 6 ft. in height: As prescribed by the zoning district up to a maximum requirement of 5 ft.  6 ft. or less in height: None required	Over 4 ft. in height: As prescribed by the zoning district  4 ft. or less in height: None required
<b>Height</b>	15 ft. maximum	8 ft. maximum	Not regulated

1. Grading, building, and/or other construction permits may be required prior to starting any work, according to the requirements of the municipal code.

[Ord. 12-005 § 3, 2012; Ord. 00-18 § 2, 2000].

**23.64.185 Accessory use – Storage of portable or movable objects.**

A use permit shall be required for any accessory use in the R districts which involves or includes the storage, keeping, fabrication, construction or repair of any portable or movable object, not intended to be permanently fixed, such as a boat, structure or vehicle not capable of self-propulsion, and which exceeds 15 feet in either height or width or exceeds 26 feet in length. Before a use permit may be issued hereunder the community development director shall find all of the following:

- (a) The object is or will be used with relative frequency as opposed to being stored;
- (b) The object is not being built, fabricated or repaired for the use of anyone not occupying the property; and
- (c) The use does not meet the definition of “junkyard” in Chapter 23.08 PGMC.

Nothing contained herein is intended to permit uses not otherwise accessory to the residential use of the property.

Existing uses may apply for a use permit within one month of adoption of this section. [Ord. 13-003 § 18, 2013; Ord. 1418 N.S. § 7, 1984; Ord. 1030 N.S. § 2, 1978].

**23.64.190 Off-street parking, storage.**

Storage or parking space for the parking of automobiles off the street shall be provided in any district as follows:

- (a) Not less than two garage or carport spaces for each single-family dwelling; provided, however, in cases of single-family dwellings on lots of 1,800 square feet or less, on which the living space floor area is 1,000 square feet or less, and in which there are less than three bedrooms, one garage or carport shall be required;
- (b) For each family unit in a duplex, apartment house or dwelling group, parking spaces shall be provided as follows:
  - (1) One and one-half spaces for each unit having less than two bedrooms; and
  - (2) Two spaces for all other units;
  - (3) One space for each unit shall be in a garage or carport;
- (c) Not less than one garage space for each two guest rooms in any rooming house;
- (d) Not less than one garage space for each four guest rooms in any hotel and not less than one parking space for each unit in a motel. The planning commission may require additional parking at a ratio of one space for each 50 square feet of accessory dining area within the R-3-M district;
- (e) Not less than one parking space for each 300 square feet of floor area in each professional office building permitted, except that for office buildings located in areas assessed for the payment of off-street parking lots, parking space shall not be required except as set forth in subsection (g) of this section;

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- (f) Not less than one parking space for each six seats provided for visitors to churches, community centers, social halls, lodges, and clubs and not less than one parking space for each six beds and one parking space for each employee on the shift with the maximum number of employees in any rest home, nursing home, convalescent home or hospital;
- (g) Parking space required for other uses allowed in any district and not set forth above shall be determined by the planning commission and set forth as a condition to the granting of the use permit for such use;
- (h) The planning commission shall be authorized to approve compact parking spaces under the following conditions:
- (1) Where a minimum of eight standard spaces are provided for commercial or industrial parking lots, 50 percent of parking in excess of the eight may be compact size; and
  - (2) Fifty percent of the parking provided in excess of that required for any R district use may be compact size. [Ord. 13-003 § 18, 2013; Ord. 1715 N.S. §§ 1, 2, 1990; Ord. 1332 N.S. § 1, 1983; Ord. 1194 N.S. § 1, 1980; Ord. 1065 N.S. § 12, 1979; Ord. 975 N.S. § 1, 1977; Ord. 720 N.S. § 7, 1972; Ord. 593 N.S., 1968; Ord. 459 N.S., 1964; Ord. 382 N.S., 1962; Ord. 210 N.S. § 11-141(e), 1952].

**23.64.195 Landscaping of front and side yards.**

Landscaping shall be maintained in all front and side yards except for areas devoted to uses allowable in the yards. Failure to maintain the areas with suitable garden materials and free of weeds or unsightly matter shall be unlawful. Driveways shall not occupy more than 40 percent of the street frontage, and on a corner lot, the combined coverage on all frontages shall not exceed 25 percent of the total street frontage. [Ord. 1065 N.S. § 13, 1979; Ord. 532 N.S. § 15, 1966].

**23.64.240 Parking or placement of large vehicles or structures in certain areas of residential premises – Prohibited.**

- (a) Except as provided in subsection (b) of this section, it is unlawful for the owner or occupant of a premises in any R district to park or place, or to allow or suffer the parking or placing of, any structure, container or vehicle, mobile or not, which dimensions exceed eight feet in height or 20 feet in length, at any location on the premises as listed below:
- (1) Between the main structure and any property line abutting a street.
  - (2) In any side or rear yard required by the zone district in which the premises is located.
  - (3) At any location on an undeveloped lot.
  - (4) Closer than three and one-half feet to any structure.
- (b) Exceptions:
- (1) Parking or placement for less than six consecutive hours.
  - (2) Parking for the purpose of loading or unloading household goods or furniture.
  - (3) Parking or placement of vehicles or structures being used in connection with construction in progress on the premises.
  - (4) Parking in a legally existing driveway.
  - (5) Parking in a required rear yard setback that abuts an alley.
  - (6) Parking or placement inside a garage or carport legally constructed on the premises.
- (c) Parking in the prohibited area may be allowed subject to first obtaining a use permit under the terms of Chapter 23.72 PGMC. [Ord. 97-41 § 2, 1997].

**23.64.290 Alcoholic beverage sales.**

(a) Failure to maintain food service or any other applicable requirements of this section or failure to comply with any conditions of the use permit or administrative use permit shall be grounds for revocation of the use permit or administrative use permit granted, in addition to subjecting the persons responsible therefor to penalties under this code. Revocation may be effected by the planning commission, for use permits, or zoning administrator, for administrative use permits, after a public hearing to which the operator has had 10 days' notice by certified mail, and in which the review authority finds that the operator of the restaurant has not maintained food service or any other applicable requirements herein or has not complied with all permit conditions. In the event that service by certified mail is not effected, service may be by personal service on the operator, or if personal service is not effected, the property shall be posted with a notice of the hearing, and a copy of the notice shall be published in an official newspaper of this city.

(b) The administrative use permit and use permit procedures shall be as set forth in PGMC 23.70.030 and 23.70.080, respectively. For any use listed in this section which has an approved administrative use permit or use permit, no additional community development permit is required to establish alcoholic beverage service for that use as long as such service is provided in accordance with this section. Exception: subsection (c) of this section shall continue to apply.

(c) In addition to the permit requirements provided in Table 23.31.030, restaurants may be permitted to serve or sell alcoholic beverages:

(1) Where said eating establishments are located on premises owned by a public entity, as defined in Section 23824 of the Business and Professions Code of the state of California; provided, that a use permit is obtained; and

(2) In any R-3-M zone where said restaurant has been constructed under a variance, or as an accessory use under a use permit.

(d) Minimum Requirements for Eating Establishments Serving Alcoholic Beverages.

(1) Restaurants and Specialty Restaurants.

(A) Any sale of alcoholic beverages shall be subordinate to the primary use, and shall comply with the State Alcoholic Beverage Control (ABC) license requirements for a "bona fide public eating place";

(B) Amplified and unamplified music and entertainment are allowed indoors, and shall not generate noise in excess of 70 dB (65 dB between the hours of 10:00 p.m. and 7:00 a.m.) at the property line of any such site. Amplified and unamplified music and entertainment are allowed outdoors between the hours of 7:00 a.m. and 10:00 p.m., and shall not generate noise in excess of 70 dB measured at the property line of any such site; and

(C) Outdoor seating is allowed in compliance with PGMC 15.16.045 and 23.64.134.

(2) Pub and Brew Pub.

(A) All alcoholic beverage and food service to customers shall be discontinued between the hours of 12:00 a.m. and 7:00 a.m.;

(B) The business shall comply with the ABC license requirements for a "bona fide public eating place";

(C) All foods from the standard menu shall be available for purchase during all but the opening and closing hours of alcoholic beverage service. This may include different menus for breakfast, lunch and dinner meals; and

(D) Amplified and unamplified music and entertainment are allowed indoors, and shall not generate noise in excess of 70 dB (65 dB between the hours of 10:00 p.m. and 12:00 a.m.) at the property line of any such site. Amplified and unamplified music and entertainment are allowed outdoors between the hours of 7:00 a.m.

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and 10:00 p.m., and shall not generate noise in excess of 70 dB measured at the property line of any such site.

(e) Minimum Requirements for Drinking Establishments.

(1) Wine Bar.

(A) All alcoholic beverage and food service to customers shall be discontinued between the hours of 12:00 a.m. and 7:00 a.m.;

(B) Food must be available during all hours of operation, but may be limited to snacks, appetizers, small plates, or other similar offerings; and

(C) Amplified and unamplified music and entertainment are allowed indoors, and shall not generate noise in excess of 70 dB (65 dB between the hours of 10:00 p.m. and 12:00 a.m.) at the property line of any such site. Amplified and unamplified music and entertainment are allowed outdoors between the hours of 7:00 a.m. and 10:00 p.m., and shall not generate noise in excess of 70 dB measured at the property line of any such site.

(2) Wine Tasting Room.

(A) All alcoholic beverage service to customers shall be discontinued between the hours of 12:00 a.m. and 7:00 a.m.; and

(B) Amplified and unamplified music and entertainment are allowed indoors, and shall not generate noise in excess of 70 dB (65 dB between the hours of 10:00 p.m. and 12:00 a.m.) at the property line of any such site. Amplified and unamplified music and entertainment are allowed outdoors between the hours of 7:00 a.m. and 10:00 p.m., and shall not generate noise in excess of 70 dB measured at the property line of any such site.

(3) Micro-Brewery.

(A) All alcoholic beverage service to customers shall be discontinued between the hours of 12:00 a.m. and 7:00 a.m.; and

(B) Amplified and unamplified music and entertainment are allowed indoors, and shall not generate noise in excess of 70 dB (65 dB between the hours of 10:00 p.m. and 12:00 a.m.) at the property line of any such site. Amplified and unamplified music and entertainment are allowed outdoors between the hours of 7:00 a.m. and 10:00 p.m., and shall not generate noise in excess of 70 dB measured at the property line of any such site.

(4) Catering and Events.

(A) All alcoholic beverage and food service to customers shall be discontinued between the hours of 12:00 a.m. and 7:00 a.m.;

(B) Food must be available during all hours of operation, but may be limited to snacks, appetizers, small plates, or other similar offerings; and

(C) Amplified and unamplified music and entertainment are allowed indoors, and shall not generate noise in excess of 70 dB (65 dB between the hours of 10:00 p.m. and 12:00 a.m.) at the property line of any such site. Amplified and unamplified music and entertainment are allowed outdoors between the hours of 7:00 a.m. and 10:00 p.m., and shall not generate noise in excess of 70 dB measured at the property line of any such site.

(f) Minimum Requirements for Lodging Establishments.

(1) Bed and Breakfast Inn.

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(A) Bed and breakfast inns may sell or serve beer and wine to registered guests and their invited guests, pursuant to the provisions of subsections (f)(1)(B) through (E) of this section and the ABC license to the extent that it is consistent with such provisions;

(B) All alcoholic beverage service to guests shall be discontinued between the hours of 2:00 a.m. and 7:00 a.m.;

(C) Food must be available during all hours that alcoholic beverages are available, but may be limited to snacks, appetizers, small plates, or other similar offerings;

(D) At least one meal, breakfast, shall be served daily and shall be limited to registered guests only; and

(E) The provisions of PGMC 23.26.020(b) shall also apply.

(2) Motel and Hotel.

(A) Motels and hotels may be permitted to sell or serve beer and wine to registered guests and their invited guests, pursuant to the provisions of subsections (f)(2)(B) through (F) of this section and the ABC license to the extent that it is consistent with such provisions. In the case of hotels, other guests who pay a fee or charge for use of the premises for parties may also be sold or served beer and wine, pursuant to the provisions of subsections (f)(2)(B) through (F) of this section and the ABC license to the extent that it is consistent with such provisions;

(B) Hotels may offer full liquor service, pursuant to the provisions of subsections (f)(2)(C) through (F) of this section and the ABC license to the extent that it is consistent with such provisions;

(C) All alcoholic beverage service to guests shall be discontinued between the hours of 2:00 a.m. and 7:00 a.m.;

(D) Food must be available during all hours that alcoholic beverages are available, but may be limited to snacks, appetizers, small plates, or other similar offerings;

(E) Motels or hotels with an accessory dining area, meeting the definition of a “bona fide public eating place,” may offer full liquor service within the dining area, subject to approval of a use permit for the dining area and the limitations in subsection (f)(2)(C) of this section; and

(F) For hotels in the C-1-T district only, amplified and unamplified music and entertainment are allowed indoors, and shall not generate noise in excess of 70 dB (65 dB between the hours of 10:00 p.m. and 12:00 a.m.) at the property line of any such site. Amplified and unamplified music and entertainment are allowed outdoors between the hours of 7:00 a.m. and 10:00 p.m., and shall not generate noise in excess of 70 dB measured at the property line of any such site.

**Table 23.64.290 Summary of Minimum Requirements for Establishments Serving Alcoholic Beverages<sup>1</sup>**

	<b>Alcoholic Beverages Allowed</b>	<b>Food Service Required</b>	<b>Hours of Food and Alcoholic Beverage Service</b>	<b>Amplified Music and Entertainment</b>	<b>Seating on Public Sidewalks</b>
<b>Eating Establishments</b>					
Restaurant and specialty restaurant	Beer, wine and distilled spirits	Bona fide public eating place	No limits	Allowed per PGMC 23.64.290(d)(1)(B)	Allowed per PGMC 15.16.045 and 23.64.134
Pub and brew pub	Beer, wine and distilled spirits	Bona fide public eating place	No service 12:00 a.m. –7:00 a.m.	Allowed per PGMC 23.64.290(d)(2)(D)	Not allowed
<b>Drinking Establishments</b>					
Wine bar	Beer and wine	Snacks, appetizers, or small plates	No service 12:00 a.m. – 7:00 a.m.	Allowed per PGMC 23.64.290(e)(1)(C)	Not allowed

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	<b>Alcoholic Beverages Allowed</b>	<b>Food Service Required</b>	<b>Hours of Food and Alcoholic Beverage Service</b>	<b>Amplified Music and Entertainment</b>	<b>Seating on Public Sidewalks</b>
Wine tasting room	Wine tasting	None	No service 12:00 a.m. –7:00 a.m.	Allowed per PGMC 23.64.290(e)(2)(B)	Not allowed
Micro-brewery	Beer tasting	None	No service 12:00 a.m. –7:00 a.m.	Allowed per PGMC 23.64.290(e)(3)(B)	Not allowed
Catering and events	Beer and wine	Snacks, appetizers, or small plates	No service 12:00 a.m. –7:00 a.m.	Allowed per PGMC 23.64.290(e)(4)(C)	Not allowed
<b>Lodging Establishments</b>					
Bed and breakfast inn	Beer and wine	Snacks, appetizers, or small plates	No service 2:00 a.m. –7:00 a.m.	Not allowed	Not allowed
Motel	Beer, wine and distilled spirits	Snacks, appetizers, or small plates; bona fide public eating place for distilled spirits	No service 2:00 a.m. –7:00 a.m.	Not allowed	Not allowed
Hotel	Beer, wine and distilled spirits	Snacks, appetizers, or small plates; bona fide public eating place for distilled spirits	No service 2:00 a.m. –7:00 a.m.	Not allowed, except in the C-1-T district per PGMC 23.64.290(f)(2)(F)	Not allowed

1 This table presents a summary of requirements only. For a complete set of requirements, see PGMC 23.64.290(d) through (f). [Ord. 13-003 § 18, 2013].

**23.64.300 Application for abandonment or purchase of city property.**

Requests for the abandonment or purchase of a city street, park, or other property shall be accompanied by the payment of a fee of \$30.00 and referred to the planning commission for consideration before consideration by the city council. [Ord. 532 N.S. § 12, 1966].

**23.64.310 Swimming pools.**

Swimming pools shall not project into a front yard area and shall be situated no closer than five feet to any property line.

The swimming pool or all or a portion of the property containing the pool shall be entirely protected by a wall or fence of 66 inches in height and without openings except for gates containing self-latching devices at least 45 inches above ground level. [Ord. 720 N.S. § 14, 1972; Ord. 593 N.S. § 1(f), 1968].

**23.64.320 Unlawful sale of subdivided contiguous lots.**

It is unlawful for any owner or owners of subdivided contiguous lots, each of which may otherwise be of legal size, frontage, and area, to sell, transfer, or convey one or more of the subdivided lots where, as a result of such sale, transfer, or conveyance, the lot or lots which has or have been sold, transferred, or conveyed, or the lot or lots which is or are retained by said owner or owners, will not conform with the requirements of this code. [Ord. 878 N.S. § 1, 1976].

**23.64.340 Consistency with county hazardous waste management plan.**

All approved applications for use permits, variances, subdivisions and other land use entitlements shall be consistent with portions of the Monterey County hazardous waste management plan which identify general areas or siting criteria for hazardous waste facilities. [Ord. 1727 N.S. § 1, 1990].

**23.64.350 Transient use of residential property for remuneration.**

(a) Definitions. For the purpose of this chapter certain terms used herein shall have the meanings set forth in this chapter, and such meanings shall prevail in case of conflict with the definitions set forth in Chapter 23.08 PGMC.

(1) “Person” means an individual, a group of individuals, or an association, firm, partnership, corporation or other entity, public or private.

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- (2) "Owner" means the person who possesses fee title to a transient use site.
- (3) "Owner representative" means any person authorized by the owner to fully manage the transient use site.
- (4) "Remuneration" means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession or use of real property.
- (5) "Residential property" means any dwelling unit, except those dwelling units lawfully established as part of a bed and breakfast inn, motel, hotel, timeshare development, or other transient use not prohibited by this section.
- (6) "Responsible tenant" means a person aged 18 or older who has received notice of occupancy, parking and other limits and regulations that apply to the transient use site, and who has agreed to be responsible to ensure that impermissible or inappropriate behavior does not occur at the transient use site.
- (7) "Transient" means a period of time less than 30 consecutive calendar days.
- (8) "Transient use of residential property" means the commercial use, by any person, of residential property for transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is less than 30 consecutive calendar days.
- (9) "Transient use site" and "transient use" mean property occupied and used for transient or short-term rental purposes.
- (10) "Use" means the purpose for which land or premises of a building thereon is designed, arranged or intended, or for which it is or may be occupied or maintained.

(b) Transient use of residential property must comply with General Plan Policy 1.5. Specifically, transient use of residential property for remuneration is prohibited, and no transient use license may be issued, in any residential zoning district, including R-1, R-H, R-1-H, R-1-B-2, R-1-B-3, R-2, R-2-B-3, R-3, R-3-P.G.R., R-3-M, R-4, and all PUD districts, except to the extent that such use is both (1) in the coastal zone and permitted under the local coastal program, and (2) permitted by a transient use license issued by the city. Transient use of residential property for remuneration in nonresidential zoning districts is prohibited, except (1) as otherwise expressly permitted by this title, or (2) when such use is permitted by a transient use license issued by the city. Transient use of residential property for remuneration does not include "home sharing" permitted by the city or house swaps, house sitting, pet sitting, work trade, and similar noncommercial arrangements that do not involve an exchange of money.

(c) In order to provide a reasonable phase-out of transient uses of residential property for remuneration, notwithstanding any other provision of this code, all uses that become nonconforming as a result of the amendment to this section by the Initiative to Preserve and Protect Pacific Grove's Residential Character, including uses permitted under short-term rental licenses, shall be discontinued within 18 months from the date that the initiative was approved by the voters. Nothing in this subsection is intended to affect any city authority to terminate uses found to be a nuisance, or that are otherwise unlawful.

(d) Liability and Enforcement.

- (1) Any owner, owner representative, responsible tenant, person acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who uses, arranges, or negotiates for the use of residential property in violation of the provisions of this chapter is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this chapter.
- (2) Any owner, owner representative, responsible tenant, or other person who uses, or allows the use of, residential property in violation of the provisions of this chapter is guilty of an infraction for each day in which such residential property is used, or allowed to be used, in violation of this chapter.
- (3) Violations of this chapter may be prosecuted pursuant to Chapter 1.16 PGMC, or enforced pursuant to Chapter 1.19 PGMC.

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(4) Penalties may be assessed for violations as provided in Chapters 1.16, 1.19, and/or 7.40 PGMC. The maximum limits set for administrative penalties in PGMC 1.19.200, however, shall not apply to any violation of this chapter or Chapter 7.40 PGMC.

(e) This section may be repealed or amended only by a vote of the people, except that amendments do not require a vote of the people if they (1) apply only in the coastal zone or (2) amend subsection (d) of this section concerning liability and enforcement. [Ord. 18-018 § 3, 2018; Ord. 16-007 § 2, 2016; Ord. 10-001 § 2, 2010; Ord. 08-006 § 79, 2008; Ord. 1933 N.S. § 1, 1994; Ord. 1913 N.S. § 1, 1993].

**23.64.360 Permitting of undocumented dwelling units.**

*Repealed by Ord. 17-013. [Ord. 13-005 § 2, 2013].*

**23.64.370 Permitting home sharing.**

(a) Definitions. For the purposes of this section, certain terms used herein shall have the meanings set forth below or in PGMC 23.64.350, and such meanings shall prevail in case of conflict with the definitions set forth in Chapter 23.08 PGMC.

(1) "Guest" means a person who rents a bedroom and ancillary facilities at a home sharing site.

(2) "Home sharing" means an activity whereby residents host guests in their homes, for compensation, for periods of 30 consecutive days or less, while at least one of the dwelling unit's residents lives in the dwelling unit.

(3) "Home sharing site" means property occupied and used for home sharing purposes.

(4) "Resident" means a person legally residing in a dwelling unit in excess of 30 consecutive days. Such resident may be the owner or a tenant living there with the approval of the owner.

(b) Home sharing for remuneration is allowed pursuant to this chapter; provided, that a separate home sharing permit has first been granted and validly maintained for each home sharing site.

(c) Each home sharing permit shall meet all requirements of this section, including:

(1) Each "home sharing" permit shall be subject to the following conditions:

(A) Home sharing is limited to single-family dwellings in any residential or commercial zone. Home sharing is not permitted in dwelling units lawfully established as second units pursuant to Chapter 23.80 PGMC; in any accessory unit to a single-family dwelling; in any condominium, multifamily dwelling unit or any other "tenants in common" dwelling unit; in any room, detached rooms, or any portion of a single-family that does not provide both kitchen and bathroom facilities; or as part of a bed and breakfast inn, motel, hotel, timeshare development, or other transient use;

(B) The resident shall also occupy the home throughout the duration of any home sharing;

(C) A maximum of one bedroom in the home may be rented to adults; a second bedroom may be rented to children as part of the same contract;

(D) No more than two adults shall occupy the rented bedroom;

(E) Guest(s) shall have exclusive use of the rented bedroom(s) and shared use of a full bathroom and kitchen;

(F) Neither bedrooms nor bathrooms shall contain cooking facilities;

(G) A designated on-site parking space for use by overnight guests, if it exists, or one parking space on any on-site driveway, if it exists.

(2) Owner or owner representative of any qualifying residential property may submit an application to the city for an administrative home sharing permit, along with payment of the approved fees, an affidavit affirming that

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smoke detectors are installed and maintained in all sleeping quarters and common areas, that fire extinguishers are accessible, and a carbon monoxide alarm is installed on each level. The owner or owner representative shall provide access and information to a certified inspector to ensure health and safety of the home share site, prior to issuance of the permit; a report verifying inspection of the site has occurred, and that the home sharing site conforms to all requirements of this section.

(3) A home sharing permit shall continue in force, as long the conditions are met, except upon cancellation by the owner or owner representative, or upon the sale or transfer of the property.

(4) Once a permit is approved, all transient occupancy taxes as set forth in Chapter 6.09 PGMC, and fees, as adopted from time to time in the city's master fee schedule shall be collected and remitted to the city, and are applicable.

(5) Evidence of transient occupancy of a permitted home sharing site, statements and records, failure to file statement or corrected statement, payment of transient occupancy tax, appeal of tax, additional power of city, permit nontransferability, permit denial or revocation, appeal of revocation or suspension, penalties, and liens, shall be as provided in PGMC 7.40.110 through 7.40.210, inclusive.

(d) Liability and Enforcement. For the purposes of this section, liability and enforcement shall be the same as PGMC 23.64.350(c). [Ord. 16-006 § 2, 2016].



## Chapter 23.68

### NONCONFORMING USES AND BUILDINGS<sup>1</sup>

Sections:

- 23.68.010 Introduction – Distinctions.
- 23.68.020 When is a nonconforming use permitted.
- 23.68.030 Abandonment of a nonconforming use.
- 23.68.040 Reestablishing or repairing a nonconforming use, building, or structure damaged or destroyed by a catastrophic event.
- 23.68.050 Maintenance, repair, alterations and improvements to nonconforming building or structure.

#### **23.68.010 Introduction – Distinctions.**

(a) The term “nonconforming use” is defined in Chapter 23.08 PGMC to mean a use which was legal when it was created, but because of subsequent changes in regulations no longer conforms to the regulations for the district in which it is situated. “Nonconforming use” describes four types of circumstances in which a property does not conform to the regulations of the district in which it is situated:

- (1) A nonconforming building, i.e., a building or structure that does not conform because of its size, type or construction, location on the land, proximity to other buildings on the site, or its lot coverage;
- (2) A nonconforming use of conforming buildings, i.e., a situation where the building conforms but the use of the building is not permitted. An example is a duplex located on a lot currently zoned for a single-family dwelling;
- (3) A nonconforming use of nonconforming buildings, i.e., a situation where neither the building nor the use conforms. An example is a triplex which is over coverage, does not meet current parking standards and which is situated on a lot currently zoned for fewer than three units;
- (4) A nonconforming use of land, i.e., a situation wherein there are generally no buildings or structures involved and the use of land is nonconforming. An example is the storage of materials on a lot currently zoned for open space.

Combinations of the four mentioned nonconforming situations also exist, particularly in the older neighborhoods of the city. This chapter is intended to implement the policies contained in the general plan pertaining to nonconforming uses so as to encourage compliance with the city’s housing code, the preservation of historical resources, and the abatement of undesirable land uses.

(b) Densities which exceed those prescribed in zoning regulations, such as those described in subsections (a)(2) and (3) of this section, are not subject to variance. [Ord. 13-003 § 19, 2013; Ord. 1659 N.S. § 2, 1989].

#### **23.68.020 When is a nonconforming use permitted.**

The use of land, including buildings, structures, or other improvements thereon, which was lawful before the ordinances codified in this title were passed or amended, may be continued, although such use does not conform to the regulations for the district in which such land is located; provided, that no such use shall be enlarged or increased, nor extended to occupy a greater area than was occupied by such use on the date of passage of an ordinance making such use nonconforming.

Exceptions:

- (a) Paving and construction to accommodate off-street parking on such land may be permitted if a use permit is first secured in each case.
- (b) The nonconforming use of a portion of a building or structure may be extended throughout the building; provided, that a use permit shall first be secured in each case.

(c) The nonconforming use of a building or structure may be changed to a use of the same or more restricted nature; provided, that a use permit shall first be secured in each case. [Ord. 1659 N.S. § 2, 1989].

**23.68.030 Abandonment of a nonconforming use.**

If the nonconforming use of a building or structure ceases for a continuous period of six months, it shall be considered abandoned. Thereafter, the building or structure shall be used only in accordance with the regulations for the district in which it is located. However, the same or a more restricted use of all or a portion of such building or structure may be reestablished if a use permit is first secured. [Ord. 1659 N.S. § 2, 1989].

**23.68.040 Reestablishing or repairing a nonconforming use, building, or structure damaged or destroyed by a catastrophic event.**

A nonconforming use, building or structure damaged or destroyed by fire, explosion, earthquake or other catastrophic event may be reestablished or rebuilt to the condition or configuration of the use, building or structure that existed immediately prior to the event, provided the work shall be consistent with applicable uniform codes, and provided the use is reestablished within one year or a building permit to reconstruct the building or structure is obtained within one year of the catastrophe. Should a nonconforming use, building or structure that is destroyed by catastrophe not be reestablished within a year or a building permit not be obtained within a year to reconstruct a building or structure so destroyed, the use, building or structure shall be considered abandoned and a use permit shall be obtained to restore or reconstruct the use, building or structure so destroyed. [Ord. 97-35 § 2, 1997].

**23.68.050 Maintenance, repair, alterations and improvements to nonconforming building or structure.**

Anything in this chapter to the contrary notwithstanding, the following shall regulate the maintenance, repair, alteration and improvement of nonconforming buildings and structures:

(a) Ordinary Maintenance and Repair. Ordinary maintenance and repair of nonconforming buildings and structures shall be allowed.

“Ordinary maintenance and repair” shall mean improvements made to a building or structure for the purpose of keeping the structure in a state of repair and protecting the structure from failure or decline. The term shall also apply to the rehabilitation of a building or structure which is in disrepair for the purpose of making the building safe and sanitary in accordance with the city’s housing quality standards. Further, interior improvements within existing walls, not resulting in additional habitable space, shall be permitted.

(b) Foundations. The placement of a concrete foundation shall be considered ordinary maintenance and repair for single-family dwellings, including related accessory buildings, and for other buildings and structures identified in the city’s historic resources inventory contained in the historic preservation element.

The placement of a concrete foundation under a nonconforming building or structure not referenced in the previous paragraph shall be permitted only if a use permit is first obtained.

(c) Demolitions and Reconstruction Involving Nonconforming Buildings and Structures. The demolition and reconstruction of 25 percent or less of the floor area of a nonconforming building or structure and/or the demolition and reconstruction of 25 percent or less of the total lateral length of the exterior walls of a nonconforming building or structure shall be considered ordinary maintenance and repair.

The demolition and reconstruction of more than 25 percent of the floor area of a nonconforming building or structure and/or the demolition and reconstruction of more than 25 percent of the total lateral length of the exterior walls shall be permitted only if a use permit is first obtained.

(d) Single-Family Dwellings. A single-family dwelling having nonconforming aspects may be improved, altered or repaired without the need of a use permit or variance so long as such improvement, alteration or repair will not result in expansion of any existing nonconformities or creation of any new nonconformities, provided:

(1) If more than 120 square feet of floor area are added by such improvement or alteration, a use permit shall be required if the resulting structure will have less off-street parking than required by the terms of this title.

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(2) When a single-family residence has nonconforming setbacks, additions shall be permitted on the first floor while maintaining yards no less than existing yards, provided a use permit is secured.

(e) Duplexes, Multifamily Dwellings, Nonresidential Uses. A duplex, multifamily dwelling, or nonresidential use having nonconforming aspects may be improved, altered or repaired without the need of a use permit or variance so long as such improvement, alteration or repair will not result in an increase in floor area, expansion of any existing nonconformities or creation of any new nonconformities. [Ord. 00-15 § 1, 2000; Ord. 97-35 § 3, 1997; Ord. 1659 N.S. § 2, 1989].

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<sup>1</sup> Prior ordinance history: Ords. 210 N.S., 382 N.S., 532 N.S., 824 N.S., 956 N.S., 1022 N.S., 1085 N.S., 1418 N.S. and 1523 N.S.

**Chapter 23.70**

**COMMUNITY DEVELOPMENT PERMIT REVIEW AUTHORITIES AND PROCEDURES**

Sections:

- 23.70.010 Purpose.
- 23.70.012 Types of community development permits and related review authorities.
- 23.70.015 Exemptions.
- 23.70.018 Counter review.
- 23.70.020 Counter review and determination.
- 23.70.030 Staff approvals.
- 23.70.040 Zoning administrator.
- 23.70.050 Site plan review committee.
- 23.70.060 Architectural review board.
- 23.70.070 Historic resources committee.
- 23.70.080 Planning commission.

**23.70.010 Purpose.**

This chapter identifies the types of community development permits, the roles of review authorities, and provides procedures for the approval or disapproval of the community development permits established by these regulations. Exception: Procedures and standards for the review and approval of subdivision maps are found in PGMC Title 24 (Subdivisions). [Ord. 11-001 § 2, 2011].

**23.70.012 Types of community development permits and related review authorities.**

Table 23.70.012-1, entitled “Types of Review, Applications, and Roles of Review Authorities,” identifies the city official or body responsible for reviewing and making decisions on community development permit applications, legislative amendments, and other actions required by these regulations.

**Table 23.70.012-1:  
Types of Review, Applications, and Roles of Review Authorities**

Roles of Review Authorities <sup>1</sup>							
Type of Permit Application	Director	ZA	SPRC	ARB	HRC	PC	CC
ARB = Architectural Review Board, CC = City Council, HRC = Historic Resources Committee, HRI = Historic Resources Inventory, LCP = Local Coastal Program, PC = Planning Commission, PGMC = Pacific Grove Municipal Code Section, SPRC = Site Plan Review Committee, and ZA = Zoning Administrator.							
<b>Counter Review:</b> Recommended preliminary staff review of projects to determine compliance with zoning code, need for further permit applications, or determination of which track below best suits the situation. (PGMC 23.70.018)							
<b>Counter Review and Determination:</b> Required director review of specific projects or land uses in order to verify compliance with zoning standards. (PGMC 23.70.020)							
<b>Staff Approvals:</b> For timely approval of permits for the following projects and uses:							
Admin. architectural permit – not on HRI (PGMC 23.70.030)	Decision <sup>2</sup>	Hearing/ Decision		Appeal <sup>5</sup>			Appeal <sup>5</sup>
Admin. architectural permit – on HRI (PGMC 23.70.030)	Decision <sup>2,3</sup>				Hearing/ Decision	Appeal <sup>5</sup>	Appeal <sup>5</sup>
Architectural design change – not on HRI (PGMC 23.70.030)	Decision <sup>2</sup>	Hearing/ Decision		Appeal <sup>5</sup>			Appeal <sup>5</sup>
Architectural design change – on HRI (PGMC 23.70.030)	Decision <sup>2,3</sup>				Hearing/ Decision	Appeal <sup>5</sup>	Appeal <sup>5</sup>
Lot merger (PGMC 23.70.030, 24.04.030)	Decision	Hearing/ Decision				Appeal <sup>5</sup>	Appeal <sup>5</sup>

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Roles of Review Authorities <sup>1</sup>							
Type of Permit Application	Director	ZA	SPRC	ARB	HRC	PC	CC
Admin. sign permit (PGMC 23.70.030)	Decision	Hearing/ Decision		Appeal <sup>5</sup>			Appeal <sup>5</sup>
Admin. use permit and admin. use permit amendments <sup>7</sup> (PGMC 23.70.030)	Decision <sup>2</sup>	Hearing/ Decision				Appeal <sup>5</sup>	Appeal <sup>5</sup>
Admin. variance and admin. variance amendments (PGMC 23.70.030)	Decision <sup>2</sup>	Hearing/ Decision				Appeal <sup>5</sup>	Appeal <sup>5</sup>
Permitting of undocumented dwelling units (PGMC 23.70.030)	Decision <sup>2</sup>	Hearing/ Decision				Appeal <sup>5</sup>	Appeal <sup>5</sup>
<b>Zoning Administrator:</b> For the following applications:							
Interpretations of permitted use lists (PGMC 23.70.040, Chapter 23.82 PGMC)		Decision <sup>6</sup>				Appeal	Appeal
Historic relocation permit – on-site (PGMC 23.70.040, 23.76.100)		Decision <sup>6</sup>			Hearing/ Decision	Appeal	Appeal
Parcel map (PGMC 23.70.040, Chapter 24.08 PGMC)		Decision <sup>6</sup>				Appeal	Appeal
<b>Site Plan Review Committee:</b> For the following approvals:							
Lot line adjustment (PGMC 23.70.050, 24.04.030)			Decision			Appeal	Appeal
Site plan review (multifamily/commercial/industrial projects only) (PGMC 23.70.050)			Review and Comment				
<b>Architectural Review Board:</b> For the following applications:							
Architectural permit for new construction, major alteration, or demolition/reconstruction – not on HRI (PGMC 23.70.060)				Decision		Appeal	Appeal
Sign permit (PGMC 23.70.060)				Decision		Appeal	Appeal
<b>Historic Resources Committee:</b> For the following applications:							
Historic determination (PGMC 23.70.070, 23.76.030)					Decision	Appeal	Appeal
Architectural permit for major alteration – on HRI (PGMC 23.70.070)					Decision	Appeal	Appeal
Historic preservation permit (PGMC 23.70.070, 23.76.060)					Decision	Appeal	Appeal
Historic demolition permit (PGMC 23.70.070, 23.76.090)					Decision	Appeal	Appeal
Historic relocation permit – off-site (PGMC 23.70.070, 23.76.100)					Decision	Appeal	Appeal
Initial historic screening (PGMC 23.70.070)	Decision				Recommend		
<b>Planning Commission:</b> For the following applications:							
Use permit and use permit amendments (PGMC 23.70.080(a))						Decision	Appeal
Variance and variance amendments (PGMC 23.70.080(b))						Decision	Appeal
Tentative tract map (Chapter 24.12)						Decision	Appeal

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**CONCEPTUAL DRAFT**

Roles of Review Authorities <sup>1</sup>							
Type of Permit Application	Director	ZA	SPRC	ARB	HRC	PC	CC
PGMC)							
Final tract map (Chapter 24.16 PGMC)						Decision	Appeal
<b>Administrative and Amendments:</b> For legislative actions and code interpretations (other than interpretations for permitted use lists), the following applies:							
General plan amendments (Chapter 23.84 PGMC)						Recommend	Decision
LCP amendments (Chapter 23.84 PGMC)						Recommend	Decision
Zoning text amendments (Chapter 23.84 PGMC)						Recommend	Decision
Zoning map amendments (Chapter 23.84 PGMC)						Recommend	Decision
Interpretations of code (PGMC 23.04.040)	Decision <sup>4</sup>					Appeal	Appeal

1. “Decision” means that the review authority makes the decision on the matter; “hearing” means that the review authority holds a hearing and renders a decision only if requested in response to a notice, in compliance with PGMC 23.70.030 (Staff approvals); “appeal” means that the review authority may consider and decide upon appeals to the decision of an earlier decision-making body, in compliance with Chapter 23.74 PGMC (Appeals and Call-Ups); “recommend” means that the review authority makes a recommendation to a higher decision-making body.
2. The director may defer action and refer the item to the hearing authority for decision.
3. If an administrative architectural permit or an architectural design change is accompanied by a historic preservation permit, both applications shall be reviewed concurrently by the historic resources committee.
4. The director may defer action and refer the item to the first appeal authority for decision.
5. Appeal authority may review matter only if the hearing authority held a public hearing and rendered a decision; except in cases where one or more vacancies on a board or committee causes an item to be continued to a subsequent meeting in order to meet the requirements for an affirmative action.
6. The zoning administrator may defer action and refer the item to the first appeal authority for decision.
7. Administrative use permits are broken down into major and minor categories, to reflect the reduced staff time required and lower corresponding fee for projects in the minor category, pursuant to PGMC 23.70.030(b)(7).

[Ord. 17-023 § 2, 2017; Ord. 13-005 § 3, 2013; Ord. 12-005 § 4, 2012; Ord. 11-001 § 2, 2011].

### 23.70.015 Exemptions.

The land uses, structures, and activities noted in this section are exempt from the community development permit review requirements of this zoning code. However, nothing in this section shall eliminate the requirement to obtain grading, building, and/or other construction permits prior to starting any work, as required by the municipal code.

(a) Interior Remodeling. Interior alterations that do not increase the number of rooms or the gross floor area within the structure, or change the approved use of the structure.

(b) Reconstruction of Destroyed Uses and Structures. A use of land and/or structure destroyed by fire or natural disaster may be reestablished as it existed; provided, that:

- (1) It was legally established and in compliance with this zoning code before destruction;
- (2) Reconstruction occurs in compliance with all applicable building, electrical, mechanical, and plumbing code requirements;
- (3) For historic buildings, the provisions of PGMC 23.76.070 (Unsafe or dangerous conditions) also apply; and

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(4) For nonconforming buildings or structures, the provisions of PGMC 23.68.040 (Reestablishing or repairing a nonconforming use, building, or structure damaged or destroyed by a catastrophic event) also apply.

(c) Repairs and Maintenance. Ordinary repairs and maintenance are exempt, if:

(1) The work does not result in any change in the approved land use of the site or structure, addition to, or enlargement/expansion of the land use and/or structure;

(2) The exterior repairs employ the same materials and design as the original construction. For historic structures, the repairs must use in-kind materials (i.e., materials of like size, shape, location, materials, and design as the originals) or materials that match the historic appearance;

(3) The repairs are necessary to correct a condition that has been declared unsafe or dangerous by the chief building official. For historic buildings, the provisions of PGMC 23.76.070 (Unsafe or dangerous conditions) also apply; and

(4) For nonconforming buildings or structures, the provisions of PGMC 23.68.050 (Maintenance, repair, alterations and improvements to nonconforming building or structure) also apply.

(d) Exterior Modifications to Buildings Listed on Historic Resources Inventory. Certain exterior modifications to structures listed on the historic resources inventory are exempt from the requirements of this zoning code, including:

(1) Re-roofing and gutter replacement with either in-kind materials or materials that match the historic appearance;

(2) Restoration of existing architectural elements, including historic elements (e.g., original windows and doors) consistent with the Secretary of the Interior's standards and guidelines for rehabilitation;

(3) Foundations and foundation skirting.

(e) Exterior Modifications to Buildings Not Listed on Historic Resources Inventory. Certain exterior modifications to structures not listed on the historic resources inventory are exempt from the requirements of this zoning code, including:

(1) In the R-1 zoning districts, exterior building color and plantings;

(2) Roofing material changes or replacements, utilizing in-kind or matching color and materials;

(3) Restoration of existing architectural elements;

(4) Awnings;

(5) Foundations and foundation skirting;

(6) Solar energy equipment; and

(7) Consumer-end antennas that satisfy the following:

(i) A satellite dish less than one meter (39.37 inches) in diameter and that, if mounted on a mast, is mounted no higher than needed to receive or transmit an acceptable quality signal and in no event higher than 12 feet above roofline.

(ii) An antenna designed to receive over-the air broadcast signals, no higher than needed to receive or transmit an acceptable quality signal and in no event higher than 12 feet above roofline.

(iii) A broadband radio service antenna one meter or less in diameter or diagonal measurement and that, if mounted on a mast, is mounted no higher than needed to receive or transmit an acceptable quality signal and in no event higher than 12 feet above roofline.

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- (iv) Amateur radio antennas:
- (A) That are completely enclosed within a permitted building; or
- (B) That consist of a single wire not exceeding one-fourth inch in diameter. Such wire antennas may be located in setback areas provided the antenna does not extend above the maximum building height in the district.
- (C) That consist of a single ground-mounted vertical pole or whip antenna not exceeding 42 feet in height, measured from finish grade at the base of the antenna, and not located in any required setback area. Support structures or masts for pole or whip antennas shall conform to standards set out in the California Building Standards Code. A building permit may be required for the support structure or mast.
- ~~(7) Satellite dish less than one meter (39.37 inches) in diameter Exempted consumer end antennas.~~

[Ord. 12-005 § 4, 2012; Ord. 11-001 § 2, 2011].

**23.70.018 Counter review.**

(a) Purpose. A counter review is a recommended, but not required, preliminary over-the-counter staff review of proposed projects or land uses.

(b) Applicability. Any property owner or owner representative may request a counter review for a proposed development project or land use on their property.

(c) Review Process. Staff may: answer questions; review general compliance with the zoning code; review whether a project is exempt; and assess the need for more complete plans or documentation, further community development permit applications, or possible preapplication meetings. No application is required and no official approvals are granted. [Ord. 11-001 § 2, 2011].

**23.70.020 Counter review and determination.**

(a) Purpose. To comply with the zoning code, some specific projects require the chief planner or designee to verify facts or make determinations regarding such zoning standards as floor area percentages or visual significance. A counter review and determination is used by the city to determine if such projects comply with the zoning code and may proceed without further community development permits.

(b) Applicability. The following project types must receive a determination by the chief planner or designee before proceeding without further community development permits. Exceptions: If a new use permit, variance, or historic preservation permit is also required, see instead PGMC 23.70.030 (Staff approvals), PGMC 23.70.040 (Zoning administrator), PGMC 23.70.060 (Architectural review board), or PGMC 23.70.080 (Planning commission). If an administrative use permit or administrative variance is required, any of the projects listed under subsections (b)(1), (3), (4), (5) and (6) of this section, if located outside of the coastal zone, shall also require an administrative architectural permit, which shall be processed concurrently, pursuant to PGMC 23.70.030 (Staff approvals). If located within the coastal zone, an architectural permit shall be required for projects listed under subsections (b)(1)(A), (C) and (D), (b)(2)(F), and (b)(3)(A) and (C) of this section, pursuant to PGMC 23.70.060 (Architectural review board).

(1) For nonhistoric properties (buildings determined by the city to be ineligible for the historic resources inventory (HRI), or less than 50 years of age):

(A) In the R-1 zoning districts outside of the coastal zone:

(i) An exterior addition to a single-family home where the addition is less than 25 percent of existing floor area and does not enlarge or create a second story. Visual significance is not a factor;

(ii) Exterior modifications and additions to a single-family home, duplex or triplex, that are 25 percent or more of existing floor area and do not enlarge or create a second story, and that the chief planner determines to be “visually insignificant” as viewed from the adjacent street(s); and

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- (iii) Any new impervious surfaces.
- (B) In the R-1 zoning districts, both within and outside the coastal zone:
- (i) Replacement of chimneys, siding, doors, porches, decks, or other exterior feature(s) on a single-family home, duplex or triplex, if the replacement materials and design are either in-kind or matching the existing or original materials and design, such that the change is determined by the chief planner to be “visually insignificant” as viewed from the adjacent street(s);
  - (ii) Replacement of windows (including change in window location of up to 12 inches from existing location) on a single-family home, duplex or triplex, if the replacement materials are either in-kind, matching or are considered an upgrade of the existing or original materials, which would meet the definition of “visually insignificant,” pursuant to the Window Guidelines, Appendix IV of the Pacific Grove Architectural Review Guidelines; and
  - (iii) Roof material change and/or roof pitch change, such that the change is determined by the chief planner to be “visually insignificant” as viewed from the adjacent street(s) or is considered appropriate to the architectural style of the structure.
- (C) In all other residential zoning districts outside of the coastal zone, exterior modifications or an exterior addition to a single-family home, duplex or triplex where the addition is less than 400 square feet or 10 percent of existing floor area, whichever is less, and where the alterations and/or addition is determined to be “visually insignificant” as viewed from the adjacent street(s) and does not enlarge or create a second story.
- (D) In all other residential zoning districts outside of the coastal zone, any new impervious surfaces.
- (E) In all residential zoning districts outside of the coastal zone, deer fencing meeting the height limits of PGMC 23.64.130(d).
- (2) For historic properties (buildings listed on the historic resources inventory (HRI), or determined by the city to be eligible for the HRI) in any zone:
- (A) In-kind replacement of original historic windows if the chief building official determines that the original windows are “too deteriorated to restore,” pursuant to the Window Guidelines, Appendix IV of the Pacific Grove Architectural Review Guidelines;
  - (B) Replacement of nonhistoric windows with windows that match, or more closely match, original historic windows in design and materials, when photo documentation of original windows is available, or other original windows exist and can be used for comparison. If original windows or photo documentation is not available, window replacement options shall be reviewed by the city’s on-call historic consultant and a determination made by the chief planner, pursuant to the Window Guidelines, Appendix IV of the Pacific Grove Architectural Review Guidelines;
  - (C) Replacement of historic stairs, railings, doors or porches if the chief building official determines that they are “too deteriorated to restore.” Replacement shall be with in-kind materials or, if photo documentation is available, materials and design that match the historic appearance to the extent possible and historically appropriate. If original materials or photo documentation is not available, replacement options shall be reviewed by the city’s on-call historic consultant and a determination made by the chief planner;
  - (D) Replacement of nonhistoric stairs, railings, doors, and porches with features that match, or more closely match, original features in design and materials, when photo documentation of original features is available, or other original features exist and can be used for comparison. If original features or photo documentation is not available, replacement options shall be reviewed by the city’s on-call historic consultant and a determination made by the chief planner;

(E) Repair or patching individual areas of historic exterior siding with in-kind materials, if the chief building official determines that the original siding is “too deteriorated to restore”; and

(F) In all residential zoning districts outside of the coastal zone, any new impervious surfaces.

(3) For buildings 50 years of age or older with an undetermined historic status:

(A) All development under subsections (b)(1)(A) and (C) of this section if the chief planner determines that the exterior modifications and additions are “visually insignificant” as viewed from the adjacent street(s);

(B) All development under subsection (b)(1)(B) of this section if the chief planner determines that the exterior modifications and additions are “visually insignificant” as viewed from the adjacent street(s);

(C) In all residential zoning districts outside of the coastal zone, any new impervious surfaces; and

(D) All replacement and repairs listed under subsections (b)(2)(A) through (E) of this section.

(4) In all R-1, R-2, R-H, and M-H (when combined with R-1 or R-2 only) zoning districts, both within and outside the coastal zone, home businesses pursuant to subsection (e) of this section.

(5) For all property types in all residential zoning districts, water heater or utility enclosure if the exterior material matches the existing siding.

(6) In any zoning district other than the unclassified (U), open space (O), downtown commercial (C-D) and light commercial and hotel (C-1-T) zoning districts:

(A) Minor sign face change within an existing and approved sign frame, if substantially conforming to the existing sign approval and the requirements of Chapter 20.04 PGMC (Signs); and

(B) Water cisterns or rainwater collection equipment 1,500 gallons or less in capacity if determined by the chief planner to be “visually insignificant,” and if located to the sides or rear of buildings and outside of building setback areas.

(7) In the downtown commercial (C-D) and light commercial and hotel (C-1-T) zoning districts, signs meeting all applicable development standards and design guidelines contained in Chapter 20.05 PGMC.

(8) Any proposed use listed as a “permitted use” in Table 23.31.030.

(9) Any proposed use requiring an administrative use permit or use permit, as listed in Table 23.31.030, shall only require a counter review and determination if the proposed use will replace an existing use of the same size and use category which already has a valid administrative use permit or use permit.

(c) Review Process. A “counter review and determination” application, as well as accurate plans, drawings, photographs, and other documentation, as applicable, are required. The application review is ministerial in nature, in that the determinations are arrived at objectively, involve little or no personal judgment, and are issued by the chief planner. Though called a “counter” review, if staff research is needed, a counter review and determination may take up to three business days. Note: If an administrative use permit or administrative variance is required, any of the projects listed under subsections (b)(1), (3), (4), (5) and (6) of this section, if located outside of the coastal zone, shall also require an administrative architectural permit, which shall be processed concurrently, pursuant to PGMC 23.70.030 (Staff approvals). If located within the coastal zone, an architectural permit shall be required for projects listed under subsections (b)(1)(A), (C) and (D), (b)(2)(F), and (b)(3)(A) and (C) of this section, pursuant to PGMC 23.70.060 (Architectural review board).

(d) Determination. If the chief planner determines that the proposed project or land use complies with all zoning code provisions or is otherwise exempt from these regulations, the application will be signed by the chief planner or designee, the supporting documents stamped with an official notation of compliance, and no further community development permits will be required. Grading, building, and/or other construction permits may be required prior to starting any work, according to the requirements of the municipal code.

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(e) Appeals of Determinations. For appeals of these determinations, see PGMC 23.74.020(a).

(f) Effective Date of Determination. The determination shall become effective only when:

(1) The appeal period has expired or, if appealed, prior to final action on the appeal by the appeal authority in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups); and

(2) All necessary prior approvals have been obtained. [Ord. 13-023 § 5, 2013; Ord. 13-003 § 20, 2013; Ord. 12-005 § 4, 2012; Ord. 11-001 § 2, 2011].

### **23.70.030 Staff approvals.**

(a) Purpose. This section establishes procedures and findings for the issuance of, and effective time periods for, staff-approved permits. No public hearings are held unless a request for a hearing is submitted or the director refers it to the hearing authority. The intent of this section is to ensure that community development permits are in compliance with the general plan, local coastal program, and these regulations, and are issued quickly yet allow for public review.

(b) Applicability. As summarized in Table 23.70.012-1, the director or designee is the decision-making authority for the following community development permits:

(1) Administrative Architectural Permits (On HRI, Determined by the City to Be Eligible for the HRI, or 50 Years of Age or Older with an Undetermined Historic Status). In all residential zoning districts, administrative architectural permits may be granted for the following structures and the following alterations to buildings listed on the historic resources inventory (HRI), determined by the city to be eligible for the HRI, or to buildings that are 50 years of age or older and have an undetermined historic status:

(A) Outside of the coastal zone, an exterior modification to side and/or rear elevations, or an addition to side and/or rear elevations where the addition is less than 400 square feet or 10 percent of existing floor area, whichever is less, of a single-family home, duplex or triplex, if all of the following apply:

(i) Does not enlarge or create a second story; and

(ii) The director has determined that it is consistent with the Secretary of the Interior's Standards for Historic Rehabilitation and the State Historic Building Code.

(B) Outside of the coastal zone, Category 1 detached accessory structures larger than 120 square feet, pursuant to Table 23.64.180.

(C) Both within and outside the coastal zone, deer fencing, not to exceed six feet, if within front, side, and rear yards, pursuant to PGMC 23.64.130(d).

Exception: If accompanied by a historic preservation permit application, an administrative architectural permit shall be referred to the historic resources committee to hold a public hearing and to take action on both applications concurrently, pursuant to PGMC 23.70.070.

(2) Administrative Architectural Permits (Not on HRI). Administrative architectural permits may be granted for the following structures and the following alterations to a building that has been determined by the city to be ineligible for the historic resources inventory, or is less than 50 years of age:

(A) In the R-1 zoning districts outside of the coastal zone, any exterior modifications or additions to a single-family home, duplex or triplex that are 25 percent or more of existing floor area and do not enlarge or create a second story, if the director determines that the exterior modifications and additions are "visually significant" as viewed from the adjacent street(s);

(B) In the R-1 zoning districts outside of the coastal zone, any of the following modifications to a single-family home, duplex or triplex:

- (i) Replacement of chimneys, siding, doors, porches, decks, or other exterior feature(s), if the replacement materials and design are determined by the director to be “visually significant” as viewed from the adjacent street(s);
  - (ii) Replacement of windows (including change in window location of up to 12 inches from existing location), if the replacement materials meet the definition of “visually significant,” pursuant to the Window Guidelines, Appendix IV of the Pacific Grove Architectural Review Guidelines; and
  - (iii) Roof material change and/or roof pitch change, such that the change is determined by the director to be “visually significant” as viewed from the adjacent street(s);
- (C) In the R-2, R-3, and R-4 zoning districts, outside of the coastal zone, any of the following modifications or additions to a single-family home, duplex or triplex:
- (i) Replacement of chimneys, siding, doors, porches, decks, or other exterior feature(s), if the replacement materials and design are either in-kind or matching the existing or original materials and design, such that the change is determined by the director to be “visually insignificant” as viewed from the adjacent street(s);
  - (ii) Replacement of windows (including change in window location of up to 12 inches from existing location), if the replacement materials are either in-kind, matching or are considered an upgrade of the existing or original materials, which would meet the definition of “visually insignificant,” pursuant to the Window Guidelines, Appendix IV of the Pacific Grove Architectural Review Guidelines;
  - (iii) Roof material change and/or roof pitch change, such that the change is determined by the director to be “visually insignificant” as viewed from the adjacent street(s) or is considered appropriate to the architectural style of the structure;
  - (iv) Exterior modifications and additions that are 25 percent or more of existing floor area and do not enlarge or create a second story, and that the director determines to be “visually insignificant” as viewed from the adjacent street(s); and
  - (v) Exterior modifications or an exterior addition, where the addition is less than 400 square feet or 10 percent of existing floor area, whichever is less, and where the alterations and/or addition is determined to be “visually significant” as viewed from the adjacent street(s) and does not enlarge or create a second story;
- (D) Roof overhang, roofing material, and siding material modifications for any mobile home installed in other than the R-1-M-H district;
- (E) Water heater or utility enclosure if the exterior material does not match the existing siding and the director determines it is “visually significant” as viewed from the adjacent street(s);
- (F) Water cisterns or rainwater collection equipment not meeting the provisions of PGMC 23.70.020(b)(6)(B);
- (G) Outside of the coastal zone, Category 1 detached accessory structures larger than 120 square feet, pursuant to Table 23.64.180; and
- (H) Within the coastal zone, deer fencing, not to exceed six feet, if within front, side, and rear yards, pursuant to PGMC 23.64.130(d).
- (3) An administrative architectural permit shall also be required for projects located outside the coastal zone and listed in PGMC 23.70.020(b)(1), (3), (4), (5) or (6), that are accompanied by an administrative use permit or administrative variance. The two permits shall be processed concurrently, in accordance with this section. If located within the coastal zone, an architectural permit shall be required for projects listed under PGMC

23.70.020(b)(1)(A), (C) and (D) and (b)(3)(A) and (C), pursuant to PGMC 23.70.060 (Architectural review board), and PGMC 23.70.020(b)(2)(F) pursuant to PGMC 23.70.070 (Historic resources committee).

(4) Architectural Design Changes. Once an architectural permit, outside the coastal zone, or an administrative architectural permit has been approved, but before the associated building permit has been finalized, changes that modify the exterior elevations of the project shall be processed as an architectural design change; provided, that cumulative design changes to a prior architectural permit or administrative architectural permit shall not appreciably alter the originally approved design. This applies to properties either on the HRI or not on the HRI.

Exception: If accompanied by a historic preservation permit application, an administrative design change shall be referred to the historic resources committee to hold a public hearing and to take action on both applications concurrently, pursuant to PGMC 23.70.070.

(5) Lot Mergers. Lot mergers, in accordance with this section and the procedures in PGMC 24.04.030 (Definitions).

(6) Administrative Sign Permit. An administrative sign permit may be granted for the following:

(A) A flat sign in the C-1, C-FH, C-2, or I zone that has a sign area of 25 square feet or less, is attached to or is painted on a building so as not to project more than six inches from the building, and is the only permanent sign displayed on the premises;

(B) New commercial signs or modifications to an existing sign that comply with an existing master sign program for the site; and

(C) In the downtown commercial (C-D) and light commercial and hotel (C-1-T) zoning districts, signs meeting all applicable development standards, but not all applicable design guidelines, contained in Chapter 20.05 PGMC.

(7) Administrative Use Permits. Administrative use permits and administrative use permit amendments may be granted for the following:

(A) Major Administrative Use Permits.

(i) Detached or semi-detached rooms within the R-1 zoning districts;

(ii) Averaging of side yards for interior sites within the R-1 and R-2 zoning districts, pursuant to PGMC 23.16.060(b)(1) and 23.20.070(b)(1);

(iii) Accessory buildings and structures that are 120 square feet or less in area, pursuant to Table 23.64.180;

(iv) Roominghouses, boardinghouses, and professional uses within the R-4 zoning district;

(v) Uses requiring an administrative use permit in the C-1, C-1-T, C-D, C-FH, C-2, C-V, or I zoning district, pursuant to Table 23.31.030, except as provided in PGMC 23.70.020(b)(8);

(vi) Temporary uses within the C-1, C-1-T, C-D, C-FH, and C-V zoning districts, pursuant to Table 23.31.030;

(vii) Gardening on vacant lots within the C-1, C-1-T, C-D, C-FH, C-2, or C-V zoning district;

(viii) Uses allowed with a use permit within the R-3-P.G.B. zoning district;

(ix) Earth and mineral extraction for commercial purposes;

(x) Foster and day care homes under PGMC 23.64.110 (Family day care homes);

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- (xi) Projection of open porches, stairways, etc., under PGMC 23.64.160 (yards);
- (xii) Accessory storage of portable or movable objects under PGMC 23.64.185 (accessory use); ~~and~~
- (xiii) Extension, change, or restoration of a nonconforming use under Chapter 23.68 PGMC (Nonconforming Uses and Buildings); and
- (xiv) ~~Eligible~~ Wireless eligible facilities requests (for modification of previously permitted wireless telecommunications facilities).
- (xv) Consumer-end antennas not exempted from this Code.

(B) Minor Administrative Use Permits.

- (i) Structures, appurtenances, fences, deer fences, hedges, screen plantings, or other visual obstructions (other than allowed garden structures) in excess of height limits under PGMC 23.64.120 and 23.64.130 (height limits); ~~and~~
- (ii) Garden structures exceeding the standards required by PGMC 23.64.119 (Garden structures); and
- (iii) ~~Temporary wireless telecommunications facilities.~~

(8) Administrative Variances. Administrative variances and administrative variance amendments may be granted for the following:

- (A) Reductions in required yards or setbacks that are 20 percent or less of the required distance;
- (B) Increases in allowable building site coverage of five percent or less for additions to an existing structure;
- (C) The occupancy of any part of a required side or rear yard by a driveway or parking pad; and
- (D) The elimination of a required covered parking space in the R-1 zoning districts where the absence of the space is a legal nonconforming condition of an existing single-family use and where a parking space is not physically possible.

(c) Review Process. Upon submittal of one of the community development permit applications listed in this section, the department shall process it in accordance with Chapter 23.72 PGMC (Permit Application Filing and Processing) and the following:

- (1) Staff reviews the proposed project for compliance with the general plan, certified local coastal program, these regulations, and other applicable conditions and regulations.
- (2) The director issues a notice of administrative decision, pursuant to the procedures in PGMC 23.86.030, or determines that the permit application presents issues of sufficient public concern to warrant a public hearing and refers the application directly to the appropriate hearing authority, pursuant to Table 23.70.012-1. The hearing authority decision may be appealed or called up in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups).
- (3) If no written request for a hearing is received by the department within 10 days of the issuance of the notice of administrative decision, the action of the director is final, and the appeal and call-up procedures in Chapter 23.74 PGMC (Appeals and Call-Ups) do not apply.

(d) Review Criteria. For architectural review projects, the criteria in PGMC 23.70.060(e) shall apply.

(e) Findings Required for Approval. Permit applications under this section shall be approved or approved with conditions, only if the review authority first makes all of the following applicable findings:

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(1) Findings for All Staff Approvals under This Section Other Than Wireless Eligible Facilities Requests and Temporary Wireless Telecommunications Facilities.

- (A) The proposed development conforms to the applicable provisions of the general plan, the local coastal program, any applicable specific plan, and these regulations;
- (B) The proposed development is located on a legally created lot;
- (C) The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivision, setbacks, and any other applicable provisions of this municipal code, and all applicable zoning violation enforcement and processing fees have been paid; and
- (D) The proposed development is in compliance with all citywide permits, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) permit.

(2) Additional Findings for Administrative Architectural Permits and Architectural Design Changes.

- (A) The architecture and general appearance of the completed project are compatible with the neighborhood; and
- (B) 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; and
- (C) The director has been guided by and has made reference to applicable provisions of the architectural review guidelines in making its determinations on single-family residences.

(3) Additional Findings for Exterior Alterations to Structures on the Historic Resources Inventory (HRI).

- (A) The exterior alteration of any building or structure on the historic resources inventory is consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings; and
- (B) The exterior alteration of any structure on the historic resources inventory complies with Appendices I through IV of the Pacific Grove Architectural Review Guidelines.

(4) Additional Finding for Administrative Sign Permits. The proposed sign effectively conveys the business identity to the public and possesses pleasing elements of design that protect and enhance the architectural character and harmony of the buildings and neighborhood in which it is located.

(5) Additional Findings for Administrative Use Permits and Variances.

- (A) The findings in PGMC 23.70.080(a)(4) shall apply to administrative use permits;
- (B) Additional Finding for Administrative Use Permits for Fences, Deer Fences, and Garden Structures. The proposed fencing, and/or garden structure, will be in keeping with the neighborhood and will not obstruct views, air or light from the adjoining public street(s) without there being unique or exceptional circumstances of the property to warrant it; and
- (C) The findings in PGMC 23.70.080(b)(4) shall apply to administrative variances.

(6) Administrative Use Permit (AUP) Findings for Wireless Eligible Facilities Requests.

(A) The proposed wireless telecommunications facility qualifies as a wireless eligible facilities request, satisfying each element specified in 47 C.F.R Sec. 1.6001-1.6100, as may be amended.

(B) The findings required by 23.70.030(e)(1)(B)-(D) shall apply, except as specifically preempted by federal law;

(C) The proposed wireless telecommunications facility complies with applicable safety codes and guidelines, and FCC regulations governing radiofrequency emissions.

(7) Additional Findings for Customer-end Antennas.

(A) the proposed height, and design, and placement of the antenna is consistent with applicable safety codes, including setback requirements; and

(B) the proposed height and design are required to receive service, or to engage in amateur radio communications; and

(C) the proposed antennas have been designed and placed to minimize the visual impact of the antennas and their effect on adjoining properties, including through the use of shielding and landscaping; and

(D) approval is required under applicable FCC regulations.

(f) Effective Date of Decision. The decision shall become effective only when:

(1) The 10-day request for hearing period has expired, or the appeal period following a hearing authority decision has expired or, if appealed further or called up, after final action by the appeal authority in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups); and

(2) All necessary prior approvals have been obtained. [Ord. 17-023 § 2, 2017; Ord. 13-023 § 5, 2013; Ord. 13-005 § 3, 2013; Ord. 13-003 § 20, 2013; Ord. 12-005 § 4, 2012; Ord. 11-001 § 2, 2011].

**23.70.040 Zoning administrator.**

(a) Purpose. This section establishes a zoning administrator, duties, and procedures for the purpose of providing an appropriate public review and approval process for certain community development permits, but less process than that required for board or commission review.

(b) Establishment. The city manager shall appoint a zoning administrator to grant community development permit approvals where required by these regulations, and to promote the orderly and harmonious development of the city. The zoning administrator shall conduct public hearings and render decisions on permits in accordance with this section and Chapter 23.86 PGMC (Public Meeting and Hearing Procedures).

(c) Applicability.

(1) As summarized in Table 23.70.012-1, the zoning administrator is the decision-making authority for the following permits and activities:

(A) Interpretation of permitted use lists in commercial and industrial districts;

(B) Historic relocation permit – on-site; and

(C) Parcel map.

(2) If a permit application is referred by the chief planner, or if a written request for a hearing is received within 10 days of the department's issuance of a notice of administrative decision, the zoning administrator shall also act as the decision-making authority and take action on the following:

(A) Administrative architectural permit – not on HRI;

(B) Architectural design change – not on HRI;

(C) Lot merger;

(D) Administrative sign permit;

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(E) Administrative use permit or administrative use permit amendment; and

(F) Administrative variance or administrative variance amendment.

(d) Review Process.

(1) For interpretations of permitted use lists, application processing shall be in accordance with Chapter 23.82 PGMC (Interpretations of Permitted Use Lists).

(2) Upon submittal of one of the community development permit applications listed in this section, the department shall process it in accordance with Chapter 23.72 PGMC (Permit Application Filing and Processing) and the following:

(A) Staff reviews for compliance with the general plan, certified local coastal program, these regulations, and other applicable conditions and regulations.

(B) Staff schedules the item for zoning administrator hearing and prepares the noticing, pursuant to the procedures in Chapter 23.86 PGMC (Public Meeting and Hearing Procedures).

(C) The zoning administrator holds a public hearing and either approves, approves with conditions, or disapproves the item. The action is subject to appeal or call-up in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups).

(e) Review Criteria. For architectural review projects, the criteria in PGMC 23.70.060(e) shall apply.

(f) Findings Required for Approval. Permit applications under this section shall be approved, or approved with conditions, only if the zoning administrator first makes all of the following applicable findings:

(1) Findings for interpretations of permitted use lists are provided in PGMC 23.82.050.

(2) Findings for all permit applications decided by the zoning administrator under this section:

(A) The proposed development conforms to the applicable provisions of the general plan, the local coastal program, any applicable specific plan, and these regulations;

(B) The proposed development is located on a legally created lot;

(C) The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivision, setbacks, and any other applicable provisions of this code, and all applicable zoning violation enforcement and processing fees have been paid; and

(D) The proposed development is in compliance with all citywide permits, including, but not limited to, the National Pollutant Discharge Elimination System (NPDES) permit.

(3) Additional Findings for Administrative Architectural Permits and Architectural Design Changes.

(A) The architecture and general appearance of the completed project are compatible with the neighborhood; and

(B) 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; and

(C) The zoning administrator has been guided by and has made reference to applicable provisions of the architectural review guidelines in making its determinations on single-family residences.

(4) Additional Finding for Administrative Sign Permits. The proposed sign effectively conveys the business identity to the public and possesses pleasing elements of design that protect and enhance the architectural character and harmony of the buildings and neighborhood in which it is located.

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(5) Additional Findings for Administrative Use Permits.

(A) The findings in PGMC 23.70.080(a)(4) shall apply to administrative use permits; and

(B) Additional Finding for Administrative Use Permits for Fences, Deer Fences, and Garden Structures. The proposed fencing, and/or garden structure, will be in keeping with the neighborhood and will not obstruct views, air or light from the adjoining public street(s) without there being unique or exceptional circumstances of the property to warrant it.

(6) Additional Findings for Administrative Variances. The findings in PGMC 23.70.080(b)(4) shall apply to administrative variances.

(g) Effective Date of Permit Approval. The permit approval shall become effective only when:

(1) The appeal period has expired or, if appealed, prior to final action on the appeal by the appeal authority in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups); and

(2) All necessary prior approvals have been obtained. [Ord. 12-005 § 4, 2012; Ord. 11-001 § 2, 2011].

**23.70.050 Site plan review committee.**

(a) Purpose. The purpose of the site plan review committee (SPRC) is to encourage well-designed multifamily residential, commercial, and industrial development. The SPRC's review does not apply to single-family residences outside of the coastal zone. The SPRC studies the siting of proposed construction and its impact upon the existing topography and natural vegetation, and the relationship of proposed construction to existing public and private improvements in the immediate area. It does not act on architectural aspects. It encourages the elimination of unnecessary grading, and endeavors to retain the natural character of the site, including the preservation of trees. The SPRC ensures that site plans conform to a logical plan of site development; have adequate parking facilities, driveways, entrances, and exits; provide an appropriate arrangement, location, and design of required open spaces and recreational facilities; and incorporate other pertinent project features, so that development will not be detrimental to vehicular or pedestrian traffic on adjacent streets, will provide adequate light and air, will provide adequate access for firefighting equipment and, in general, will provide a desirable and well-designed facility. The SPRC also reviews and approves lot line adjustments.

(b) Establishment. The city manager shall appoint a site plan review committee, which shall consist of the chief planner, city engineer, fire chief, and chief building official, or their representatives. The SPRC may adopt such rules as are needed for the conduct of its deliberations. The chief planner or designee shall serve as chairperson of the SPRC. A quorum of the SPRC shall consist of not less than three members of the SPRC, one of whom shall be the chief planner. An affirmative vote of a majority of the total members of the SPRC shall be required for any action by the SPRC.

(c) Applicability. As summarized in Table 23.70.012-1, the site plan review committee is the decision-making authority or reviews and comments on the following permits and activities:

(1) Lot line adjustments. Pursuant to PGMC 24.04.030, the SPRC shall approve, approve with conditions, or disapprove lot line adjustments.

(2) Siting and lot coverage in the coastal zone. Pursuant to Policy No. 3.4.5.2 of the local coastal program, the SPRC shall review and comment on the siting of each new development and the expected area of disturbance around each residence within the coastal zone, and review and comment on any property owner request to exceed the maximum lot coverage of 15 percent of a total lot area within the coastal zone.

(3) Projects of \$50,000 or more. The SPRC shall review and comment on any structure or site work valued at \$50,000 or more, as determined by the chief building official, including the structural alteration, or addition to, existing structures or works.

Exceptions. This section shall not apply to:

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- (A) Interior alterations and remodeling that do not involve a change in occupancy as defined by the Uniform Building Code;
- (B) Exterior alterations not involving an increase in floor area; or
- (C) Single-family residences in all residential zones outside of the coastal zone.

(d) Review Process. Upon submittal of an application for site plan review or approval of a lot line adjustment, the department shall process it in accordance with the following:

- (1) Staff reviews the application to ensure it is complete based on the submittal requirements provided by the department.
- (2) For site plan reviews, the SPRC holds a meeting to review and comment on the project. No formal action is taken. Comments are forwarded to the review authority for the associated community development permit.
- (3) For lot line adjustments, the SPRC holds a public meeting, accepts public comments, and approves, approves with conditions, or disapproves the item. Noticing procedures for public meetings are described in Chapter 23.86 PGMC (Public Meeting and Hearing Procedures). The action is subject to appeal in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups).

(e) Required Improvements. The SPRC will ensure compliance with the following requirements as part of its site plan review:

- (1) Street Frontage Improvements. Curb, gutter, sidewalk, street pavement, and concrete driveway aprons shall be installed along all street frontages of the site in compliance with the requirements of Chapter 24.12 PGMC. The requirements of this section shall not apply to the erection, construction, or reconstruction of agricultural structures or uses. If the city engineer determines that engineering considerations will make the required improvements infeasible or if the SPRC finds that there is a prevailing design element of the neighborhood that runs counter to usual standards, the site plan review committee may modify the improvement requirements to conform to engineering feasibility or a prevailing neighborhood design element.
- (2) Deferral of Improvements. The SPRC may recommend to the review authority the deferral of required improvements after a written request from the applicant, if the SPRC first determines that special or unusual circumstances warrant the deferral. When recommending a deferral, the SPRC shall specify a time limit for deferral, which shall not exceed one year, unless extended by subsequent action of the review authority. If a deferral is ultimately granted, the applicant shall furnish a satisfactory faithful performance bond, cash contribution, or other guarantee acceptable to the city, to ensure that the work will be performed.

(f) Criteria for Site Plan Review. The SPRC will review and comment on whether site plans submitted for review incorporate the following criteria:

- (1) Necessary street improvements to control and provide for traffic movement arising from the development;
- (2) Safe pedestrian movement on or adjoining the property;
- (3) Safe and sanitary control of surface and subsurface drainage on or adjoining the property;
- (4) Attractive and sanitary provisions for refuse storage and disposal;
- (5) Appropriate and adequate automobile parking spaces; and
- (6) Fulfillment of the purposes of subsection (a) of this section.

(g) Findings Required for Approval. Lot line adjustment approvals are subject to the following findings:

- (1) The proposed development conforms to the applicable provisions of the general plan and these regulations;

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(2) The proposed development is located on a legally created lot; and

(3) The subject property is in compliance with all laws, regulations, and rules pertaining to uses, subdivision, setbacks, and any other applicable provisions of this code, and all applicable zoning violation enforcement and processing fees have been paid.

(h) Effective Date of Lot Line Adjustment. A lot line adjustment approval shall become effective only when:

(1) The appeal period has expired or, if appealed, prior to final action on the appeal by the appeal authority in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups); and

(2) All necessary prior approvals have been obtained.

(i) Building Permit Issuance. No building permit shall be issued for structures subject to the provisions of this section until the SPRC has completed its deliberations. The chief building official shall not allow final public utility connections to any structure until the applicant has complied with all applicable provisions of this section. [Ord. 11-001 § 2, 2011].

**23.70.060 Architectural review board.**

(a) Purpose. This section establishes procedures for the city's architectural review of structures, in order to promote the orderly and harmonious development of the city, and to protect its architectural character.

(b) Establishment. The architectural review board is hereby established as follows:

(1) Membership. The board shall consist of seven voting members, appointed by the mayor, with the approval of the council. At least two of the members shall have professional experience as an architect, landscape architect, engineer, designer, or draftsman; at least two members shall have experience in the building industry; one member appointed from the general public shall demonstrate a special interest, competence, experience or knowledge in architecture or building material.

(2) Term of Office, Attendance. All appointees shall serve for a two-year term, and may be removed at the pleasure of the council. Three of the board members shall be appointed for terms ending on January 31st in odd-numbered years, and four for terms ending on January 31st in even-numbered years. A member's seat shall be deemed vacated upon two consecutive absences from regular meetings without being excused by the chair.

(3) Meetings. The board shall meet no less frequently than once per month and may adopt rules as needed for the conduct of its deliberations, including the selection of the member who shall serve as chair.

(c) Applicability. As summarized in Table 23.70.012-1, the architectural review board is the decision-making authority for structures not listed on the historic resources inventory for the following permits:

(1) Outside of the coastal zone, architectural permits for new construction, major alterations to existing structures, or demolition and reconstruction of structures. This section does not apply to any project listed in PGMC 23.70.020, 23.70.030 and 23.70.040, including a design change to an approved architectural permit that meets the provisions of PGMC 23.70.030(b)(4);

(2) Within the coastal zone, architectural permits for new construction, major and minor alterations to existing structures, or demolition and reconstruction of structures, including an amendment to an approved architectural permit. This section does not apply to any project listed in PGMC 23.70.020(b)(1)(B), (2)(A) through (E), (3)(B) and (D), (4), (5), and (6);

(3) Within the coastal zone, architectural permits for Category 1 detached accessory structures larger than 120 square feet, pursuant to Table 23.64.180;

(4) Sign permits, pursuant to Chapter 20.04 PGMC (Signs) and PGMC 20.05.070. This section does not apply to any counter review and determination or administrative sign permit under PGMC 23.70.020, 23.70.030 and 23.70.040;

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(5) Whenever otherwise required by this code.

(d) Review Process. Upon submittal of one of the community development permit applications listed in this section, the department shall process it in accordance with Chapter 23.72 PGMC (Permit Application Filing and Processing) and the following:

(1) Staff reviews for compliance with the general plan, certified local coastal program, these regulations, and other applicable conditions and regulations.

(2) Staff schedules the item for an architectural review board hearing and prepares the noticing, pursuant to the procedures in Chapter 23.86 PGMC (Public Meeting and Hearing Procedures).

(3) The board holds a public hearing and approves, approves with conditions or disapproves each item. The action is subject to appeal in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups).

(e) Review Criteria. In carrying out the purposes of this chapter, the board shall consider in each specific case any or all of the following as may be appropriate:

(1) The city of Pacific Grove Architectural Review Guidelines.

(2) The siting of any structure on the property as compared to the siting of other structures in the immediate neighborhood and the surrounding area.

(3) All structures shall have simplicity of mass and detail and shall not strive for bizarre effects. There shall be an appropriate use of material. Except as exempt pursuant to PGMC 23.70.015 (Exemptions), colors shall be in good taste and never harsh, garish, or inappropriate to the other colors designated for the structure or to the surrounding environment. Architectural character shall be aesthetically pleasing of itself and shall either harmonize with adjacent structures, or shall complement architectural characteristics of adjacent structures by means of dignified contrast.

In consideration of architectural or stylistic character and detail, the simple dignity of early California architecture and the romantic character of the Victorian styles as exemplified in the early buildings of Pacific Grove shall be considered as models suitable for emulation, but studied copying of past styles shall be considered as neither necessary nor greatly to be desired.

(4) When required, landscaping shall be designated as required by PGMC Title 12 (Trees and Vegetation), the State Model Landscape Ordinance, and these regulations.

(A) At least 80 percent of the street frontage of gasoline or service stations unused for driveways shall be landscaped.

(B) Parking lots, used car lots, service stations, or similar uses that park or store over five vehicles shall be landscaped.

(5) The size, location, and arrangement of on-site parking and paved areas together with ingress, egress, and internal traffic circulation shall be considered and shall be subject to the board's approval.

(f) Findings Required for Approval. The board shall determine from the materials submitted whether:

(1) The architecture and general appearance of the completed project are compatible with the neighborhood; and

(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; and

(3) The board has been guided by and has made reference to applicable provisions of the architectural review guidelines in making its determinations on single-family residences.

(4) Additional Finding for Sign Permits. The proposed sign effectively conveys the business identity to the public and possesses pleasing elements of design that protect and enhance the architectural character and harmony of the buildings and neighborhood in which it is located.

(g) Effective Date of Permit Approval. The permit approval shall become effective only when:

(1) The appeal period has expired or, if appealed, prior to final action on the appeal by the appeal authority in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups); and

(2) All necessary prior approvals have been obtained. [Ord. 18-013 § 3, 2018; Ord. 17-023 § 2, 2017; Ord. 13-023 § 5, 2013; Ord. 12-005 § 4, 2012; Ord. 11-001 § 2, 2011].

**23.70.070 Historic resources committee.**

(a) Purpose. This section establishes procedures for the city's determinations on additions and deletions to the historic resources inventory, in order to preserve, protect, enhance and perpetuate those historic structures and neighborhoods that contribute to the cultural and aesthetic heritage of Pacific Grove.

(b) Establishment. The historic resources committee is hereby established pursuant to PGMC 23.76.021.

(c) Applicability.

(1) Decision-Making Authority. As summarized in Table 23.70.012-1, the historic resources committee is the decision-making authority for historic determinations, which are additions to and deletions from the historic resources inventory, pursuant to the evaluation criteria in PGMC 23.76.025 and for structures listed on the historic resources inventory for the following permits per PGMC 23.76.080:

(A) Outside of the coastal zone, architectural permits for new construction, major alterations to existing structures, or demolition and reconstruction of structures. This section does not apply to any project listed in PGMC 23.70.020, 23.70.030 and 23.70.040, including a design change to an approved architectural permit that meets the provisions of PGMC 23.70.030(b)(4);

(B) Within the coastal zone, architectural permits for new construction, major and minor alterations to existing structures, or demolition and reconstruction of structures, including an amendment to an approved architectural permit. This section does not apply to any project listed in PGMC 23.70.020(b)(2)(A) through (E), (3)(D), (4), (5), and (6)(B);

(C) Historic preservation permits for exceptions to land use regulations involving structures on the historic resources inventory, pursuant to PGMC 23.76.060;

(D) Historic demolition permits for the demolition of any structure on the historic resources inventory, pursuant to PGMC 23.76.090;

(E) Historic relocation permits for the off-site relocation of any structure on the historic resources inventory, pursuant to PGMC 23.76.100;

(F) If referred by the director or if a written request for a hearing is received within 10 days of the department's issuance of a notice of administrative decision, for one of the following applications:

(i) Administrative architectural permit;

(ii) Architectural design change; and

(G) Whenever otherwise required by this code.

(2) Recommending Authority. As summarized in Table 23.70.012-1, the historic resources committee is the recommending authority for initial historic screening requests. The committee shall make a recommendation to the director as to whether a determination of ineligibility can be made or if a Phase 1 historic assessment is needed to determine the historicity of a structure.

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(3) Other Duties. Other duties as set out in this chapter, in Chapter 23.76 PGMC, or as directed by the city council.

(d) Review Process. Upon submittal of one of the applications listed in this section, the department shall process it in accordance with Chapter 23.72 PGMC and the following:

(1) Staff reviews for compliance with the general plan, certified local coastal program, these regulations, and other applicable conditions and regulations.

(2) Staff schedules the item for a historic resources committee hearing and prepares the noticing, pursuant to the procedures in Chapter 23.86 PGMC (Public Meeting and Hearing Procedures).

(3) The committee holds a public hearing and approves or disapproves each item for which the committee is the decision-making authority. The action is subject to appeal in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups). The committee holds a public hearing and makes a recommendation on each item for which the committee is the recommending authority.

(e) Historic Determination Review Criteria. In carrying out the purposes of this chapter, the historic resources committee shall consider the evaluation criteria in PGMC 23.76.025 (Evaluation criteria).

(f) Findings Required for Approval. The historic resources committee shall determine from the application materials submitted whether historic determinations comply with the provisions of Section 15064.5 of the California Environmental Quality Act (CEQA) Guidelines (California Code of Regulations Title 14, Chapter 3) and the evaluation criteria in PGMC 23.76.025.

(g) Architectural Permit Review Criteria. In carrying out the purposes of this chapter, the historic resources committee shall consider the evaluation criteria in PGMC 23.70.060(e).

(h) Findings Required for Approval. The historic resources committee shall determine from the application materials submitted whether:

(1) The architecture and general appearance of the completed project are compatible with the neighborhood; and

(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; and

(3) The committee has been guided by and has made reference to applicable provisions of the architectural review guidelines in making its determinations on single-family residences.

(4) Additional Findings for Exterior Alterations to Structures on the Historic Resources Inventory (HRI):

(A) The exterior alteration of any structure on the historic resources inventory is consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings; and

(B) The exterior alteration of any structure on the historic resources inventory complies with Appendices I through IV of the Pacific Grove Architectural Review Guidelines.

(i) Effective Date of Approval. The permit approval shall become effective only when:

(1) The appeal period has expired or, if appealed, prior to final action on the appeal by the appeal authority in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups); and

(2) All necessary prior approvals have been obtained. [Ord. 17-023 § 2, 2017; Ord. 11-001 § 2, 2011].

**23.70.080 Planning Commission.**

(a) Use Permits and Use Permit Amendments.

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(1) Purpose. The purpose of the planning commission's review of use permits is to allow for activities and uses that may be desirable in the applicable zoning district and compatible with adjoining land uses, but whose effect on a site and its surroundings cannot be determined before being proposed for a particular location.

The procedures of this section provide for the review of the configuration, design, location, and potential impacts of the proposed use, to evaluate its compatibility with surrounding uses, and to address the suitability of the use to the site.

(2) Applicability. As summarized in Table 23.70.012-1, the planning commission is the decision-making authority for use permits and use permit amendments. The planning commission shall approve, approve with conditions, or disapprove use permit applications.

Exceptions: Administrative use permits and administrative use permit amendments shall be processed in accordance with PGMC 23.70.030 (Staff approvals). See also exception in PGMC 23.70.020(b)(8) (Counter review and determination).

(3) Review Process. Upon submittal of a use permit or use permit amendment application, the department shall process it in accordance with Chapter 23.72 PGMC (Permit Application Filing and Processing) and the following:

(A) Staff reviews for compliance with the general plan, certified local coastal program, and the purpose and intent of this section.

(B) Staff schedules the item for a planning commission hearing and prepares the noticing, pursuant to the procedures in Chapter 23.86 PGMC (Public Meeting and Hearing Procedures).

(C) The planning commission holds a public hearing and approves, approves with conditions, or disapproves each item. The action is subject to appeal in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups).

(4) Findings Required for Approval. The Planning Commission may approve a use permit, other than a use permit amendment that is a wireless eligible facilities request, only after first making the following findings:

(A) The proposed use is allowed with a use permit within the applicable zoning district and complies with all applicable provisions of these regulations;

(B) The proposed use is consistent with the general plan, the local coastal program, and any applicable specific plan;

(C) 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;

(D) 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; and

(E) The location, size, design, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

(5) Conditions of Approval. In approving a use permit, the planning commission may impose conditions (e.g., buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, time limits, traffic circulation) deemed reasonable and necessary to ensure that the approval will be in compliance with the findings required in subsection (a)(4) of this section.

(6) Effective Date of Approval. The permit approval shall become effective only when:

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(A) The appeal period has expired or, if appealed, prior to final action on the appeal by the appeal authority in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups); and

(B) All necessary prior approvals have been obtained.

(b) Variances and Variance Amendments.

(1) Purpose. The purpose of the planning commission's review and action on variances and variance amendments is to allow for exceptions from the development standards of this title only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, topography, or other conditions, the strict application of these regulations denies the property owner privileges enjoyed by other property owners in the vicinity or in an identical zoning district. Variances must be necessary for the preservation and enjoyment of substantial property rights of the applicant, and may not affect adversely the health or safety of neighbors.

(2) Applicability. As summarized in Table 23.70.012-1, the planning commission is the decision-making authority for variances and variance amendments. The planning commission shall approve, approve with conditions, or disapprove variances and variance amendments. Variances may not be used to vary from allowed land uses, maximum residential density, specific prohibitions, or procedural requirements.

Exceptions: Administrative variances and administrative variance amendments shall be processed in accordance with PGMC 23.70.030 (Staff approvals).

(3) Review Process. Upon submittal of a variance or variance amendment application, the department shall process it in accordance with Chapter 23.72 PGMC (Permit Application Filing and Processing) and the following:

(A) Staff shall review for compliance with the general plan, certified local coastal program, and the purpose and intent of this section.

(B) Staff shall schedule the item for a planning commission hearing and prepare the noticing, pursuant to the procedures in Chapter 23.86 PGMC (Public Meeting and Hearing Procedures).

(C) The planning commission shall hold a public hearing and approve, approve with conditions, or disapprove each application. Such action is subject to appeal in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups).

(4) Findings Required for Approval. The planning commission may approve an application, with or without conditions, only if all of the following findings of fact can be made in a positive manner:

(A) That there are exceptional or extraordinary circumstances or conditions applying to the land, buildings, or use referred to in the application, which circumstances or conditions do not apply generally to land, buildings, and/or uses in the same zoning district;

(B) That the granting of the variance is necessary for the preservation and enjoyment of substantial property rights of the petitioner; and

(C) That the granting of such variance will not, under the circumstances of the particular case, materially affect adversely the health or safety of persons residing or working in the neighborhood of the property of the applicant and will not, under the circumstances of the particular case, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

(5) Conditions of Approval. In granting a variance, the planning commission may impose conditions to:

(A) Ensure that the variance does not grant special privileges inconsistent with the limitations on other properties in the vicinity and zoning district in which the property is located; and

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(B) Require project alterations and/or features (buffers, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, property maintenance, signs, surfacing, traffic circulation, etc.) deemed reasonable and necessary to ensure that the approval would be in compliance with the findings required by subsection (b)(4) of this section.

(6) Effective Date of Approval. The permit approval shall become effective only when:

(A) The appeal period has expired or, if appealed, prior to final action on the appeal by the appeal authority in accordance with Chapter 23.74 PGMC (Appeals and Call-Ups); and

(B) All necessary prior approvals have been obtained.

(c) Tentative and Final Tract Maps. Tentative and final tract maps shall be processed pursuant to Chapters 24.12 (Filing of Tentative Map) and 24.16 (Approval of Final Maps) PGMC. [Ord. 13-023 § 5, 2013; Ord. 13-003 § 20, 2013; Ord. 11-001 § 2, 2011].

## Chapter 23.72

### PERMIT APPLICATION FILING AND PROCESSING

#### Sections:

- 23.72.010 Purpose.
- 23.72.020 Concurrent permit processing.
- 23.72.030 Preapplication meeting for complex or sensitive projects.
- 23.72.040 Application preparation and filing.
- 23.72.050 Initial application review.
- 23.72.060 Environmental assessment.
- 23.72.070 Staff report and recommendations.

#### **23.72.010 Purpose.**

This chapter provides procedures and requirements for the preparation, filing, and processing of applications for the community development permits required by these regulations. A complete listing of community development permits is provided in Table 23.70.012-1, Types of Review, Applications, and Roles of Review Authorities. [Ord. 11-001 § 2, 2011].

#### **23.72.020 Concurrent permit processing.**

When a single project incorporates different land uses or features so that these regulations require two or more permit applications, the chief planner may determine that all of the applications shall be reviewed, and approved or disapproved, by the highest-level review authority assigned by Table 23.70.012-1 to any of the required applications. For example, a project that requires a zoning map amendment and a use permit may be reviewed, and approved or disapproved, by the council (after a recommendation from the planning commission), where a use permit application by itself may be reviewed and acted upon by the planning commission. [Ord. 11-001 § 2, 2011].

#### **23.72.030 Preapplication meeting for complex or sensitive projects.**

A prospective applicant is strongly encouraged to request a preapplication meeting with the department before submittal of projects of greater complexity, such as those involving multiple permits, those that are located in the coastal zone or an archaeologically or biologically sensitive area, or some combination of these factors. The purpose of this meeting is to inform the applicant of city requirements as they apply to the proposed project, identify other entities (such as the Coastal Commission) that may have jurisdiction, review the city's permit review processes, discuss possible project alternatives or modifications, and identify necessary technical studies and required information relating to the environmental review of the project. Neither the preapplication review nor the provision of information and/or pertinent policies shall be construed as a recommendation for approval or disapproval of the application/project by department representatives. A fee shall be established for this meeting, pursuant to PGMC 23.72.040(d). [Ord. 11-001 § 2, 2011].

#### **23.72.040 Application preparation and filing.**

(a) Application Submittal. Community development permit applications shall be filed with the department using the forms provided by the department. Applications shall include all necessary fees and deposits and all other information and materials required by the department for each application type. It is the responsibility of the applicant to provide information in support of any findings required by Chapter 23.70 PGMC (Community Development Permit Review Authorities and Procedures) for the approval being requested.

(b) Eligibility for Filing. Applications may be filed only by the owner of the subject property, or other person with the written consent of the property owner.

(c) Filing Date. The filing date of any application described in this chapter shall be the date when the department receives the last submission of information or materials required by subsection (a) of this section, in compliance with PGMC 23.72.050 (Initial application review).

(d) Filing Fees. The council shall establish a schedule of fees for processing community development permits, appeals, and other matters pertaining to these regulations. The schedule of fees is available from the community development department and on the city's website. [Ord. 11-001 § 2, 2011].

**23.72.050 Initial application review.**

Applications submitted to the department in compliance with these regulations shall be initially processed as follows:

(a) Completeness Review. The department shall review all applications for completeness and accuracy before they are deemed complete.

(1) Criteria for Acceptance. ~~Except w~~With respect to applications for wireless telecommunications facilities that will be used in the provision of personal wireless services, ~~where completeness determinations will be made in a manner consistent with federal law.~~ Otherwise, an application shall be deemed complete and processing shall commence only after the department determines that:

(A) The application includes all information and materials required by PGMC 23.72.040(a);

(B) The proposed project is consistent with the general plan, local coastal plan, and any applicable specific plan or development agreement, and the proposed land use is allowable in the applicable zoning district with the approval of the application; and

(C) The site contains no violation of these regulations, or any permit or other city approval; except that the application may be found complete if the proposed project includes measures in compliance with these regulations to correct any violation, or other means are proposed for addressing any violation, subject to the approval of the city manager.

(2) Notification of Applicant. The applicant shall be informed in writing, within 30 days of submittal, or such earlier time as may be required under federal law, either that the application is complete and has been accepted for processing, or that the application is incomplete and additional information, specified in the notification, needs to be provided. Every reasonable effort shall be made to inform the applicant as soon as possible.

(3) Appeal of Determination. Where the department has determined that an application is incomplete, and the applicant believes that the application is complete, or that information requested by the department is not required, the applicant may appeal the determination in compliance with Chapter 23.74 PGMC (Appeals and Call-Ups).

(4) Expiration of Application. If the applicant fails to provide the additional information specified in the department's notification within six months after the date of the notification, the application shall expire and be deemed withdrawn, unless the department affirmatively determines that reasonable progress toward completion of the application has occurred. After expiration of an application, further processing shall not occur until a new, complete application is submitted. In the case of an application for a wireless telecommunications facility, to ensure that the City complies with applicable federal requirements for action on an application, at any time ten (10) days after the notification under subsection (2), the application may be denied in writing if the information requested has not been provided, unless applicant and City reach agreement on an appropriate schedule for consideration of the application.

(5) Environmental Information. After an application has been accepted as complete, the department may require the applicant to submit additional information needed for the environmental review of the project in compliance with PGMC 23.72.060. For applications for wireless telecommunications facilities, information needed may be required to be submitted as part of the application, unless applicant and City reach agreement on an appropriate schedule for consideration of the application.

(b) Referral of Application. Where otherwise required by these regulations, state law, or federal law, or at the discretion of the chief planner, an application may be referred to any public agency that may be affected by or have an interest in the proposed project. [Ord. 11-001 § 2, 2011].

**23.72.060 Environmental assessment.**

After acceptance of a complete application, the project shall be reviewed as required by the California Environmental Quality Act (CEQA) and Chapter 23.77 PGMC (Environmental Impact Reports). [Ord. 11-001 § 2, 2011].

**23.72.070 Staff report and recommendations.**

(a) Report Preparation. A staff report shall be prepared for all projects involving a public hearing, except hearings held on architectural permits, administrative architectural permits, architectural design changes, and initial historic screening requests. Staff reports shall evaluate the compliance of the proposed project with applicable city policies, regulations, and requirements. The report shall recommend, with appropriate findings, the approval, approval with conditions, or disapproval of the application, based on the project evaluation, and information provided by an initial study or environmental impact report.

(b) Report Distribution. Staff reports shall be furnished to applicants at the time that they are provided to the decision-making authority before the public hearing on the application. [Ord. 11-001 § 2, 2011].

### Chapter 23.73

#### PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS

##### Sections:

- 23.73.010 Purpose.
- 23.73.020 Effective date of permits.
- 23.73.040 Performance guarantees.
- 23.73.050 Time limits and extensions.
- 23.73.070 Permits to run with the land.
- 23.73.080 Resubmittals.

##### **23.73.010 Purpose.**

This chapter provides requirements for the implementation or exercising of the permits required by these regulations, including time limits, and procedures for extensions of time. [Ord. 11-001 § 2, 2011].

##### **23.73.020 Effective date of permits.**

(a) With the exception of wireless telecommunications permits, ~~the~~ approval of the community development permits listed in Table 23.70.012-1 shall become effective on the eleventh day following the date of approval by the appropriate review authority, where no appeal of the review authority's action has been filed in compliance with Chapter 23.74 PGMC (Appeals and Call-Ups). [Ord. 11-001 § 2, 2011].

(b) Notwithstanding any other provision of Chapter 23, PGMC, wireless telecommunications decisions shall be final, and any wireless permit approved shall be effective on the day after the time for appeal of the reviewing authority's action under Chapter 23.74 PGMC expires.

##### **23.73.040 Performance guarantees.**

A permit applicant may be required by conditions of approval or by action of the department to provide adequate security to guarantee the faithful performance and proper completion of any approved work, compliance with conditions of approval, and the proper maintenance and functioning of improvements after installation.

(a) Form and Amount of Security. The required security shall be in a form approved by the chief planner. The amount of security shall be as determined by the chief planner to be appropriate.

(b) Duration of Security. Required security shall remain in effect until final inspections have been made and the chief building official has accepted all work, or until any warranty period required by the chief building official has elapsed. Maintenance security shall remain in effect for one year after the date of final inspection.

(c) Release or Forfeit of Security.

(1) Upon satisfactory completion of work and the approval of a final inspection (or after the end of the required time for maintenance security), the security shall be released.

(2) Upon failure to complete the work, failure to comply with all of the terms of any applicable permit, or failure of the completed improvements to function properly, the city may do the required work or cause it to be done, and collect from the permittee or surety all the costs incurred by the city, including the costs of the work, and all administrative and inspection costs.

(3) Any unused portion of the security shall be refunded to the funding source after deduction of the costs of the work by the city. [Ord. 11-001 § 2, 2011].

##### **23.73.050 Time limits and extensions.**

(a) Expiration. Any community development permit granted in compliance with these regulations shall expire if a completed building permit application has not been submitted within one year from the date of approval. Upon expiration or revocation of a building permit, the community development permit shall also expire, unless extended under subsection (c) of this section.

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

(b) Extensions of Time by Review Authority. The initial review authority is authorized to extend the period for use of a community development permit up to two years from the date of approval, as an express provision at the time of approval, where it is anticipated that the processing of other governmental approvals related to the project will delay start of construction beyond the year.

(c) Extensions of Time by Chief Planner. The chief planner is authorized to renew any community development permit that would otherwise expire after one year. Renewals shall be for one year with a maximum of two renewals.

(d) Action on Extension Requests. An application for a time extension shall be made prior to the permit expiration date. If a finding is made that the applicant could not have avoided the delay, the application shall be granted up to the maximum allowable under subsection (c) of this section.

(e) Review of Chief Planner's Decision. Any approved time extension shall be reported to the review authority that granted the initial entitlement at its next available regularly scheduled meeting. In the case of the architectural review board and planning commission, upon the affirmative vote of a majority of its total members, the review authority shall set the time extension for hearing de novo within 21 days. In the case of the zoning administrator, he or she may decide to set the time extension for hearing de novo within 21 days. Failure to set the matter for hearing shall be deemed ratification of the chief planner's approval of the extension.

(f) Permits for Wireless Telecommunications Facilities. Because the City is compelled by federal law to issue a permit for wireless eligible facilities request without following the procedures otherwise applicable under the PGMC, each permit shall provide that it is a conditional permit, and if the federal laws or regulations change, the City may impose additional conditions on the permit or take any other action consistent with the federal laws or regulations, as amended, including but not limited to, requiring permittee to bring the wireless telecommunications facility and any supporting structure into compliance with applicable provisions of the PGMC.

\_\_\_[Ord. 11-001 § 2, 2011].

**23.73.070 Permits to run with the land.**

A community development permit granted in compliance with this chapter shall continue to be valid upon a change of ownership (e.g., of the site, structure, or use that was the subject of the permit application); provided, that the use remains in compliance with all applicable provisions of these regulations and any conditions of approval. [Ord. 11-001 § 2, 2011].

**23.73.080 Resubmittals.**

If an application for a community development permit is disapproved in compliance with this chapter, an application for consideration of an identical or similar request shall not be eligible for reconsideration for six months from the date on which the disapproval became final, unless the review authority finds that changed circumstances or a material change in the application warrants reconsideration prior to the expiration of six months. This section shall have no effect on applications by the city or on amendments proposed by resolutions of the council or the planning commission. [Ord. 11-001 § 2, 2011].

**Chapter 23.74****APPEALS AND CALL-UPS**

## Sections:

- 23.74.010 Purpose.
- 23.74.020 Appeal subjects and appeal authority.
- 23.74.030 Filing of appeals.
- 23.74.040 Call-up authority and time limits.
- 23.74.050 Processing of appeals and call-ups.

**23.74.010 Purpose.**

Determinations or actions of the chief planner, zoning administrator, site plan review committee, architectural review board, or planning commission may be appealed or called up as provided by this chapter. [Ord. 11-001 § 2, 2011].

**23.74.020 Appeal subjects and appeal authority.**

Determinations and actions that may be appealed, and the authority to act upon an appeal, shall be as follows:

(a) Staff Determinations. The following determinations and actions of the chief planner and department staff may be appealed to the planning commission and then to the council, except as provided in subsection (a)(5) of this section:

- (1) Counter review and determinations, pursuant to PGMC 23.70.020.
- (2) Determinations on the meaning or applicability of these regulations that are believed to be in error, and cannot be resolved with staff.
- (3) Any determination that a permit application or information submitted with the application is incomplete, in compliance with state law (Government Code Section 65943).
- (4) Any enforcement action in compliance with Chapter 23.88 PGMC (Enforcement).
- (5) Determinations of the city manager, pursuant to PGMC 23.04.040(a), but such an appeal shall be heard by the council only.

(b) Decisions of Review Authorities. Appeal authorities are identified in Table 23.70.012-1. Generally, decisions of the zoning administrator, site plan review committee, architectural review board, and historic resources committee may be appealed to the planning commission, and decisions of the planning commission may be appealed to the council. When a single project requires two or more permit applications, or where final action on an application is subject to deadlines which cannot reasonably be satisfied if an application is subject to multiple appeals, any appeal of the project shall go to the higher-level appeal authority among those permits. The decision of the council shall be final. [Ord. 11-001 § 2, 2011].

**23.74.030 Filing of appeals.**

(a) Who May File an Appeal. An appeal may be filed by:

- (1) Any person affected by an administrative determination or action by the department, as described in PGMC 23.74.020(a).
- (2) In the case of a community development permit or hearing decision described in PGMC 23.74.020(b), by anyone who, in person or through an authorized representative, appeared at a public hearing in connection with the decision being appealed, or who otherwise informed the city in writing of the nature of their concerns before the hearing.

(b) Timing and Form of Appeal. All appeals shall be submitted in writing on a city application and shall specifically state the pertinent facts of the case and the basis for the appeal.

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

**CONCEPTUAL DRAFT**



(1) Appeals shall be filed in the community development department or, in the case of appeals of planning commission actions, in the office of the city clerk, within 10 days following the final date of the determination or action being appealed; provided that the time for appeal may be shortened to 5 days by the decision-maker whose decision is subject to appeal where final action on an application is subject to deadlines that cannot reasonably be satisfied if there is a longer appeal period.

(2) Appeals shall be accompanied by the filing fee set by the city's adopted schedule of fees, which is available in the community development department and on the city's website.

(c) Scope of Appeals. An appeal of a decision on a community development permit listed in Table 23.70.012-1 shall be limited to issues raised at the public hearing, or in writing before the hearing, or information that was not generally known at the time of the decision that is being appealed. [Ord. 11-001 § 2, 2011].

**23.74.040 Call-up authority and time limits.**

(a) The council may call up for review any action or decision of the planning commission or any other review authority, and make its own decision on the action or matter. The architectural review board and planning commission have the authority to call up certain actions or decisions of any review body for which they are the appeal authority, in accordance with Table 23.70.012-1.

(b) The request to call up any action or decision shall be made during the portion of the regular meeting agenda during which council announcements or general non-agenda comments are allowed by members of that board, commission or council. No separate agenda item shall be required to enable a call-up request.

(c) Notwithstanding any time limits otherwise prescribed in this code for appeal, the call-up authority shall always have until its next regularly scheduled meeting provided it convenes within 21 calendar days following the final date of the determination or action that is subject to the call-up review. If a regular or special meeting is not convened within 21 calendar days following the final date of determination, the right of call-up shall lapse.

(d) In the case of the council, planning commission, or architectural review board, the request of three members shall suffice to call up an action or matter for review. At the time a matter or action is called for review, each member stating a request for review may make a brief statement of reasons for his or her call-up request. [Ord. 16-022 § 2, 2016; Ord. 11-001 § 2, 2011].

**23.74.050 Processing of appeals and call-ups.**

(a) Scheduling of Hearing. After an appeal or call-up for review has been received, in compliance with PGMC 23.74.030 and 23.74.040, the matter shall be placed on the next available agenda of the appeal authority or body calling up the item.

(b) Notification of Applicant. Within one business day of receipt of an appeal or decision to call up a matter, staff shall attempt to notify the applicant.

(c) Joining an Appeal. Only those persons who file an appeal within the time limit established by PGMC 23.74.030(b) shall be considered appellants. Any person who wishes to join an appeal shall follow the same procedures for an appellant in compliance with PGMC 23.74.030(b). No person shall be allowed to join an appeal after the expiration of the time limit for appeals.

(d) Action and Findings. The appeal authority shall conduct a de novo public hearing in compliance with Chapter 23.86 PGMC (Public Meeting and Hearing Procedures). At the hearing, the appeal authority may consider any issue involving the matter that is the subject of the appeal or call-up, in addition to the specific grounds identified in the appeal.

(1) The appeal authority may affirm, affirm in part, or reverse the action, decision, or determination that is the subject of the appeal or call-up, based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal or call-up, and verify the compliance or non-compliance of the subject of the appeal or call-up with these regulations. Prior to approving a permit or other action, the applicable findings in Chapter 23.70 PGMC (Community Development Permit Review Authorities and Procedures) shall be made.

(2) When reviewing a decision on a community development permit, the appeal authority may adopt additional conditions of approval that may address other issues or concerns than the subject of the appeal or call-up.

(e) Effective Date of Appeal or Call-Up Decisions. A decision by any appeal authority other than the council is effective on the eleventh day after the decision, if no appeal to the decision has been filed, or until the next regularly scheduled meeting, of any body with call-up authority, whichever date is later. Because a decision by the council is final, it is effective as of the date of the decision, unless the council specifies an alternative date.

(f) Appeal Authority Also Refers to Call-Ups. All references to appeal authority in this section shall include the body calling up a matter for review. [Ord. 11-001 § 2, 2011].

**Chapter 23.76****HISTORIC PRESERVATION**

## Sections:

- 23.76.010 Purpose.
- 23.76.020 Definitions.
- 23.76.021 Historic resources committee.
- 23.76.025 Evaluation criteria.
- 23.76.030 Historic resources inventory historic determination – Additions and deletions.
- 23.76.040 State Historic Building Code.
- 23.76.050 Ordinary maintenance and repair.
- 23.76.060 Incentive – Exceptions to land use regulations – Historic preservation permit.
- 23.76.070 Unsafe or dangerous conditions.
- 23.76.080 Additions and alterations.
- 23.76.090 Demolitions.
- 23.76.100 Relocation.
- 23.76.110 Minimum maintenance.
- 23.76.120 *Repealed.*
- 23.76.130 Enforcement and penalties.

\* Prior ordinance history: Ords. 1948 N.S., 2003 N.S., and 96-13.

**23.76.010 Purpose.**

The protection, enhancement, perpetuation and use of structures and neighborhoods of historical and architectural significance located within the city are of cultural and aesthetic benefit to the community. The economic, cultural and aesthetic standing of the city will be enhanced by respecting the city's heritage. The purposes of this chapter are to:

- (a) Preserve, protect, enhance and perpetuate those historic structures and neighborhoods which contribute to the cultural and aesthetic heritage of Pacific Grove;
- (b) Further the city's goals of rehabilitating the existing housing stock and protecting the affordable housing supply through preservation and adaptive reuse of historic buildings;
- (c) Foster civic pride in the beauty and accomplishments of the past;
- (d) Preserve buildings significantly identified with people or events of historical and cultural importance to Pacific Grove's past;
- (e) Enrich the dimensions of human life by serving aesthetic as well as material needs and fostering knowledge of the living heritage of the past;
- (f) Enhance the visual and aesthetic character, diversity and interest of the city by maintaining the existing scale and the eclectic styles of buildings and their settings;
- (g) Control the demolition of historic structures in order to preserve, to the greatest extent feasible, the diverse qualities that define the character of the community of Pacific Grove and that reflect the distinct phases of its cultural and architectural history;
- (h) Enhance property values and increase economic and financial benefits to the city, its inhabitants, and property owners;
- (i) Protect and enhance the city's attraction to tourists and visitors, thereby stimulating business;
- (j) Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment. [Ord. 17-023 § 2, 2017; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

**23.76.020 Definitions.**

Throughout this chapter, the following definitions shall apply:

“Addition” means expansion of the size of a historic building by construction physically connected with the existing structure.

“Alteration” means any exterior change or modification to a structure which alters 50 percent or less of the total lateral length of the exterior walls, including porches and other projections, within a 24-month period. However, if the proposed modification alters more than 25 percent of the surface of all exterior walls facing a public street or streets, this shall constitute a demolition; see the definition of “demolition” in this section.

Exception: “maintenance and repair” as defined in this section. Painting is also exempt.

“Demolition” means an act or process which destroys a building, or a major portion of a building, or impairs its structural integrity. Demolition includes:

(a) Destruction of the entire building;

(b) “Partial demolition” means all changes to the exterior of a building, including but not limited to moving or removing windows, doorways, walls, or other structural features, if such changes alter more than 25 percent of the surface of all exterior walls facing a public street or streets, and/or if these changes alter more than 50 percent of the total lateral length of the exterior walls, including porches and other projections of the building, within a 24-month period.

Exception: “maintenance and repair” as defined in this section.

“Historic resources committee” means a committee created to perform certain duties hereunder, as more particularly set out at PGMC 23.76.021.

“Historic resources inventory” means the list of structures determined to be of architectural and/or historical significance consistent with the city’s historic context statement adopted by the city of Pacific Grove in accordance with this chapter.

“Integrity” means the authenticity of a property’s historic identity, evidenced by the survival of physical characteristics that existed during the property’s historic period including location, design, setting, materials, workmanship, feeling and association.

“Maintenance and repair” means the act or process of conserving or repairing a structure without modifying the form, detail, or type of material. “Maintenance and repair” includes the placement of a concrete foundation for buildings and structures listed on the city’s historic resources inventory.

“Reconstruction” means the process of reproducing by new construction the exact form and detail of a vanished structure, or part thereof, as it appeared during a specific period of time.

“Rehabilitation” means the process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.

“Relocation” means any change in the location of a structure on its site or to another site.

“Restoration” means the process of returning a building to a documented prior condition. [Ord. 17-023 § 2, 2017; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

**23.76.021 Historic resources committee.**

(a) The historic resources committee shall consist of seven members having a demonstrated interest in and knowledge of historic preservation and the cultural resources of Pacific Grove. One of the members shall be a licensed architect with preservation experience, landscape architect, engineer, or architectural historian, one shall be a licensed general contractor with preservation experience, and one shall be a representative of the heritage society.

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(b) The mayor, with approval of the council, shall appoint all members; provided, that the heritage society shall appoint its member. Terms of all members shall be two years. Three of the committee members shall be appointed for terms ending on January 31st in even-numbered years and four shall be appointed for terms ending on January 31st in odd-numbered years.

(c) The committee shall select one of the membership to be chairperson for a one-year term, to commence at the first meeting in February.

(d) All meetings shall be open to the public and shall be held at a time and place determined to facilitate public convenience and involvement.

(e) The committee shall meet no less frequently than once a month.

(f) Powers and duties of the committee shall be as follows:

(1) Determination of additions and deletions from the historic resources inventory, per PGMC 23.76.030;

(2) Architectural and historic permits for structures listed on the historic resources inventory per PGMC 23.70.070;

(3) Other duties as set out in this chapter or as directed by the city council.

(g) An affirmative vote of a majority of the total members of the historic resources committee shall be required for any action by the committee. [Ord. 17-023 § 2, 2017; Ord. 02-30 § 13, 2002; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

#### **23.76.025 Evaluation criteria.**

The following criteria shall be utilized to assess a historic property's inclusion in the National and/or California Register and local city historic resources inventory as required in this chapter:

(a) Whether the structure has significant character, interest or value as part of the development, heritage or cultural characteristics of the city of Pacific Grove, the state of California, or the United States;

(b) Whether it is the site of a significant historic event;

(c) Whether it is strongly identified with a person who, or an organization which, significantly contributed to the culture, history or development of the city of Pacific Grove;

(d) Whether it is a particularly good example of a period or style;

(e) Whether it is one of the few remaining examples in the city of Pacific Grove possessing distinguishing characteristics of an architectural type or specimen;

(f) Whether it is a notable work of an architect or master builder whose individual work has significantly influenced the development of the city of Pacific Grove;

(g) Whether it embodies elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation;

(h) Whether it has singular physical characteristics uniquely representing an established and familiar visual feature of a neighborhood, community, or of the city of Pacific Grove;

(i) Whether a resource with historical or cultural significance retains historic integrity. [Ord. 17-023 § 2, 2017; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

#### **23.76.030 Historic resources inventory historic determination – Additions and deletions.**

Properties may be added to or deleted from the historic resources inventory either by initiation of the historic resources committee or by submittal of a historic determination application by the property owner. The historic resources committee shall determine, following hearing, whether or not the property should be added or deleted based on the

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

criteria listed in PGMC 23.76.025 and documented in a department of parks and recreation (DPR) 523 form or equivalent document.

Deletions proposed for removal due to loss of integrity must demonstrate the loss of integrity was not the result of any illegal act or willful neglect by the owner or agent of the owner. [Ord. 17-023 § 2, 2017; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

**23.76.040 State Historic Building Code.**

The California State Historic Building Code (SHBC) provides alternative building regulations for the rehabilitation, preservation, restoration or relocation of structures designated as cultural resources. As required by state law, the SHBC shall be used for buildings on the historic resources inventory in the city's building permit procedure. [Ord. 17-023 § 2, 2017; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

**23.76.050 Ordinary maintenance and repair.**

Nothing in this chapter shall be construed to prevent ordinary maintenance and repair of a building on the historic resources inventory. [Ord. 17-023 § 2, 2017; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

**23.76.060 Incentive – Exceptions to land use regulations – Historic preservation permit.**

Following notice of hearing (10 days' published and posted), the historic resources committee may grant a historic preservation permit for an exception to zoning district regulations when such exception is necessary to permit the preservation or restoration of, or improvements to, a building listed on the historic resources inventory. Such exceptions may include, but not be limited to, parking, yards, height and coverage regulations. Such exceptions shall not include approval of uses not otherwise allowed by the zoning district regulations. In considering an application for such exception, the historic resources committee shall be directed and guided by the list of purposes found in PGMC 23.76.010 and by PGMC 23.04.010. [Ord. 17-023 § 2, 2017; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

**23.76.070 Unsafe or dangerous conditions.**

None of the provisions of this chapter shall be construed to prevent construction, alteration, demolition or relocation necessary to correct the unsafe or dangerous conditions, as defined in applicable building codes, of any structure, feature, or part thereof, when such condition has been declared unsafe or dangerous by the chief building inspector, where such unsafe or dangerous condition cannot be rectified through the use of the State Historic Building Code, and where the proposed measures have been declared necessary by such official to correct the said condition. However, only such work as is necessary to correct the unsafe or dangerous condition may be performed and only after obtaining any required building permit. In the event any structure or other feature is damaged by fire or other calamity, the chief building inspector may specify, prior to any required review by the historic resources committee, or the appropriate review authority pursuant to Chapter 23.70 PGMC (Community Development Permit Review Authorities and Procedures), the amount of repair necessary to correct an unsafe condition. Such determination shall be made in conformance with the provisions of Public Resources Code Section 5028. [Ord. 17-023 § 2, 2017; Ord. 11-001 § 6, 2011; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

**23.76.080 Additions and alterations.**

The following shall apply to additions and alterations made to historic structures in the city of Pacific Grove:

(a) No person shall carry out or cause to be carried out on a building listed in the city of Pacific Grove historic resources inventory any addition to, or exterior alteration of, any such building without first obtaining approval by the appropriate review authority pursuant to Chapter 23.70 PGMC (Community Development Permit Review Authorities and Procedures). This provision applies to changes not requiring building permits as well as to changes requiring a building permit. Without limitation, examples of proposed exterior changes that must be approved before they are carried out include: changing the profile of the building; closing or changing the dimensions of existing window or door openings; adding windows or doors; changing window or door framing materials without using in-kind or matching materials with staff determination pursuant to PGMC 23.70.020 (Counter review and determination); changing the type of roof or exterior wall materials and/or trim materials.

(b) In reviewing applications for additions to, or exterior alteration of, historic buildings, the appropriate review authority shall consider the criteria listed in PGMC 23.76.025 and shall be guided by the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" and the Architectural Review Guidelines, in particular Appendix I – Working with Buildings on the Historic Resources Inventory, of the city of Pacific Grove. The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

Pacific Grove or succeeding document(s). [Ord. 17-023 § 2, 2017; Ord. 11-001 § 6, 2011; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

**23.76.090 Demolitions.**

The following shall apply to demolitions of historic structures in the city of Pacific Grove:

(a) Any person desiring to demolish a building listed on the Pacific Grove historic resources inventory shall file an application for a historic demolition permit with the community development department.

Exceptions: Single-story detached garages, sheds, or other accessory buildings with no identified historic, cultural or architectural value, as determined by the community development director, shall be exempt from this requirement.

(b) Following 10 days' posting and notice of hearing, the historic resources committee shall hold a public hearing to consider the application. The following information shall be provided to the historic resources committee:

(1) The chief building inspector shall provide an evaluation of the stability of the building proposed for demolition;

(2) Any other information deemed necessary by the historic resources committee to evaluate the application.

(c) Following the public hearing, the historic resources committee shall take one of the following actions:

(1) Approve the permit;

(2) Approve the permit subject to a waiting period of up to 180 days to consider documentation, relocation or other alternatives to demolition, after which waiting period the permit is deemed approved.

(A) During the waiting period, the applicant shall advertise the proposed demolition in a paper of general circulation in the city of Pacific Grove at least once during the first 30 days following the action by the historic resources committee. Such advertisement shall include the address at which the structure proposed for demolition is located, information as to how arrangements can be made for relocation and the date after which a demolition permit may be issued. Evidence of this publication must be submitted to the community development director prior to issuance of a demolition permit.

(B) During the waiting period, the historic resources committee may investigate and suggest preservation measures or documentation such as photographing the building, preparing measured drawings and gathering related historical data;

(3) Deny the permit;

(4) Approve the relocation (within the city of Pacific Grove) of the building as an alternative to demolition.

(d) The historic resources committee shall consider the criteria listed in PGMC 23.76.025 in determining which of the actions listed in subsection (c) of this section applies.

(e) Findings.

(1) Prior to approval or modified approval, the historic resources committee shall find that:

(A) The proposed action is consistent with the purposes of historic preservation as set forth in PGMC 23.76.010 and in the historic preservation element of the general plan; or

(B) The applicant has demonstrated that the action proposed is necessary to correct an unsafe or dangerous condition on the property; or

(C) There are no reasonable alternatives to the demolition at the time of the hearing.

(2) Prior to denial, the historic resources committee shall find that:

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

(A) The proposed action is not consistent with the purposes of historic preservation as set forth in PGMC 23.76.010 and in the historic preservation element of the general plan; or

(B) There are reasonable alternatives to the demolition at the time of the hearing. [Ord. 17-023 § 2, 2017; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

**23.76.100 Relocation.**

Relocating a structure off site within the city of Pacific Grove may be permitted following the same procedural guidelines described in PGMC 23.76.090 including the filing of an application for relocation. Relocating a structure on site may be permitted following the procedures in PGMC 23.70.040. [Ord. 17-023 § 2, 2017; Ord. 11-001 § 6, 2011; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

**23.76.110 Minimum maintenance.**

(a) Minimum maintenance is necessary to prevent an owner, or other person having legal custody and control over a property, from facilitating the demolition of a historic resource by neglecting it. All buildings listed on the historic resources inventory shall be kept in a state of good repair consistent with all other state and city codes so as to preserve them against decay and deterioration.

(b) The community and economic development director may direct the property owner to maintain the historic property in a manner designed to prevent vandalism and destruction if such property is not occupied. [Ord. 17-023 § 2, 2017; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].

**23.76.120 Appeals and call-ups.**

*Repealed by Ord. 17-023.* [Ord. 11-001 § 6, 2011; Ord. 01-25 § 1, 2001; Ord. 97-40 § 1, 1997; Ord. 97-23 § 1, 1997].

**23.76.130 Enforcement and penalties.**

(a) It shall be the duty of the community and economic development director, or the community and economic development director's delegate, to administer and enforce the provisions of this chapter.

(b) It is unlawful for a person or entity to alter or demolish or cause to be altered or demolished any building or portion thereof in violation of any of the provisions of this chapter.

(c) Any person or entity who alters or demolishes a building or causes an alteration or demolition in violation of the provisions of this chapter may be liable civilly in a sum equal to the replacement value of the building in kind, or an amount set at the discretion of the court.

(d) The city attorney may maintain an action for injunctive relief to restrain or correct a violation, or cause, where possible, the complete or partial restoration, reconstruction or replacement in kind of any building or site demolished, altered or partially demolished, or allowed to fall below minimum maintenance standards in violation of this chapter.

(e) A lot which is the site of alteration or demolition of a historic structure in violation of this chapter shall not be developed in excess of the floor area ratio, or the dwelling unit density, of the altered or demolished structure for a period of five years from the unlawful alteration or demolition. A person or entity may be relieved of the penalties provided in this subsection if, as to an unlawful alteration, the person or entity restores the original distinguishing qualities and character of the building destroyed or altered. Such restoration must be undertaken pursuant to a valid building permit issued after a recommendation by the architectural review board, and a finding by the city council that the proposed work will effect adequate restoration and can be done with a substantial degree of success.

(f) The remedies provided in subsections (b) through (e) of this section are not exclusive. [Ord. 17-023 § 2, 2017; Ord. 01-25 § 1, 2001; Ord. 97-23 § 1, 1997].



**Chapter 23.77**

**ENVIRONMENTAL IMPACT REPORTS<sup>1</sup>**

Sections:

- 23.77.010 Required – Generally.
- 23.77.020 Determination of significant environmental effect.
- 23.77.030 Exemptions.
- 23.77.040 Supplying information for environmental determinations.
- 23.77.045 Notice required.
- 23.77.050 Determination of no environmental impact.
- 23.77.060 Determination of significant impact – Prerequisites to license or permit issuance.
- 23.77.070 Hearing on reports.

**23.77.010 Required – Generally.**

No project, as defined by the California Environmental Quality Act (CEQA) and CEQA Guidelines, shall be approved if the proposed project may have a significant effect on the environment until an environmental impact report has been made. No such approval shall be given until a finding supported by substantial evidence has been made as to each significant effect identified in such report, as follows:

- (a) Changes or alterations have been required in such project which mitigate or avoid such effect; or
- (b) Such changes or alterations are within the jurisdiction and responsibility of another public agency which has or can and should adopt such changes; or
- (c) Specified economic, social or other considerations make infeasible any mitigation or alternative methods. [Ord. 1803 N.S. § 1, 1991].

**23.77.020 Determination of significant environmental effect.**

The community development director for the city shall have the authority to determine whether or not the proposed project may have a significant effect on the environment, in accordance with

CEQA and CEQA Guidelines. The community development director is authorized to refer appropriate questions to other city departments or boards in making his or her determination. The community development department shall be the authorized agency for the city for initiating and processing the completion of environmental impact reports and determinations. [Ord. 1803 N.S. § 1, 1991].

**23.77.030 Exemptions.**

The requirements of this chapter shall not apply to projects in classes listed as exempt by CEQA and CEQA Guidelines. [Ord. 1803 N.S. § 1, 1991].

**23.77.040 Supplying information for environmental determinations.**

Any applicant for any project as aforesaid shall, at the applicant’s own expense, supply such maps, information and reports as may be prescribed by the community development director for purposes of making the determinations required under this chapter. The applicants shall, in addition to fees prescribed by resolution, pay all costs incurred by the city in obtaining information for reports, and in preparing, evaluating, posting and advertising in connection therewith. The city may require advance deposit of anticipated costs. [Ord. 1803 N.S. § 1, 1991].

**23.77.045 Notice required.**

Within 10 days of determining whether an application for any project described in PGMC 23.77.010 is complete, the community development director shall post the following form of notice on the project site, and shall mail a copy thereof to all organizations and individuals who have previously requested in writing such form of notice:

NOTICE OF ENVIRONMENTAL  
IMPACT DETERMINATION

<sup>1</sup>The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

The Community Development Department of the city of Pacific Grove has received a proposal described below at the address below. Not earlier than 10 days from the date hereof, the community development director shall make a determination of whether or not such a project shall have a significant effect on the environment so as to require an environmental impact report. All persons and organizations may submit information on this subject to the Community Development Department prior to such date at the Pacific Grove City Hall.

Description of project: \_\_\_\_\_

Address of project: \_\_\_\_\_

Date of this Notice: \_\_\_\_\_

[Ord. 1803 N.S. § 1, 1991].

**23.77.050 Determination of no environmental impact.**

Where the community development director has determined that the proposed project has no significant impact on the environment, his or her written determination thereof shall receive public notice in the manner required by law. [Ord. 1803 N.S. § 1, 1991].

**23.77.060 Determination of significant impact – Prerequisites to license or permit issuance.**

Where the community development director determines that the proposed project may have a significant impact on the environment, no license or permit shall issue until an environmental impact report has been prepared in accordance with standards prescribed by CEQA and CEQA Guidelines. The report shall be prepared by the community development department or pursuant to a contract made directly with the city and the person preparing the report. No private applicant shall prepare or contract for such a report. [Ord. 1803 N.S. § 1, 1991].

**23.77.070 Hearing on reports.**

The decision-making body shall receive and hold public hearings on all environmental impact reports. Notice of hearing shall be published 10 days before the hearing. The decision-makers shall determine, after hearing, whether to certify the environmental impact report. Such determination shall be made in accordance with standards and criteria set out in CEQA and CEQA Guidelines. Any interested person may at any time within 10 days following a decision on the project for which the environmental impact report is prepared appeal such determination to the body which would hear an appeal of the project. An appeal or call up of the project shall also result in automatic appeal of such determination. [Ord. 1803 N.S. § 1, 1991].

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<sup>1</sup> Prior ordinance history: Ords. 753 N.S., 947 N.S., 1167 N.S. and 1765 N.S.

**Chapter 23.78****SALE OF RESIDENTIAL BUILDINGS**

## Sections:

- 23.78.010 Residential building record – Report – Contents.
- 23.78.015 Nonliability of the city.
- 23.78.020 Residential building record – Report – Delivery to buyer or transferee.
- 23.78.030 Residential building record – Report – Application and fee.
- 23.78.040 Delivery of report to buyer or transferee – Required for sale or exchange.
- 23.78.050 Exceptions.

**23.78.010 Residential building record – Report – Contents.**

Prior to the close of escrow or transfer of title for sale or exchange of any residential building, and upon application by the owner or his or her authorized agent, and subject to payment of the fee required, the city shall review pertinent city records, conduct an exterior inspection of the subject property, and deliver to the applicant within 10 calendar days, excluding Saturdays, Sundays, and holidays, a residential building record which shall contain the following information, insofar as the same is available:

- (a) Street location, address, and parcel number of the subject property.
- (b) Zone classification and authorized use.
- (c) Occupancy, as indicated and established by permits of record.
- (d) Variances, conditional use permits, exceptions, and other pertinent legislative acts of record.
- (e) Any special restrictions in use or the development which may apply to subject property.
- (f) Violations of the codes, ordinances, and regulations of the city existing upon the subject property and its improvements which are of record or are revealed in the course of an exterior inspection by the city.
- (g) The report shall also contain a certification by the seller that the smoke detector required by PGMC 18.04.065 has been installed. [Ord. 08-022 § 6, 2008; Ord. 1553 N.S. § 2, 1986].

**23.78.015 Nonliability of the city.**

(a) Neither the enactment of the ordinance codified in this chapter nor the preparation and delivery of any report required hereunder shall impose any liability upon the city for any errors or omissions contained in the report, nor shall the city bear any liability not otherwise imposed by law.

(b) Errors or omissions in said report shall not bind or stop the city from abating any defects on the property by legal action against the seller, buyer, or any subsequent owner. Said report does not guarantee the structural stability of any existing building, nor does it relieve the owner, his agent, architect, or builder from designing, building or maintaining a structurally stable building which meets the requirements of adopted codes and ordinances. Said report shall be valid only as to the specific transaction for which the inspection and review of the records was made by the city; provided, however, that in the event said transaction is not consummated, the report shall be valid for a period of 180 days on the condition that, if a subsequent transaction is arranged during that period, the property shall again be inspected by the city and a supplemental report issued, if necessary, without charge to the owner. [Ord. 08-022 § 7, 2008; Ord. 1553 N.S. § 2, 1986].

**23.78.020 Residential building record – Report – Delivery to buyer or transferee.**

The report of residential building record shall be delivered by the owner, or the authorized agent of the owner, to the buyer or transferee of the residential building prior to the consummation of the sale or exchange. The owner or his or her agent shall secure a written acknowledgment of receipt of such report from the buyer or transferee, prior to the transfer. [Ord. 08-022 § 8, 2008; Ord. 1553 N.S. § 2, 1986].

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

**23.78.030 Residential building record – Report – Application and fee.**

The report shall be obtained by the owner or his or her authorized agent from the community development director of the city, by making application on forms prescribed by the community development director, and upon payment of a fee established by the council. The community development director shall provide such report to the applicant therefor upon completion. [Ord. 08-022 § 8, 2008; Ord. 1553 N.S. § 2, 1986].

**23.78.040 Delivery of report to buyer or transferee – Required for sale or exchange.**

It is unlawful to sell or exchange any residential building, regardless of the zoning district for the building, without first having obtained and delivered to the buyer or transferee the written report prescribed by this chapter.

No sale or exchange of residential property shall be invalidated solely because of failure of any person to comply with any provision of this chapter unless such failure is an act or omission which would be a valid ground for rescission of such sale or exchange in the absence of this chapter. [Ord. 08-022 § 8, 2008; Ord. 1553 N.S. § 2, 1986].

**23.78.050 Exceptions.**

This chapter shall not apply to the first sale of a residential building located in a subdivision whose final map has been approved and recorded in accordance with the Subdivision Map Act not more than two years prior to the first sale.

This chapter shall not apply to sales administered by courts of law, such as probate sales, sales on execution of a judgment, sales in bankruptcy, joint-tenancy terminations on account of death, transfers between spouses or between kindred of the first degree. [Ord. 08-022 § 8, 2008; Ord. 1553 N.S. § 2, 1986].

**Chapter 23.79****DENSITY BONUS REGULATIONS**

## Sections:

23.79.010 Purpose and intent.

23.79.020 Implementation.

\* Prior legislation: Ord. 09-005.

**23.79.010 Purpose and intent.**

This chapter is intended to provide incentives for the production of housing for low- and moderate-income, or senior households in accordance with state density bonus law (Section 65915 et seq. of the California Government Code). In enacting this chapter, it is the intent of the city of Pacific Grove to facilitate development of affordable housing and to implement the goals, objectives and policies of the city's housing element. [Ord. 16-005 § 2, 2016; Ord. 98-02 § 1, 1998].

**23.79.020 Implementation.**

(a) To facilitate the provision of affordable housing, the city shall grant a density bonus and other incentives and concessions for residential developments in conformance with Government Code Section 65915 et seq., as may be amended from time to time.

(b) Affordable housing units produced pursuant to this chapter shall be administered by a city-approved public or quasi-public agency involved in affordable housing programs, or will be verified by the city based on documentation supplied by the property owner, in conformance with State Density Bonus Law. [Ord. 16-005 § 2, 2016; Ord. 98-02 § 1, 1998. Formerly 23.79.030].

**Chapter 23.80****ACCESSORY DWELLING UNITS**

## Sections:

- 23.80.010 Purpose and intent.
- 23.80.020 Definition.
- 23.80.030 Location.
- 23.80.040 Permitting procedures.
- 23.80.050 Submittal requirements and application processing.
- 23.80.060 Development standards.
- 23.80.070 Occupancy and ownership.
- 23.80.080 Fees and charges.

**23.80.010 Purpose and intent.**

The city recognizes the importance of a suitable living environment for all residents. The State Legislature has declared that “accessory dwelling units” (ADUs) are a valuable form of housing in California. It is the intent of the city to permit accessory dwelling units, in conformance with state law, subject to standards that will ensure the units contribute to a suitable living environment for all residents. [Ord. 17-013 § 2, 2017; Ord. 03-08 § 8, 2003].

**23.80.020 Definition.**

“Accessory dwelling unit” means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

- (a) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
- (b) A manufactured home, as defined in Section 18007 of the Health and Safety Code. [Ord. 17-013 § 2, 2017; Ord. 03-08 § 8, 2003].

**23.80.030 Location.**

(a) One accessory dwelling unit whether contained within the existing space of an existing primary residence or accessory structure or attached or added on to a primary residence or a detached unit may be located on a lot zoned for single-family residential use as an allowed use, which contains or is being developed for only a legal single-family detached dwelling with the following exceptions:

(1) Areas as listed below are exempt from the development of accessory dwelling units that are attached or added on to a primary residence or are detached:

(A) R-1-B-4 zoning district, pursuant to the local coastal program land use plan;

(B) R3-PGB zoning district including the portion of the Pacific Grove Beach Tract bounded by Lorelei Street on the east, Ocean View Boulevard on the north, Sea Palm Avenue on the west, and the southerly property line of property on the south side of Mermaid Avenue to the south due to the dense nature of existing development on small lots.

(2) Monarch Pines Mobile Home Park (M-H zoning district) is exempt from development of all accessory dwelling units pursuant to senior citizen owner occupancy requirements of the Monarch Pines Mobile Home Park community.

(b) Accessory dwelling units that conform to this chapter are not considered to exceed the allowable density for the lot upon which the unit is located and shall be deemed to be consistent with the existing general plan and zoning designation for the lot. A detached accessory dwelling unit is not considered an accessory building. [Ord. 17-013 § 2, 2017; Ord. 03-08 § 8, 2003].

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

**CONCEPTUAL DRAFT**

**23.80.040 Permitting procedures.**

(a) Any application in any single-family residential zone to create one accessory dwelling unit, per single-family lot, that is contained within the existing space of a primary residence or accessory structure, has independent exterior access from the existing residence and has side and rear setbacks sufficient for fire safety shall be approved ministerially, including in nonconforming structures or on nonconforming lots, subject to the building permit requirements.

(b) Any application for an accessory dwelling unit that meets all the location and development standards contained in this chapter shall be approved ministerially without discretionary review or public hearing. [Ord. 17-013 § 2, 2017; Ord. 04-03 § 4, 2004; Ord. 03-08 § 8, 2003].

**23.80.050 Submittal requirements and application processing.**

(a) Step One – Submittal. The application package for an accessory dwelling unit permit to the community and economic development department shall include:

(1) Site Plan (Drawn to Scale). Dimension the perimeter of parcel on which the accessory dwelling unit will be located. Indicate the location and dimensioned setbacks of all existing and proposed structures on the project site. Include all easements, building envelopes, trees, and features in the adjacent public right-of-way.

(2) Floor Plans. Each room shall be dimensioned and the resulting floor area calculation included. The use of each room shall be identified. The size and location of all windows and doors shall be clearly depicted.

(3) Elevations. North, south, east and west elevations which show all openings, exterior materials and finishes, original and finish grades, and roof pitch for the existing residence and the proposed accessory dwelling unit.

(4) Cross Section. Provide building cross sections including, but not limited to: structural wall elements, roof, foundation, fireplace and any other sections necessary to illustrate earth-to-wood clearances and floor-to-ceiling heights.

(5) Color Photographs of the Site and Adjacent Properties. The photos shall be taken from each of the property lines of the project site to show the project site and adjacent sites. Label each photograph and reference to a separate site plan indicating the location and direction of the photograph.

(6) Water. A completed Monterey Peninsula Water Management District residential water release form and water permit application, showing the existing and proposed fixture units. If sufficient fixture units are not available on the site to serve the accessory dwelling unit, the applicant shall request the project be placed on the Pacific Grove water waiting list.

(7) Fee. A permit application fee in the amount established from time to time by resolution of the city council.

(b) Step Two – Issuance.

(1) If the application conforms to the provisions of PGMC 23.80.040(a) a nonappealable ministerial permit for accessory dwelling units within an existing residence or accessory structure shall be issued, subject to the building permit requirements.

(2) If the application conforms to the specific standards contained in PGMC 23.80.060, the community development director shall issue an accessory dwelling unit permit ministerially without discretionary review.

The decision of the community development director is final and is not subject to appeal. [Ord. 17-013 § 2, 2017; Ord. 03-08 § 8, 2003].

**23.80.060 Development standards.**

An accessory dwelling unit permit will be issued only if it complies with all the following development standards:

(a) Table 1.

	Accessory Dwelling Unit		
	Within Existing Residence or Accessory Structure	Attached to the Primary Residence	Detached
Existing Development	Single-family dwelling or accessory structure must exist on the site	Single-family dwelling must exist on the site or be constructed on the site in conjunction with the construction of the accessory dwelling unit	
Number per Lot	One	One	One
Minimum Lot Size	No limitation	4,000 sf	4,000 sf
Maximum Unit Size	No limitation	No more than 50 percent of the existing living area to a maximum of 800 sf	800 sf
Minimum Setback <sup>1,2</sup>			
Front	Existing	As required by the applicable zoning district	
Side	Sufficient for fire access		
Rear	Sufficient for fire access		
Separation between Buildings	Not applicable	5 feet from detached structures on the same site	5 feet from other structures on the same site
Maximum Height	Existing residence or accessory structure (including nonconforming structures)	Height limit applicable to the zoning district	15 feet <sup>3</sup>
Access	Independent exterior entrance to the unit required	Independent exterior entrance to the unit required. Both entrances may not be located on the building elevation fronting the street	
Lot Coverage and Floor Area <sup>4</sup>	Existing	Included in lot coverage and floor area applicable to the site	
Off-Street Parking <sup>5</sup>	None required		

1. No setback is required for an existing garage conversion to accessory dwelling unit.
2. Five feet side and rear setback is required for an accessory dwelling unit constructed above a garage.
3. Twenty-five feet if unit is located above a detached garage.
4. Floor area is measured to the outside surface of exterior walls, with no exceptions.
5. When a garage, carport or covered parking is eliminated in conjunction with the construction of an accessory dwelling unit, replacement spaces in accordance with the requirements of the applicable zoning district shall be provided. These spaces may be uncovered and located in any configuration on the same lot.

(b) Architectural Compatibility.

(1) Where the development of an accessory dwelling unit includes exterior alterations, additions, or construction of new structure, the accessory dwelling unit shall incorporate the same or similar architectural features, building materials, including window style and materials, and roof slopes as the main dwelling unit or dwellings located on adjacent properties.

(2) Any exterior alteration or addition to a dwelling on the historic resources inventory shall be consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

(c) Permanent Foundation. A permanent foundation shall be required for all accessory dwelling units.

(d) Fire Sprinklers. Fire sprinklers shall be required in an accessory dwelling unit only if they are required in the primary residence on the lot.

(e) Utilities. All utilities for detached units shall be installed underground. Installation of a separate direct connection between the accessory dwelling unit and the utility is not required for an accessory dwelling unit contained within the existing space of the existing primary residence or accessory structure.



(f) Sewer. Prior to issuance of a building permit, the applicant shall submit certification by a licensed plumbing contractor, or his or her designee, that the existing lateral sewer line is of adequate size and condition to support projected sewage flow for the primary and accessory dwelling unit. The certification shall be based on the recommendation of the applicant's professional representative for both capacity and condition analysis. If the capacity or condition of the existing lateral line is found to be inadequate to serve the existing and proposed units on the property, the lateral line shall be replaced to the main line, to include the connection at the main line, at the expense of the applicant, subject to PGMC 23.80.080. [Ord. 17-013 § 2, 2017; Ord. 14-013 § 2, 2014; Ord. 04-03 § 5, 2004; Ord. 03-08 § 8, 2003].

**23.80.070 Occupancy and ownership.**

- (a) Both the principal place of residence and the accessory dwelling unit may be rented.
- (b) The rental shall only be for terms of 30 days or longer.
- (c) Neither the primary residence nor the accessory dwelling unit shall be available for short-term vacation rental.
- (d) The accessory dwelling unit shall not be sold separately from the primary residence. [Ord. 17-013 § 2, 2017].

**23.80.080 Fees and charges.**

- (a) Accessory dwelling units shall not be considered new residential uses for the purposes of calculating connection fees or capacity charges.
- (b) Connection fee or capacity charges may be imposed for accessory dwelling units that are not contained within the existing space of an existing primary residence or accessory structure. The local jurisdiction may require new or separate utility connections for which an agency may institute a connection fee or capacity charge that shall be proportionate to the burden imposed by the accessory dwelling unit based upon its size or number of plumbing fixtures. [Ord. 17-013 § 2, 2017].

## Chapter 23.81

### REASONABLE ACCOMMODATION FOR PERSONS WITH DISABILITIES

#### Sections:

23.81.010 Reasonable accommodation for persons with disabilities.

**23.81.010 Reasonable accommodation for persons with disabilities.**

(a) Purpose and Applicability.

(1) This chapter provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Fair Housing Laws in the application of zoning laws, building codes, and other land use regulations, policies and procedures. Fair Housing Laws means “Fair Housing Amendments Act of 1988” (42 U.S.C. § 3601 et seq.), including reasonable accommodation required by 42 U.S.C. § 3604(f)(3)(B), and the “California Fair Employment and Housing Act” (California Government Code Section 12900 et seq.), including reasonable accommodation required specifically by California Government Code Sections 12927(c)(1) and 12955(l), as any of these statutory provisions now exist or may be amended from time to time.

(2) A request for reasonable accommodation may be made by any person with a disability, his/her representative, or any business or property owner when the application of a zoning law, building code provision or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment, as those terms are defined in the Fair Housing Laws.

(3) A request for reasonable accommodation may include a request for modification or exception to the rules, standards and practices for the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by this chapter.

(4) It is the intent of this chapter that, notwithstanding time limits provided to perform specific functions, application review, decision making and appeals proceed expeditiously, especially where the request is time sensitive, so as to reduce impediments to equal access to housing.

(b) Application Submittal.

(1) Any person with a disability, or his or her representative, may request reasonable accommodation on a form supplied by the community and economic development department. The request shall include the following information, and be accompanied by a fee established by resolution of the city council:

(A) The applicant’s or representative’s name, mailing address and daytime phone number;

(B) The address of the property for which the request is being made;

(C) The specific code section, regulation, procedure or policy of the city from which relief is sought;

(D) A site plan or illustrative drawing showing the proposed accommodation;

(E) An explanation of why the specified code section, regulation, procedure or policy is preventing, or will prevent, the applicant’s use and enjoyment of the subject property;

(F) The basis for the claim that Fair Housing Laws apply to the individual(s) and evidence satisfactory to the city supporting the claim. Evidence may include a letter from a medical doctor or other licensed health care professional, a disabled license, or any other relevant evidence;

(G) A detailed explanation as to why the accommodation is reasonable and necessary to afford the applicant an equal opportunity to use and enjoy a dwelling in the city;

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

Pacific Grove Municipal Code  
Chapter 23.81 REASONABLE ACCOMMODATION  
FOR PERSONS WITH DISABILITIES

(H) Verification by the applicant that the property is the primary residence of the person(s) for whom reasonable accommodation is requested; and

(I) Other information required by the city to make the findings required by subsection (d) of this section consistent with the Fair Housing Laws.

(2) A request for reasonable accommodation may be filed at any time the accommodation may be necessary to ensure equal access to housing. If the project for which the request for reasonable accommodation is being made also requires discretionary approval, the applicant shall provide required submittal information to the city together with the application for discretionary approval and shall pay all applicable fees. These materials shall enable the city to concurrently review the accommodation request and the discretionary approval request. Processing procedures for the discretionary approval request shall govern joint processing of both the reasonable accommodation and the discretionary permit.

(3) Reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue or related to the requested accommodation.

(4) If an individual needs assistance in making the request for reasonable accommodation, the city shall provide assistance to ensure the process is accessible.

(5) Should the request for reasonable accommodation be made concurrently with a discretionary permit, the fee for a reasonable accommodation application may be waived; provided, that the prescribed fee shall be paid for all other discretionary permits.

(c) Review Authority.

(1) Applications for reasonable accommodation shall be reviewed by the community and economic development director (director) when no approval is sought other than the request for reasonable accommodation.

(2) Applications for reasonable accommodation submitted for concurrent review with any discretionary land use application shall be reviewed by the authority governing the discretionary land use application.

(d) Findings. The review authority shall approve the request for a reasonable accommodation if, based upon all of the evidence presented, the following findings can be made:

(1) The housing, which is the subject of the request for reasonable accommodation, will be occupied by an individual with disabilities protected under Fair Housing Laws;

(2) The requested accommodation is reasonable and necessary to make housing available to an individual with disabilities protected under the Fair Housing Laws;

(3) The requested accommodation will not impose an undue financial or administrative burden on the city, as defined in the Fair Housing Laws and interpretive case law; and

(4) The requested accommodation will not require fundamental alteration or frustrate application of the city's zoning or building laws, policies and/or procedures, as defined in the Fair Housing Laws and interpretive case law. The city may consider, but is not limited to, the following factors to determine whether the requested accommodation would fundamentally alter or frustrate application of the city's zoning or building program:

(A) Whether granting the accommodation would fundamentally alter the character of the neighborhood;

(B) Whether granting the accommodation would result in a substantial increase in traffic or insufficient parking; and

(C) Whether granting the accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan.

(e) Decision.

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

(1) The review authority shall consider the application, and issue a written determination within 40 calendar days of the date of receipt of a completed application. At least 10 calendar days before issuing a written determination on the application, the city shall mail notice to the applicant and adjacent property owners that the city is considering the application and invite written comments as to the requested accommodation.

(2) If necessary to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant or others consistent with this chapter, specifying in detail what information is required. If a request for further information is made of the applicant, the time period to issue a written determination shall be stayed until the applicant responds to the request.

(3) The review authority's written decision shall include findings and conditions of approval. The applicant shall be given notice of the right to appeal, and the right to request reasonable accommodation related to the appeal process. The review authority's decision shall be mailed to the applicant, to any person who provided written or verbal comment on the application, and to any other person who requests notice.

(4) Any approved reasonable accommodation shall be subject to any conditions imposed on the approval consistent with the purposes of this section.

(5) The review authority may approve alternative accommodations that provide equivalent and reasonable levels of benefit to the applicant.

(6) The written decision of the reviewing authority shall be final, unless appealed as set forth below.

(7) While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property subject to the request shall remain in full force and effect.

(8) Where improvements or modifications approved through a reasonable accommodation would generally require a variance, a variance shall not be required.

(f) Appeals.

(1) Any decision on a reasonable accommodation request may be appealed to the city council, which appeal must be received by the city within 10 calendar days of the issuance of a written decision.

(2) The appeal shall be in writing and shall include a statement of the grounds for appeal, and be accompanied by a fee established by resolution of the city council. If an individual needs assistance in filing an appeal, the city shall provide assistance to ensure the appeals process is accessible.

(3) The city council shall hear the matter de novo, and shall render a determination as soon as reasonably practicable, but in no event later than 60 calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.

(4) The city shall provide notice of an appeal hearing to the applicant, adjacent property owners, and any other person requesting notification at least 10 calendar days prior to the hearing. The council shall announce its findings within 40 calendar days of the hearing, unless good cause exists for an extension. The decision shall be mailed to the applicant and to any other person who requests notice at the time of the hearing. The council's action shall be final.

(g) Waiver of Time Periods. Notwithstanding any provisions in this chapter regarding the occurrence of any action within a specified period of time, an applicant may request additional time beyond that provided for in this chapter or may request a continuance regarding any decision or consideration by the city of a pending appeal. The city may, in its sole discretion, grant or deny any such request for extension or continuance. The granting of an extension of time or continuance shall not be deemed delay on the part of the city, shall not constitute failure by the city to provide prompt decisions on applications and shall not be a violation of any required time period set forth in this chapter.

(h) Notice to the Public of Availability of Accommodation Process. The city shall prominently display in the public areas of the community and economic development department at City Hall a notice advising those with disabilities or their representatives that reasonable accommodations are available in accord with this chapter. City employees shall direct individuals to the display whenever requested to do so or if they reasonably believe individuals with disabilities or their representatives may be entitled to reasonable accommodation.

(i) Expiration, Time Extension, Violation, Discontinuance, and Revocation.

(1) Any reasonable accommodation approved in accordance with the terms of this chapter shall expire within 24 months from the effective date of approval or at an alternative time specified as a condition of approval unless:

(A) A building permit has been issued and construction has commenced;

(B) A certificate of occupancy has been issued;

(C) The use is established; or

(D) A time extension has been granted.

(2) The director may approve a time extension for reasonable accommodation for good cause for a period or periods not to exceed three years. Application for a time extension shall be made in writing to the community and economic development department no less than 30 days or more than 90 days prior to the expiration date.

(3) Notice of the director's decision on a time extension shall be mailed to the applicant.

(4) Any reasonable accommodation approved in accordance with the terms of this chapter may be revoked if any condition or term of the reasonable accommodation is violated, or if any law or ordinance is violated in connection therewith. Notice of revocation shall be mailed to the applicant and to the owner of any property affected by the accommodation. Upon revocation, the director may require any physical alteration associated with the reasonable accommodation to be removed or substantially conform to the code, as may be reasonably feasible.

(5) An accommodation is granted only to an individual. The accommodation shall not run with the land unless the director expressly finds the modification is physically integrated on the property and cannot feasibly be removed or altered. Any change in use or circumstances that negates the basis for the grant of approval may render the reasonable accommodation null and void and/or revocable by the city. Thereafter the director may require the reasonable accommodation to be removed or substantially conformed to the code if reasonably feasible.

(j) Amendments. A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that affects a condition of approval shall be treated as a new application and shall be processed in accordance with the requirements of this chapter. The director may waive the requirement for a new application and approve the changes if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval. [Ord. 16-005 § 7, 2016].

## Chapter 23.82

### INTERPRETATIONS OF PERMITTED USE LISTS

Sections:

- 23.82.010 Purpose.
- 23.82.020 Effect of interpretation.
- 23.82.030 Application filing and processing.
- 23.82.040 Public hearing.
- 23.82.050 Findings required for approval.
- 23.82.060 Zoning code amendment to permitted use lists.

**23.82.010 Purpose.**

To provide a procedure by which the zoning administrator can allow a use in the C-1, C-D, C-FH, or C-2 zoning district that otherwise would not be permitted, but which from all pertinent information is substantially similar to and harmonious with other uses allowed (or allowed with conditions) in the zone. Either upon application, or upon the zoning administrator's own initiative, the zoning administrator may make such an interpretation of the list of permitted uses in the zoning code, in compliance with this chapter. [Ord. 13-003 § 21, 2013; Ord. 11-001 § 2, 2011].

**23.82.020 Effect of interpretation.**

Any interpretation made pursuant to this chapter shall have effect only with respect to the application before the zoning administrator at the time it is made, and shall be based upon facts and circumstances pertaining to that application. The interpretation shall not have precedential effect, or be binding upon any later request for interpretation. [Ord. 11-001 § 2, 2011].

**23.82.030 Application filing and processing.**

An application for an interpretation of a use not on the list of permitted uses shall be prepared, and shall include the following:

(a) Data Furnished. A property owner desiring to propose an interpretation of the list of permitted uses for a district within which his or her property is located or an authorized agent of the property owner may file with the department an application on a form prescribed by the department, which shall include the following data:

- (1) Name and address of the applicant;
- (2) Statement that the applicant is the owner or the authorized agent of the owner of a property within the district for which an interpretation of the list of permitted uses is proposed;
- (3) Address or description of the property on which the use is proposed to be located; and
- (4) Information pertinent to the findings prerequisite to an addition to the list of permitted uses, prescribed in PGMC 23.82.050.

(b) Fee. The application shall be accompanied by a fee as identified in the city's adopted schedule of fees, which is available from the community development department and on the city's website. [Ord. 11-001 § 2, 2011].

**23.82.040 Public hearing.**

The zoning administrator shall hold at least one public hearing on each request within 30 days of the date the application is deemed complete.

(a) Notice. Notice of the public hearing shall be given in compliance with Chapter 23.86 PGMC (Public Meeting and Hearing Procedures), except that mailed notice shall be provided to owners of all real property, as shown on the latest county equalized assessment roll, within 300 feet of the exterior boundaries of the site occupied or to be occupied by the use that is the subject of the hearing, and any other person who has filed a written request for notice with the department and has paid the required fee for the notice.

(b) Hearing Procedure. At the public hearing, the zoning administrator shall review the proposed interpretation and may receive relevant evidence as to why or how the proposed interpretation of the list of permitted uses would or would not be appropriate, particularly with respect to the findings prescribed in PGMC 23.82.050.

(c) Use Permit Required for Conditional Uses. If the zoning administrator makes a determination that allows a conditional use that is not currently on the list of permitted uses, the applicant shall obtain approval of an administrative use permit or use permit, pursuant to Chapter 23.70 PGMC (Community Development Permit Review Authorities and Procedures). [Ord. 11-001 § 2, 2011].

**23.82.050 Findings required for approval.**

The zoning administrator may approve an interpretation to allow a proposed use not otherwise listed as a permitted use in the C-1, C-D, C-FH, and

C-2 zoning districts upon making all of the following findings:

- (a) The proposed use will be in accord with the purposes of the district in which the use is proposed;
- (b) The use has the same basic characteristics as uses permitted in the district;
- (c) The use is reasonably expected to conform to the required conditions prescribed for the district;
- (d) The use will not be detrimental to the public health, safety, or welfare;
- (e) The use will not adversely affect the character or property values of any district in which it is proposed to be permitted;
- (f) The use will not create more traffic than the volume normally created by uses permitted in the district;
- (g) The use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount normally created by uses permitted in the district; and
- (h) The use will not create any greater hazard of fire or explosion than the hazards normally created by uses permitted in the district. [Ord. 13-003 § 21, 2013; Ord. 11-001 § 2, 2011].

**23.82.060 Zoning code amendment to permitted use lists.**

When a use has been allowed by means of an interpretation of the list of permitted uses in compliance with this chapter, the use shall be considered for addition to the appropriate section of these regulations when the zoning code is next amended, pursuant to the procedures in Chapter 23.84 PGMC (Legislative Amendments). [Ord. 11-001 § 2, 2011].

**Chapter 23.84****LEGISLATIVE AMENDMENTS**

## Sections:

- 23.84.010 Purpose.
- 23.84.020 Initiation of amendments.
- 23.84.030 Processing, notice and hearing.
- 23.84.040 Planning commission action on amendments.
- 23.84.050 Council action on amendments.
- 23.84.060 Findings.
- 23.84.070 Amendments to the local coastal program.

**23.84.010 Purpose.**

This chapter provides procedures for legislative amendments to the general plan, this title, the zoning map, the local coastal program, specific plans, or other amendments, whenever required by public necessity and general welfare. [Ord. 11-001 § 2, 2011].

**23.84.020 Initiation of amendments.**

Legislative amendments shall be initiated in compliance with this section. An amendment may be initiated by:

- (a) The council, by a resolution of intention;
- (b) The planning commission, by a resolution of intention; or
- (c) The owner of record of a property that is subject to a proposed amendment, by filing an application.

An application for such amendment shall be prepared, filed, and processed in compliance with Chapter 23.72 PGMC (Permit Application Filing and Processing). [Ord. 11-001 § 2, 2011].

**23.84.030 Processing, notice, and hearing.**

After review of a complete application in compliance with Chapter 23.72 PGMC (Permit Application Filing and Processing), the commission and council shall conduct public hearings regarding the amendment. Notice of the hearings shall be given in compliance with Chapter 23.86 PGMC (Public Meeting and Hearing Procedures). [Ord. 11-001 § 2, 2011].

**23.84.040 Planning commission action on amendments.**

The planning commission shall forward a written recommendation to the council whether to approve, approve in modified form, or disapprove the proposed amendment, based upon the findings contained in PGMC 23.84.060. If an owner of record initiated the amendment, the provisions of PGMC 23.86.080 shall also apply. [Ord. 11-001 § 2, 2011].

**23.84.050 Council action on amendments.**

(a) Action to Approve or Disapprove. Upon receipt of the planning commission's recommendation, the council shall approve, approve in modified form, or disapprove the proposed amendment based upon the findings in PGMC 23.84.060.

(b) Referral Back to Planning Commission. If the council proposes to adopt any substantial modification to the amendment not previously considered by the planning commission during its hearings, the council, in compliance with Government Code Sections 65356 and 65857, shall refer the proposed modification back to the planning commission for its recommendation prior to adoption. [Ord. 11-001 § 2, 2011].

**23.84.060 Findings.**

(a) Findings for General Plan Amendments. An amendment to the general plan may be approved only if the review authority first finds that:

- (1) The proposed amendment is internally consistent with all other provisions of the general plan;  
The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.



(2) The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the city; and

(3) The site is physically suitable (including access, provision of utilities, compatibility with adjoining land uses, and absence of physical constraints) for the requested and anticipated land uses.

(b) 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:

(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.

(2) Additional finding for zoning ordinance amendments: the proposed amendment is internally consistent with other applicable provisions of these regulations.

(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. [Ord. 11-001 § 2, 2011].

**23.84.070 Amendments to the local coastal program.**

The local coastal program (LCP) or any portion (land use plan or relevant provisions of these regulations) may be amended by the council in compliance with the provisions of this chapter for general plan, zoning ordinance, and zoning map amendments. Amendments to the LCP approved by the council in compliance with this chapter shall be prepared for submittal, filed with the California Coastal Commission, processed, and certified by the California Coastal Commission in compliance with the Coastal Act. [Ord. 11-001 § 2, 2011].

## Chapter 23.86

### PUBLIC MEETING AND HEARING PROCEDURES

#### Sections:

- 23.86.010 Purpose.
- 23.86.015 Scheduling of public hearing.
- 23.86.020 Notice of public hearing.
- 23.86.030 Notice of administrative decision procedure.
- 23.86.040 Notice of hearing for architectural permits.
- 23.86.050 Notice of public meetings.
- 23.86.060 Hearing continuance.
- 23.86.070 Decision and notice.
- 23.86.080 Notice of recommendation by planning commission on amendments.
- 23.86.090 Effective date of decision.

#### **23.86.010 Purpose.**

This chapter provides procedures for public hearings before the zoning administrator, architectural review board, historic resources committee, planning commission, and city council. When a public hearing is required by these regulations, public notice shall be given and the hearing shall be conducted as provided by this chapter. This chapter also provides procedures for public meetings before the site plan review committee, and the special noticing procedures for staff approvals (notice of administrative decisions). [Ord. 11-001 § 2, 2011].

#### **23.86.015 Scheduling of public hearing.**

After the completion of any environmental documents required by the California Environmental Quality Act (CEQA) and a department staff report, if applicable, the project shall be scheduled for public hearing on the next available review authority agenda. If applicable, the required hearing shall be held no sooner than 21 days after the posting of a proposed negative declaration. [Ord. 11-001 § 2, 2011].

#### **23.86.020 Notice of public hearing.**

When a use permit, variance, historic preservation permit, historic determination, legislative amendment, or similar matter requires a public hearing, the public shall be provided notice of the hearing as required by this section and by any additional noticing procedures adopted by council resolution. Such additional noticing requirements are available in the community development department.

#### (a) Contents of Notice. Notice of a public hearing shall include:

- (1) Hearing Information. The date, time, and place of the hearing and the name of the hearing body; a brief description of the city's general procedure concerning the conduct of hearings and decisions; and the phone number and street address of the department, where an interested person could call or visit to obtain additional information;
- (2) Project Information. The date of filing of the application and the name of the applicant; the city's file number assigned to the application; a general explanation of the matter to be considered; and a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing;
- (3) Statement on Environmental Document. If a proposed negative declaration or final environmental impact report has been prepared for the project in compliance with the city's CEQA guidelines, the hearing notice shall include a statement that the hearing body will also consider approval of the proposed negative declaration or certification of the final environmental impact report; and
- (4) Coastal Zone Information. If the proposed development is within the coastal zone, the notice shall also include a statement that the development is within the coastal zone.

#### (b) Method of Notice Distribution. Notice of a public hearing required by this section shall be given as follows:

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

- (1) Publication. Notice shall be published at least once in a newspaper of general circulation in the city at least 10 days before the hearing.
- (2) Mailing. Notice shall be mailed or delivered at least 10 days before the hearing to the following:
  - (A) Owner(s) of Proposed Site. The owner(s) of the property being considered in the application, or the owner's agent, and the applicant;
  - (B) Local Agencies. Each local agency expected to provide schools, water, or other essential facilities or services to the project, whose ability to provide the facilities and services may be significantly affected;
  - (C) Affected Owners. Owners of all real property as shown on the latest county equalized assessment roll, within a radius of 300 feet of the exterior boundaries of the site that is the subject of the hearing; and any other person whose property might, in the judgment of the chief planner, be affected by the proposed project;
  - (D) Persons Requesting Notice. Any person who has filed a written request for notice with the department and has paid the required fee for the notice; and
  - (E) Coastal Commission. The Coastal Commission, if the proposed development is within the coastal zone.
- (3) Alternative to Mailing. If the number of property owners to whom notice would be mailed in compliance with subsection (b)(2) of this section is more than 1,000, the department may choose to provide the alternative notice pursuant to Government Code Section 65091(a)(3), except for developments within the coastal zone.
- (4) Posting. The department shall conspicuously post notice on the subject lot in a location that can be viewed from the nearest street. If the subject lot is a through lot, a notice shall be conspicuously posted adjacent to each street frontage in a location that can be viewed from the street.
- (5) Additional Notice. In addition to the types of notice required above, the department may provide additional notice as the chief planner determines necessary or desirable, and may consult with the planning commission for advice. [Ord. 12-005 § 5, 2012; Ord. 11-001 § 2, 2011].

**23.86.030 Notice of administrative decision procedure.**

Notice of an administrative decision to approve a community development permit shall be given as follows:

- (a) Contents of Notice. The contents of a notice of administrative decision shall be as provided in PGMC 23.86.020(a).
- (b) Method of Notice Distribution. A notice of administrative decision shall be given as follows:

(1) Mailing.

(A) Mailed notice for administrative use permits, administrative use permit amendments, administrative variances, and administrative variance amendments shall be provided to:

(i) Owners of all property located within a 300-foot radius of the exterior boundaries of the subject lot. The names and addresses used for such notice shall be those appearing on the equalized county assessment roll, as updated from time to time; and

(ii) Any person who has filed a written request for notice with the department and has paid the required fee for the notice.

(B) Mailed notice for administrative architectural permits, architectural design changes, lot mergers, administrative sign approvals, and permitting of undocumented dwelling units shall be provided to:

(i) Owners of all property abutting the exterior boundaries of the subject lot. The names and addresses used for such notice shall be those appearing on the equalized county assessment roll, as updated from time to time; and

The Pacific Grove Municipal Code is current through Ordinance 19-004, passed February 20, 2019.

- (ii) Any person who has filed a written request for notice with the department and has paid the required fee for the notice.
- (2) Posting. The department shall conspicuously post notice on the subject lot in a location that can be viewed from the nearest street. If the subject lot is a through lot, a notice shall be conspicuously posted adjacent to each street frontage in a location that can be viewed from the street.
- (3) Timeline. The notice shall be mailed and posted no later than 15 days following the submittal of a complete application to the department and at least 10 days before an action by the chief planner to approve a community development permit.
- (4) Duration of Posting. The notice shall be continuously posted from the date required by subsection (b)(3) of this section until the effective date of the chief planner's decision to approve, or approve with conditions, the community development permit.
- (5) Request for Hearing. If a written request is received by the department within the 10-day noticing period before final approval of the community development permit, a public hearing will be held by the hearing authority, pursuant to the noticing requirements of PGMC 23.86.020 if it pertains to an administrative use permit or variance. Noticing of such hearings for all other staff approval permits shall be carried out pursuant to PGMC 23.86.040. [Ord. 13-005 § 4, 2013; Ord. 11-001 § 2, 2011].

**23.86.040 Notice of hearings for architectural permits.**

Notice of public hearings for architectural permits, and for administrative architectural permits if a hearing is necessary, shall be given as required by this section and by any additional noticing procedures adopted by council resolution. Such additional noticing requirements are available in the community development department and address, among other items, the applicant's responsibilities to install story poles and netting.

- (a) Contents of Notice. The contents of the notice shall be as provided in PGMC 23.86.020(a).
- (b) Method of Notice Distribution. A notice shall be given as follows:

- (1) Mailed Notice. Mailed notice shall be provided to:

- (A) Owners of all property abutting the exterior boundaries of the subject lot. The names and addresses used for such notice shall be those appearing on the equalized county assessment roll, as updated from time to time; and
- (B) Any person who has filed a written request for notice with the department and has paid the required fee for the notice.

- (2) Posting. The department shall conspicuously post notice on the subject lot in a location that can be viewed from the nearest street. If the subject lot is a through lot, a notice shall be conspicuously posted adjacent to each street frontage in a location that can be viewed from the street.
- (3) Timeline. The notice shall be mailed and posted no later than 15 days following the submittal of a complete application to the department and seven days before the scheduled date of the initial review by the architectural review board or zoning administrator, including conceptual review.
- (4) Duration of Posting. The notice shall be continuously posted from the date required by subsection (b)(3) of this section, until 10 days following action by the architectural review board or zoning administrator. [Ord. 12-005 § 5, 2012; Ord. 11-001 § 2, 2011].

**23.86.050 Notice of public meetings.**

Notice of public meetings for the site plan review committee, and for all site review meetings for boards and commissions, shall be given as follows:

(a) Posted Notice. The department shall conspicuously post notice on the subject lot in a location that can be viewed from the nearest street. If the subject lot is a through lot, a notice shall be conspicuously posted adjacent to each street frontage in a location that can be viewed from the street. The notice shall be posted on the site a minimum of three business days before a scheduled public meeting. [Ord. 11-001 § 2, 2011].

**23.86.060 Hearing continuance.**

Hearings shall be held at the date, time, and place described in the public notice required by this chapter. Any hearing may be continued if needed; provided, that before the adjournment or recess of the hearing, a clear public announcement is made specifying the date, time, and place to which the hearing will be continued. [Ord. 11-001 § 2, 2011].

**23.86.070 Decision and notice.**

(a) Decision. The review authority (zoning administrator, site plan review committee, architectural review board, historic resources committee, planning commission, or council, as applicable) may announce and record their decision on the matter being considered at the conclusion of a scheduled hearing, or defer action and continue the matter to a later meeting agenda in compliance with PGMC 23.86.060. At the conclusion of a hearing conducted by the zoning administrator on any matter listed in PGMC 23.70.040(c)(1), the zoning administrator may instead refer the item to the first appeal authority for a decision. The decision of the council on any matter, except a local coastal program amendment (see PGMC 23.84.070), shall be final.

(b) Notice of Decision. The notice of decision shall contain applicable findings, any conditions of approval, and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public convenience, health, interest, safety, or general welfare of the city. [Ord. 11-001 § 2, 2011].

**23.86.080 Notice of recommendation by planning commission on amendments.**

At the conclusion of any public hearing on a proposed amendment to the general plan, local coastal program land use plan, these regulations, the zoning map, or other provision of the local coastal program, a development agreement, or a specific plan, the planning commission shall forward a recommendation, including all required findings, to the council for final action.

Following the hearing, a copy of the planning commission's recommendation shall be mailed to the applicant at the address shown on the application. [Ord. 11-001 § 2, 2011].

**23.86.090 Effective date of decision.**

The decision of the review authority is final and effective on the eleventh day following the decision unless an appeal is filed in compliance with Chapter 23.74 PGMC (Appeals and Call-Ups), and except for local coastal program amendments pursuant to PGMC 23.84.070. [Ord. 11-001 § 2, 2011].

**Chapter 23.88****ENFORCEMENT**

## Sections:

- 23.88.010 Purpose of chapter.  
23.88.020 Enforcement responsibility.  
23.88.030 Declaring nonconforming structure nuisance – Abatement.

**23.88.010 Purpose of chapter.**

This chapter provides procedures to enforce requirements of these regulations and conditions of permit approval. [Ord. 11-001 § 2, 2011].

**23.88.020 Enforcement responsibility.**

(a) It shall be the duty of the city manager to enforce regulations pertaining to the creation, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure, and the use of any parcel. The enforcement procedures of Chapters 1.16 and 1.19 PGMC shall apply.

(b) All departments, officials, and public employees of the city vested with the duty or authority to issue permits or licenses shall conform to these regulations, and shall issue no permit or license for uses, buildings, or purposes in conflict with these regulations. Any permit or license issued in conflict with these regulations shall be null and void. [Ord. 11-001 § 2, 2011].

**23.88.030 Declaring nonconforming structure nuisance – Abatement.**

Any building or structure set up, erected, constructed, altered, enlarged, convened, moved, or maintained contrary to these regulations, and any use of any land, building, or premises established, conducted, operated, or maintained contrary to these regulations, shall be unlawful and a public nuisance. The city manager shall, upon order of the council, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, shall take other steps to protect public health and safety, and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from setting up, erecting, building, maintaining, or using any such building contrary to these regulations. [Ord. 11-001 § 2, 2011].

## WIRELESS DESIGN MANUAL

### I. OVERVIEW

- A. The purpose of this wireless design manual is to set out standards for placement of wireless facilities off the rights of way within the City of Pacific Grove. The standards adopted here will be applied in deciding whether a use permit should be granted for all wireless telecommunications facilities, other than “eligible facilities requests” – requests for modifications of existing wireless facilities that do not substantially change the physical dimensions of those facilities. However, in deciding whether a project is an eligible facilities request, we will be applying principles in this manual to determine whether concealment elements of an existing facility are being defeated.

The wireless design manual shall prescribe designs for installation and modification of wireless telecommunications facilities consistent with the Pacific Grove Municipal Code (PGMC or Code) and the City’s General Plan, so that permitted wireless telecommunications facilities are installed and modified in a manner that minimizes the impacts on the community, conceals the facilities as far as possible, avoids risks to public safety and complies with applicable law, avoids placement of aboveground facilities in underground areas, and maintains the integrity and character of the neighborhoods in which the facilities are located.

- B. In addition to complying with this wireless design manual, an applicant must also comply with the provisions of the PGMC. The Code does not permit placement of wireless facilities off the rights-of-way in certain districts unless an applicant shows the City is required by law to issue the permit. At this time this design is written, an applicant would be required to show that denial would result in an effective prohibition, or is unreasonably discriminatory. There are exceptions for certain types of property and certain structures within those districts, and an applicant will be expected to explore options for using those properties.
- C. The issuance of a wireless use permit is not a determination by the City that an applicant has the necessary property rights to occupy the structure or land as proposed. It is strictly up to the applicant to identify property lines and to conduct the work required to ensure that it can install its facilities at the location proposed. Likewise, issuance of the permit does not insulate you from claims of trespass or nuisance, or similar claims that may be brought against you, or damages claims based on RF exposures. Likewise, while we will attempt to identify risks and hazards associated with the facility, applicant is ultimately liable if it builds a facility that is unsafe, and that results in harm to persons or property.
- D. Likewise, the wireless use permit is not in lieu of other permits that may be required under the City Code. For example, a building or excavation permit may be required, depending on what is proposed.
- E. The placement of wireless telecommunications facilities is subject to the California Environmental Quality Act (CEQA), and before the City can issue any permit, it will be required to determine what further actions or investigations are required under CEQA.

You will be required to provide the information necessary to make CEQA determinations, and you may be required to conduct certain studies, particularly if you propose a facility that would require excavation in an area where there may be important historical or archaeological resources. You should be examining these issues before you submit an application, to minimize the delay in consideration of any application.

- F. When you apply for a wireless telecommunications facility permit, you must use a form provided by the City, and must fill out the form completely. We will not consider an application until it is complete, even if the proposed facility otherwise complies with this manual.
- G. If you believe that any provision of this manual should not apply to you, or if you believe that any application requirement should not apply to you, you may ask us to waive the requirement for good cause. The request must be submitted *before and separate from any application*.

## II. PRINCIPLES

In developing designs, and in reviewing applications for conformance with these standards, we will be considering the following:

- A. **Impact Minimization.** Has the applicant minimized the overall impact of each element of the wireless telecommunications facility? Generally, we will be looking at whether the facility uses the smallest possible design. However, there are several exceptions to this rule. We prefer for antennas to be placed on existing macro-facilities, or inside existing structures, where no modification is required to the existing structure. Likewise, a larger facility may be appropriate if it is a concealed facility, and the proposed concealment is consistent with the surrounding neighborhood.
- B. **Integration (Concealment)** is required – Integration is how each part of a site fits together. Well-integrated sites have wireless telecommunications facilities that are as concealed as possible on the site. Concealment is the level to which the components of a wireless telecommunications facilities are hidden from view. It is a function of the appearance, placement, context, and level of visibility. Depending on the site, a change in any of these elements may defeat concealment. New wireless telecommunications facilities modifications to existing facilities (other than eligible facilities requests) should be integrated (concealed) into a site. Because they do not represent the smallest, least visually intrusive antennas, components, and other necessary equipment, non-integrated (unconcealed) installations are discouraged. There are a wide range of acceptable integration/concealment methods. Every aspect of a site is considered an element of concealment including (but not limited to) the dimensions, build and scale, color, shape, density of concealing elements, materials and texture. Future modifications to a site must not defeat concealment. A wireless telecommunications facilities size, shape, number of antennas, dimensions, color, texture, offset, azimuth, height, location on a site and location on a structure all contribute to how concealed the site is. A change in any of these elements that makes the site more visible than it was previously is defeating concealment. To judge how well-integrated a site is (how well it is concealed), we rely on



three principles. Each influences the other, and together they determine how integrated a site is:

1. The Principle of Balance – All visible elements should have symmetry in all visible dimensions. Antennas and concealment elements should not dominate the element they are placed on. Examples of the Principle of Balance include, but are not limited to:
  - a. Visible antennas should be (or have the appearance of being) equal in length, width, and depth and should be evenly spaced on their support structure.
  - b. Visible equipment should be grouped in like size and should also be evenly spaced on the support structure in a way that compliments the symmetry of antennas.
  - c. Visibly-placed concealment elements (items that conceal wireless telecommunications facility elements but are themselves visible) should also observe this principle. This may require the bilateral symmetry of faux architectural elements or screen boxes, such as adding cupolas or faux chimneys to both sides of a façade instead of one, or raising parapets at two corners of a façade instead of one, etc.
  - d. Antennas and shrouds should not dominate the element they are placed on. This is especially relevant to vertical elements such as light standards, flagpoles, and similar fixtures. Depending on the context, balance/symmetry may NOT be desired in certain situations. However, it should always be assumed that symmetry is necessary, and the greatest possible amount of symmetry/balance should always be provided. A balanced site will appear uniform and is considered less visually obtrusive than one that lacks balance.
2. The Principle of Context– Specific situations require specific design solutions. What integrates well into one site may not be appropriate for another. Select the best design solution based on site and project characteristics. Examples of the Principle of Context include, but are not limited to:
  - a. A faux tree may be appropriate if there are other mature trees of a similar height in the vicinity, but not if there aren't.
  - b. A cupola may be appropriate for certain styles of architecture, but not for others.
  - c. Façade-mounted antennas may be appropriate for certain styles of architecture, but not for others.
  - d. Concealment behind a parapet is good, but designs that only raise part of the parapet may not be.

- e. A faux saguaro may conceal antennas well, but may not work in a park.
- f. A faux chimney may look good, but too many of them on a building may not.
- g. An eight-foot-tall rooftop box may look appropriate on a three-story industrial building, but not on a one-story liquor store.

A wireless telecommunications facilities that fits into its context (a faux tree within an area with many trees) is more integrated (concealed) than one that doesn't (a faux tree in the middle of a non-landscaped parking lot). Changing the context of a site can change its level of concealment.

3. The Principle of Least Visibility: The least visible solution is best. Placement on the site should be as minimally visible as possible. Examples of the Principle of Least Visibility include, but are not limited to:
  - a. Wireless telecommunications facilities should not be located between buildings and the street. They should be concealed on existing buildings, or ground mounted adjacent to the side or rear of existing buildings.
  - b. Unless a site is architecturally integrated, visibility of wireless telecommunications facilities elements from the public right-of-way is not desirable, regardless of level of concealment.
  - c. Façade-concealed antennas are preferred over façade-mounted antennas.
  - d. Integration into architectural elements is preferred over covering antennas with something (i.e., appearing flush with a wall or hiding in a cupola is better than concealment behind a façade-mounted box). Design elements of existing façades should be replicated.
  - e. Concealment within a structure is preferred over visible mounting (façade mounts or faux trees).
  - f. Covering or painting the antennas doesn't mean they're well-concealed. Concealment methods can themselves be visible (antenna skirts, FRP boxes, etc.). For example, even if it covers the antennas, a large, untapered FRP box can call attention to a facility.
  - g. Complete concealment is preferred over other methods.
  - h. RF safety barriers should be the least visible barrier possible. When possible, striping and restricted access should be used instead of posts, chains and/or fencing. When barriers must be visible, select building materials that integrate into the site. Radio Frequency Reports should consider alternative options. Photo simulations and plans should show proposed barriers and signage. The less visible a facility is, the more

integrated/concealed it is. Increasing visibility reduces/defeats concealment.

Anything that is represented on plans and photo simulations as providing concealment (adjacent landscaping, paint colors, architectural elements, etc.) should be present for the life of the project, and so must be in an area within the applicant's controls the facility as proposed.

- C. Cooperative Design. The application process works best when the applicant meets with the City, discusses network plans, identifies areas where facilities are needed outside of the application process, and works with the community. A cooperative process permits us to identify areas where there are likely to be significant issues, and to determine whether there are viable solutions, and to ensure that everyone understands what is being proposed, and can fairly evaluate its impacts.

### III. SPECIFIC DESIGN STANDARDS

#### A. General standards.

1. The proposed wireless telecommunications facility, and its supporting structure (to the extent installation requires installation of a supporting structure, or any change in the height of an existing supporting structure) must be of the minimum size necessary to serve the defined service objectives of the wireless service provider or providers that will be using the facility, except where a larger facility is Concealed Facility whose design approved by the City, or appropriate as part of the incorporation of a wireless telecommunications facility into a structure such as a lighting structure in a parking area, where the facility must mimic the height of other lighting structures .
2. Wireless telecommunications facilities shall incorporate concealment measures appropriate for the proposed location. All facilities shall be designed to visually blend into the surrounding area in a manner compatible with the local community character, and shall be designed so that the supporting structure and the wireless telecommunications facility are of a height, dimension, and design consistent with the other structures in the surrounding area, to the extent visible to the public.
3. Wireless telecommunications facilities shall not unreasonably impair or diminish views of and vistas from scenic public corridors. Wireless telecommunications facilities will be placed to minimize visual impacts on residential, historic and areas protected for their scenic beauty under the general plan.
4. Wireless telecommunications facilities may not encroach into any applicable setback for structures in the applicable zoning district.
5. A wireless telecommunications facility, including ancillary power generation equipment, shall comply with the noise standards in the City Code and shall include noise attenuating or baffling materials and/or other measures, including but not limited to walls or landscape features, as necessary or appropriate to

ensure compliance with noise limits.

6. Except for facilities where lighting is required under FAA regulations, applicants may not install lights absent a showing of a substantial public safety need, or where a design is intended to mimic or be incorporated within lighting structures on the property where the facility will be located, Any lighting that is permitted shall minimize adverse illumination impacts to the maximum extent feasible consistent with the purpose of the lighting and the surrounding environment.
7. No wireless telecommunications facilities may display any signage or advertisements unless expressly allowed by the City in a written approval, recommended under FCC regulations or required by law or permit condition. Every facility shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number, and also provides a local or toll-free telephone number to contact the facility owner's operations center. "Signage" does not include approved banners or other approved signage used to conceal a wireless telecommunications facility, and consistent with local code provisions governing signage.
8. Wireless telecommunications facilities shall be secured by placement or fencing to prevent harm to the public or damage to the facility, except where the same would defeat the concealment elements proposed, as in the case of a wireless telecommunications facility integrated into a dedicated light structure; or where, because of placement, fencing is not required to protect the public or the facility. Any fencing or enclosures proposed in connection with a wireless telecommunications facility shall blend with the natural and/or manmade surroundings and comply with §23.64.130. Additional landscape features may be required to screen fences.
9. Landscaping. Landscaping may be required to visually screen facilities from adjacent properties or public view or to provide a backdrop to conceal the facilities. All proposed landscaping is subject to architectural review approval by the Community Development Director, unless the Community Development Director refers the landscaping plan to the Architectural Review Committee. All landscaping plans shall include a long-term maintenance and irrigation schedule.
10. Applicants must use flat rate electric metering, if available, so that no meter is required in any case where a meter otherwise would be ground-mounted or pole-mounted. If a ground-mounted or pole-mounted meter is used, applicant will use the smallest form factor metering device available, except where that use would conflict with the other standards in this manual.
11. The wireless telecommunications facility, unless a Concealed Facility or integrated into a lighting structure or similar existing structure, should not be visible to the public from an historic area or from the Local Coastal Program Area.

12. All utilities serving a wireless telecommunications facility shall be placed underground from the right-of-way to the facility and concealed to the extent possible within the supporting structure. In areas where all utilities on a lot are required to be undergrounded, all elements of the wireless facility shall be placed underground except the antenna, and the tower or other supporting structure on which it is placed. For facilities on rooftops or on buildings, the wiring should not be visible to the public, or must be integrated with utilities already serving the structure.
- B. Building-Mounted Facilities. These requirements are in addition to design standards in Section III.A.
1. Building-mounted wireless telecommunications facilities should be one of the following, in this order of preference; provided that in historic districts, an historic structure may not be modified as provided in subsection (ii), and any change to any other building within such district and any wireless telecommunications facility must fully consistent with the district.
    - a. The wireless telecommunications facilities must be completely concealed and architecturally integrated into the facade or rooftop-mounted base stations with no visible impacts from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials); and if that is not possible then
    - b. Wireless telecommunications facilities may be completely concealed new structures or appurtenances designed to mimic the support structure's original architecture and proportions (examples include, but are not limited to, cupolas, steeples, chimneys and water tanks), so that the support structure remains consistent in size and design with the areas within which it is located. The propriety of a particular change will be assessed applying standards that apply for similar discretionary modifications that do not involve wireless telecommunications facilities, and as reflected in the principles in Part II.
  2. Where the preferred options are not feasible, unscreened rooftop wireless telecommunications facilities and supporting structures only when they are of low enough height and setback from the roofline so that the equipment is effectively concealed from public view from ground level. Equipment may not be placed on a rooftop where the rooftop is less than 20 feet above ground level.
- C. Facade-Mounted Equipment. In addition to satisfying the requirements of subsection III.A:
1. Façade-mounted equipment should be integrated architecturally into the structure to which the equipment will be attached, applying the principles set out in Part II.

2. Where integration is not possible, a facade-mounted wireless telecommunications facility should be behind screen walls as flush to the facade as practicable, designed to conceal the wireless telecommunications facility so that it appears to be part of the façade design. Pop-out screen boxes do not meet this standard, unless such design is architecturally consistent with the original support structure. An exposed, facade-mounted wireless telecommunications facilities will not be approved unless it is shown that, because of the size or design of the facility, or the design or location of the structure to which it is to be attached, the proposed facility would have no adverse visual impacts.
- D. **Ground-Mounted Equipment.** In addition to satisfying the requirements of subsection III.A: Outdoor ground-mounted equipment associated with base stations shall be avoided whenever feasible. In locations visible or accessible to the public, applicants shall conceal outdoor ground-mounted equipment, including ancillary power generation equipment, with opaque fences or landscape features that mimic the adjacent structure(s) (including, but not limited to, dumpster corrals and other accessory structures).
- E. **Freestanding Wireless Towers Outside of Rights-of-Way.** In addition to satisfying the requirements of subsection III.A:
- As appropriate for the proposed location, new wireless towers shall be designed according to the following preferences, ordered from most preferred to least preferred:
1. Concealed architectural structures including, but not limited to, sculptures, clock towers, and flagpoles of a size, type and proportions, and with design features consistent with the neighborhood and adjacent structures; then
  2. Concealed natural objects, such as wireless telecommunications facilities designed to appear like trees of a size, type and proportions consistent with nearby trees, and landscaped and located near other vegetation to blend in and appear part of the natural environment.
  3. All tower-mounted equipment shall be mounted as close to the vertical support structure as possible, or integrated within it to reduce its visual profile. Applicants shall mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors, and utility demarcation boxes) directly behind the antennas to the maximum extent feasible, and to the extent not inconsistent with the concealment elements
  4. All equipment should generally be incorporated into the design of a tower proposed. Where that is not technically feasible, and unless undergrounded, applicants shall conceal ground-mounted equipment with opaque fences or other opaque enclosures, or the ground-mounted equipment shall incorporate other concealment designs appropriate to the neighborhood and to the overall design of the wireless telecommunications facility. The City shall require design and/or landscape features in addition to other concealment when necessary to blend the equipment or enclosure into the surrounding environment.

5. The lease area shall be large enough to accommodate the concealment elements, landscaping and other elements required for the facility.

#### IV. CONDITIONS

- A. City may condition any approval on compliance with design standards, and as necessary or appropriate so as to minimize impacts of the wireless telecommunications facility on the public and property, and as required to ensure that the proposed facility is constructed and maintained in compliance with mandatory conditions and the conditions of approval. The conditions shall at a minimum:

1. Limit the term of the permit to 10 years.
2. Provide that the facility shall be subject to inspection by the City;
3. Require that the facility be maintained in strict compliance with all conditions. This includes, without limitation, the duty to ensure that any damage to concealment elements is promptly repaired, or any change in appearance due to weathering or any cause, natural or unnatural, is promptly addressed so that the wireless telecommunications facility is restored to its condition as approved.
4. Provide for testing and inspection of the facility, at the expense of the entities that own or use the facility in connection with the provision of personal wireless services.
5. Require removal of the facility, and the restoration of impacted property in the event that it is non-operable for a six-month period; or the permit expires; or it is revoked for non-compliance with terms.
6. Permit the City to require the facility to cease operation if not in compliance with applicable law, or if it presents a threat to persons or property;
7. Include such other conditions as the City may normally attach to a permit, including requirements for maintenance of insurance.

#### V. SPECIAL RULES FOR TEMPORARY WIRELESS TELECOMMUNICATIONS FACILITIES

- A. The proposed facility must comply with all applicable laws and regulations, and submit proof of compliance, as proposed for use, with FCC regulations governing radiofrequency emissions.
- B. The proposed facility will be placed and protected to prevent hazard to the public and property, and so as not to unreasonably interfere with pedestrian or vehicular traffic.
- C. The facility complies with all conditions for a temporary wireless telecommunications facility, and there is an appropriate plan for removal of the facility and restoration of property affected by it.

- D. The permit is sought for the minimum period required, and no greater than the maximum period permitted by the PGMC.
- E. Any permit issued shall identify where the temporary wireless telecommunications facility will be placed, and the period for which it may remain in place.

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